Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for scanning. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of scanning are checked below.

L'Institut a numérisé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de numérisation sont indiqués ci-dessous.

	•	
Coloured covers / Couverture de couleur		Coloured pages / Pages de couleur
Covers damaged / Couverture endommagée		Pages damaged / Pages endommagées
Covers restored and/or laminated / Couverture restaurée et/ou pelliculée		Pages restored and/or laminated / Pages restaurées et/ou pelliculées
Cover title missing / Le titre de couverture manque		Pages discoloured, stained or foxed/ Pages décolorées, tachetées ou piquées
Coloured maps /		Pages detached / Pages détachées
Cartes géographiques en couleur		Showthrough / Transparence
Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)		Quality of print varies / Qualité inégale de l'impression
Coloured plates and/or illustrations / Planches et/ou illustrations en couleur		Includes supplementary materials /
Bound with other material / Relié avec d'autres documents		Comprend du matériel supplémentaire
Only edition available / Seule édition disponible		Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from scanning / II se peut que
Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.		certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été numérisées.
Additional comments / Pagination is as fol Commentaires supplémentaires:	lows: [i]-v,	, [1263]-2454, [i]-vi, [1] p.

DRAFT

OF THE

REVISED STATUTES OF CANADA

LAID BEFORE PARLIAMENT ON THE 4th FEBRUARY, 1885

WITH WHICH HAVE BEEN INCORPORATED THE ACTS PASSED IN THE SESSION HELD IN THE 48th AND 49th YEARS OF HER MAJESTY'S REIGN.

PART II.



PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET, 1885.

TABLE OF CONTENTS.

PART II.

OHA.	PTER		PAGE.
<i>9</i> 0.	Δ	A . IIIII.	
97.	An	Act respecting the Inspection of Gas and Gas Meters Act respecting the Inspection of Petroleum Act respecting the Culling and Measuring of Lumber in	1264
98.	Ān	Act respecting the Inspection of Petroleum Act respecting the Culling and Measuring of Lumber in the Provinces of Ontario and Quebec	1278^{\prime}
99	A .	the Provinces of Ontario and Quebec	1292
100	An .	Act respecting Weights and Measures	1310
101	An.	Act respecting Canned Goods Act respecting Tanned Goods Act respecting Canned Goods Act respecting the traffic in Intoxicating Liquors	1334
			1336
-04.	An	Act respecting the traffic in Intoxicating Liquors Act respecting the sale of Intoxicating Liquors, and the issue of Licenses therefor	1000
100		lagra of Time and of Intoxicating Liquors, and the	1901
408.	An	issue of Licenses therefor	1381
7.0	_	issue of Licenses therefor Act respecting the Adulteration of Food, Drugs and Agri- cultural Fertilisers	
104.	Án	cultural Fertilisers	
105	Δ.	cultural Fertilisers Act respecting Agricultural Fertilisers Act respecting Railways - Act respecting the sale of Railway Passenger Tickets	1459
106	Y	Act respecting Railways	1463
107	-du	Act respecting the sale of Railway Passanger Tickets	1539
108	-du	Act respecting Dominion Day	1542
109	· An	Act respecting Oaths of Allagianca	1543
110	An	Act respecting Oaths of Allegiance - Act respecting Naturalization and Aliens Act respecting Inquiries concerning Public Matters	1545
111	An	Act respecting Naturalization and Altens	1564
-11	· An	Act respecting Naturalization and Aliens Act respecting Inquiries concerning Public Matters Act respecting the making of certain Investigations under	1004
110	_	Act respecting Inquiries concerning Public Matters Act respecting the making of certain Investigations under oath	4 707
115	An	Act	1565
٧		oath Act to avoid the necessity of having Public Documents engrossed on parchment	3
113	. An	engrossed on parchment Act respecting defective Letters Patent and the discharge of Securities to the Crown	- 1567
		Act respecting defective Letters Petent and the discharge	•
114	. A.	of Securities to the Crown Act respecting Joint Stock Companies Act respecting the incorporation of Joint Stock Companies	1568
115	. V.	Act respecting Joint Stock Companies	- 1569
	' An	Act respecting Joint Stock Companies Act respecting the incorporation of Joint Stock Companies by Letters Patent	3
116		by Letters Patent -	1579
117	. An	by Letters Patent - Act respecting Banks and Banking - Act respecting Government Savings Banks Act respecting certain Savings Banks in the Provinces of	1608
110	· An	Act respecting Danks and Danking	1641
-10	\cdot An	Act respecting Government Savings Banks	t IOHI
l'ac	•	Act respecting Government Savings Banks Act respecting certain Savings Banks in the Provinces of Ontario and Quebec	1040
10°	· An	Ontario and Quebec	- 1648
120	· An	108Decting Kills of Exchange and Promissory Notes	1659
121	· Ān	Act respecting Insurance Act respecting Loans in Canada by British Companies Act respecting returns by certain persons and corporations	- 1674
155	. An	Act respecting Loans in Canada by British Companies -	1703
_	-711	Act respecting returns by certain persons and corporations	
153		receiving manage on deposit at interest	- 1706
124		ACL respecting Interest	1707
125	. TI	Act respecting Interest Act respecting Pawnbrokers Act respecting Insolvent Banks. Insurance Companies	- 1713
	. An	Act respecting Incolored Dealer Inguing Companies	
		Act respecting Pawnbrokers - Act respecting Insolvent Banks, Insurance Companies Loan Companies, Building Societies and Trading Corpora	', -
190		Loan Companies, Building Societies and Trading Corporations	- 1510
10-	· An		1/10
-41	\cdot An	Act respecting the incorporation of Boards of Trade	- 1747
ō		Act respecting the incorporation of Boards of Trade Act respecting Trade Unions	1754

α		True n	PAGE
CHAI			1768
128.	An	Act respecting Electric Telegraph Companies	1766
129.	An	Act respecting Marine Electric Telegraphs	
130.	An	Act respecting secrecy by Officers and persons employed on	1772
		Telegraph Lines	1774
131.	An	Act respecting the Supreme and Exchequer Courts	
132 .	An	Act respecting proceedings against the Crown by Petition	1799
		of Right	1805
		Act respecting the Maritime Court of Ontario -	1811
		Act respecting the Judges of Provincial Courts	1819
135 .	An	Act respecting Evidence	10-
136.	$\mathbf{A}\mathbf{n}$	Act respecting the taking of evidence relating to proceedings	1822
		in Courts out of Canada	1824
		Act respecting extra judicial Oaths	1826
138 .	$\mathbf{A}\mathbf{n}$	Act respecting the Extradition of Fugitive Criminals	102
139.	\mathbf{An}	Act respecting Fugitive offenders in Canada from other	183
		parts of Her Majesty's Dominions	100
140 .	\mathbf{An}	Act respecting the application of the Criminal Law of	184
		England in the Provinces of Ontario and British Columbia	184
141.	\mathbf{An}	Act respecting Accessories	102
142.	$\mathbf{A}\mathbf{n}$	Act respecting Treason and other offences against the	1846
		Queen's Authority	103.
143.	An	Act respecting Riots, Unlawful Assemblies, and Breaches	184!
		of the Peace	103,
144.	An	Act respecting the improper use of firearms and other	405
		weapons	185
145	An	Act respecting the seizure of arms kept for dangerous pur-	4051
110.	4111	poses	185
146	An	Act respecting Explosive Substances	185
147	$\frac{1}{\Delta}$ n	Act respecting the Preservation of Peace in the vicinity of	.06
A	****	Public Works	186
148	Δn	Act respecting the Preservation of Peace at Public Meetings	187
140.	Δn	Act respecting Prize Fighting -	187
150	Δn	Act respecting Perjury	187
151	An	Act respecting Escapes and Rescues	187
151.	An	Act respecting Offences against Religion -	188
152.	An	Act respecting Offences against Rengion Act respecting Offences against Public Morals and Public	0
100.	Αц	Convenience	188
154	1 -		188
104.	An	Act respecting Gaming Houses Act respecting Lotteries, Betting, and Pool-selling	188
			189
100.	An	Act respecting Gambling in Public Conveyances	189
157.	An	Act respecting Offences relating to the Law of Marriage	189
158.	An	Act respecting Offences against the Person -	190
		Act respecting Libel	190
		Act respecting Larceny and similar offences	193
		Act respecting Forgery	195
		Act respecting the fraudulent marking of Merchandise	196
163.	An	Act respecting Offences relating to the Coin	197
164.	Αn	Act respecting Malicious Injuries to Property	199
165 .	An	Act respecting Offences relating to the Army and Navy	199
166.	An	Act respecting Military and Naval Stores	_
167.	$\mathbf{A}\mathbf{n}$	Act respecting the protection of the property of Seamen in	19^{9}
		the Navy	

UHA1 Tro	יקיף דיקיף	m .	D. ~
168.	Δ.,	TITLE.	PAGE.
169	V 11	Act respecting Cruelty to Animals Act respecting Threats Intimidation and other Offences	2001
170	An	Act respecting Cruelty to Animals Act respecting Threats, Intimidation and other Offences Act respecting Proceedings Offences	2005
171	An	Act respecting Threats, Intimidation and other Offences Act respecting Procedure in Criminal Cases Act respecting Recognizances	2015
770	An	Act respecting Procedure in Criminal Cases Act respecting Recognizances Act for the gready trial in the Provinces of Ontario Quebec	2116
112.	\mathbf{An}	Act respecting Recognizances Act for the speedy trial, in the Provinces of Ontario, Quebec and Manitoba of cortain indictable offences	
170		and Manitoba, of certain indictable offences	2124
113.	An	and Manitoba, of certain indictable offences Act respecting the summary administration of Criminal Justice	
174		Justice	2132
177	Δ ~	1	2143
r (5).	\mathbf{An}	Act respecting the trial and punishment of Juvenile Offenders Act respecting summary proceedings before Justices of the Peace	
		E respecting summary proceedings before success	~~ ~ ~
110.	\mathbf{An}	Act respecting Punishments, Pardons and the Commutation of sentences	
11-		of sentences	2208
111	Λ	A	2221
£18.	An	Act respecting Penitentiaries Act respecting Public and Reformatory Prisons Act respecting the Police of Canada	2243
119.	Δ ~	respecting 1 done and recommendy 1 hours	2221
180	An	Act respecting the Police of Canada	4401
		actions against persons administrating the	2224
		Criminal Law	2264

(For Index to subjects of Chapters, see the end of this Part).

PART II.

CHAPTER 96.

An Act respecting the Inspection of Gas and Gas Meters.

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

Short title.

1. This Act may be cited as "The Gas Inspection Act." 36 V., c. 48, s. 48.

Interpretation. 2. In this Act, unless the context otherwise requires:

" Meter."

(a) The expression "meter" means gas meter, and includes every kind of machine, apparatus or instrument used for measuring gas;

"Undertaker."

- (b) The expression "undertaker" means any company of person undertaking to furnish gas to any purchaser;
- "Purchaser." (c) The expression "purchaser" includes any person to whom gas is to be furnished;
- "Prescribed quality."
- (d) The expression "prescribed quality," means that quality of gas which the undertaker has undertaken to supply to the purchaser;

"Inspector."

(e) The expression "inspector" means an inspector of gas meters appointed under this Act. 36 V., c. 48, s. 1.

Standard of measure for gas. 3. The only standard or unit of measure for the sale of gas by meter, shall be the cubic foot, containing sixty-two pounds and three hundred and twenty-one thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches. 36 V., c. 48, s. 2.

Verification and deposit for use of multiples, &c., of such cubic foot. 4. In addition to the models of gasholders measuring the said cubic foot, and multiples and decimal parts of the said cubic foot, already made and verified, and deposited in the Department of Inland Revenue, models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue, from time to time, thinks necessary, shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters; and such models

shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified, shall be deposited in the Department of Inland Revenue; and Copies. copies of the models deposited and verified as aforesaid, shall be used under such regulations as are approved by the Governor in Council, for testing and verifying all meters used within Canada. 36 V., c. 48, s. 3.

Copies of the models of the apparatus described in Models of apparatus for the schedule to this Act, for testing the illuminating power paratus for testing gas. and purity of gas, deposited in the Department of Inland Revenue, shall be used in the manner described in the said schedule, and in such further instructions, not inconsistent therewith, as are, from time to time, directed by regulations made by the Minister of Inland Revenue, for testing the illuminating power and purity of gas. 36 V., c. 48, s. 4.

INSPECTORS AND APPARATUS.

8as is made for sale, one or more inspectors of gas and gas of inspectors. meters may be appointed by the Governor in Council, who shall have the custody of all measuring and testing apparatus ratus and standards, and of all stamps and stamping apparatus ratus supplied for use in the place for which he is appointed, hereinafter referred to as his "district;" and the inspectors Their duties. so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as are prescribed by regulations under this Act; and any such inspector may, at all reasonable hours, enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used. 36 V., c. 48, s. 6.

Such inspectors shall be remunerated for their services How paid. by allowances or salary, as the Governor in Council, from time to time, orders, not exceeding what is voted by Parliament. 36 V., c. 48, s. 7.

8. Inspectors of weights and measures, and other officers Who may be appointed. of Inland Revenue, may be appointed and act as gas inspectors under this Act; but no gas inspector appointed.

Proviso. shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters; and no gas inspector shall repair or adjust any gas meter inspected or verified by him. 36 V., c. 48, s. 8.

B. Every inspector shall be supplied by the Department Standards, to be f of Inland Revenue, under such regulations as are prescribed &c., to be fur-801

nished to inspectors. by the Minister of Inland Revenue, with the necessary apparatus for testing and verifying gas and gas meters; which apparatus shall first be tested and verified by the primary models and apparatus hereinbefore mentioned. 36 V., c. 48, s. 9.

Inspectors to be sworn and furnished with apparatus.

10. Every inspector, on appointment, shall take an oath for the faithful and impartial discharge of the duties assigned to him before a justice of the peace, who shall give him a certificate of his having done so, which shall be trans mitted by him to the Minister of Inland Revenue, in whose office it shall be kept; and he shall be furnished with the necessary inspection standards, being copies duly authenticated, of the official standards and other apparatus: shall give bonds, to an amount to be fixed by the Governor in Council, for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or of his removal from office, and for the due accounting for all moneys received 36 V., c. 48, s. 10. by him as such inspector.

To give security.

Verification of standards.

11. Once in every five years at the least, and whenever required so to do by the Commissioner of Inland Revenue, each inspector shall present his inspection standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the official standards, and shall obtain from the commissioner 36 V., c. 48, s. 11. a certificate of their accuracy.

Re-verification at certain periods.

12. No copy of the gas-measuring models shall be legal which has not been verified or re-verified by the Department of Inland Revenue, within a period of ten years after the next preceding verification; and no such copy, which has been altered or re-adjusted after verification by the Depart ment of Inland Revenue, shall be legal until re-verified by the said department. 36 V., c. 48, s. 12.

VERIFYING AND TESTING METERS.

Unverified meters unlawful.

13. No gas meter shall be fixed for use which has not been verified and stamped as hereinafter provided. c. 48, s. 13.

Measuring capacity of meters to be marked on them.

14. No meter for the purpose of ascertaining the quantity of gas sold or used, shall be fixed for use, unless the same has its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot, conspicuously marked on the outside of such meter in legible letters and figures. 36 V., c. 48, s. 14.

And number

15. Every gas meter so tested and verified shall be marked are to supply. with the number of lights it is constructed to supply—each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high. 36 V., c. 48, s. 15.

- Within twelve months after the expiration of five Re-verificayears from each verification and stamping, every gas meter tion. shall again be verified and stamped. 47 V., c. 35, s. 1, part.
- No meter shall be stamped which is found by the Must have certain inspector to register, or capable of being made to register, qualities. quantities varying from the true standard measure of gas, more than three per cent. in favor of the seller, or four per cent. in favor of the consumer. 36 V., c. 48, s. 17.
- The verification of each meter shall be attested by Verification, how attested affixing or impressing on some essential part thereof, a stamp how attested. or mark of such description and in such manner as is directed by regulations made by the Minister of Inland Revenue, and further by the granting of such certificate as aforesaid. 36 V., c. 48, s. 18.
- 19. No meter duly stamped as aforesaid shall be liable to Re-verification every five be re-stamped within the period of five years from the then years. the verification or re-verification thereof, although the same is the dised in any other place than that at which it was originally stamped; but shall be considered as a lawful meter throughout Canada unless found incorrect under this Act, or requiring re-verification by lapse of time, as aforesaid. 36 V., c. 48, s. 19.
- Every consumer of gas may purchase and use for the What meters measurement of the gas supplied to him, any meter duly may be used by consumers. verified and stamped as aforesaid, if the gas consumed in an hour does not exceed the quantity per hour which the meter is interest and the real as intended to measure, marked on the outside thereof, as herein provided. 36 V., c. 48, s. 20.
- 21. In every case the owner of the meter, whether such Owners to keep them owner is the buyer or seller of the gas, for the measurement keep them in whom a seller of the gas, for the measurement repair. whereof the meter is used, shall keep every such meter in the meter is used, shan acception the due inspection thereof; and except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter. V., c. 48, s. 21.
- The verification and testing of meters and gas shall Rules for verification. be performed in accordance with the provisions of this Act, fication. and with such further regulations not inconsistent therewith as are, from time to time, made by the Governor in Council. 36 V., c. 48, s. 22.

The same.

23. The following rules shall be observed by the inspector in testing meters:—

Accuracy of wheelwork, æс.

(a) The wheelwork and other appliances whereby the registering indices are moved, shall be verified in such manner as, from time to time, is prescribed by regulations made by the Minister of Inland Revenue;

Testing meters for soundness.

(b) The meter shall be tested for soundness or leakage only, and not for percentage of error, when fixed on a horizontal base, and with air or gas under a pressure equal to a column of water three inches high, and passing not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than one fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test, and none other, shall be deemed sound meters;

For percentage of error.

(c) The meter to be tested for percentage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water one inch high, and also under pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour, which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter. 36 V., c. 48, s. 23; -38 V., c. 37, s. 2, part.

Owner, &c., may be present at inspection.

24. During the inspection of any meter, or the testing of any gas under the provisions of this Act, the owner of such meter, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent; and at least twenty-four hours' notice of the inspection of any gas meter shall be given by the inspector or person at whose request the inspection is made, to the other party. 48-49 V., c. 69, s. 1.

Inspector's

25. Any inspector may, at the request and expense of any, power to enter buyer or seller of gas (who shall give twenty-four hours notice, in writing, to the other party), at all reasonable times, enter any house or shop, store, yard, or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used, and remove such meter, doing as little damage thereby as may be; and if, upon examination and testing, it appears that any such meter is incorrect or fraudulent, such meter shall not be refixed of used again until altered and repaired so as to measure and register correctly, and stamped. 36 V., c. 48, s. 25.

If meter is found incorrect.

26. If any dispute arises between the buyer and seller of Disputes, how gas, or between any owner of a meter and the inspector, settled. respecting the correctness of such meter, the inspector shall, if required by any person dissatisfied, give such party his reasons, in writing, for his decision; and the dissatisfied party may require such meter to be examined and re-tested by two inspectors of adjoining or neighboring districts, named one by each party; and the decision of such last mentioned inspectors shall be final; and the expense of the Expenses. proceeding, taken under the powers hereby granted, shall be borne by the party against whom the decision is given. 36 V., c. 48, s. 26.

hights, required to be verified and stamped, shall be demeters may be livered to the inspector at the place where his testing gas made. holder and apparatus are then kept: but meters intended to supply more than twenty-five lights may, when deemed necessary by the inspector, be tested without being removed from the place where they are used, by test meters or such other apparatus as are directed by the Minister of Inland Revenue; every purchaser or seller of gas may, at his own Inspection pense, at any time after the date fixed as aforesaid, require may be required. my stamped or unstamped meter by which his gas is measured, to be examined and tested, and if found correct, to be stamped; or he may, at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided, that such purchaser or seller of gas shall, before Proviso. removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours' notice, in writing, of such intended removal, to the other party. 38 V., c. 37, s. 2, part.

TESTING THE QUALITY AND PURITY OF GAS.

Which there is an inspector of gas, shall be held to have held to held to have held to held to held to held to held to have held to hel undertakenundertaken.

- (a) That the supply of gas shall be regular and suf-Quantity. ficient;
- (b) That it shall be supplied under sufficient pressure; Pressure.
- (c) That the quality of gas to be supplied to the pur-Quality. chaser shall be such, that the light produced by a standard burner consuming five cubic feet of gas per hour, shall be equal in intensity to that produced by sixteen sperm candles, as mentioned in Schedule A; andshall exhibit no trace of sulphuretted hydrogen or any excess of sulphur or ammonia when tested, in accordance with the rules provided in that behalf in the schedule to this Act:

Standard quality.

2. Such quality shall be called the "standard quality," unless such undertaker has expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the "prescribed quality;" but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid, and from any greater quantity of sulphur or ammonia than is allowed by regulations made by the Minister of Inland Revenue:

As to ammonia and sulphur in gas.

3. Illuminating gas shall be considered as impure, when it contains ammonia in any quantity exceeding four grains per one hundred cubic feet, or sulphur in other forms than sulphuretted hydrogen, in any quantity exceeding thirty five grains per one hundred cubic feet:

Testing place.

4. The testing place or places shall be approved by the inspector, and shall not be less than five hundred yards distant from the gas house or premises where the gas is produced and purified. 38 V., c. 37, s. 2, part:—47 V., c. 35, ss. 2 and 10.

Power of inspector as to testing.

29. The inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker at the testing place approved or prescribed as aforesaid. s. 29.

Apparatus to be provided for testing.

- **30.** There shall be provided at the testing place or places, proper conveniences and apparatus therein for the purposes following, that is to say:—
 - (a) For testing the illuminating power of the gas supplied;
 - (b) For testing the presence of sulphuretted hydrogen in the gas supplied;
 - (c) For testing the presence and quantity of sulphur and ammonia:

Proviso: as to ments.

Provided always, that if there is a special agreement bespecial agree-ments. tween the undertaker and the purchaser, there shall be provided proper conveniences and apparatus for such of the said purposes as are prescribed in the said agreement:

Apparatus to be according to schedule.

2. The said apparatus shall be in accordance with the regulations prescribed in the schedule to this Act, or according ing to such rules as are, from time to time, substituted in lieu thereof by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of 38 V., c. 37, s. 2, part. the gas supplied by the undertaker.

- 31. The inspector may test the illuminating power and Time for test-Purity of the gas supplied by the undertaker on any or ing. every day, between the hours of five o'clock and eight o'clock in the afternoon, from the first day of October to the thirtyfirst day of March, both inclusive, and on any or every day between the hours of seven o'clock and ten o'clock in the afternoon, from the first day of April to the thirtieth day of September, both inclusive. 36 V., c. 48, s. 31.
- 32. The undertaker and purchaser, or either of them, Parties may be represented. may have an agent present at the testing; but such agent represented. shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the schedule to this Act, or in any regulations made under this Act. 36 V., c. 48, s. 32.

33. The fees of the inspector shall be paid by the person Fees; by whom paid requiring the inspection; but if the inspector finds and whom paid. certifies that the gas inspected is inferior in quality to the standard or quality which the undertaker was bound to furnish to the purchaser, then the purchaser, if he has required the inspection, may recover from the undertaker the fees so paid by him. 36 V., c. 48, s. 33.

34. The inspector shall give to either the undertaker or Certificate of inspection. Purchaser, or both, on payment of the proper fee, a certificate of inspection. cate stating the result of his inspection, and the time at which it was made, and at whose instance, and any other Particulars he thinks it right to insert for the information and guidance of the persons concerned; and such certificate Its effect. shall be prima facie evidence of the quality of the gas inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate. V., c. 48, s. 34.

BOOKS AND INSPECTORS' CERTIFICATES.

S5. Every undertaker shall, at all times, keep in his Companies to office, in a book or books, the names and addresses of his their consupurchase. purchasers for the time being, which book or books shall be mers open to the inspector. open to the inspector during office hours, and from which the inspector. he may take such extracts as he thinks fit; and for any Penalty for failure to comply with the requirements of this section, the non-compli-undertaker shall incur a penalty of fifty dollars. 47 V., c.

86. Every undertaker shall keep the public informed of Certificate of the illuminating power of the gas supplied by him, and of procured and its process of supplied by him, and of procured and its process of supplied by him, and of procured and its process of supplies process of supplies the its Purity as affected by the absence or presence of sulphu-posted up. retted hydrogen, by procuring a certificate from the inspec-tor and the undertaker. from 12 posting it up in the chief office of the undertaker, from time to time, as follows: undertakers having more

certificate according to number of company's consumers.

Frequency of than four thousand purchasers shall procure such certificate once in each week; those having less than four and more than two thousand purchasers, once in each month; those having less than two thousand and more than five hundred purchasers, once in each interval of three months; and those having less than five hundred purchasers, once in each interval of six months:

What certificate shall show.

2. Such certificate shall show the average result of the various tests taken by the inspector under regulations made by the Minister of Inland Revenue, during the period in tervening between the date of any certificate and that of the preceding one, and shall remain so posted up until replaced by the next succeeding one as hereinbefore required:

Certificates as to ammonia and sulphur.

3. Every undertaker in cities in which the requisite apparatus is furnished by the Minister of Inland Revenue, shall obtain during the first weeks respectively of January, April, July and October in each year, a certificate indicating the average quantity of ammonia and sulphur, in other forms than sulphuretted hydrogen, ascertained by official analysis during the preceding three months to have been contained in the gas:

When certificate shall be posted up.

4. Each certificate of tests made shall be posted as $abov^{\theta}$ required within twenty-four hours of its delivery by the inspector, and shall remain so posted up until the issue of the next following certificate; and every undertaker who fails to comply with the foregoing requirements of this section shall, for each day during which such failure continues, incur a penalty of ten dollars:

Fees for certificate.

5. Every undertaker shall pay to the inspector, on the receipt of each such certificate, such fees as are prescribed by the Governor in Council; and such fees shall be applied as prescribed by the next following section. 35, s. 8.

FEES, STAMPS AND ACCOUNTS.

Fees; how fixed and appropriated.

37. The fees for testing and stamping gas meters or for testing the quality and purity of gas, shall be determined, from time to time, by the Governor in Council and published in the Canada Gazette, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carry, ing this Act into effect; and all fees received under this Act shall be accounted for and paid to the Minister of Finance and Receiver General, at such times and in such manner as the Minister of Inland Revenue directs, and shall form part of the Consolidated Revenue Fund. 36 V., c. 48, s. 35.

Payment of fees by stamps.

38. Such fees shall be paid at the time of the inspection, stamping or verification, to the inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of such duty, and shall, at the time of affixing the same, write or stamp thereon the date at which such stamp or stamps is or are affixed; and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled. 36 V., c. 48, s. 36.

39. The Governor in Council may, from time to time, Preparation direct stamps to be prepared for the purposes of this Act, bear-of stamps. ing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; and the device on such certificate stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the fee hereby prescribed. 38 V., c. 37, s. 2, part.

40. Separate accounts shall be kept of all expenditure in- Accounts. Curred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same up to the thirtieth day of June, then last past, shall be Yearly laid before Parliament within the first fifteen days of the then next session thereof. 36 V., c. 48, s. 38.

PENALTIES.

Every person who, except under the authority of this Punishment for forging makes, causes or procures to be made, or knowingly stamps for acts or assists in making, or who forges or counterfeits, or meters. Causes or procures to be forged or counterfeited, or knowingly acts or assists in the forging or counterfeiting any stamp or mark used for the stamping or marking of any meter under this Act, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars; and every person Knowingly using meter who knowingly sells, utters or disposes of, lets, lends or with forged exposes to sale, any meter with such forged stamp or mark stamp. thereon, shall, for every such offence, incur a penalty not exceeding two hundred dollars and not less than twenty dollars; and all meters having on them such forged or counterfeited stamps or marks, shall be forfeited and destroyed. 36 V., c. 48, s. 39.

42. Every person who knowingly repairs or alters, or And for causes to be repaired or altered, or knowingly tampers with falsely altering meters, or does any other act in relation to any stamped meter, so as &c., or obto cause such meter to register unjustly,—or who prevents or structing their action. refuses lawful access to any meter in his possession or control, or interferes with or obstructs the supply of water necessary for the proper action of the meter, or obstructs or hinders any examination or testing authorized by this Act, shall incur a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall pay the fees for removing

Proviso.

and testing, and the expense of purchasing and fixing a new meter: Provided, that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability to indictment or other proceeding to which he would otherwise be liable, or deprive any person of the right to recover damages against such person for any loss or injury sustained by such act or default. 36 V., c. 48, s. 40;—47 V., c. 35, s. 3.

Fixing unstamped meter.

43. Every person who fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall incur a penalty of twenty-five dollars for every such unverified or unstamped meter. 36 V., c. 48, s. 41.

Stamping in-

44. Every inspector who stamps any meter without duly testing and finding the same correct,—or who refuses or neglects, for three days after being required under the provisions of this Act, without lawful excuse, to test any meter, or gas, or to stamp any meter found correct on being so tested,—or who neglects to perform any duty imposed upon him by this Act, or by any regulations made under authority thereof, shall incur a penalty not exceeding fifty dollars and not less than ten dollars, and shall be liable to dismissal from office. 36 V., c. 48, s. 42;—47 V., c. 35, s. 4.

Forging certificates or stamps.

45. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which under this Act is to be affixed to any such certificate,—or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeited, is guilty of forgery and shall be punishable accordingly; and every one who steals any such stamp is guilty of larceny. 36 V., c. 48, s. 43.

Penalty for furnishing gas showing traces of sulphuretted hydrogen. For first

For first offence.

For any subsequent offence.

Proviso.

46. Every undertaker furnishing gas for illuminating purposes which exhibits traces of sulphuretted hydrogen, when tested in accordance with the rules provided in that behalf in the schedule to this Act, shall incur a penalty as follows: For the first offence, if such undertaker has more than four thousand purchasers, thirty dollars; if less than four thousand and more than one thousand, twenty dollars; if less than one thousand, ten dollars; and for every subsequent offence, double the above named penalties;—unless such undertaker shows to the satisfaction of the Minister of Inland Revenue, that the occurrence was attributable solely to accident which could not, by reasonable care and foresight, have been avoided. 47 V., c. 35, s. 7.

The words "and more than one hundred" in lines nine and ten are omitted at the instance of the Department of Inland Revenue.

Recovery of penalties.

47. All penalties imposed by this Act, or by any regulation made under the authority thereof, shall be recoverable

in a summary manner, with costs, before any justice of the peace for the district, county or place in which the offence was committed, if the penalty does not exceed twenty dollars, and before any two justices of the peace if the penalty exceeds twenty dollars, upon proof by confession, or by the oath of one credible witness; and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the justice, by whom also any imprisonment to which the offender is liable may be awarded:

- 2. Every such prosecution shall be instituted by the Form of suits inspector, as acting in pursuance of this Act, who shall for penalties. account for the amount of the penalty to the Minister of Inland Revenue. 36 V., c. 48, s. 44;—47 V., c. 35, s. 5.
- 48. All false meters seized as forfeited under this Act, False meters shall be delivered to the inspector, in whose custody they how dealt shall remain, subject to the order of the Minister of Inland Revenue. 36 V., c. 48, s. 45.
- 49. No action or prosecution shall be brought against any Limitation of Person for any fine or penalty under this Act, unless the suits. same is commenced within six months after the offence is committed. 36 V., c. 48, s. 46;—47 V., c. 35, s. 6.

REGULATIONS.

**Such regulations, not inconsistent with this Act, as are Council may interpret Act its true intent and meaning in all cases of doubt. 38 V., c. doubt. 37, s. 2, part.

SCHEDULE.

APPARATUS FOR TESTING GAS.

The apparatus for testing the illuminating power of gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open sixty-inch photometer, or Evan's inclosed one hundred inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burners to be used for testing the gas shall be such as shall be prescribed by regulation.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

The apparatus for testing the presence in the gas of sulphuretted hydrogen, sulphur and ammonia, shall consist of—

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Such other apparatus for testing the presence and quantity of sulphur or ammonia as is directed by departmental regulations.

MODE OF TESTING FOR ILLUMINATING POWER.

The gas in the photometer is to be lighted at least tenminutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer, made at intervals of a minute.

The consumption of the gas is to be adjusted as nearly as may be to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent, and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour, and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. During each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

The average of each set of ten observations is to be taken as representing the illuminating power ascertained by that testing.

MODE OF TESTING FOR PURITY.

For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as is prescribed by regulation, and if any discoloration of the

test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

For sulphur or ammonia, such process shall be used as is directed by departmental regulations. 38 V., c. 37, Sch. A.

Proposed to be Consolidate d.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V., c. 48 38 V., c. 37 47 V., c. 35 48-49 V., c. 69	The whole, except ss. 5 and 47. The whole. The whole. The whole.	ss. 5 and 47.		

CHAPTER 97.

An Act respecting the Inspection of Petroleum.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Petroleum Inspection Act." 43 V., c. 21, s. 30.

INTERPRETATION.

Interpretation.

2. In this Act, unless the context otherwise requires:

" Package."

(a) The expression "package" means and includes any tank, cask, can, jar, bottle or other vessel into which any fluid referred to in this Act is put for the purpose of being stored, or of being removed from one place to another, or for delivery to any purchaser or consumer;

"Specific" gravity.

(b) The expression "specific gravity" means the weight of any fluid as compared with the weight of distilled water, both being at the temperature of sixty-two degrees by Fahrenheit's thermometer, the barometer standing at thirty inches; and in this Act specific gravity is expressed by stating in pounds and hundredths of a pound the weight of a gallon of the fluid compared or to be compared;

"Petroleum."

(c) The expression "petroleum" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having specific gravity of not less than seven pounds and seventy five hundredths of a pound per gallon;

"Naphtha."

(d) The expression "naphtha" means and includes all t_1^{he} refined products, by distillation, of rock or mineral oil, coal, coal tar, or any other mineral substance having a specific gravity of less than seven pounds and seventy-five hundredths of a pound per gallon;

"Flash-test" or "flash."

(e) The expression "flash-test" or "flash" means the momentary ignition or flash caused by applying a light of spark to the vapour arising from any fluid herein referred to, under conditions established by regulations made under this Act;

- (f) The expression "fire-test" or "burning" means the "Fire-test," ignition and continuous burning of any fluid herein referred or "burnto, on the application of a light or spark, under conditions established by regulations made under this Act;
- (g) The expression "inspector" or "inspecting officer" "Inspector" means any officer of Inland Revenue or of Customs, and any officer." person appointed by the Governor in Council as inspector of such articles, who is directed by ministers of the respective departments to inspect petroleum or naphtha: 43 V., c. 21, s. 1.
- (h) The expression "departmental regulations" means "Departmentand includes all regulations and rules promulgated by the all regulations." Minister of Inland Revenue, or the Minister of Customs, and the Minister of Customs, as the case requires.

New. "Minister" substituted for "Deputy Head" and "Department" at the suggestion of the Parliamentary Committee.

PROVISIONS AS TO SALE.

- 8. Except as herein otherwise provided, petroleum shall Tests of petroleum be sold or offered for sale for use in Canada for illumin- for sale.

 2 purposes—
- Fahrenheit's thermometer, when tested by the pyrometer will flash; or—
- dredths of a pound per gallon; or—
- hundredths of a pound per gallon. 44 V., c. 23, s. 1.
- 4. Petroleum designated and known as "high test petroleum," may be sold for use in Canada, for illuminating be sold.

 Purposes, when it weighs not more than eight pounds and thirty-two hundredths of a pound, and not less than gallon, if it will stand a fire test of two hundred and seventying and open cup to a temperature of two hundred and fifty vapor that will flash:

BRANDING.

2. Packages containing high test petroleum, shall be Packages to branded as such and shall have marked on them the actual be branded.

weight per gallon and the flash test or the fire test of the petroleum contained therein. 45 V., c. 26, s. 1.

State of naphtha.

5. Naphtha shall only be sold or offered for sale in Canada—

For illuminating.

- (1) For use for illuminating purposes—
- (a) In street lamps in which only the vapor is burned;
- (b) In dwellings, factories, and other places of business, when vaporized in secure underground tanks outside the building in which the vapor so generated is used for lighting;

For other purposes.

(2) For use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes. 43 V., c. 21, s. 4.

Marks on packages.

6. Every person who puts any petroleum or naphtha into any package shall cause the following marks to be correctly, and in conspicuously legible characters, placed on one end or side of every such package of Canadian petroleum:

Flash.

(a) The flash-test of the petroleum contained therein;

Weight per gallon.

(b) The weight per gallon in pounds and decimal parts of a pound;

Gross weight.

(c) The gross weight in pounds;

Tare.

(d) The tare or the weight of the empty package in pounds;

Oil.

(e) The net weight of oil in pounds;

Gallons.

(f) The number of gallons contained in the package;

Date.

(g) The date when the package was filled;

Name of refiner.

(h) The name of the refiner, manufacturer or other person, or the name of his authorized agent, by whom petroleum was put into the package so marked.

43 V., c. 21, s. 5;—44 V., c. 23, s. 3.

INSPECTION.

Inspection, how to be performed. 7. The quantity and quality of imported petroleum or naphtha in each package shall be ascertained by weighing and testing by the inspector, and the allowance for the tare of the package shall be in accordance with departmental regulations in that behalf:

2. The inspecting officer at the port of entry shall cause Duty of inthe following marks to be correctly placed upon the end or specting officers in markside of each package of imported petroleum in the presence ing packages. of the importer or owner thereof, or of his authorized agent, who shall provide all necessary appliances for weighing the packages and their contents, and all labor necessary for moving, piling or handling such packages, and who shall also cause one end of each cask or one side of each package of any other description to be properly cleaned or otherwise prepared for receiving the marks herein required to be placed on such packages, that is to say:—

(a) The flash test;

Flash.

- (b) The weight per gallon in pounds and decimal parts of Weight a pound;
- (c) The gross weight of the package and its contents; Gross weight.
- (d) The number of gallons computed to be in each Gallons. package;
- '(e) The word "inspected," with the date of inspection; Date.
- (f) The name of the inspector, with the name of his port Name. or district. 44 V., c. 23, s. 4.
- 8. Naphtha shall not be inspected for flash test, but only Rules for inas to its gravity and quantity, but the marks on the packages marking which it is contained shall be the same as on packages naphtha. Containing petroleum, except that the word "naphtha" shall provide all necessary means for enabling the inspecting officer to inspect such naphtha in the same way as is herein 23, 8, 5.
- or side of any package of Canadian or imported petroleum compliance with the provisions of this Act. 43 V., c. 21, s. 8.
- tion from one refinery to another refinery, or other place, without inspector the purpose of completing the process of manufacture spection. or placing it in packages under a permit in that behalf, mental regulations as are made respecting such removals.
- Act shall be performed by officers of the Inland Revenue officers.

By others.

and of the Customs, duly authorized thereto under regulations of the respective departments, or by such other persons as are appointed for that purpose by the Governor in Council:

Instruments.

2. Such instruments shall be used and process adopted in making the inspection as are directed by regulations made by the Minister of Inland Revenue. 43 V., c. 21, s. 10.

Packages of petroleum or naphtha for export. 12. Packages containing petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be marked and inspected as herein prescribed, at the option of the owner thereof; but if any petroleum or naphtha for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation. 43 V., c. 21, s. 12.

Forfeiture if sold in Canada.

- Forfeiture for sale without inspection.
- or offered for sale for use in Canada without having been inspected immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs or Inland Revenue, and shall be dealt with under regulations made by the Governor in Council. 43 V., c. 21, s. 13.

Responsibility for quality and quantity.

or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible as to its quality and as to the quantity contained in each package that the same shall not be inferior to the quality nor less than the quantity designated by the marks and descriptions then on the packages in which it is contained, all of which marks and descriptions the person in whose possession it is shall maintain in a perfectly legible state. 43 V., c. 21, s. 14.

Inspection after being put into packages. 15. All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall, after it has been put into packages, marked as herein required, and before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector:

Inspection and packages of imported petroleum or naphtha. 2. All petroleum and naphtha imported into Canada shall be in packages containing not more than fifty gallons each, and shall be inspected and the packages marked, as herein required, at the port where it enters Canada, and before such petroleum or naphtha is entered for consumption; the any petroleum so imported which does not conform to requirements of this Act shall be branded with the word "rejected," and shall, within ten days after the inspection.

If rejected.

be exported from Canada, and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty, and shall be disposed of under regulations made by the Governor in Council. 43 V., c. 21, s. 15.

- Whenever any petroleum or naphtha contained in not What shall be more than ten packages is inspected, it shall be sufficient if spection of a the inspector draws samples for inspection from not less number of the packages. than two of such packages, and the examination of the packages. samples so taken shall be considered as applicable to the Whole:
- 2. When there are more than ten packages and less than of certain thirty, samples shall be drawn from at least three packages: numbers of packages. for any larger number samples shall be drawn from at least three packages.

 packages. one package in every ten: the samples so taken shall represent the whole, but the inspector shall, in every case, make his own selection of the packages from which he is to take such samples:

"Thirty" substituted for "twenty" in line two.

3. The inspector shall mark or stamp in such manner as Marking is directed by departmental regulations, all packages con-packages. taining petroleum or naphtha inspected by him as herein directed; and the contents of such packages, so long as they As to fees for are declared by the owner thereof to contain the same inspection. petroleum or naphtha as was first inspected, as herein required, shall not be subject to the payment of inspection fees for any subsequent inspection, unless it is ascertained by such subsequent inspection that the article found therein is inferior in quality or quantity to the article designated by the descriptive marks found on the packages at the time of any second or subsequent inspection. 43 V., c. 21, s. 16; 44 V., c. 23, s. 7, part.

Any duly authorized inspector may, at any time dur- Powers of inspectors ing ordinary business hours, enter the refinery, shop or ware-inspectors to enter refinehouse of any person who refines or keeps petroleum or ries, &c. naphtha for sale, and may take from any package of petroleum or naphtha found therein such quantity of the contents as is necessary for testing the quality thereof; and he may take similar samples from any package of petroleum or naphtha found in the possession of any hawker or peddler on the public streets or highways, or offered for sale by any person. 43 V., c. 21, s. 17.

18. All tests of petroleum and naphtha shall be taken by What instrumeans of instruments that have been compared with and which which the means of instruments that have been compared instruwhich are certified as agreeing with the standard instruments kept in the Department of Inland Revenue at Ottawa, or in some other principal testing office established under

departmental regulations where similar standard instruments are kept for that purpose. 43 V., c. 21, s. 18.

In case of dis-

19. Whenever any dispute arises as to the correctness of pute as to any any test of the quality of petroleum made under this Act, a test. sample of the petroleum in dispute shall be drawn by the inspecting officer and sealed in the presence of the owner, or other person in whose possession the said petroleum then is,—which sample shall be forwarded to the Department of Inland Revenue at Ottawa, or to some other principal testing office established by departmental regulations, where the sample shall be tested; and the test so made and cer tified by the officer making it shall be final and conclusive as to the quality of the petroleum in dispute. 43 V., c. 21, s. 19.

Sample to be sent to department.

Final test.

FEES.

Fees for inspection.

20. The following fees shall be levied and collected for the inspection of petroleum and naphtha; and such fees shall be paid to the inspector or the collector of Customs, or the collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:—

For every package of Canadian petroleum or naphtha containing more than ten, but not more than fifty gallons	10 cents.
tha containing more than five and not more than ten gallons	5 cents.
	2½ cents.
For every package of imported petroleum or naphtha containing more than ten, but not more than fifty gallons	30 cents.
For every package of imported petroleum or naph- tha containing more than five and not more than ten gallons	10 cents.
For every package of imported petroleum or naphtha containing not more than five gallons 43 V., c. 21, s. 20;—44 V., c. 23, s. 7, part.	5 cents.

When payable.

21. All fees payable under this Act shall be payable be fore any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any justice of the tice of the peace. 43 V., c. 21, s. 21.

PENALTIES.

22. Every person who keeps or offers for sale for use in Penalty for Canada any petroleum or naphtha which is not in packages keeping petromarked as herein required, is guilty of an offence against naphtha in this at a second transfer of unmarked this Act, and for a first offence shall incur a penalty of unmarked twenty dollars for every package in his possession not so marked and for a first offence shall incur a penalty of packages. so marked, and for each subsequent offence a penalty of forty dollars for every package in his possession not so marked; and the petroleum or naphtha so unlawfully kept or offered for sale shall be seized by any revenue officer or inspector having a knowledge thereof, and forfeited to Her Majesty. 43 V., c. 21, s. 22;—44 V., c. 23, s. 7, part.

23. Every person who:-

- (a) Keeps or offers for sale for use in Canada any petroleum or not in conformity with or naphtha which is not in conformity with this Act, or that the marks on is inferior in quality to the quality represented by the marks the packages. on the package in which it is contained; or-
- (b) Puts or causes to be put into any package marked as Or wrongly herein required, any petroleum or naphtha which is not into packages of the description or quality represented by the said marks; marked.
- (c) Keeps or offers for sale or sells any whole package Or if the of petroleum or naphtha in which there is a less quantity at tity than is represented by the marks on the package in contained. Which it is contained,—

Is guilty of an offence against this Act, and for a first Offence; offence shall incur a penalty of two dollars for every pack-first, age found in his possession in which such inferior petroleum or naphtha or such short quantity is discovered; and And for subsefor each subsequent offence shall incur a penalty of four dollars for every package found in his possession in which such inferior petroleum or naphtha or such short quanthis discovered; but the pecuniary penalty incurred under Limitation. this section shall not, for a first offence, exceed fifty dollars, or for a subsequent offence, one hundred dollars. 43 V., c. 21, s. 23;—44 V., c. 23, s. 7, part.

24. The petroleum, in respect of which any such penalty Seizure of is imposed, for the reason that it will not stand the flash standing standing test hereby required, and the packages in which it is con-flash test. tained, shall be forfeited to Her Majesty, and shall be seized by any revenue officer or inspector having a knowledge than a revenue officer or inspector having a knowledge thereof, and disposed of under any general regulations made by the Governor in Council. 43 V., c. 21, s. 24.

25. Every person who keeps or stores any petroleum or Penalties for offences naphtha, in respect of which the provisions of this Act or against this the provisions of any order or regulation of the Governor Act. this Act, have not been complied with, is guilty of an offence

against this Act, and for every such first offence shall incur a penalty of twenty-five dollars, and for each subsequent offence, a penalty of fifty dollars; and petroleum or naphtha unlawfully imported, stored or kept shall be forfeited to Her Majesty, and seized by any revenue officer or inspector having a knowledge thereof. 44 V., c. 23, s. 6, part.

Other offences. 26. Every person who, with a fraudulent intention,

Altering marks.

(a) Alters, effaces, or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any inspector's brands or marks on any petroleum or naphtha which has undergone inspection, or on any package which contains any petroleum or naptha; or—

Counterfeiting marks.

(b) Counterfeits any such brand or mark, impressed or otherwise marked thereon or any mark purporting to be the mark of any inspector, either with the proper marking in struments of such inspector or with counterfeit imitations thereof; or-

Emptying

(c) Empties or partially empties any such package so packages inspected, &c. marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum or naphtha any old package bearing inspection marks; or

Improperly using inspector's brands.

(d) Not being an inspector of petroleum or naphtha, brands or marks any package containing it, with the inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum or naphtha; or-

Hiring or lending such brands.

(e) Being in the employ of any inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid: or—

Inspector hiring or

(f) Being an inspector, hires out or lends his marking lending them, instruments to any person; or—

Giving false certificate.

(g) Being an inspector, gives any certificate of inspection, without having personally performed the inspection, of gives any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act—

Penalty.

Shall, for each such offence, incur a penalty of one hundred dollars. 43 V., c. 21, s. 25;—44 V., c. 23; s. 7, part.

Marks on casks emptied to be obliterated.

27. So soon as any package of petroleum or naphtha has been emptied, all marks or brands placed on it in pursuance of the requirements of this Act shall be obliterated; and every such package from which such marks or brands have not been obliterated, as herein required, shall be seized and forfeited to the Crown; and the person in whose Penalty possession the same is found, is guilty of an offence against for contraventhic A this Act, and on conviction shall pay a penalty not exceeding tion. ten dollars and not less than one dollar, for each and every such package. 44 V., c. 23, s. 8.

Every person not thereunto duly authorized under Assuming this Act, who, in any manner, assumes the title or office of of inspector. inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum or naphtha shall, for every such offence, incur a penalty not exceeding one hundred dollars. 43 V., c. 21, s. 26;—44 V., c. 23, s. 7, part.

29. Every penalty and forfeiture imposed by this Act, or by Recovery of penalties any regulation made under it, shall be recoverable and enforce- and enforceable by any complainant or informant suing for the same in a ment of forfeitur summary way, before a police or stipendiary magistrate or forfeitures. two justices of the peace; and every such penalty shall, in default of payment, be levied by warrant of distress, to be issued by such magistrate or justices against the goods and chattels of the offender; and a moiety of every such penalty, when recovered, shall belong to the complainant or informant ant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty, together with any costs Imprisonment awarded, is not paid within thirty days, or is not recovered made. by seizure as hereinbefore provided, such offender shall be liable to imprisonment for a term not exceeding sixmonths, and not less than two months:

- 2. Every such complaint or information shall be heard and By whom determined by the police or stipendiary magistrate or two plaint shall be plaint shall be a plaint shall be justices of the peace before whom it is preferred, and no heard and determined ther justice of the peace shall take part in such hearing termined. and determination. 43 V., c. 21, s. 27.

thing done under this Act or contrary to its provisions, things done under this Act or contrary to its provisions, things done shall be commenced except within six months next after under this the matter or thing is done or omitted to be done; and the defendant therein may plead the general issue, and that the matter or thing was done under this Act; and may give this Act and the special matter in evidence at any trial therein, and if it appears so to have been done, then the judg- Costs if ment shall be for the defendant; and if the plaintiff is non-plaintiff fails. suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases. 43 V., c. 21, s. 99

REGULATIONS.

Regulations respecting storage of petroleum or naphtha.

Make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles; and such permit shall be produced to the proper officer of the customs before the importation of any such articles above mentioned is permitted. 44 V., c. 23, s. 6, part.

SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOR.

Specification of the Test Apparatus or Pyrometer.

The following is a description of the details of the apparatus:—

The oil cup consists of a cylindrical vessel two inches in diameter, two inches and two-tenths in height (internal), with outward projecting rim five-tenths of an inch wide, three eighths of an inch from the top, and one and seven-eighths of an inch from the bottom of the cup. It is made of gun. metal or brass (17 B.W.G.) tinned inside. A bracket consist ing of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is one and one-half inch. The cup is provided with a close-fitting overlapping cover made of brass (22) B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be one and one-half inch below the centre of the lid.

The cover is provided with three square holes, one in the centre, five-tenths by four tenths of an inch, and two smaller ones, three-tenths by two-tenths of an inch, close to the sides

and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height; they are soldered to a circular quarter which cular copper plate (20 B.W.G.), perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch; that is, its diameter. eter is about three-fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the bath and the on cup.

oil on the sides and bottom of the inner cylinder and of the oil cup is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.), flanged firmly resting on the ring, just touches with its projecting jacket is six and one-half inches. One of the three legs of it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other determining the flashing point. The thermometer for

ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches, measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and the scale is cut on the tube in a similar manner to the one described. It measures from end of the collar to end of bulb two and one-quarter inches.

Note.—A model apparatus is deposited at the Weights and Measures Branch of the Inland Revenue Department.

Directions for Applying the Flashing Test.

- 1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.
- 2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be one hundred and forty degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and forty degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and forty degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil cup, is readily maintained by simple manipulation, from time to time, with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

- 4. The bath having been raised to the proper temperature the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixtyfive degrees) by immersing the bottles containing them in water, or by any other convenient method, or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not, under any circumstances, to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.
- 5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumbline measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and when the thermometer in the petroleum cup is watched. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation. 44 V., c. 23.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.			
43 V., c. 21 44 V., c. 23 45 V., c. 26	The state of the s	s. 29. s. 9. s. 2.					

CHAPTER 98.

An Act respecting the Culling and Measuring of Lumber in the Provinces of Ontario and Quebec.

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

SHORT TITLE.

Short title. 1. This Act may be cited as "The Cullers' Act." 38 V., c. 34, s. 14, part.

INTERPRETATION.

Interpretation. 2. In this Act, unless the context otherwise requires:

"Timber" or (a) The expression "timber" or "lumber" includes all articles subject to inspection, culling or counting under this Act;

"Supervisor." (b) The expression "supervisor" means the supervisor of cullers;

"Deputy." (c) The expression "deputy" or "deputy supervisor" means deputy supervisor of cullers. 38 V., c. 34, s. 13.

APPLICATION OF ACT.

Application of Act.

3. The provisions of this Act apply only to the *Provinces* of Ontario and Quebec, and do not apply to any place below the eastern end of the Island of Orleans. C. S. C., c. 46, s. 46, part.

SUPERVISOR, DEPUTY SUPERVISORS AND CULLERS.

Supervisor may be appointed.

4. The Governor in Council may appoint a fit person, well skilled and practically acquainted with the lumber trade of the said Provinces, to be the supervisor of cullers, who shall supervise and control the culling, measuring and examination of every description of lumber in the manner hereinafter prescribed:

Other duties at Quebec.

2. The office of collector of slide dues at Quebec and the office of supervisor of cullers, shall be held by the same person. C. S. C., c. 46, s. 1;—40 V., c. 16, s. 1.

- 5. The supervisor shall himself, with two responsible Supervisor to sureties, enter into a bond to Her Majesty, in the sum give security. of four thousand dollars each, for the faithful discharge of his duty; and such bond shall inure to the benefit of all persons damnified by the misfeasance, malfeasance or non-feasance of the supervisor, and any persons so damnified may recover, from the supervisor and his sureties, upon such bond, the amount in which they have been so damnified. C. S. C., c. 46, s. 2.
- 6. The supervisor shall, before entering upon the duties And take of his office, take and subscribe, before any of Her Majesty's oath of office justices of the Queen's Bench or Superior Court in the district of Quebec, an oath in the form following, that is to say:—
- "I, A. B., solemnly swear that I will faithfully, truly and Form of oath." impartially, to the best of my skill and understanding, execute the office and perform the duty of supervisor of cullers, according to the true intent and meaning of 'The Cullers Act;' that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office as supervisor, except such as are allowed to me by the said Act; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever; and that I will act without partiality, favor or affection, and to the best of my knowledge. So help me God." C. S. C., c. 46, s. 3.
- Such number of deputy supervisors of cullers, there shall be Appointment Governor in Council, from time to time, determines. 38 V., c. 34, s. 2, part.
- So Every deputy supervisor shall himself, with two peputy to responsible sureties, enter into a bond to Her Majesty, in the sum of two thousand dollars each, for the faithful discharge of his duty, and such bond shall inure to the benefit of all persons damnified by the misfeasance, malfeasance or nonfeasance of the deputy supervisor; and any of the persons so damnified may recover, from the deputy supervisor and his sureties, upon such bond, the amount in which they have been so damnified. 38 V., c. 34, s. 2, part.
- the duties of his office, take and subscribe, before a justice of the peace, the oath prescribed for the supervisor, in so far as it is applicable to such deputy. 38 V., c. 34, s. 2, part.

New security in certain cases.

10. In the event of the removal from either of the said Provinces, or the declared or known insufficiency, or the death of any of the sureties of the supervisor, or of any deputy supervisor, such supervisor or deputy, as the case may be, shall immediately procure sufficient sureties, and enter into a new bond, as required by this Act, and in default of his so doing, his appointment shall become void:

2. The oaths and bonds hereinbefore mentioned shall be Oaths and honds, where filed in the office of the Registrar General of Canada. C. S. C., filed. c. 46, ss. 4 and 15;—38 V., c. 34, s. 2, part.

Appointments by Governor in Council.

11. All appointments in the supervisor's office shall be made by the Governor in Council. C. S. C., c. 46, s. 7.

Constitution of board of examiners.

12. The council of the Quebec board of trade, when required by the supervisor so to do, shall elect four merchants, practically acquainted with the lumber trade, and the super. visor shall, by an instrument under his hand and seal, appoint four licensed cullers, and the said four merchants and four cullers shall constitute a board of examiners, of which board the supervisor shall ex officio be a member and chairman; and as often as vacancies occur in the said board, by death, change of residence, or otherwise, such vacancies shall be filled by election in the case of the merchants, and by new appointment in the case of the cullers, forming the said board. C. S. C., c. 46, s. 8.

Meetings of the board.

13. The board shall meet at the office of the supervisor, or elsewhere, on the first Monday of May and August in each year, or upon any other day, when notified by the supervisor so to do, and four members of the board shall constitute a quorum for the transaction of business, and the decision of a majority of the members present at any such meeting shall be held to be the decision of the board. C.S.C., c. 46, s. 9.

Quorum. Majority to decide.

sworn.

14. Every member of the board, before acting as such, Members to be shall take an oath, which shall be administered by the supervisor, and shall be in the form following, that is to say:-

Form of oath.

"I, A. B., solemnly swear that I will, to the best of my "judgment and understanding, faithfully test the skill and qualification of any applicant who comes before me to "be examined as to his fitness to be licensed as a culler, and "that I will act according to the true intent and meaning "of the law, and without partiality, favor or affection. "help me God." C. S. C., c. 46, s. 10.

CULLERS.

15. Every certificate issued by the board of examiners What certifiappointed under the provisions of this Act, shall state the cate of board shall contain.

qualifications of the person to whom such certificate is issued, and what description of culling he is best qualified to perform. 38 V., c. 34, s. 3.

- 16. Every culler shall take and subscribe, before a Culler to be justice of the peace, an oath in the form following, that is sworn. to say :-
- "I, A. B., solemnly swear, that I will faithfully, truly and Form of oath. impartially, to the best of my knowledge and understanding, execute the office and perform the duty of a culler of (here insert the description of the lumber of which he is to be a culler), according to the true intent and meaning of the "law concerning the culling and measuring of lumber, and that I will give a true account and certificate of the number, quality and dimensions or measurement of the lumber Which is submitted to inspection, according to the best of my knowledge; and that I will not, directly or in-"directly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever; and that I will not at any time purloin, or wilfully change or omit, any article of lumber submitted to me for the purpose of being measured, counted or culled. So help me "God :"
- 2. Such oath every such culler shall cause to be filed in the Issue of license to office of the supervisor; and when any applicant to be a cullers. culler has complied with the requirements of this Act, the supervisor shall report and certify the same to the Governor in Council, and shall procure for such applicant his license license, Without any fee to the supervisor, and subject only to the to the payment of such fees of office as are usual and reasonable for such documents. C. S. C., c. 46, s. 16.

- The Governor in Council may appoint such number Appointment of cullers. of qualified cullers duly licensed in the manner provided in the manner provided in this Act, as are necessary for the proper performance of the Work of culling timber, deals, boards, staves and other artial articles in the manner provided in this Act. 38 V., c. 34, 8. 6, part.
- 18. No person shall be appointed as supervisor or deputy Qualification supervisor or as a culler, unless he has obtained a certificate of supervisor of another or as a culler, unless he has obtained a certificate and deputy. of qualification in the manner prescribed in this Act. c. 34, s. 5. 38 V.,
- Cullers appointed or holding office under this Act shall be &c., to be officers of the Department of Inland Revenue, and shall be land Revenue subject to all the Acts respecting the col-Department. subject to all the provisions of the Acts respecting the col-Department. lection and management of the public revenue, and as to

security by public officers, and shall also be subject to such departmental regulations as to hours of service, as are, from 38 V., c. 34, s. 7. time to time, made.

Duty of cullers.

Penalty for non-compliance

. 20. Every culler employed by the supervisor shall obey his lawful commands, and shall hold himself in readiness, on all days except Sundays and holidays, to execute the duties of his office from daylight until dark; and for each neglect, refusal or delay, when not otherwise employed about the duties of his office, the culler shall forfeit eighty dollars to the use of the person injured by such neglect,

certain cases.

Suspension in refusal or delay; and every culler so employed, who is guilty of impropriety of conduct or disobedience of orders, or who is found incompetent, may be suspended from office by the supervisor, subject to an appeal to the board of examiners. 40 V., c. 16, s. 5.

Offices to be opened.

21. An office shall be opened in some convenient place at the Port of Quebec, which shall be known as the supervisor of cullers' office, and such other offices shall be opened for the deputy supervisors, and at such places as the Governor in Council determines; and such offices shall be kept open on all days, except Sundays and holidays, from six o'clock in the forenoon to six o'clock in the afternoon during the season of navigation, and during ordinary office hours at all

Office hours.

Inspection of books, &c.

22. The measurement books, and all other public doout ments in the office of the supervisor and deputy supervisors. shall be open to the perusal of the seller and buyer of lumb ber, with reference to any transactions between them, and to the perusal of any other person interested therein. C. S. C., c. 46, s. 34.

other seasons. 38 V., c. 34, s. 11.

Certain duties to be per-formed by apprentices.

23. The scribers of timber and holders of measuring tapes shall in all cases, when practicable, be apprentices candidates for becoming cullers, for whose acts, in the performance of their dations. formance of their duties, the cullers shall be responsible. C. S. C., c. 46, s. 21.

MODE OF CULLING AND MEASURING.

How square timber shall be measured.

24. Square timber shall be measured only in some one of the three modes following, that is to say:—

First.—Measured off, in the raft or otherwise, giving the full cubic contents without any allowance or deduction;

Second.—Measured in shipping order—which shall mean und, fairly made timber sound, fairly made timber—gum seams closed at the ast and sound knots not to be considered unsoundness lengths under the merchantable standard hereinafter men tioned and not less than twelve feet long to be received, if in the opinion of the culler the same is fit for shipment;

Third—Culled and measured in a merchantable state, in accordance with the rules, standards and limitations hereinafter described. C. S. C., c. 46, s. 22.

25. In measuring timber, the culler employed for that Length of purpose shall measure not only the girth of each piece of measured as timber, but shall also measure, personally, with the aid of well as girth. one competent assistant, the length of each piece of timber, in all cases where such measurement is practicable with the aid of only one assistant; and in the event of any case arising in which, in the opinion of the supervisor, or of any deputy, such measurement cannot be effected with the aid of one assistant only, such culler may employ an additione assistant only, such culler may employ an additional assistant only ditional competent assistant for that purpose, who, as well as the assistant first above mentioned, shall be approved of by the supervisor or deputy. C. S. C., c. 46, s. 23.

rods, tapes and other measuring instruments as are pre-provided with Scribed by departmental regulations, all of which shall instruments. be in accordance with the standard measures of Canada, and shall bear the verification marks of the Department of Inland Revenue:

2. Every culler shall also be provided with such scribing And with knives and such stamps as are necessary for marking the knives and stamps. articles culled by him with the initials of his name, and with the capital letters distinguishing the quality, as follows:-

M. Which shall denote what is merchantable;

How quality shall be

- U. Which shall denote what is sound and of merchantable quality, but under merchantable size;
- 8. Which shall denote what is of second quality;
- T. Which shall denote what is of third quality;
- R. Which shall denote what is rejected and unmerchantable:
- 3. Such marks shall be indented or stamped on the end How marks each the marks shall be of each article of lumber culled in terms of the merchantable applied. standard hereinafter prescribed, except as to West India and hard hereinafter prescribed, except as to West India and hard-spikes. and barrel staves, boards, deals, lathwood and hand-spikes. 38 V., c. 34, s. 8.
 - Every culler shall check and examine the entry of Entries to be his measurements and of culling and counting on the checked and signed.

books of the supervisor, and sign such entry and calculations on the said books. 38 V., c. 34, s. 9.

Copy of agreement as to mode of measurement to be filed.

28. A copy of every agreement as to the adoption of any of the modes of measurement or culling mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the supervisor, or deputy supervisor, at the same time that a requisition is made to him for a culler to measure or cull any lumber, for the guidance of the supervisor, or deputy supervisor, and culler, in the performance of their duty, and such requisition shall state the river and section of the Province wherefrom such lumber is produced; but the owner of any lumber, or his agent, may cause it to be measured, culled or counted before any sale, in which case the specification of such lumber shall set forth the mode in which the measurement, culling or counting has been performed. C. S. C., c. 46, s. 25.

Proviso.

QUALITIES OF LUMBER.

Descriptions and classes of cullers, respectively shall, in ascertaining and certifying the merchantable size and quality of lumber submitted to their culling, be governed by the descriptions, rules, standards and limitations following, that is to say:—

White oak.

(a) Square white oak timber, first quality, shall be free from rot, rotten knots affecting the surrounding wood, open rings and grub or large worm holes, but small worm holes and shakes shall be allowed according to the judgment of the culler; second quality shall be oak not coming within the definition of first quality, and which, in the judgment of the culler, is not culls;

Rock elm.

(b) Square hard grey or rock elm shall be free from rot, open rings and rotten knots affecting the surrounding wood, but shakes and slivers shall be allowed according to the judgment of the culler;

White or yellow pine

(c) Square white or yellow pine timber shall be free from rotten knots affecting the surrounding wood, worm holest open shakes and open rings, but sound knots shall be allowed according to the judgment of the culler;

Red pine.

(d) Square red pine timber shall be free from rot, rotten knots affecting the surrounding wood, worm holes, shakes and splits, but sound knots shall be allowed according to the judgment of the culler;

Ash, basswood and butternut. (e) Square ash, basswood and butternut shall be of the same quality as white or yellow pine square timber;

- (f) Square birch shall be free from rot, rotten knots, splits Birch. and shakes, and shall be allowed two inches wane;
- (g), Masts, bowsprits and red pine spars shall be sound, free Masts, bowsprits and red from bad knots, rents and shakes, and the heart shall be spirits and red visible. visible in spots at or near the partners;
- (h) Hickory handspikes shall be six feet long, and three and Hickory handspikes. a half inches square at the smaller end;
- (i) Ash oars shall be three inches square on the loin, and five Ash oars. inches broad on the blade, the blade shall be one-third of the length of the oar, and such oars shall be cleft straight on all sides, and free from large knots, splits and shakes;
- (j) Lathwood shall be cut in lengths of from three to six Lathwood. feet, and measured by the cord of eight feet in length by four feet in height; and, to be merchantable, shall be free from rot, shall split freely, and each billet may contain to the extent of three or four open case knots, provided they run in 1: in line or nearly so, and it shall not have more than one
- (k) Pine or fir boards shall not be less than ten feet in length, Pine or fir boards. one inch in thickness and seven inches in breadth, equally boards. broad from end to end, edged with a saw, or neatly trimmed by a straight line, and shall be free from rot, bad knots, rents and shakes, and of equal thickness on both edges from end, and shakes, and of equal thickness on both edges from end to end, but the color alone of any board shall not be a sufficient cause for its rejection, if it is in other respects sound and merchantable, and of the dimensions required by this Act;

shall be free from rot, rotten knots, grub-worm holes, yellow pine open control of the control open control o open case knots, shakes and splits (a slight sun crack excepted), and sound knots and hard black knots shall be allowed as follows:—If they do not exceed three in number, and do not exceed on the average one inch such as follows:—If they exceed three inch and a-quarter diameter; if they exceed three and and a-quarter diameter; if they exceed on and are not more than six in number, and do not exceed, on the average, three-quarters of an inch in diameter; such propositions, three-quarters of an inch in diameter; such proportion of knots shall be allowed for a deal eleven inches in wild of greater or in Width and twelve feet in length, and deals of greater or less a: less dimensions shall be allowed for in proportion, according to the to the judgment of the culler; wane equal to half an inch on one and the deal, shall on one edge, if running the whole length of the deal, shall be allowed by the length of such be allowed, and if not exceeding half the length of such deal +1. deal, three-quarters of an inch wane shall be allowed; the deals shall be free from black or dead sap, with a slight exception, in the discretion of the culler;

Red pine deals.

(m) Red pine deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots and splits; several small sound knots shall be allowed, according to the judgment of the culler; heart shake shall be allowed, if it does not run far into the deal or form a split through at the ends; they shall be free, or nearly so, from black of dead sap, but sound sap on the corners or on a portion of one face of a deal shall be allowed, according to the judgment of the culler:

Spruce deals.

(n) Spruce deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots, splits and shakes (a heart shake not exceeding one-fourth of an inch to half an inch in depth excepted); several small sound knots and hard black knots shall be allowed, according to the judgment of the culler, and in the exercise of such judgment he shall keep in view the peculiar nature of the wood, and govern his judgment accordingly; wane equal to half an inch on one edge, if running the whole length of the deal, shall be allowed, and if not exceeding one quarter the length of such deal, three-quarters of an inch shall be allowed;

White or deals.

(o) White or yellow pine, second quality deals, shall be free second quality from rot, rotten knots and splits, with slight exceptions, at the discretion of the culler, and sound knots and hard black knots shall be allowed as follows:—If they do not exceed six in number and, upon the average, one inch and a-half diameter; if they exceed six and are not more than twelve in number, and do not exceed, upon the average, one inch and a-quarter in diameter, but small knots under half an inch diameter shall not be counted or considered Such proportion of knots shall be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion tion, according to the judgment of the culler; heart shakes and sun cracks not exceeding three-fourths of an inch to one inch in depth shall be allowed, as also worm holes, according to the judgment of the culler; wane of half and inch to an air life want of the culler; inch to one inch shall be allowed according to the quality of the deal in other respects, according to the judgment of the culler Deals respects. Deals rejected as not coming within the culler. standard of merchantable or second quality shall be classed as culls, except that the culler may, if requested by buyer and suller solvet and su and seller, select and classify, as third quality, the best of the deals so rejected;

Spruce and red pine, second quality deals.

(p) Spruce and red pine, second quality deals, shall be deals, shall be deals. not coming within the definition of merchantable, and which, in the opinion and in the op in the opinion and judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not culls, and shall be also judgment of the culler, are not cull and shall be also judgment of the culler, are not cull and shall be also judgment of the culler, are not cull and shall be also judgment of the culler, are not cull and shall be also judgment of the culler, are not culler, are not cull and shall be also judgment of the culler, are not cull and shall be also judgment of the culler, and also judgment of the culler, are not cull and the culler of the culler o and shall be classed as second quality; and the culler, as required by seller and buyer, may select and classify third quality the best of the deals unfit to be seconds;

- (q) The Quebec standard hundred of deals shall be one hun-Quebec dred pieces twelve feet long, eleven inches broad, and two and standard a-half inches thick; and deals of all other dimensions shall deals. be computed according to the said standard; deals of all qualities shall be not less than eight feet long, seven inches broad and two and a-half inches thick; deal ends shall be not less than six feet long and shall be computed according to the Quebec standard;
- (r) All merchantable deals shall be well sawn and squared at Merchantable the end with a saw, and the color alone shall be no objection to their being merchantable;
- (s) All deals when culled shall, in all cases, be stamped To be with the initials of the culler, and the capital letter destamped. noting their quality as such;
- (t) Spruce deals, if not sawn at the ends prior to or at the Spruce deals, time of culling, shall be marked with the capital letter, how marked. denoting their respective qualities, with red chalk, in large bold letters; and to prevent mistakes in piling, all other Other deals. deals shall be marked with bold strokes in red chalk as follows:—

Merchantable shall be marked, I;

Second quality shall be marked, II;

Third quality (if made) shall be marked, III;

Rejected or culls shall be marked, X;

(u) Standard or measurement staves shall be of the dimensions set forth in the words and figures following:—

Standard or measurement staves shall be of the dimensurement staves.

⁵¹/₄₁ feet long, 5 inches broad, and from 1 to 3 inches thick.

 $\frac{32}{31}$ do. $\frac{41}{4}$ do.

21 do. 4 do. 22 do. 5 do.

- inches broad, shall be received as if of merchantable dimen-
- (w) The standard mille shall be twelve hundred pieces of Standard five and a-half feet long, five inches broad, and one and mille. a-half inches thick; and standard or measurement staves of the dimensions shall be reduced to the said standard by tables of calculation now used;
- feet long, four inches broad, and three-fourths of an inch staves.

Qualities requisite in all staves. (y) All staves shall be straight grained timber, properly split, with straight edges, free from the grub or large worm holes, knots, veins, shakes and splinters; and small worm holes which do not exceed three in number, shall be allowed according to the judgment of the culler, provided there are no veins running from or connected therewith, and the culler shall measure the length, breadth and thickness of standard staves at the shortest, narrowest and thinnest parts; and the thickness of West India and barrel staves exceeding the standard breadth shall be measured at such standard breadth, to wit: four and three and a-half inches respectively, provided the thinnest edge is not less than half an inch;

Dimensions of (z) The dimensions of merchantable timber shall be as set timber. forth in the following words and figures:—

Oak.

Oak shall be at least twenty feet in length and ten inches square in the midd'e;

Elm.

Elm shall be at least twenty feet in length and ten inches square in the middle;

White pine.

White pine shall be at least twenty feet in length and twelve inches square in the middle, and fifteen feet and upwards in length, if it is sixteen inches square and upwards in the middle;

Red pine.

Red pine shall be at least twenty-five feet in length and ten inches square in the middle, and twenty feet and upwards in length, if it is twelve inches square and upwards in the middle;

Ash, basswood and butternut. Ash, basswood and butternut shall be at least fifteen feet in length and twelve inches square in the middle, and at least twelve feet in length, if it is fifteen inches square and upwards in the middle;

Birch.

Birch shall be at least six feet in length and $twe^{|V^{\theta}|}$ inches square in the middle;

Taper of merchantable timber.

Taper of merchantable timber :-

Oak, 3 inches, under 30 feet, and in proportion for any greater length.

Elm, 2 do. do. do. do. do.

White pine, $1\frac{1}{2}$ do. for 20 do. do. do.

Red pine, 2 do. for 25 do. do. do.

Ash, basswood and butternut, 1½ do. under 20 feet do.

Bends or twists not to exceed one in number;

Hollow allowed on merchantable timber:—

Hollow allowed.

Oak, 3 inches for every 20 feet in length, and in proportion for any greater length;

Elm, 3 do. do. do. do. do. White pine, 21 do. 20 do. do. do. Red pine, 3 do. do. do. 20 do.

Ash, basswood and butternut, $2\frac{1}{2}$ do 20 feet do. do.

Dimensions of white pine masts, bowsprits and red pine Dimensions of masts, bowspars :-

masts, bowsprits and red pine spars.

White pine masts of 23 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter;

22 inches do. 3 feet do. do. and 2 feet extreme length;

21 do. do. 3 feet do. do. and 3 feet do.

20 do. and under 3 feet do. do. and 4 feet do.

Hollow or bend not to exceed six inches for seventy feet, and in proportion for any greater length;

Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length;

Red pine spars shall be three feet to the inch in diameter at the partners, and nine feet extreme length; hollow not to exceed seven inches for sixty feet, and in proportion for any greater length. C.S.C., c. 46, s. 26.

Whenever it appears that timber, masts, spars, Lumber imboards, planks, deals, staves, oars or any other descrip-properly tion of lumber, are not properly hewn, squared, butted be dressed or addressed and over. or edged, but are merchantable in other respects and over. sold as such, the supervisor, deputy and culler, respectively, shall order or cause the same to be properly dressed and chopped, at the expense of the seller or the buyer, as the case may be, previously to their being respectively received and certified to be merchantable; and such dressing and chopping shall be done under the direction of the culler in charge of the measuring or culling. C. S. C., c. 46, s. 27.

31. If any dispute arises between the first buyer or seller, Survey in case or the Person making the requisition, and the culler em- of dispute. ployed to cull or measure any article of lumber, with regard

to the dimensions or quality thereof, the supervisor or deputy shall, as soon as possible, upon a written complaint thereof being made, demanding a survey, cause a board of survey to be held for examining the quality and dimensions of such lumber, and such board shall take into consideration the position of such lumber when measured or culled, and all other circumstances and considerations connected therewith, in reporting thereon; and such board shall consist of three persons, one to be appointed by the culler whose decision is disputed, one by the person complaining, and one by the supervisor or deputy, and their determination shall be final and conclusive; and if the opinion and act of the culler is confirmed, the reasonable costs and charges of re-examination shall be paid by the person complaining, but if other-

Composition of board of survey.

Costs.

When survey must be demanded.

wise, by the culler:

2. Such survey shall be demanded when the culling or measuring is compléted, or within two lawful days after the person demanding the survey has been furnished with the specification thereof, and such right of survey shall cease on and after the fifteenth day of November in each year:

One culler may be appointed by consent.

3. The supervisor or deputy, for the more expeditious settlement of disputes, may, with the consent and at the request of buyer, seller and culler concerned, name one culler to act as surveyor; and if the culler so named is not objected to by any of the persons interested, he shall act in the capacity of a board of survey, and his determination shall be final and conclusive. C. S. C., c. 46, s. 28.

REGULATIONS.

Regulations may be made. The Governor in Council may make regulations from time to time—

Giving effect to Act.

(a) For giving effect to the provisions of this Act;

Number of cullers to be employed.

(b) For reducing the number of cullers to be employed in each department of the supervisor's office, until the following numbers are reached: cullers of square timber, fifteen; cullers of deals, twelve; cullers of staves, masts, spars and lathwood, three,—or thirty in all; and such cullers shall be employed regularly in rotation in their respective departments, unless the Governor in Council, in any case or class of cases, otherwise prescribes;

Licenses.

(c) Prescribing the manner of granting licenses to cullers;

Fees. (d) Assigning to cullers such fees as he, from time to time, deems proper;

- (e) Making, raising or lowering a tariff of fees and charges Tariff of fees. for culling, reasing or lowering a talk of the culling, measuring, counting off or making out specifical: cations for timber, deals, staves or other lumber, under this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the supervisor's office, and the payment of salaries to the supervisor and the deputy super- Average visors, employed under this Act, and so as to give the to each. cullers employed yearly average earnings of seven hundred dollars each;
- (f) For granting annuities, not exceeding two hundred Annuities. dollars per annum in each case, to such of the cullers who Were employed on the first day of May, one thousand eight hundred and seventy-six, or who were employed up to the twentieth day of July, one thousand eight hundred and eighty-five only, as are incapable, by reason of age, infirmity or otherwise, of pursuing their business of culling, or whose services are no longer required;
- (g) For the payment of such annuities granted, as herein Payment of annuities. provided, out of such funds as have been collected, or as shall annuities. be hereafter collected, over and above the cost of the culling office. 48-49 V., c. 65, s. 1, part.

33. In the event of there being no such surplus funds When payable out of Con. out of which the annuities granted, as provided in the next Rev. Fund. preceding section, can be paid, such annuities shall be paid out of the Consolidated Revenue Fund of Canada. 48-49 V., c. 65, s. 1, part.

CHARGES FOR CULLING AND MEASURING.

The fees and charges fixed by the Governor in Council fees and shall be charged and collected by the supervisor and deputy charges. supervisor, as the fees and charges for culling, measuring or counting off each description of lumber, and for making out specifications, and shall include all charges and expenses against such lumber, except in cases where extra labor for canting, dressing, butting, chopping and piling is necessary and required:

2. One half of such fees and charges shall be paid by By whom and when payable. the buyer, and the other half by the seller; but the whole of such fees and charges shall, in all cases, be paid to the supervisor or deputy, on the delivery of the specification or on the delivery of the specification. or on the presentation of an account thereof, by the person, or hand a requisior by the persons jointly or severally, who filed a requisition or errors jointly or severally, who make the persons jointly or severally in the persons jointly in the persons jointly or severally in the persons jointly or severally in the persons joi whether such person or persons are buyers, sellers, owners, or possess and person or persons are buyers, sellers, owners, or possess are buyers, sellers, owners, and the sellers are buyers, sellers, owners, or possess are buyers, sellers, owners, and the sellers are buyers are buyers. or possessors of such lumber. C. S. C., c. 46, s. 29, part.

Serted here. O. C., p. 78;—O. C., 1876, p. 100;—O. C., 1878, p. 31.

GENERAL PROVISIONS.

Licensed culler may hire himself to a merchant on certain conditions.

35. Any culler licensed under this Act, and not employed by the supervisor or a deputy, may engage or hire himself to merchants or others, as a shipping culler; but such culler shall in no case measure, cull, count, stamp or mark any description of lumber before the same has been first measured by some licensed culler other than himself. under the direction of the supervisor or deputy, except with the written permission of the supervisor or deputy and in accordance with the same rules and on the same terms by which cullers acting under the supervisor or deputy are bound, according to this Act; and he shall also keep a record of all his operations, returns of which he shall make monthly to the supervisor or deputy; and every culler so hired and ance with this engaged, who offends against this Act, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court. C. S. C., c. 46, s. 36.

Penalty for non-compli-Act.

Penalty for license.

36. Every person who is not licensed as a culler, who acung as culler without measures, culls, marks or stamps any article of lumber, shipped or intended to be shipped by such measurement, or measured, culled, marked or stamped, with intent to evade or elude the provisions of this Act, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court; and every culler employed by the supervisor or deputy, who privily, and without the knowledge and consent of the supervisor or deputy, or for hire or gain, and without the same being duly entered on the books of the supervisor or deputy, measures, culls, marks or stamps any article of lumber, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court.

And if culler acts without authority.

Penalty if lumber.

C. S. C., c. 46, s. 37.

37. Every supervisor or deputy, or licensed culler, who culler deals in buys or sells, directly or indirectly, or is a dealer in or interested in buying or selling any article of lumber, either on his own account or on account of any other person, shall, for each such offence, incur a penalty not exceeding four hundred dollars and not less than two hundred dollars, and shall forfeit his office. C. S. C., c. 46, s. 38.

38. Every supervisor, deputy and licensed culler, and culler is guilty every clerk and assistant measurer, employed by the super of partiality, visor or deputy or by any collers. visor or deputy, or by any culler, who is at any time guilty of wilful neglect of his duty, or of partiality in the execution of the duties of his office, or of wilfully giving a false account or certificate of the articles of lumber submitted to

his inspection, measurement or calculation, or of any other wilful neglect or prevarication with regard to the duty he is employed to discharge, shall, for every such offence, incur a penalty not exceeding four hundred dollars, and shall be dismissed from his office, and be for ever after incapable of holding any such situation or employment. C. S. C., c. 46, 8. 39.

- 39. Every person who assaults any culler in the execu- Assaults on tion of his duty under this Act, or by threats, menaces or cullers. violence, impedes or prevents any culler from the performance of his duty, shall, upon summary conviction upon the oath of one credible witness, be liable to a penalty Penalty. not exceeding forty dollars and not less than twenty dollars, and in default of payment, to imprisonment for a term not exceeding two months, unless the penalty is sooner paid. C. S. C., c. 46, s. 41.
- or forges, or procures to be counterfeited or forged, any counterfeits stamp directed to be provided for use, in pursuance of this ing stamps. Act, or counterfeits or imitates the impression of the same on any article of lumber, or knowingly, wilfully and fraudulently defaces, obliterates or removes any of the marks or letters marked, indented or imprinted in or upon any article of lumber, after the same has been culled or measured as aforesaid, shall be liable to a penalty not exceeding two Penalty. hundred dollars, or to imprisonment for a term not exceeding three months, in the discretion of the court. .C. S. C., c. 46, s. 42.
- Every person who wilfully and unlawfully, with the Setting timber adrift. intention to set the same adrift, unmoors, by cutting or otherwise, any timber, masts, spars, staves, oars, handspikes, planks, boards, saw-logs or other description of lumber, or any boat, bateau or scow, shall, for each offence, incur a Penalty. penalty not exceeding four hundred dollars and not less than twenty dollars:

The remainder of this sub-section is covered by the Larceny Act, s. 86.

2. A moiety of such penalty shall belong to Her Application of Majesty, for the public uses of Canada, and the other moiety penalties. to the informer or prosecutor, and the offender shall be imprisonprisoned until such penalty is paid, but no term of imprison- Imprisonment mental until such penalty is paid, but no term of imprison- for non-payment shall, for any first offence, exceed three months; and ment. if any person is a second or subsequent time convicted of any such offence, he shall be liable to imprisonment for a term not exceeding twelve months. C. S. C., c. 46, s. 43, part.

Nothing in this Act shall make it compulsory to Culling not two Nothing in this Act shall make it compulsory to Culling not compulsory have any article of lumber measured, culled or assorted, certain cases. under this Act, if such lumber is shipped for exportation

shall be compulsory.

by sea for account, in good faith, of the actual and When culling bona fide producer or manufacturer thereof; but all other lumber shipped for exportation by sea, shall be either measured, culled or counted, at the option of the persons interested, by a licensed culler, under the control and superintendence of the supervisor or deputy, and the owner of shipper of such lumber, or the proprietor or lessee of the premises from which such lumber is so unlawfully shipped, shall incur a penalty equal to the market value of any article of lumber so unlawfully shipped:

What shall be evidence of unlawful shipping.

2. Proof of the fact of lumber having been placed along side or taken on board of any sea-going ship or vessel, shall be sufficient evidence of such unlawful shipping for exportation by sea:

Burden of proof to lie on person charged.

3. The proof of the measuring, culling or counting of such lumber, in conformity with this Act, shall lie upon the person charged with such unlawful shipping; and the market value of any article of lumber so unlawfully shipped, shall be ascertained by the certificate of the council of the Quebec Board of Trade, or by a certificate under the hand of the supervisor. C. S. C., c. 46, s. 46.

Limitation of time for suits for penalties.

43. Every penalty and forfeiture incurred under this Act shall (except where otherwise provided) be sued for within twelve months after the offence is committed, and not after wards, and shall be recoverable, with costs, either in any court of competent jurisdiction, or in a summary manner under the "Act respecting summary proceedings before Justices of the Peace":

penalties. Application.

Recovery of

2. A moiety of all such penalties and forfeitures, except as are hereinbefore otherwise provided, shall belong to Her Majesty, for the public uses of Canada, and the other moiety shall belong to the person aggrieved, or to the informer or person who prosecutes or sues for the same. C. S. C., c. 46, s. 44.

Time within which actions for things done under this Act must be brought.

44. Every action, against any person, for anything done in pursuance of this Act, shall be commenced within twelve months next after the cause of action has arisen, and not afterwards, and the defendant in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it appears so to have been done, then judgment shall be given or a reading of the be given, or a verdict found for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff the defendant. the plaintiff, the defendant shall recover costs and have the

like remedy for the same as defendants have in other cases

by law. C. S. C., c. 46, s. 45.

As to costs.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
· · · · · C. 34	The whole except s. 43, part. The whole except s. 1. The whole except s. 6. s. 1.	s. 1.		·

CHAPTER 99.

An Act respecting Weights and Measures.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Weights and Measures Act." 42 V., c. 16, s. 1.

THE LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

To be the same through-out Canada.

2. Except as herein otherwise provided, the same weights and measures shall be used throughout Canada. 42 V., c. 16, s. 3.

Standards of Measure and Weight.

Certain standards to be the Dominion standards. 3. The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and deposited at the Department of Inland Revenue, in the custody of the Minister of Inland Revenue, as provided in the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act respecting Weights and Measures," shall continue to be the Dominion standards of measure and weight:

Standard yard, pound and ounce, troy. 2. The said bronze bar shall continue to be the Dominion standard for determining the standard yard for Canada; and the said platinum weights shall respectively continue to be the Dominion standards for determining the standard pound and the standard troy ounce for Canada 42 V., c. 16, s. 4.

Parliamentary copies. 4. The two copies of the standards of measure and weight described in the second part of the first schedule to this he and deposited as therein mentioned, shall be deemed to Parliamentary copies of the said Dominion standards.

V., c. 16, s. 5.

Renewal of Dominion standards in case of loss. 5. If at any time either of the Dominion standards of measure and weight is lost, or in any manner destroyed, defaced or otherwise injured, the Minister of Inland Revenue may cause the same to be restored, by reference or adoption of either of the Parliamentary copies of that

standard, or of such one of them as remains available for that purpose. 42 V., c. 16, s. 6.

- either of the Dominion standards is lost, or in any manner tary destands destroyed, defaced or otherwise injured, the Minister of standards. Inland Revenue may cause the same to be restored, by reference either to the corresponding Dominion standard, or to the other Parliamentary copy of that standard. 42 V., c.
- 7. The departmental standards of measure and weight Secondary or Departmental which, having been derived from the Dominion standards, standards. Re in use under the direction of the Minister of Inland Revenue, and are mentioned in the second schedule to this Act, and no others (save as hereinafter mentioned), shall be secondary standards of measure and weight, and shall be called departmental standards:

2. If at any time any of such standards is lost, or in any Renewal in case of loss. manner destroyed, defaced or otherwise injured, the Minis-case of loss. ter of Inland Revenue may cause the same to be restored, by reference either to one of the Dominion standards or to one of the Parliamentary copies of those standards:

3. The Minister of Inland Revenue shall, from time to time, Standards of new denomicause such new denominations of standards, being either nations. equivalent to or multiples or aliquot parts of the Dominion Weight weights and measures ascertained by this Act, as are required in additional measures ascertained by this Act, as are required to this in addition to those mentioned in the second schedule to this Act to be made and duly verified, and such new denominations of standards, when approved by the Governor in Council, shall be departmental standards in like manner as if they were mentioned in the said schedule:

4. The Governor in Council may declare that a depart-Cancellation of a departmental standard for the time being, of any denomination, mental whether the standard for the time being, of any denomination, mental whether the standard for the time being the standard for the whether mentioned in the said schedule or approved by the standard. Governor in Council, shall cease to be such standard. 42 V., c. 16, s. 8.

8. The standards of measure and weight which are law-Local llv in standards of measure and weight which are law-Local fully in use by inspectors or deputy inspectors of weights and man use by inspectors or deputy inspectors of weights and measures, for the purpose of verification or inspection, and all standards which are comand all copies of the departmental standards which are compared with pared with those standards and verified by the Minister of Inland D those standards and verified by the Minister of Inland Revenue for the purpose of being used by inspecttors of weights and measures under this Act as standards for the weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be verification or inspection of weights and measures, shall be called local standards. 42 V., c. 16, s. 9.

Dominion Measures of Length.

Standard yard defined.

9. The straight line or distance between the centres of the two gold plugs or pins (as mentioned in the first schedule to this Act) in the bronze bar by this Act declared to be the Dominion standard for determining the Dominion standard yard, measured when the bar is at a temperature of sixty-one degrees and ninety-one hundredths of Fahrenheit's thermo meter, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from varying temperature, shall be the legal standard measure of length and about 1 length and shall be called the Dominion standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, 42 V., e. 16, s. 10. superficial or solid, shall be ascertained.

Standard chain, link, furlong and mile.

10. One third part of the Dominion, standard yard shall foot, inch, rod, be a foot, and the twelith part of such foot shall be an inch; and the rod, pole or perch in length, shall contain five such yards and a-half; and the chain shall contain twenty-two such yards, and the link shall be the one hundredth part of the chain; the furlong shall contain two hundred and twenty such yards; and the mile one thousand seven hundered dred and sixty such yards. 42 V., c. 16, s. 11.

Standard

11. The rood of land shall contain one thousand two hund rood and acre. dred and ten square yards, according to the Dominion standard yard; and the acre of land shall contain one hundred thousand square links,—being four thousand eight hundred and forty such square yards, or one hundred and sixty square rode 42 V., c. 16, s. 12. sixty square rods, poles or perches.

As to seigniorial lands in the Province of Quebec.

12. In the Province of Quebec, the measures of length and superficies for all lands comprised in those parts of the Province originally granted under the seigniorial tenure, shall be French measures, the ratio and proportion of which shall be to the Dominion shall be to the Dominion standard measures as follows, that is to say:-

French foot.

(a) The foot—"French measure" or "Paris foot"—shall sheld to contain two less in the be held to contain twelve inches and seventy-nine hundredths of an inch standard of an inch, standard measure;

Arpent.

(b) The "arpent," when used as a measure of length, and as one hundred and cichty France of length, and as be one hundred and eighty French feet; and when used a measure of superficient to the second a measure of superficient to the second and second as the second as the second secon a measure of superficies, shall contain thirty-two thousand four hundred square Franch 6 four hundred square French feet; and the "perch," and measure of length shall contain thirty-two thousands and measure of length shall contain the shall contain thirty-two thousands and measure of length shall contain the shall measure of length, shall contain eighteen French feet; four as a measure of superficient. as a measure of superficies, three hundred and twenty-four square French feet: square French feet;

Perch.

(c) Provided, that the provisions of this section shall apply French only to territorial measurement; and the French measures measure to be "toise" and "ell" (aune) shall not be used as standard such lands. measures, but the standard yard, as described in the ninth section of this Act, shall be used instead thereof. 42 V., c. 16, s. 13.

Dominion Measures of Weight and Capacity.

- by the Parliament of the United Kingdom, in the session held in the forty-first and forty-second years of Her Majesty's reign, known as "The Weights and Measures Act of 1878," as represented by the platinum iridium weight mentioned in the first schedule to this Act, and hereby declared to be the Dominion standard for determining the Dominion standard pound, shall be the legal standard measure of weight and of measure, having reference to weight, and shall be called the Dominion standard pound, and shall be the only unit or standard measure of weight from which all other weights, and all measures having reference to weight, shall be ascertained. 42 V., c. 16, s. 14.
- 14. One-sixteenth part of the Dominion standard pound Standard shall be an ounce, and one-sixteenth part of such ounce shall ounce, dram, be a dram, and one seven-thousandth part of the Dominion standard pound shall be a grain:

One hundred standard pounds shall be a cental or hun- Cental or dredweight, and twenty centals or two thousand pounds cwt., and ton. shall be a ton:

Four hundred and eighty grains shall be an ounce troy: Troy ounce.

All the foregoing weights, except the ounce troy, shall be All other deemed to be avoirdupois weights. 42 V., c. 16, s. 15. weights. avoirdupois.

all other measures of capacity, as well for liquids as for dry gallon, goods shall be derived, shall be the gallon containing ten Dominion standard pounds weight of distilled water weighed in air against brass weights with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches:

The quart shall be one-fourth part of the gallon, and the Quart and pint shall be one-eighth part of the gallon:

Two gallons shall be a peck, and eight gallons shall be Peck and bushel. 42 V., c. 16, s. 16;—48-49 V., c. 64, s. 1.

Bushel of certain articles determined by weight. 16. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure is specially agreed upon—the weight equivalent to a bushel being as follows:

Wheat, sixty pounds; Indian corn, fifty-six pounds; Rye, fifty-six pounds; Peas, sixty pounds; Barley, forty-eight pounds; Malt, thirty-six pounds; Oats, thirty-four pounds; Beans, sixty pounds; Clover seed, sixty pounds; Timothy seed, forty-eight pounds; Buckwheat, forty-eight pounds; Flax seed, fifty pounds; Hemp seed, forty-four pounds; Blue grass seed, fourteen pounds; Castor beans, forty pounds; Potatoes, turnips, carrots, parsnips, beets and onions, sixty pounds;

Bituminous coal, seventy pounds:

Penalty for contravention.

2. Every person who violates any provision of this section shall be liable, for a first offence, to a penalty not exceeding twenty-five dollars, and for each subsequent offence, to a penalty not exceeding fifty dollars. 48-49 V., c. 64, s. 2.

Standard weights of hay and straw in Quebec.

17. In the Province of Quebec, the following shall be the standard weights for hay and straw, unless the same is sold by the ton, or unless it appears that the parties to the contract agreed to the contract.—

A bundle of timothy, clover or other hay with a timothy band	15	lbs.	
A bundle of timothy, clover or other hay bound with			
A bundle of straw	12	"	
C S L C., c. 63, 88, 8 and 9			

How apples shall be packed for sale. 18. All apples packed in Canada for sale by the barrel shall be packed in good and strong barrels of seasoned wood made as nearly cylindrical as may be; the staves of such barrels shall be twenty-seven inches in length from croe to croe, with heads from sixteen and one-half to seven teen inches in diameter; and such barrels shall be sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails:

Penalty for contravention.

2. Every person who offers or exposes apples for sale by the barrel, otherwise than in accordance with the foregoing provisions of this section, shall be liable to a penalty of twenty-five cents for each barrel of apples so offered or exposed for sale. 48-49 V., c. 64, s. 3.

19. In using a Dominion measure of capacity the same Heaped shall not be heaped, but either shall be stricken with a measure forbidden. round stick or roller straight and of the same diameter from end to end, or if the article sold cannot, from its size or shape, be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article admits of. 42 V., c. 16, s. 18.

20. The table in the third schedule to this Act shall be Table in third schedule to deemed to set forth the equivalents in Dominion weights be used for and measures of the weights and measures therein exequivalents in metric pressed in terms of the metric system, and such table may system. be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system. 42 V., c. 16, s. 19.

Use of Dominion Weights and Measures.

21. Every contract, bargain, sale or dealing made or had be by standadic anada in respect of any work, goods, wares or merchan-ard weights dise, or other thing which has been or is to be done, sold, and measures: delivered, carried or agreed for by weight or measure, shall void. be deemed to be made and had according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had, shall be void, except when made according to the Exception as metric system; and all tolls and duties charged or collected system. according to weight or measure shall be charged and Tolls and collected according to one of the Dominion weights or mea-duties. sures ascertained by this Act, or to some multiple or part thereof:

2. Such contract, bargain, sale, dealing and collection of "Trade," what to be tolls and duties, as is in this section mentioned, is in this what to be deemed. Act referred to under the term "trade":

3. The use of local or customary measures, or of heaped Local weights, &c., measures, shall not be lawful:

4. Every person who sells by any denomination of weight Penalty for using other or measure other than one of the Dominion weights or using other massure other than one of the Dominion weights or than Dominion weights. measures, or some multiple or part thereof, and every public ion weights weigher or measurer who uses any weight or measure, or measures. who uses, in any certificate as to the weight or measure of any article weighed or measured by him, any other than one of the Dominion weights or measures, or some multiple or part thereof, shall be liable to a penalty not exceeding twenty dollars for every such sale, weighing or certificate. 42 V., c. 16, s. 20.

All articles sold by weight shall be sold by avoirdu- Weight to be avoirdu-Pois weight, except that,—

pois;-

Gold and silver, platinum and precious stones, and articles Except cermade thereof, may be sold by the ounce troy or by any tain articles which may

be sold by troy weight.

decimal part of such ounce, and all contracts, bargains, sales and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid:

Penalty for contravention. 2. Every person who violates this section shall be liable to a penalty not exceeding twenty-five dollars for each offence. 42 V., c. 16, s. 21.

Proviso: as to metric weights or measures, or decimal divisions.

23. No contract or agreement shall be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of Dominion weights and measures, whether metric or otherwise, are used in such contract or dealing. 42 V., c. 16, s. 22.

As to sales of articles in vessels. 24. Nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any amount of Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shown that such vessel is not used or intended for use as a measure. 42 V., c. 16, s. 23.

Unjust Weights, Measures and Weighing Machines.

Penalty for having false or unjust weights, scales or measures

Forfeiture.

25. Every person who uses or has in his possession for use, in trade, any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall incur a penalty not exceeding twenty-five dollars and not less than ten dollars, or, in the case of a subsequent offence, of fifty dollars; and any contract, bargain, sale or dealing made by the same shall be void; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 1.

Penalty for fraud by the use of false weights, &c.

Forfeiture.

26. When any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall incur a penalty of twenty-five dollars, or in the case of a subsequent offence, of fifty dollars; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 2.

Penalty for making or selling false weights, &c. 27. Every person who wilfully makes or sells, or causes to be made or sold, any false or unjust weight, measure, scale, balance, steelyard or weighing machine, shall incur a penalty not exceeding fifty dollars and not less than twenty five dollars, or in the case of a subsequent offence, of one hundred dollars. 47 V., c. 36, s. 3.

Stamping and Verification of Weights and Measures.

28. Every weight, except when the small size of the Lawful Weight renders it impracticable, shall have the denomination measures and of such weight stamped or engraved on the top or side thereof contrivances in legible figures and letters;

to be stamped.

Every measure of capacity shall have the denomination thereof stamped or engraved on the outside of such measure in legible figures and letters;

Every beam, steelyard or other weighing machine shall have marked upon some essential part of it the maximum weight Which it is constructed to weigh, and also on the weights or poises used with it, their actual weight when truly adjusted, in parts or multiples of the avoirdupois pound;

A weight or measure not in conformity with this section And no other. shall not be stamped with such stamp of verification under this Act, as is herein mentioned. 42 V., c. 16, s. 27.

gaugers measurer, surveyor, or other person, who uses, for stamped any purpose of buying, selling or charging for the carriage weights or measures or any purpose of buying, selling or charging for the carriage weights or measures or m of any goods, wares, merchandise or thing, or of measuring measures or any land, goods, materials or other thing, for the purpose of machines, in charging for or ascertaining the amount or price to be paid, or the charge to be made therefor, any weight or measure, or Weighing machine which has not been duly inspected and stamped according to this Act, is guilty of an offence against this Act, and shall, on conviction, incur a penalty not exceeding fifty dollars and not less than five dollars for each such offence; and every such unstamped weight, weighing Forfeiture, machine or measure so used, found in his possession, shall, &c. on being discovered by the inspector or his assistant, be forfeited and forthwith seized and broken by him, without suit or authority other than this Act:

2. Provided that no manufacturer of or dealer in weights, Exception as to makers or measures or weighing machines, who has in his possession dealers in dealers in for sale, any weight, measure or weighing machine, shall weights, mea be bound to have the same inspected and stamped according sures, &c. to this Act, so long as the same remains in his manufactory or Warehouse; but no such weight, measure or weighing machines, sold or taken machine shall be removed from his premises, sold or taken into use for trade without being inspected and stamped:

8. Every trader who is not a manufacturer of or dealer in Penalty on weights, measures or weighing machines, and who has in trader having unlawful weights, &c., in possession.

Forfeiture.

his possession any unstamped weight, measure or weighing machine, shall incur a penalty not exceeding fifty dollars and not less than five dollars for the first offence, and for each subsequent offence a penalty of fifty dollars; and such weights, measures or weighing machines shall be forfeited, and shall be forthwith seized by the inspector or his assistant. 42 V., c. 16, s. 28; -47 V., c. 36, s. 5.

As to weights of lead or pewter.

30. No weight made of lead or pewter, or of any mixture thereof, shall be stamped with a stamp of verification, or used for trade, unless it is wholly and substantially cased with brass, iron or copper, and legibly stamped or marked "cased:"

Penalty for violation.

2. Every person who violates any of the provisions of this section shall incur a penalty not exceeding twenty-five dollars, and in case of a second offence fifty dollars:

Proviso: as to plugs.

3. Nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is bond fide necessary for the purpose of adjusting it, and of affixing thereto the stamp of verification. 42 V., c. 16, s. 29.

Penalty for forging or counterfeiting stamps used under this Act. 31. Every person who forges or counterfeits any stamp used for the stamping, under this Act, of any weight, balance, weighing machine or measure, or used before the commencement of this Act for the stamping of any weight, balance, weighing machine or measure under any enactment repealed by this Act, or who wilfully increases or diminishes any weight or measure so stamped, or in any way alters or tampers with any balance, weighing machine or measure, which has been so stamped, so as to cause it to weigh or measure unjustly, shall incur a penalty of forty dollars for the first offence, and for each subsequent offence he shall be liable to a penalty of one hundred dollars and to imprisonment for a term of two months:

Or for knowingly using counterfeits. 2. Every person who knowingly uses, sells, utters, disposes of, or exposes for sale, any weight, balance, weighing machine or measure, with such forged or counterfeit stampthereon, or any weight, balance, weighing machine or measure so increased, diminished, falsified or tampered with, shall incur a penalty, for the first offence, not exceeding fifty dollars and not less than twenty-five dollars, and for each subsequent offence a penalty of one hundred dollars, and the weight, balance, weighing machine or measure shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 6.

Forfeiture.

ADMINISTRATION.

Central.

Minister of Inland Revenue to have **32.** The Minister of Inland Revenue shall have the custody of the Dominion standards of measure and weight,

and of the departmental standards, and of all balances, ap-custody of paratus, books, documents and things used in connection standards, &c. therewith or relating thereto. 42 V., c. 16, s. 31.

- 38. The Parliamentary copies of the Dominion standards Deposit of Parliamentary of measure and weight, mentioned in part two of the first tary standschedule to this Act, shall continue to be deposited as therein ards. $\mathbf{mentioned}$:
- 2. The Minister of Inland Revenue shall cause the Parlia-Periodical comparison mentary copies of the Dominion standards of measure and comparison of such Weight to be compared with each other once in every five standards. years, and once in every ten years with the Dominion standards of measure and weight. 42 V., c. 16, s. 32.
- Once, at least, in every five years, the Minister of And of Inland Revenue shall cause the departmental standards, for standards. the time being, to be compared with the Parliamentary copies of the Dominion standards of measure and weight made and approved in pursuance of this Act, and with each other, and to be adjusted or renewed if requisite:
- 2. A record shall be kept by the Minister of Inland Record of verification Revenue of all standards verified or re-verified, showing verification. full particulars of the results of such verification or reverification. 42 V., c. 16, s. 33.

35. The copies of the metric standards mentioned in the Copies of fourth schedule to this Act having been obtained and denderds and posited in the custody of the Minister of Inland Revenue, their use for ards and verified, all metric weights and measures which are submitted. are submitted to him for the purpose, and which are of such shape and construction as are, from time to time, directed under any Order in Council in that behalf, and which the minister is satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose within the meaning of this Act. 42 V., c. 16, s. 34.

36. All comparisons, verifications and other operations comparisons, verifications, with reference to standards of length, weight and capacity, ec., how shall be conducted under the supervision of the Commis-made. sioner of Inland Revenue, and generally he shall have such powers and duties in relation thereto as are assigned to him by the by the Governor in Council. The Commissioner of Inland Duty of Com-Revenue shall also conduct all such comparisons, verifications and other operations with reference to standards of venue with measure. measure and weight in aid of scientific researches, or other them, and as wise wise, as the Minister of Inland Revenue deems expedient; to standards and in and in consideration of the special qualifications and know-generally. ledge consideration of the special qualifications duties the Compensa ledge necessary for the proper discharge of such duties, the compensasaid commissioner may be paid, in addition to his salary as service.

commissioner, such further allowance, out of any moneys voted by Parliament for the purposes of this Act, as is directed by the Governor in Council. 42 V., c. 16, s. 35.

Local.

Appointment and duties of inspectors.

And of assis-

tants.

37. The Governor in Council may, from time to time, appoint one or more inspectors of weights and measures for each Province, and such number of assistants to each inspector as is, from time to time, found necessary, and may, from time to time, assign them inspection divisions, and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister of Inland Revenue; and the Governor in Council may assign to each inspector or assistant so appointed such remuneration or salary as is deemed expedient, not exceeding the amount voted by Parliament, and may also allow to each such inspector or assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties. 42 V., c. 16, s. 36.

Remuneration.

District inspectors. .

38. The Governor in Council may appoint any officer of the Department of Inland Revenue to the office of district inspector under this Act, and such officer shall discharge the duties assigned to him under this Act, in conjunction with and in addition to his other official duties. 42 V., c. 16, s. 37, part.

Oath of office.

39. Each inspector or assistant inspector shall, on appointment, take an oath for the faithful discharge of his duties, and shall give a bond, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus intrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for the duly accounting for all moneys collected by him. 42 V., c. 16, s. 37, part.

Inspector to be provided with local standards. 40. Each inspector shall be furnished by the Minister of Inland Revenue with one or more sets of standards, to be called "the local standards," carefully verified and authenticated by comparison with the departmental standards in the custody of the Minister of Inland Revenue, and with such apparatus as is requisite to enable him to perform his duties under this Act. 42 V., c. 16, s. 37, part.

Officers not to be makers or sellers of weights or measures, &c.

41. No officer appointed under this Act shall be a maker or seller of weights, balances, measures or weighing machines, but, under special departmental instructions in that behalf, he may be allowed to adjust or alter any weight verified by him or submitted to him for verification, and to collect, therefor, such compensation as is authorized by the Governor in Council. 42 V., c. 16, s. 38, part.

The "standards" and other apparatus shall be used Use of by the inspector or assistant into whose custody they are standards by inspectors. given solely for the purpose of comparing and verifying Weights, measures, balances and weighing machines used for purposes of trade. 42 V., c. 16, s. 38, part.

48. The inspector or his assistant shall perform such Duties of inspectors and duties incident to the verification of weights and measures, assistants. and of beams, scales, steelyards and other weighing machine the standchines, comparing and trying the same with the standard Weights and measures, and other apparatus in his possession, as are assigned to him under departmental regulations :

2. He shall, at all proper times, carefully examine and Examination and marking other all weights and measures, and all beams, scales or of weights, other Weighing machines of any kind, presented to him &c. Within his division; and when found correct and just he shall mark, stamp or brand the same in such manner as is, from time to time, directed by the Minister of Inland Revenue, Who shall furnish such stamps, brands and implements as he thinks proper for that purpose. 42 V., c. 16, s.

Every inspector or his assistant shall, upon such days Times and and at such places within his district as he, from time to spection and time, appoints in pursuance of such departmental regula-verification. tions as are made in that behalf—and of which days or places public notice shall be given in the manner provided by such regulations,—attend with his inspection standards weights, balances, measures and weighing machines, and shall to shall then and there inspect and verify, and if found cor-Stamping, rect. then and there inspect and verify, and if found cor-Stamping, when rect, shall stamp and certify all weights and measures, bal- found correct. ances and other weighing machines. 42 V., c. 16, s. 40.

45. The inspector or his assistant may, at all reasonable Power of intimes, Without notice, enter any shop, store, warehouse, stall, spectors to yard. yard or place whatsoever, within his division, where any accomcommodity is bought, sold, exposed or kept for sale, or where a charge is made for the carriage or conveyance thereof by Weight or measure, and there examine all weights, measures, beams, scales, steelyards or other weighing machines, and companies, scales steelyards or other weighing machines, and compare and try the same with the local standards of weight weight and measure in his possession; and he shall do so Without from 1: from time to time, and without previous notice, so as best previous to income to time, and without previous notice. to insure compliance with the provisions of this Act, and the direction thereof: and the discovery and punishment of any violation thereof; and To inspect he shall be shall he shall attend at any reasonable time and place, and when on if not other than the shall attend at any reasonable time and place, and when on if not otherwise or not otherwise engaged in the performance of his duties, for otherwise on the purpose and non-duty. the purpose of inspecting and verifying any fixed and non-duty. Portable weighing machine in his division; and he may also,

tions.

Inspection on subject to regulations made by the Governor in Council in request, subrequest, sub-ject to regulainspect, verify, stamp and certify any weights, measures weighing machines, at the request of the owner thereof, and at any place in his division. 42 V., c. 16, s. 41.

Penalty for obstructing inspector or assistant.

46. Every person who wilfully obstructs or impedes any inspector or assistant inspector in the performance of his duty under this Act, or under any Order in Council of departmental regulation lawfully made under it, and every person who aids or assists him in so doing, shall incur penalty of one hundred dollars. 47 V., c. 36, s. 7.

Inspector to keep a

47. The inspector shall keep a book in which he shall enter minutes of all verifications made by him or his assistant spections, &c. tant, and at the time of every inspection he or his assistant shall deliver to the owner of any weight or measure, or weighing machine verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and specifying the weight measure or weighing machine inspected. 42 V., c. 16, s. 42

Re-inspection at certain periods.

48. Within four months after the expiration of two years from the first verification and stamping, and within a period of two years after each subsequent verification, every weight, measure and weighing machine shall be again inspected and verified, and a new certificate of such inspection and verification obtains a such inspection and verification of the such inspection of the s cation obtained from the proper inspector; and the production of the tion of the certificate shall be prima facie evidence of the verification or stamping, or re-verification having taken place within the period prescribed by law. 42 V., c. 16, s. 43.

Refusing to produce

49. Every person, not being a manufacturer, dealer in or importer of weights, measures or weighing machines, for inspection. who refuses to produce for inspection, when required so to do by any inspector or inspector's assistant appointed under this has a large of the day this has a large of the large of der this Act, all weights, measures and weighing machines in his possession, and used for any purpose of trade; and

Or refusing to permit inspection.

Every manufacturer of, dealer in or importer of weights, measures or weighing machines, who refuses to permit the inspection, when required in the manner herein provided, of any weights, measures or weighing machines about to be removed from his premises to be used for purposes of trade, or who permits any such weights, measures or weighing machines to be so removed without having been first inspected and stamped as herein required,-

Penalty.

Shall, for a first offence, incur a penalty not exceeding twenty-five dollars and not less than five dollars, and each subsequent offence a penalty of fifty dollars:

Provided always, that the provisions of this section shall Proviso: as not be construed as imposing any penalty on a manufacturer to dormant scales. of, dealer in, or importer of weights, measures or weighing machines in respect of any dormant scales, which cannot be properly verified until set upon a fixed foundation. c. 86, s. 8.

No weight, measure or weighing machine duly As to weights and measures, stamped by any inspector, or other person hereby authorized &c., stamped to a stamped by any inspector, or other person hereby authorized &c., stamped to examine and stamp the same, shall be subject to be re-in any divistamped, although the same is used beyond the limits of in another. the inspection division within which it was originally stamped, but shall be considered as a lawful weight or measure or weighing machine throughout Canada, unless found defective or unjust on any subsequent periodical or other inspection—to which it remains subject, as provided by this Act—by the inspector or his assistant for the division in which it then is. 42 V., c. 16, s. 45.

Manie If any inspector or inspector's assistant stamps or Penalty for marks any balance, beam, weight or measure, or weighing stamping any weight, &c., machine, without having first duly compared and verified without the same with the standard or other authorized instrument verifying it. in his possession for the purpose, he shall, on conviction, incur a penalty not exceeding fifty dollars for each offence. 42 V., c. 16, s. 46.

Every inspector or assistant inspector, who, without Penalty on inspector of inspec authority from the Minister of Inland Revenue, knowingly inspector or stamped from the Minister of Inland Revenue, knowingly assistant stamps any balance, weight, measure or weighing machine, stamping out below. belonging to any person residing within the limits of any of his proper in any person residing within the limits of any division. inspection division for which another inspector has been laws. lawfully appointed, shall, on conviction, incur a penalty not exceed weight measure or exceeding five dollars for every balance, weight, measure or Weighing machine so stamped. 47 V., c. 36, s. 9.

Delivery of Liquids in Casks.

For the purpose of the following sections of this Act, Interpretathe expression "cask" means and includes every vessel constructed for holding liquids, and made of staves and headings bound together by hoops. 38 V., c. 36, s. 2.

The capacity of any cask shall, in all cases of dis- How the pute, be determined by the weight of rain water it holds, capacity shall the water it holds, capacity shall be ascertained the water being at a temperature of sixty-two degrees of in case of Fahranian being at a temperature of sixty-two degrees of in case of such water dispute. Fahrenheit's thermometer, and ten pounds of such water dispute. being being reckoned as equal to one gallon; and the determination by such weighing by an inspector or deputy inspector of was such weighing by an inspector or deputy inspector. of weights and measures, or by an officer of Inland Revenue, authorized thereto under departmental regulations, of the contents of the cont contents of any cask, shall be final and conclusive. 38 V., c. 36, s. 4.

Capacity of cask containing liquids subject to excise, to be marked on bung stave.

55. No malt liquors or any other liquids subject to excise that have been put into any cask in Canada, shall be delivered in the cask to the purchaser unless the capacity of the cask in which delivery is made is legibly marked in college and not for the cask in which delivery is made is legibly marked in college and not for the cask in which delivery is made is legibly marked in college. gallons, and parts of a gallon, on the bung stave thereof; and such marking shall be cut or branded in the wood, in characters not less than in characters not less than one inch and a-quarter in height; except only that such marking shall not be necessary, in casks on which the quantity of liquid then contained them has been marked. them has been marked or verified in compliance with excise

Exception.

Offences.

56. Every public gauger or other person who—

regulations then in force. 38 V., c. 36, s. 1.

Wrongfully marking cask.

(a) Marks or causes to be marked on any cask as its capacity, a quantity greater than such cask will hold; or

Using falsely marked cask.

(b) Who uses or causes to be used, for the delivery to a tropy male is purchaser of any malt liquors or any other liquid subject to excise but into a section of any other liquid subject to excise, put into a cask in Canada, any cask so falsely marked or marked; or—

Or unmarked cask.

(c) Who, except as herein provided, delivers any such liquid put into a cask in Canada, in a cask not marked as herein required,—

Penalty for such offences.

Is guilty of an offence against this Act, and shall incur so penalty of ten dollars for every cask so falsely marked or so used without being first received. used without being first properly marked, and a penalty of double the amount for every subsequent offence. 36, s. 3.

GENERAL PROVISIONS.

Regulations purposes.

- 57. The Governor in Council may, from time to time, in Council for make regulations concerning any of the subjects following, certain that is to say: that is to say:—
 - (a) The guidance of the inspectors and their assistants in the performance of their duties;
 - (b) The replacement and use of the standards;
 - (c) The methods of verifying local standards or weights easures weighing machine measures, weighing machines and balances, and of certifying such verification. such verification;
 - (d) The amount of error that may be tolerated in weights, measures, balances and weighing machines;
 - (e) The shapes, dimensions and proportions to be required weights, weighing machine. in weights, weighing machines and measures, and materials of which they may be made;

(f) The marking on weights and measures authorized under this Act, of their several denominations:

And such regulations shall be published in the Canada Publication. Gazette. 42 V., c. 16, s. 48.

- 58. The Governor in Council may, from time to time, Governor in Council may make a tariff of fees to be paid to the inspectors or their may make tariff assistants for inspecting and stamping weights and measures, of fees. balances, beams and other weighing machines, under this Act; and the Order in Council containing such tariff and Publication, reconstruction of the Publication of the Order in Council containing such tariff and Publication. regulations, and any repeal or amendment thereof, shall be Published in the Canada Gazette; and the said fees shall Application of fees. form Part of the Consolidated Revenue Fund of Canada. 42 of fees. V., c. 16, s. 49.
- stamping or verification, to the inspector or his assistant, who shall be paid. shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such fee, and shall, at the time of affixing the same, write or mark thereon, in such manner as is directed by departmental regulations, the date at which it is affixed; and no certificate shall be valid or avail for any Stamp to be purpose whatsoever unless the requisite stamp or stamps certificate. have been duly affixed and remain affixed thereto and cancelled. 42 V., c. 16, s. 50.

160. If any person refuses to pay the inspection fees pay-Power to seize weights, &c., able by him, on demand of the inspector or assistant inspectifithe inspector tor, such inspector or assistant inspector may seize sufficient tor's fees are of the inspector or assistant inspector may seize sufficient tor's fees are of the weights, measures or weighing machines, for the not paid. inspection whereof such fees are due, to secure the same, and retain them until the fees and all expenses incurred are paid, and shall forthwith institute proceedings for the recovery thereof and costs, as provided by section sixty-three. 47 V., c. 36, s. 10.

- The Governor in Council may, from time to time, Adhesive direct adhesive stamps, bearing such device as he thinks use under proper adhesive stamps, bearing such device as he thinks use under this Act proper, to be prepared for the purposes of this Act, and may this Act. defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada:
- 2. The device on such adhesive stamp shall express the Device value thereof, that is to say, the sum at which it is to be thereon. reckoned in payment of the duty hereby imposed. 42 V., c. 16, s. 51.
- 62. Separate accounts shall be kept of all expenditure Accounts incurred and of all fees and duties collected and received under this under the under the authority of this Act; and a correct annual state-

ment of the same up to the thirtieth day of June then last past, shall be laid before Parliament within the first fifteen days of the then next session thereof. 42 V., c. 16, s. 52.

PROCEDURE.

Recovery of penalties and enforcement of forfeitures.

63. All penalties imposed by this Act, or by any regulation made and regulation made a lation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction, or before any justice of the peace for the district, county or place in which the offence is committed, if such penalty does not exceed fifty dollars, and before any two such justices, if it exceeds fifty dollars,—upon proof by confession, or by the oath of one credible witness; and the amount may, if not forthwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such justice or justices,—by whom also any imprisonment to which the offender is liable may be awarded; and the provisions of the "Act respecting summary proceedings before Justices of the Peace," shall, subject to the provisions of this Act, apply to all proceedings thereunder. 42 V., c. 16, s. 53, part.

How levied, if not forthwith paid.

Application of penalties.

64. A moiety of every penalty so recovered shall belong to the person who sues for the same, not being an inspector or an assistant inspector, and the other moiety or, if the person suing is an officer acting in pursuance of this Act, the whole penalty, shall belong to Her Majesty. 42 V., c. 16, s. 53, part.

Sub-section 3, of 42 V., c 16, s 53, omitted as inconsistent with sub-section 2.

Disposal of forfeited weights, &c.

65. All false weights, beams, balances and weighing machines seized as forfeited under this Act, shall be delivered to the district inspector, for the district in which the offence is committed, in whose custody they shall remain, subject to the order of the Minister of Inland Revenue. 42 V., c. 16, s. 53, part.

Forfeited articles or money voluntarily abandoned, how to be dealt with. 66. If any weight, beam, balance, measure or weighing machine is voluntarily given up or abandoned by the owner thereof to any inspector or assistant inspector of weights and measures, as forfeited under this Act, or if any sum of money is voluntarily paid to any such inspector or assistant inspector, with the consent and approval of the Minister of Inland Revenue, as the amount of any penalty under this Act, such abandonment or payment shall be deemed to be a lawful abandonment or payment; and the weight, beam, balance, measure or weighing machine so abandoned or given up may be dealt with as if forfeited under this Act, and the sum of money so paid may be dealt with as if it was a penalty recovered under this Act. 48-49 V., c. 64, s. 4.

Reme ly of person aggrieved by

67. Every person aggrieved by the use of any weight or measure, or weighing machine, which has not been duly in

spected and stamped according to this Act, or which is false weights, found light, deficient or otherwise unjust, may recover &c. treble damages and treble costs. 42 V., c. 16, s. 53, part.

68. No action or prosecution shall be brought against Limitation of any person for any penalty imposed by this Act, unless the same is commenced within six months after the offence is committed. 47 V., c. 36, s. 11.

SCHEDULES.

FIRST SCHEDULE.

PART I.

DOMINION STANDARDS.

The following standards were constructed under the direction of the Commissioner of Inland Revenue:

The Dominion standard for determining the length of the Dominion standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about onetenth of an inch in diameter, and upon the surface of each pin are cut, a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Yard" "A," "Troughton and Simms, London." There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the bar, two holes for the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also, on the upper side of the standard Yard" "A," "There are also yet also yet also yet also yet also yet als holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Dominion standard for determining the weight of the Dominion standard for determining the form 1 inch in height form being that of a cylinder nearly 1.35 inch in height and 1.15 inch in diameter, with a groove or channel round it, the middle in diameter is a second to the middle in diameter. the middle of which is about 0.34 inch below the top of the cylinder of which is about 0.34 inch below the top of the cylinder, for insertion of the points of the ivory fork by

which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked "A." The weight of this standard in terms of the Imperial standard is 6999.97694 grains when both are weighed in vacuo and 6999.98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is to be made when comparing other standards.

The Dominion standard for determining the weight of the Dominion standard Troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly $\frac{12}{10}$ of an inch in height, including the knob, the knob being nearly $\frac{1}{4}$ inch and the base of the cone $\frac{1}{2}$ inch in diameter respectively, and such standard Troy ounce is marked "A." The weight of this standard in terms of the Imperial standard is 479.99197 grains when both are weighed in vacuo, and 480.03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is to be made when comparing other standards.

PART II.

PARLIAMENTARY COPIES OF DOMINION STANDARDS.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

- (1) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "B," "Troughton and Simms, London," one of the copies of the Dominion standard for determining the Dominion standard pound, marked "B," and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce marked "B," have been deposited with the Speaker of the Senate. This copy of the standard yard is standard at a temperature of 62·16° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999·98312 grains.
- (2) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "C," "Troughton and Simms, London," one of the copies of the Dominion

standard for determining the Dominion standard pound, marked "C," and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce, marked "C," have been deposited with the Speaker of the House of Commons. This copy of the standard yard is standard at a temperature of 61.45° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999.98367 grains. 42 V., c. 16, 1st sch.

SECOND SCHEDULE.

DEPARTMENTAL STANDARDS.

	11	
	Measures of Length.	Measures of Capacity.
No. of each.	Denomination of Standard.	Denomination of Standard.
1 2 1 1 1	100 feet. 66 feet or chain of 100 links. 10 feet end measures, with bed. 6 feet end measure, with bed. 3 feet or 1 yard. 1 inch divided into 10 decimal parts, one of which is again divided into ten sub-divisions of 10th of an inch each.	Set marked "a." Bushel. Half-bushel. Peck. Gallon. Half-gallon. Quart. Pint. Half-pint. Gill. Half-gill.
		Set marked "b." Bushel. Half-bushel. Peck. Gallon. Half-gallon. Quart. Pint. Half-pint. Gill. Half-gill.

WEIGHTS.

	W ElGIII.		
Denomination of Standard.	Denomination of Standard.	Denomination of Standard	
Avoirdupois Weights.	Troy Bullion Weights.	Decimal Grain Weights.	
Set marked "a."	Set marked "a."	Set marked "a."	
50 pounds. 30 do 20 do 10 do 5 do 3 do 2 do 1 pound. 8 ounces. 4 do 2 do 1 ounce. 8 drams. 4 do 2 do 1 dram. 1 do 5 pound. 3 do 1 dram. 2 do 1 do 1 do 05 do 01 do 005 do 003 do 003 do	500 ounces. 300 do 200 do 100 do 50 do 30 do 20 do 10 do 5 do 3 do 2 do 1 do 5 do 1 do 5 do 1 do 5 do 0 do 1 do 5 do 0	1,000 grains. 600 do 300 do 200 do 100 do 60 do 30 do 20 do 10 do 6 do 20 do 1 do 6 do 2 do 1 do 6 do 2 do 1 do 6 do 0	
'001 do Set marked''b.''	Set marked " b.''	Set marked "b."	
50 pounds. 30 do 20 do 10 do 5 do 3 do 2 do 1 pound. 8 ounces. 4 do 2 do 1 ounce. 8 drams. 4 do 2 do 1 dram. 1 do 5 pound. 3 do 2 do 1 do 05 do 03 do 005 do 003 do 003 do 003 do	500 ounces. 300 do 200 do 100 do 50 do 30 do 20 do 10 do 5 do 3 do 2 do 1 do 5 do 3 do 2 do 1 do 6 3 do 2 do 1 do 6 3 do 6 2 do 7	1,000 grains. 600 do 300 do 200 do 100 do 60 do 30 do 20 do 10 do 6 do 3 do 2 do 1 do 6 do 3 do 2 do 1 do 6 do 0	

THIRD SCHEDULE.

Tables of the Values of the principal denominations of Measures and Weights of the Metric System, expressed in terms of the Standard Measures and Weights of Canada.

1.—MEASURES OF LENGTH.

Metric Denominand Value	nations s.	Equivalents expressed in terms of the Standard of Canada.			
_	Metres	In Standard yards and decimal parts of a yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.	
Miriametre	1000 100 10 1	10939 444444 1093 944444 109 394444 10 939444 1 1093944 109394 010939	3!818:333333 3281:83333 328:183333 33:818333 3:281833 3:28183 032818 032818	49724 · 74747 4972 · 47475 497 · 24747 49 · 72475 4 · 97247 • 49725 • 04973	

2.—Measures of Surface.

Metric Denominations and	Value.	Equivalents expressed in terms of the Standard of Cauada.		
_	Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.	
Hectare		11967·1444 1196·7144 119·6714 1·1967	247255·0511 24725·5051 2472·5505 24·7255	

3.—WEIGHTS.

Metric Denominations and	d Value.	Equivalents expressed in terms of the Standard of Canada.		
·	Grams.	In pounds Avoirdu- pois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.	
Millier Quintal Myriagramme Kilogramme Hectogramme Decagramme Decigramme Centigramme Milligramme Milligramme	1000000 100000 10000 1000 100 10 1 1 10 10	2204·62125 220·46212 22·046212 2·204621 ·220462 ·022046 ·002204 ·0002204 ·0002204 ·0000220	15·4323487 1·5432349 •1543235 •0154323	

4.—MEASURES OF CAPACITY.

Metric Denominations and Value.			Equivalents expressed in terms of the Standard of Canada-	
_	Cubic Metres.	Litres.	In Imperial gallons and decimal parts of an Imperial gallon.	
Kilolitre	1 10 100 1000 1000 10000	1000 100 10 1 1 10	220 · 2443 22 · 0244 2 · 2024 • 2202 • 0220 • 0022	

42 V., c. 16, 3rd sch.

FOURTH SCHEDULE.

METRIC STANDARDS.

List of Metric Standards in the custody of the Inland Revenue Department.

MEASURES OF LENGTH.

Metre.

The Dominion standard for determining the length of the metre is a solid square bar, forty-one and a-half inches long, and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being one metre or thereabout) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar, and two lines at an interval of about one hundredth of an inch parallel to the axis of the bar. The measure of length of the metre is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and, such bar is marked "Mr. Baily's metal," "Standard Metre, "Troughton & Simulation of the said gold plugs or pins, and, such bar is marked "Mr. Baily's metal," "Standard Metre, "Troughton & Simulation of the said gold plugs or pins, and, such bar is marked "Mr. Baily's metal," "Standard Metre, "the "Troughton & Simms, London." There are also on the upper side of the bar two holes for the insertion of the bulbs of suitable thermometers for the determination of the tem perature. This standard is shorter than the French standard "Metre des archives," by 00147 of a millimetre at Centigrade, or 32° Fahrenheit, or is standard at 32.16° Fahrenheit.

WEIGHTS.

Kilogramme.

The Dominion standard for determining the weight of the Kilogramme is of bronze, the form being that of a cylinder with a knob, the cylinder having a groove cut in it at about two-thirds of its height. Its value as compared with the French Standard Kilogramme is 10000002.45 milligrammes, or 1.00000245 of a Kilogramme.

METRIC WEIGHTS.

/ No. of	Denomination.	No. of each.	Denomination.
1112112112112	20 Kilogrammes. 10 do 5 do 5 do 1 Kilogramme. 500 Grammes. 200 do 100 do 50 do 20 do 10 do 5 do 20 do 1 Gramme.	1 1 2 1 2 1	5 Decigrammes. 2 do 1 Decigramme. 5 Centigrammes. 2 do 1 Centigramme. 5 Milligrammes. 2 do 1 Milligramme.

42 V., c. 16, 4th sch.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
38 V., c. 36 42 V., c. 16 47 V., c. 36 48-49 V., c. 64 C.B.L.C., c. 63	s. 16, s. 55 and sub-s. 3 of s.53.	s. 2, sub-s. 2• of s. 16, s. 55 and sub-s. 3 of s.		

CHAPTER 100.

An Act respecting Canned Goods.

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

Interpretation. "Package." 1. In this Act the expression "package" means every can, tin or package in which articles or goods are put up for sale and which are closed by being hermetically sealed. 48-49 V., c. 63, s. 1.

Name and address of packer to be stamped on packages. 2. Except in the case of goods packed previously to the twentieth day of July, one thousand eight hundred and eighty-five, every package of canned goods sold or offered for sale in Canada, for consumption therein, shall have attached thereto or imprinted thereon a label or stamp, setting forth in legible characters the name and address of the person, firm or company by whom the same was packed, or of the dealer who sells the same or offers it for sale:

Dried goods.

2. Every such package containing goods prepared from products which have been dried previously to being so prepared, shall, in addition, be labelled or stamped with the word "soaked:"

Penalty for contravention.

3. Every person who sells or offers for sale any such goods in violation of any provision of this section shall, on summary conviction before a justice of the peace, for a first offence, incur a penalty of two dollars for each such package, and for a subsequent offence a penalty not exceeding twenty dollars and not less than four dollars, for each such package in respect of which any such provision has been violated. 48-49 V., c. 63, s. 2.

Penalty for misrepresentation of contents. 3. Every person who places on any package any label, brand or mark which falsely represents the quantity of weight of the contents of such package, shall, on summary conviction before a justice of the peace, incur a penalty of two dollars for each package on which the quantity or weight is so falsely represented: Provided always, that a variation under the rate of three per cent. shall not be deemed a violation of the provisions of this section.

48-49
V., c. 63, s. 3.

Or of date when packed. 4. Every person who places on any package any label, brand or mark which falsely represents the date when the

article or goods contained therein were packed, shall, on summary conviction before a justice of the peace, incur a penalty of two dollars for each package on which such date is falsely represented. 48-49 V., c. 63, s. 4.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
48-49 V., c. 63	The whole except s. 5.	s. 5.	·	

CHAPTER 101.

An Act respecting the Traffic in Intoxicating Liquors.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Canada Temperance Act." 41 V., c. 16, s. 1.

INTERPRETATION.

Interpreta-

2. In this Act, unless the context otherwise requires:

"Intoxicating liquors."

(a) The expression "intoxicating liquors" means and includes any and every spirituous or malt liquor, and every wine, and any and every combination of liquors or drinks that is intoxicating, and any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating;

"County."

Provision as to the word "County" as respects the Proviince of Manitoba.

(b) The expression "county" includes every town, township, parish and other division or municipality, except a city, within the territorial limits of the county, and also union of counties united for municipal purposes; and as the electronic of Manitoba, the expression "county" means the electronal districts therein, as designated by Representation Act." 41 V., c. 16, s. 2;—42 V., c. 50, ss. 2 and 4.

This section has been amended in consequence of the passing of the Representation Act, 45 V., c. 3, defining the electoral districts of Manitoba, since the passing of 42 V., c. 50.

DIVISION OF ACT.

Division of Act.

3. This Act is divided into three parts,—

The first part relating to proceedings for bringing the second part of this Act into force:

The second part relating to the prohibition of traffic in intoxicating liquors:

The third part relating to penalties and prosecutions offences against the second part.

New.

FIRST PART.

PROCEEDINGS FOR BRINGING THE SECOND PART OF THIS ACT INTO FORCE.

Mode of obtaining Poll.

- 4. Any petition to the Governor in Council for the bring- Form of petition ing of the second part of this Act into force in any county Governor or city, may be in the form A in the schedule to this Act, or in Council. in Words to the same effect. 41 V., c. 16, s. 4.
- Such petition may be embodied as in form A in the Form of no-Schedule to this Act, in a notice in writing addressed to the tice of desire secretary of State of Canada and signed by electors qualified of electors and some of the taken. and competent to vote at the election of a member of the taken. House of Commons in the county or city, to the effect that the signers desire that the votes of all of such electors, hereinafter termed electors, be taken for and against the adoption of the Petition. 41 V., c. 16, s. 5.
- 6. There shall be laid before the Secretary of State, to Evidence of Sether with, or in addition to, every such notice, evidence given by on that +1 that there are appended to it the genuine signatures of at fourth of elecleast one-fourth in number of all the electors in the county tors. or city named in it, and that such notice has been deposited for not tan days precedfor public examination by any person, for ten days preceding its process of State in the office ing its being laid before the Secretary of State, in the office of the sheriff or registrar of deeds of or in the county or city, or in the Province of Manitoba, in any registry office in the respective electoral districts, or in any sheriff's office in such district has been given in two newspapers published in or nearest to the to the county or city, and by at least two insertions in each paper. 41 V., c. 16, s 6;—42 V., c. 50, s. 3.

7. If it appears by evidence to the satisfaction of the In that case a proclamation beganning to making the proclamation beganning. Governor in Council that any such notice has appended to proclamation may issue. it the genuine signatures of one-fourth or more of all the electors genuine signatures of one-fourth or more of all the electors in the county or city named in it, and has been duly deposited as aforesaid, after notice as aforesaid, the Governor in Council may issue a proclamation under this part of this Act. 41 V., c. 16, s. 7.

- 8. Such proclamation shall be inserted at least three Proclamation mes in 11 proclamation shall be inserted at least three Proclamation mes in the official and publish times in the Canada Gazette, and three times in the official to be publish Gazette of the Canada Gazette, and three times in the official ed. Gazette of the Province in which the county or city is situated. 41 V., c. 16, s. 8.
 - 9. In such proclamation there may be set forth,—

What may be set forth in the proclamation.

(a) The notice in full, with the proposed petition embodied Notice.

Signatures.

- (b) The number of the signatures to the notice;
- Day of poll.
- (c) The day on which the poll for taking the votes of the electors for and against the petition will be held;

Hours.

(d) That such votes will be taken between the hours of ne o'clock in the foreverse the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, by ballad of that day, by ballot;

Returning officer.

(e) The name of the sheriff, registrar or other person appointed returning officer for the purpose of taking, attended the votes of the control of the purpose of taking, attended to the purpose of taking, attend that day, the votes of the electors for and against the petition, and of afterwards tion, and of afterwards summing up the same and making a return of the result to the Governor in Council;

Deputies.

(f) The power of the returning officer to appoint a deputy returning officer at and for each polling place or station;

Representatives.

(g) The place where, and the day and hour when, the returning officer will appoint persons to attend at the various polling stations. various polling stations, and at the final summing up of the votes on behalf of the votes on behalf of the persons interested in, and promoting or opposing respectively, the adoption of the petition;

Place and date of final summing up.

(h) The place where, and the day and hour when, the step of the electors will be votes of the electors will be summed up, and the result of the polling declared by the the polling declared by the returning officer;

Date when second part will go into force.

(i) The day on which, in the event of the petition being onted by the electors the adopted by the electors, the second part of this Act will go into force in the country into force in the county or city in question;

General matters.

And any such further particulars with respect to the taking and summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the votes of the electors as the Governor in Council sees for the second summing up of the second sees for the nor in Council sees fit to insert therein:

No polling on certain days.

2. No polling of votes under this Act shall be held in any city or county on the same day that any election takes place in such city or county for in such city or county for a member to serve in the Parlie ment of Canada or in any of the land of ment of Canada or in any of the local Legislatures of any of the Provinces of Canada 41 W

Returning Officers and their Duties.

Who may be appointed returning officers.

10. Either the sheriff or the registrar of deeds, or one of the registrar of deeds or one of the registrar of deeds of the registrar of deeds or one of the registrar of de the sheriffs, or one of the registrars of deeds, for the county or city, or for a portion of the or city, or for a portion of the county or city in which the poll is to be held or the posterior of the county or city in which and poll is to be held, or the nearest sheriff or registrar, or other person may be appointed other person, may be appointed returning officer in any case under this part of this Art case under this part of this Act; and the naming of the person in any proclamation in the same of the person in any proclamation issued under this Act shall sufficient appointment and are sufficient appointment and sufficient evidence of the Pointment of such person as returning officer for the purposes. poses mentioned in the proclamation. 41 V., c. 16, s. 10.

ficer on receiving a copy of the proclamation, the returning Returning officer shall forthwith indorse thereon the date on which officer to take oath of officer. the receives the same; and before taking any further action of office is shall take, before a justice of the peace, the oath of office in the form B in the schedule to this Act. 41 V., c. 16, s. 11.

All persons qualified to vote at the election of a mem-qualification of the persons qualified to vote at the election of a mem-qualification of voters. ber of the House of Commons, in the county or city to which of voters. any proclamation issued under this Act relates, on the day on which which a poll is held in compliance with such proclamation, and no others, shall be qualified to vote and to have their votes polled on that day, for or against the adoption of the petis: petition mentioned in such proclamation. 41 V., c. 16, s. 12

18. The returning officer shall ascertain from the lists of Returning Toters Which, under the provisions of this Act, are to be officer to assert at the certain who can be officer Which, under the provisions of this Act, are certain the where the polling of votes—and, in any county or city are qualified where the polling of votes. Where there are voters entitled to vote but there are no lists to vote. of voters, from such other information as is within his reach of persons reach—the number of, or probable number of persons qualified to vote in each town, parish, township, local nunicipality or other locality in the county, or ward in the city milest and if such town, city where voters are so entitled to vote; and if such town, To subdivide parish, township, local municipality or other locality or such polling disward have been polling distoral purposes into tricts. ward, has not been subdivided for electoral purposes into tricis. polling districts by the Legislature, or by the local authorities under it under the legislation of the Province wherein such county or city is a the then last city is situate, or by the returning officer at the then last election that the county election of a member of the House of Commons in the county or city, he shall subdivide such town, parish, township, local municipal subdivide such town, parish, township, local municipality or other locality in the county, or ward in the city in the county, or ward in the city, into polling districts in a convenient manner, so that there shall polling districts in a district for every two hunthere shall be at least one polling district for every two hundred was a least one polling district for every two hundred was a least one polling district for every two hundred was a least one polling district for every two hundred was a least one polling district for every two hundred was a least one polling district. dred voters; and he shall also fix a polling station in a cen- And fix a polling and and the ing station, or a cen- and the ing station in each tral and convenient place in each polling district; and the ing station, or returning officer may, in his discretion, grant such additional polling district. polling officer may, in his discretion, grant such additions places in such polling districts as the extent of the trict. district and the remoteness of any body of its voters from the Polling place renders necessary, although the voters thereof and place renders necessary, although the voters there specified 41 V., c. thereof are less than the number above specified. 41 V., c. 16, s. 13, part.

14. The returning officer shall, eight days at least before Returning eday of the electors unrefices the day on which the poll for taking the votes of the electors up notices infor and against the poll for taking the votes of the electrical up notices in his hand, indicate, with reference to the holding of such and limits of poll, the source, with reference to the holding of such and limits of him and the ter-polling dispoll, the several polling stations fixed by him, and the ter-polling distional line several polling stations fixed by him, and the ter-polling distinctional line several polling stations. ritorial limits to which they shall respectively apply, and tricts.

shall cause the said notice to be posted up at four of the most prominent and most prominent and conspicuous places in each polling district 41 V o 10 12 trict. 41 V., c. 16, s. 13, part.

Further duties.

15. Every person so appointed returning officer shall

Deputies.

(a) Appoint, by a commission under his hand, in the form C in the schedule to this Act, one deputy returning officer for each polling district comprised in the county, the city, who shall, before acting as such, take before returning officer or a justice of the peace, the oath of office, in the form D in the schedule to this Act;

Lists of voters.

(b) Furnish each deputy returning officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the electors qualified to vote at the election of a member of the House of Commons, at the polling station for which he is appointed, such copy being first certified by himself or by the proper custodian of the lists from custodian of the lists from which such copies are taken;

Ballot boxes.

(c) Deliver to each deputy returning officer, eight days the the control of the c at least before the polling day, a ballot box to receive add ballot papers of the voters,—which ballot box shall be made of some dynable and the sound of sou of some durable material, with one lock and key, and a the or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be with drawn therefrom, unless the box is unlocked;

Ballot papers.

(d) Furnish each deputy returning officer with a sufficient number of ballot papers (all being of the same description and as nearly same description and as nearly same description and as nearly same description. tion, and as nearly as possible alike) to supply the number of voters on the list of supply the number the of voters on the list of such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and with the necessary materials for such polling district, and the necessary materials for such polling district and the necessary materials and the necessary material necessary materials for voters to mark their ballot papers;

Directions.

(e) Furnish to each deputy returning officer, at legst ten copies of printed directions, for the guidance of voters in voting—which printed directions. in voting,—which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause to be under the day of polling, cause to be posted up in some conspicuous places outside of the polling station outside of the polling station, and also in each compartment of the polling station. of the polling station. 41 V., c. 16, s. 14.

16. The returning officer shall obtain the different lists of oters, or copies or oversate the lists of voters. voters, or copies or extracts thereof, from the registrars, city of town clerks, clerks of the peace, clerks of the municipalities or such other officers. or such other officers as are, by law, the proper custodians of such lists or of dalof such lists, or of duly certified duplicates or copies there of: and the lists of the certified duplicates or copies there of and the lists of the certified duplicates or copies there of the certified duplicates or copies the certified duplicates or copies there of the certified duplicates or copies there or copies the certified duplicates or certified duplicates or copies the certi of; and the lists of voters which would be used at an election of a member of the TV tion of a member of the House of Commons, in the same district at the same time. district at the same time, shall be the lists of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and a state of voters which shall be used at every and the same time, and the same time, and the same time, and the same time, and the same time which shall be used at every and the same time. shall be used at every polling of votes under the provisions of this Act; and every such officer who omits or refuses to Penalty for refusers' lists, refused to furnish such lists, copies or extracts of the voters' lists, furnish lists. Within a reasonable time, to the returning officer requiring the same, shall incur a penalty not exceeding two thousand dollars. dollars and not less than two hundred dollars. 41 V., c. 16,

- Whenever the returning officer fails to furnish to the If ballot box deputy returning officer in any polling district, the ballot is not furnished. Within the time prescribed by this Act, such deputy returning officer in any polling district, the ballot is not furnished. returning officer shall cause one to be made. 41 V., c. 16, s. 16.
- 18. The ballot of each voter shall be a printed paper, in Form of ballot papers. this Act called a ballot paper, with a counterfoil, and the lot papers. ballot paper and counterfoil shall be according to the form E in the schedule to this Act. 41 V., c. 16, s. 17.
- The printed directions to be furnished to the deputy Form of directions. returning officers shall be according to the form F in the tions. schedule to this Act. 41 V., c. 16, s. 18.
- proclamation, the returning officer shall, by an instrument each interest. in writing, signed by him, appoint from and out of such persons as apply to him to be so appointed, one person to attend attend at each polling station, and two persons to attend at the g the final summing up of the votes, as agents on behalf of the persons interested in and desirous of promoting the polling of the petition, and one person to attend at each polling. polling station, and two persons to attend at the final summing station, and two persons to attend at the persons inming up of the votes, as agents on behalf of the persons interested in and desirous of opposing the adoption of the Petition. 41 V., c. 16, s. 19.

- Before any person is so appointed, he shall make and form of oath of person to be appointed by a possible by subscribe before the returning officer or any deputy return-be appointed to agent. ing officer, a declaration, in the form G in the schedule to agent. this A ale this Act, to the effect that he is interested in and desirous of promoting, or of opposing (as the case may be) the adoption of the petition. 41 V., c. 16, s. 20.
- the polling station, or to the final summing up of the votes, ment. as the case may be, shall produce to the deputy returning officer 1. officer his written appointment. 41 V., c. 16, s. 21.
- 28. In the absence of any person authorized, as aforesaid, Appointment attend the absence of any person authorized, as aforesaid, Appointment attend to the absence of any person authorized, as aforesaid, Appointment attend. to attend at any polling station, or at the final summing up substitute for the contract as the person agent. of the votes, any elector in the same interest as the person agent.

 80 absort so absent may, upon making and subscribing before the deputy and subscribing before the deputy returning officer at the polling station, or the returning officer at the polling station, as the case ing officer at the polling station, or case

may be, a declaration in the form G in the schedule to this Act, be admitted to the polling station, or to the final summing up of the votes, as the case may be, to act for the person so absent. 41 V., c. 16, s. 22.

Provision respecting attendance of agents.

24. Whenever in this part of this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the persons interested, such expressions shall be deemed to refer to the presence of such agents as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done. 41 V., c. 16, s. 23.

The Poll.

Polls to be held; votes by ballot.

25. On the day and at the hour fixed by proclamation, a poll shall be held at each polling station in such county of city, and the votes shall be taken by ballot. 41 V., c. 16, s. 24.

Description of buildings in which polls shall be held.

26. The poll shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper. 41 V., c. 16, s. 25.

Hours for opening and closing polls.

27. Each deputy returning officer shall open the poll assigned to him at the hour of nine of the clock in the forenoon, and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place. 41 V., c. 16, s. 26.

Who may be present at the polling of votes.

28. In addition to the deputy returning officer, such persons as have been appointed or admitted under this Act, as agents, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open. 41'V., c. 16, s. 27.

Agent's oath of secrecy.

29. Every agent, on being admitted to the polling station, shall take an oath to keep secret the space on the ballot paper in which any of the voters marks his ballot paper in his presence, as hereinafter required; which oath shall be the form H in the schedule to this Act. 41 V., c. 16, s.

- 30. At the hour fixed for opening the poll the deputy Opening, exreturning officer shall, in the presence of such of the electronic amining and tors tors and agents as are present, open the ballot box and box. ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the deputy returning officer shall keep the key thereof. 41 V., c. 16,
- 31. Immediately after the ballot box is locked, as above Calling provided, the deputy returning officer shall call upon the voters. electors to vote. 41 V., c. 16, s. 30.
- 82. Each elector shall vote at the polling station of the Where electors shall polling district in which he is qualified to vote, and no vote. other; and the deputy returning officer shall secure the admittance of every elector into the polling station, and see that he is not impeded or molested at or about the polling station. 41 V., c. 16, s. 31.
- The returning officer, on the request of any elector Provision as to deputy reentitled to vote at one of the polling stations, who is ap-turning officer pointed to vote at one of the polling stations, who is appointed to or agent enattend as agent at a polling station other than the one where a state of the polling station of the polling stations, who is appointed to or agent enabled to state of the polling stations, who is appointed to or agent enabled to state of the polling stations, who is appointed to or agent enabled to state of the polling stations, who is appointed to or agent enabled to state of the polling stations, who is appointed to or agent enabled to state of the polling stations of the polling stations are stated to state of the polling station of Where he is entitled to vote, shall give to such elector a certificate that such elector is entitled to vote at such polling of vol of votes at the polling station where such elector is stationed during the polling station where such cartificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day, and on the production of such certificates the polling day. tificate such elector shall have the right to vote at the bolls. polling station where he is placed during the polling day, where of at the polling station of the polling district where he would otherwise have been entitled to vote; but Proviso. no such certificate shall entitle any such elector to vote at specific certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer or agent during the day of polling. 41 V., c. 16, s. 32.
- Each elector, being introduced, one at a time for each Proceedings compartment, into the room where the poll is held, shall to voting. declare his name, surname and addition, which shall be entered his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the deputy returning officer, and if the same is found found on the list of electors for the polling district of such polling station, he shall receive from the deputy returning officers station, he shall receive from the deputy reofficer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and it, and on the counterfoil to which he has placed a number correct on the counterfoil to which he has placed a number on the corresponding to that opposite the voter's name on the voters; list:

2. Such elector, if required by the deputy returning Elector may foresaid present, be sworn. officer, or by any elector or agent, as aforesaid, present, be sworn.

shall, before receiving his ballot paper, take the oath of oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as is required to make the oath applicable to the election of a member of the House of Commons of Canada, and which oath the deputy returning officer is hereby authorized to administer:

Deputy returning

3. The deputy returning officer shall instruct him how and where to affix his mark, and how to fold his ballot paper, but struct elector. without inquiring or seeing whether the elector intends to vole for or against the petition, except in the case provided for in section thirty-nine of this Act. 41 V., c. 16, s. 33.

Declaration and form of required by law.

35. If the county or city is one in or for which the election law of the Province where such county or city is where no lists situate does not require lists of voters to be made to entitle of voters are them to vote, any elector claiming his ballot paper shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the deputy returning officer; and before receiving his ballot paper such elector may be required by the deputy returning officer, or by any elector or agent present, to take the oath of qualification required by the law in force in such Province from a voter of from a voter at the election of a member of the House Assembly; the words "House of Commons of Canada", of being in such case substituted for "House of Assembly, such other change being made as is required to make of oath applicable to the election of a member of the House Commons of Canada, and which oath the deputy returning officer is hereby authorized to administer. 41 V., c. 16, s. 34.

Mode of voting.

36. The elector, on receiving the ballot paper, shall rthwith present interest and the ballot paper, shall receive the ballot paper. forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross in any part of the upper space if he votes for the petition and in any part of the upper space if he votes for the petition and in any part of the petition and in any part of the upper space if he votes for the petition and in any part of the upper space if he votes for the petition and in any part of the upper space if he votes for the petition and in any part of the upper space if he votes for the upper tion, and in any part of the lower space if he votes against the patition after the lower space if he votes against the petition, after which he shall fold it up so that the initials on the back and initials on the back can be seen without opening it, hand it to the deputy returning officer, who shall, without unfolding it asserts in the unfolding it, ascertain by examining his initials and the number upon the counterfoil, that it is the same that he furnished to the classical states and the same that the s furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector all in the elector all in the presence of the elector all in the presence of the elector, place the ballot paper in the ballot box. 41 V 0 16 2 25 41 V., c. 16, s. 35.

Electors to vote without delay.

37. Every elector shall vote without undue delay, and all quit the polling station shall quit the polling station so soon as his ballot paper has been put into the bellot har a first the bellot har been put into the ballot box. 41 V., c. 16, s. 36.

38. No elector shall be allowed to take his ballot paper Ballot paper out of the polling station; and every one who does so shall not to be taken out of the polling station; and every one who does and not station. incur a penalty not exceeding two hundred dollars, and not station. less than fifty dollars. 41 V., c. 16, s. 37.

Voter who is unable to read or is incapacitated by blindness unable to mark his or other physical cause from voting in the manner pre-voting paper scribed by this Act, shall assist such voter by marking his provided for. ballot ballot paper in the manner directed by such voter, in the presence of the sworn agents or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box:

2. The deputy returning officer shall require the voter Such voter to making such application, before voting, to make oath of his be sworn. incapacity to vote without such assistance, in the form following :-

"I solemnly swear (or if he is one of the persons entitled Form of oath. by law to affirm in civil cases, solemnly affirm) that I am unable to read and to understand the ballot papers so as to mark the same (or) that I am incapacitated by physical cause (as 12 (as the case may be) from voting without the assistance of the deputy returning officer:"

3. Whenever the deputy returning officer does not un-Interpreter to derstand the language spoken by any elector claiming to be sworn in certain cases. vote, he shall swear an interpreter, who shall be the means of an interpreter, who shall be the means of communication between him and such elector, with reference to vote: ference to all matters required to enable such elector to vote:

4. The returning officer shall cause a list to be kept of Duty of D. R. the names of voters whose ballot papers have been so cases. marked, in pursuance of this section, with the reason why each ballot paper was so marked:

5. The deputy returning officer shall enter opposite the List of such names of the voters whose ballots have been so marked, in voters to be addition. addition to what is required in the next following section of this A to what is required in the next following section of this Act, the reason why each ballot paper was marked him. 41 V., c. 16, ss. 38 and 39.

Re-drafted, in order to conform to the "Dominion Elections Act."

ters, The deputy returning officer shall enter on the Entry of voters, The deputy returning officer shall enter on the Entry of this Act), opposite the name of each elector voting, the on voters' word "Vol., opposite the name of each elector voting, the on voters' word "Voted," as soon as his ballot paper has been deposited lists. in the ballot paper has been deposited lists. in the ballot box; and he shall enter on the same list the word "Sworn" or "Affirmed" opposite the name of each elector. elector to whom the oath or affirmation of qualification has been and whom the oath or affirmation of qualification has been administered, and the words "Refused to be sworn," or

"Refused to affirm" opposite the name of each elector who has refused to take the oath or to affirm. 41 V., c. 16, s. 40.

If no voters' lists are required by law such names to be entered on a list made for the purpose.

41. When no lists of voters are required by the law in force in the county or city for which the voting takes place, the deputy returning officer shall cause the name, surname, and addition of every voter to be entered on a list to be made and kept for that purpose; upon which list shall be entered the word "Voted" opposite the name of each voter who has, voted; or "Sworn" or "Affirmed" or "Refused to be sworn or "Refused to affirm," as the case may be, as above provided. 41 V., c. 16, s. 41.

Voter refusing to swear or affirm not to vote.

42. No voter who has refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do, shall receive a ballot paper or be admitted to vote. 41 V., c. 16, s. 42.

No elector to vote more than once.

43. No person shall vote more than once at the same polling of votes under the provisions of this Act. 41 V., c. 16, s. 43.

Case of elector in whose name another has voted.

44. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form J in the schedule to this Act, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to receive a ballot paper, on which the deputy returning officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall there upon be entitled to vote as any other elector:

Entry on list.

2. The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made by any of the agents. 41 V., c. 16, s. 44.

Elector spoiling his ballot paper may obtain another. 45. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the deputy returning officer, obtain another ballot paper in the place of that so delivered up. 41 V., c. 16, s 45.

Proceedings after close of the Poll.

Counting of votes by deputy returning officer.

46. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the agents, and if the agents are absent, then in the presence of at least three

electors, open the ballot box and proceed to count the number of votes given for and against the petition; and in doing so he shall reject all ballot papers which have not been supplied by the deputy returning officer, and all those upon which there is any writing or mark by which the voter could be identified. 41 V., c. 16, s. 46.

The other ballot papers being counted, and lists kept Duty of deof the number of votes given for and of the number of votes ing officer given against the petition, and of the number of rejected after counting the vote ballot papers, all the ballot papers indicating the votes given ing the votes. for and the votes given against the petition, respectively, shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused, shall also be put, respectively, into separate envelopes or parcels, and all such parcels, being indorsed so as to indicate their contents, shall be put into the ballot box. 41 V., c. 16, s. 47.

48. The deputy returning officer shall take a note of Objections to ballot papers any objection made by any agent or any elector present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of such deputy returning officer shall be final, subject only . to reversal on a scrutiny as hereinafter provided. 41 V., c. 16, 8. 48.

and a corresponding number placed on the back of the ballot initialed.

To be numbered, To be numbered and bered and initialed. paper, and initialed by the deputy returning officer. V., c. 16, s. 49.

ment of the accepted ballot papers, of the number of votes ballot box for given given each way, of the rejected ballot papers, of the spoiled returning and resulting officer. and returned ballot papers, and of those unused and returned ballot papers, and or those accepy of such statestatement, and inclose in the ballot box the original statement, together with the voters' lists and a certificate, at the on so each list, of the total number of electors who voted on such list, or the total number of cleans bean list, and such other lists and documents as have been used at such election:

2. The ballot box shall then be locked and sealed, and returning returning shall be delivered to the returning officer, who shall receive officer. or collect the same, and in case of his being unable so to do, then to one or more persons specially appointed for that son appointed purpose by the returning officer, who shall, on delivering to deliver the ballot box. the ballot boxes to the returning officer, take the oath in ballot box. the form 15 to 16 s 50. the form K in the schedule to this Act. 41 V., c. 16, s. 50.

The deputy returning officer shall take the oath in Oath to be an annexed to the form L in the schedule to this Act, which shall be anstatement. nexed to the statement above mentioned. 41 V., c. 16, s. 51.

Certificates to agents.

52. The several deputy returning officers, on being 100 quested so to do, shall deliver to each of the agents, or in the absence of such agents, to the electors present representing them, a certificate of the number of votes given in each interest, and of the number of rejected ballot papers. V., c. 16, s. 52.

Summing up the votes and returns.

Summing up of votes by returning officer.

53. The returning officer, at the place, day and hour ap pointed by the proclamation, and after having received all the ballot boxes, shall proceed to open them in the presence of the agents, if present, and of at least three electors if the agents are not present, and to add together the number of votes given in each interest, from the statements contained in the hellet because in the ballot boxes returned by the deputy returning officers. 41 V., c. 16, s. 53.

54. If the ballot boxes are not all returned on the day Adjournment if ballot boxes are not all returned on the return fixed for adding up the number of votes given, the return the return fixed for adding up the number of votes given, the return the retu ing officer shall adjourn the proceedings to a subsequent day, such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes. 41 V., c. 16, s. 54.

Provision in case of loss of ballot boxes.

55. If the ballot boxes, or any of them, have been destroyed or lost, or for any other reason are not forthcoming within the delay so fixed, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given in each interest, required by this Act, the whole verified on oath—which oath the returning officer is hereby authorized to administer; and if such lists or statements, or any of them, or copies thereof, cannot be obtained, the shall ascertain, by such evidence as he is able to obtain, the total number of votes given in each interest at the several polling places, and he shall make his return accordingly, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappear ance of the ballot boxes, and the mode by which he ascertained the number of votes given in each interest. c. 16, s. 55.

Special mention in return.

56. If one half or more of all the votes polled are against Petition not the petition, the same shall be held not to have been adopted; and the same shall be held not to have adopted; and the returning officer shall make his return to the Governor in G 41 V., c. 16, s. 56.

to the Governor in Council accordingly.

adopted.

57. If more than half of all the votes polled are for the petition, the same shall be held to have been adopted;

Petition adopted. the returning officer shall make his return to the Governor in Council accordingly. 41 V., c. 16, s. 57.

Within two weeks after the summing up of the Return to be votes, if no judge has appointed a day or place within the sent to county or city for entering into a scrutiny of the ballot State. papers, as hereinafter provided for, and in case of such a scrutiny being entered into, then forthwith after the judge has determined whether the majority of the votes given was or was not in favor of the petition, the returning officer shall transmit his return to the Secretary of State, and shall send with it a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him; and in the event of a judge having determined, after a scrutiny of the ballot papers, that the majority of the votes given was or was not in favor of the petition, such return shall be based upon, and shall be conformable to

such decision. 41 V., c. 16, s. 58. 59. The returning officer shall also transmit to the What shall be cross.

- Secretary of State, with his return, the original statements with return. of the several deputy returning officers referred to in section fifty of this Act, together with the voters' lists used in the several political and any other lists and documents several polling districts, and any other lists and documents used or required at such election, or which have been transmitted. mitted to him by the deputy returning officers:
- 2. Such return and report shall be sent through the post How transmitted. office, after being registered. 41 V., c. 16, s. 59.
- marking instruments procured for or used at any polling of &c. votes under this Act, shall be in Her Majesty. 41 V., c. 16, B. 60.

Scrutiny.

- **Within one week after the returning officer has A scrutiny summed up the votes and declared the result of the voting, on application to a any elector may apply for a scrutiny upon petition,—
- (a) In the Province of Quebec, to any judge of the Superior In Quebec. Court ordinarily discharging his duties in any judicial district ordinarily discharging his duties in whole trict in which the county or city is situated, in whole or in part;
- (b) In the Province of British Columbia, to a judge of In British the Supreme Court of that Province, or to a judge of the Columbia. county court of any county or district within which the county or city is situate, in whole or in part;

In any other Province.

(c) In any other Province, to the judge of the county or court of any county or district within which the county or city for which the polling of votes takes place is situate, in whole or in part:

Notice of application to be given.

2. The petitioner shall give such notice of the application and to such persons as the judge directs, and shall show, by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers:

And recognizance entered into.

3. The petitioner shall also enter into a recognizance to Her Majesty before the judge in the sum of one hundred dollars, with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of fifty dollars each, conditioned to prosecute the petition with effect, and to pay any costs which are adjudged against the petitioner, or shall deposit with the prothonotary or clerk of such court the sum of one hundred dollars as a security for such costs:

Date and place of scrutiny.

4. The judge shall thereupon appoint a day and place within the county or city for entering into the scruting:

Notice of scrutiny.

5. At least one week's notice of the scrutiny shall be given by the petitioner to such persons as the judge directs.

41 V., c. 16, s. 61 and s. 62, part.

Amended.

Proceedings upon application for scrutiny. 62. On the day and at the hour and place appointed, the returning officer shall attend before the judge, with the ballot papers in his custody, and the judge upon inspecting the ballot papers and hearing such evidence as he deems necessary, and on hearing the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given was or was not in favor of the petition to the Governor in Council 41 V., c. 16, s. 62, part.

Decision final; costs.

63. The decision of the judge shall be final, and the costs shall be in his discretion, or he may apportion the costs as to him seems just. 41 V., c. 16, s. 63.

Secrecy of Voting.

Provisions for maintenance of secrecy.

64. Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and shall not communicate, before the poll is closed, to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place:

No interference. 2. No officer or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when

marking his vote, or otherwise attempt to obtain, at the polling place, information as to how any voter at such polling place is about to vote or has voted:

- 3. No officer, agent or other person shall communicate, at No information to be any time, to any person, any information obtained at a polling communiplace as to how any voter at such polling place is about to cated. vote or has voted:
- 4. Every officer and agent in attendance at the counting Secrecy at of the votes shall maintain and aid in maintaining the votes. secrecy of the voting; and shall not attempt to ascertain, at such counting, or communicate any information obtained at such counting, or communicate any many counting, as to how any vote is given in any particular ballot paper:

- 5. No person shall, directly or indirectly, induce any Inducing voter to display his ballot paper after he has marked the play their play their same, so as to make known to any person how he has so ballots. marked his ballot paper:
- 6. Any violation of this section shall be punishable by Punishment for violation. a penalty not exceeding two hundred dollars, or by imprison- for violation. ment for any term not exceeding six months, with or without hard labor, in default of payment of such penalty. 41 V., c. 16, s. 66.

Preservation of the Peace and good order.

officer, from the time he takes the oath of office until the day officers, &c., after the summing up of the votes, shall be a conservator of vators of the peace. the peace, invested with all the powers appertaining to a peace. justice of the peace. 41 V., c. 16, s. 71.

- may require the assistance of justices of the peace, constables assistance and swear in or other persons present, to aid him in maintaining peace special conand good order at such polling; and may also, on a requisi-stables. tion made in writing by any agent, or by any two electors, wear in such special constables as he deems necessary. V., c. 16, s. 72.
- may arrest or cause to be arrested, by verbal order, and the peace. place in the custody of any constables or other persons, any person disturbing the peace and good order at the polling, and may cause such person to be imprisoned under an order signal y cause such person to be imprisoned under than the signed by him until any hour on that day, not later than the close of the poll. 41 V., c. 16, s. 73.
- 68. The returning officer or deputy returning officer May demand offensive believe the returning officer of deputy returning officer offensive at the returning officer or deputy returning officer May demand officer of the second of the may, during any day whereon any poll is begun, holden or weapons.

proceeded with, require any person within half a mile of the polling station, to deliver to him any fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a penalty not exceeding one hundred dollars, and to imprisonment for a term not exceeding three months, in default of payment of such penalty. 41 V., c. 16, s. 74.

Punishment for battery.

69. Every person convicted of a battery committed during any day whereon any poll is begun, holden, or proceeded with, within the distance of two miles of the place where such poll is begun, holden or proceeded with, is guilty of an aggravated assault, and shall be punished accordingly. 41 V., c. 16, s. 75.

Entering polling district armed.

70. Except the returning officer or his deputy, or one of the constables or special constables appointed by the returning officer or his deputy, for the orderly conduct of the poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling district for at least six months next before the day of such polling, shall come, during any part of the day upon which the poll is to remain open, into such polling district armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons or the like; and no person being in such polling district shall arm himself during any part of the day with any such offensive weapons, and thus armed, approach within the distance of one mile of the place where the poll for such polling district is held, unless called upon by lawful authority so to do. 41 V., c. 16, s. 76.

Approaching polling station armed.

Treating elec-

tors forbid-

den.

71. No person shall, at any polling, either provide or furnish drink or other refreshment at the expense of such person, to any elector during such polling, or pay for, procure or engage to pay for, any such drink or other refreshment. 41 V., c. 16, s. 77.

Flags, &c., not to be furnished or carried. dard or set of colors, or any other flag, to or for any person or persons whomsoever, with the intent that the same should be carried or used in the county or city on any day of polling under this Act, or within eight days before such day, or during the continuance of such polling, by such person or any other person, as a party flag, to distinguish the bearer thereof and those who follow the same as the supporters of the opinions entertained, or supposed to be entertained, by such person in either interest; and no person shall, for any reason, carry or use any such ensign, standard, set of colors or other flag as a party flag in either interest, within any county or city on the day of any such polling

or within eight days before such day, or during the continuance of such polling. 41 V., c. 16, s. 78.

Every person who offends against any of the provisions Punishment of the three sections next preceding is guilty of a misde-for violation. meanor, and liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 41 V., c. 16, s. 79.

74. No intoxicating, spirituous or fermented liquors or Sale, &c., of liquor on strong drinks shall be sold or given at any hotel, tavern, or polling day shop or other place within the limits of any polling district, prohibited. during the whole of any day on which any poll is begun, holden or proceeded with; and every one who violates the relation. provisions of this section shall, for each offence, be liable to a penalty of one hundred dollars, and to imprisonment for a term not exceeding six months, at the discretion of the court or judge, in default of payment of such penalty. 1 V., c. 16, s. 80.

Prevention of corrupt practices and other illegal acts.

75. The following persons are guilty of bribery, and Certain acts to be deemed shall be punishable accordingly: to be deemed bribery.

(a) Every person who, directly or indirectly, by himself Giving or or by any other person on his behalf, gives, or lends or agrees lending money. to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavor to provoter any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person on benam of any voter, any person, in order to induce any voter to vote or to refrain person, in order to induce any voter to vote or to refrain from voting, or corruptly does any such act as aforesaid or refrained said on account of such voter having voted or refrained from voting at any poll under this Act;

(b) Every person who, directly or indirectly, by himself Procuring office or or by any other person on his behalf, gives or procures, or employment. agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavor to procure any office, place or employment, to or for any voter any office, place or employment, to or for any voter, or to or for any other person, in order to induce such voter. voter to vote, or to refrain from voting, or who corruptly does any such act as aforesaid, on account of any voter having voted act as aforesaid, on account of any voter having voted or refrained from voting at any polling under this Act;

(c) Every person who, directly or indirectly, by himself Gifts or proor by any other person who, directly or indirectly, by minsen mises to offer any other person on his behalf, makes any gift, loan, induce or to offer, promise, procurement or agreement, as aforesaid, to or prevent the adoption of the second for any person, in order to induce such person to procure the second or endower, in order to induce such person to procure the second or endower to person to procure the second or endower to person to person to person the second or endower to person to procure the second or endower to person to pe or endeavor to procure, or to prevent, or endeavor to part of this Act.

prevent, the adoption of any petition under the provisions of this Act, or to procure or to endeavor to procure the vote of any elector at any poll under this Act, or to prevent or endeavor to prevent any elector from voting at any polling under this Act:

Accepting the same.

(d) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or prevents, or engages, or promises or endeavors to procure or prevent the adoption of any petition under the provisions of this Act, or the vote of any voter at any poll under this Act:

Paying money to be used in bribery.

(e) Every person who advances or pays, or causes to be paid, any money to, or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery or corrupt practices at any poll under this Act, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly, or in part, expended in bribery or corrupt practices at any poll under this Act:

Punishment for bribery.

2. Every person so offending is guilty of a misdemeanor and shall also incur a penalty of two hundred dollars, which may be recovered by any one who sues for the same to and for his own use, with full costs of suit Proviso: cer-Provided always, that the actual personal expenses of tain payments any agent in with the actual personal expenses any agent in either interest, his expenses for actual professional sources and control of the signal sources are for actual professional sources. sional services performed, and bona fide payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of the shall not be a violation of this Act. 41 V., c. 16, s. 81.

excepted.

76. The following persons are also guilty of bribery, and shall be punishable accordingly:-

Receiving gifts or promises during polling.

Certain acts to be deemed

bribery.

(a) Every voter who, before or during any polling of votes under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts any money, gift, loan or valuable consideration, office, Place or amplement for him or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any poll under this Act;

And after the polling.

(b) Every person who, after any polling under this Active and the state of the stat directly or indirectly, by himself or by any other person of his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting any polling under this Act:

Punishment for such offences. *

2. Every person so offending is guilty of a misdemeanor, and shall also incur a penalty of two hundred dollars, which may be recovered by any one who sues for the same to and for his own use, together with full costs of suit. V., c. 16, s. 82.

Every person who, corruptly, by himself, or by or Offence of treating with any person who, corruptly, by minsen, or by any other ways or means on treating defined. his behalf, at any time either before or during any polling of votes under this Act, directly or indirectly, gives or provides vides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision, to or for any person, in order to procure or prevent, or for having procured or prevented, the adoption of any petition under the provisions of this Act, or for the purpose of corruptly influencing such person, or any other person, to give, or refrain from giving, his vote at such poling of votes, is guilty of the offence of treating, and shall incorrections. incur a penalty of two hundred dollars, which may be Penalty. recovered by any one who sues for the same to and for his own use, with full costs of suit, in addition to any other penalty to which he is liable under any other provision of this Act. 41 V., c. 16, s. 83.

78. The giving or causing to be given to any voter on Giving meat the day of drink to the day of polling, on account of such voter having voted or electors to be being about to vote, any meat, drink or refreshment, or any deemed an unlawful a money or ticket to enable such voter to procure refreshment, unlawful act. shall be an unlawful act, and the person so offending shall income be an unlawful act, and the person so offending shall be to be an unlawful act, and the person so onchains be to b be recovered by any one who sues for the same to and for his conversed by any one who sues for the same to and for his own use, with full costs of suit. 41 V., c. 16, s. 84.

Every person who, directly or indirectly, by himself Threats of violence, by himself or violence, by h or by any other person on his behalf, makes use of, or forbidden. threatens to make use of any force, violence or restraint, or inflicts. inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against in any manner practises intimidation upon or against any person, in order to induce or compel such person to vot to vote or to refrain from voting, or on account of such person having or to refrain from voting, or on account of such person having Voted or refrained from voting at any polling under this as voted or refrained from voting at any fraudulent this Act, or who by abduction, duress or any fraudulent device. device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby thereby compels, induces or prevails upon any voter either to pix to give or refrain from giving his vote at any polling under this A offence of this Act, shall be deemed to have committed the offence of Undue undue; Shall be deemed to have committed the offence of undue undue; Shall be deemed to have committed the offence of Undue undue; Shall influence of Undue und undue influence and is guilty of a misdemeanor, and shall also; which may also incur a penalty of two hundred dollars, which may Penalty. be recovered a penalty of two hundred dollars, which may Penalty. be recovered by any one who sues for the same to and for his and the same to and for the same to and same to an all same to al his own use, with full costs of suit. 41 V., c. 16, s. 85.

Paying for voters to poll illegal.

80. The hiring or promising to pay or paying for any conveyance of horse, team, carriage, cab or other vehicle, by any agent or voters to poll other person in either interest, to convey any voter or voters to or from the poll, or to or from the neighborhood thereof at any polling of votes under this Act, or the payment by any agent or other person in either interest of the travelling and other expenses of any voter, in going to or returning from any polling of votes under this Act, are unlawful acts; and the person who so offends shall incur a penalty of one hundred dollars, which may be recovered by any one who sues for the same to and for his own use; and any voter hiring any horse, cab, cart, wagon, sleigh, carriage other conveyance for any such agent, for the purpose of conveying any voter or voters to or from the polling place or places, shall, ipso facto, be disqualified from voting at such polling of votes under this Act, and for every such offence shall incur a penalty of one hundred dollars, which may be recovered by any one suing for the same to and for his own use. 41 V., c. 16, s. 86.

Penalty.

Personation defined.

- 81. Every one is, for all the purposes of this Act, guilty of the offence of personation, who, at any polling of votes under this Act,-
- (a) Applies for a ballot paper in the name of some other person, whether such name is that of a person living of dead, or of a fictitious person; or—
- (b) Who, having voted once at any such polling, after wards applies at the same polling for a ballot paper in his own name. 41 V., c. 16, s. 67.

Punishment for personation.

82. The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a penalty not exceeding two hundred dollars and by imprisonment 41 V., c. 16, s. 68. for a term not exceeding six months.

Subornation of perjury or personation.

83. Every agent or other, person in either interest, who his corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavors to induce any person to personate any person to personate any son to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of a misdemeanor, and shall, in addition to any other punishment to which he is liable for such offence, incur penalty of two hands a liable for such offence, incur penalty of two hands a liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable for such offence, incur a hyperbolic forms and the liable forms and the liable forms are liable for such offence. penalty of two hundred dollars which may be recovered at any one who sues for the same to and for his own use.

Penalty.

V., c. 16, s. 87.

84. The offences of bribery, treating or undue influences Certain or any of such offences as defined by this Act, personation or the inducing any offences to be rupt practices. or the inducing any person to commit personation, or any deemed corWilful offence against any of the nine sections next preceding, shall be corrupt practices within the meaning of the provisions of this Act. 41 V., c. 16, ss. 69 and 88.

85. Every one who,—

Certain offences with

- (a) Forges or counterfeits, or fraudulently alters, defaces ballot papers. or fraudulently destroys, any ballot paper or the initials of the deputy returning officer signed thereon; or-
- (b) Without authority supplies any ballot paper to any person; or—
- (c) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put
- $\stackrel{(d)}{\operatorname{Fraudulently}}$ takes out of the polling place any ballot \cdot
- (e) Without due authority destroys, takes, opens or other-Wise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll; or—
- (f) Attempts to commit any offence specified in this sec-

Is guilty of a misdemeanor and liable, if he is a returning How punishofficer, deputy returning officer or other officer engaged at able. the polling, to a fine not exceeding one thousand dollars, or to imprisonment for any term less than two years, with or with prisonment for any term less than two years, with or without hard labor, in default of payment of such fine; and if he is any other person, to a fine not exceeding five hundred doll dred dollars, or to imprisonment for any term not exceeding six months, with or without hard labor, in default of payment of such fine. 41 V., c. 16, s. 64.

who refuses or neglects to perform any of the obligations or dety by a formalistic or neglect stops of the obligations or dety by an obligation or dety by an obligation of the obligation of th formalities required of him by this Act, shall, for each such election refused. refusal or neglect, incur a penalty of two hundred dollars, officer. Which Which may be recovered by any person who sues for the same to and for his own use. 41 V., c. 16, s. 91.

Every officer who is guilty of any wilful misfeasance Contravenor any wilful act or omission in violation of this part tion officer, how purish of this Act, shall forfeit to any person aggrieved by such how punishmisfeasance, act or omission, a penal sum not exceeding able.

five hunder, act or omission, a penal sum not exceeding able. five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person. 41 V., c. 16, s. 65

Procedure.

Enforcement of penalties.

88. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this part of this Act, shall be recoverable or enforceable, with full costs of suit, by any person who sues for the same by action of debt or information, in any court of competent jurisdiction in the Province in which the cause of action arises; and in default of pay ment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs 41 V., c. 16, s. 92. are sooner paid:

No suit for penalty to be brought unless security is given for costs.

- 2. No action or information for the recovery of any such penalty or forfeiture shall be commenced unless the person suing for the same has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defendant for the costs occasioned by his defence, if the person suing is condemned to pay the same.
- The last paragraph is suggested in consequence of an amendment in the "Dominion Elections Act." See 46 V., c. 4.

What it shall

89. It shall be sufficient for the plaintiff, in any action of in declaration. suit under this Act, to allege, in his pleading or declaration, that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence in respect of which the action or suit is brought, and that the defendant has acted contrary to this Act.

Time for limited.

90. Every prosecution for any misdemeanor under this action or suit part of this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of six months next after the act committed, and not afterwards, unless the same is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, and when commenced, shall be proceeded with and carried on without wilful delay. 41 V., c. 16, s. 94.

General Provisions.

Mistakes of form only not fatal.

- 91. No polling of votes under this Act shall be declared invalid by reason of a non-compliance with the rules contained in this Act, as to the taking of the poll or the counting of the votes, under the provisions of this Act, or of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the allege of the question that the allege of the contained in the sentence of the of the question that the polling of votes was conducted in accordance with the principles laid down in this Act, and that such non-correliance that such non-compliance or mistake did not affect the result of the polling. 41 V., c. 16, s. 70.
- 92. No person shall be excused from answering any No excuse of question put to him in any action, suit or other proceedings privilege, &c., allowed for

in any court, or before any judge, commissioner or other tribu- not answernal, touching or concerning any polling of votes under this ing questions. Act, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be Such evidence excused to to be used excused on the ground of privilege, or on the ground that against the such answer will tend to criminate himself, shall be used in witness. any criminal proceeding against such person, other than an indictional proceeding against such person or presiindictment for perjury, if the judge, commissioner or president for perjury, if the judge, commissioner or president dent of the tribunal gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner or tribunal. 41 V., c. 16, s. 89.

in any way referring to, arising out of, or depending upon, ting to polling of votes any polling of votes under this Act, even for the payment of ing of votes laws. lawful expenses or the doing of some lawful act, shall be void Act to be in law; but this provision shall not enable any person to void. recover back any money paid for lawful expenses connected with such polling. 41 V., c. 16, s. 90.

EFFECT OF DECISION.

When in any county or city one half or more of all Effect of nonthe votes polled have been against the adoption of any petition. tion embodied, as aforesaid, in any notice and in any proclamation. tion under the first part of this Act, no similar petition shall have a first part of this Act, and similar petition shall be put to the vote of the electors of such county or city for a period of three years from the day on which such vote Was taken. 41 V., c. 16, s. 95.

95. When any petition embodied, as aforesaid, in any If petition is notice and in any proclamation under this part of this Act, adopted, the has been all any proclamation under this part of this Act, second part of the country or city named this Act may has been adopted by the electors of the county or city named this force by therein and to which the same relates, the Governor in he brought Council and to which the same relates, the Governor in into force by Conneil may, at any time after the expiration of sixty days Order in Council. from the day on which the same was adopted, by Order in Council Published in the Canada Gazette, declare that the second part of this Act shall be in force and take effect in such count. county or city upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous licenses for the sale of spirituous liquors then in force in such county or city will expire, provided vided such day is not less than ninety days from the day of the day the date of such Order in Council; and if it is less, then on the line of such Order in Council; and if it is less, then on the line of such Order in Council; the like day in the then following year; and upon, from and after that day, the second part of this Act shall become and be in formally. be in force and take effect in such county or city accordingly.

2. If in any county or city there are no licenses in If there are no ree when any county or city there are no licenses in If the force When the petition mentioned in the first part of this force in the Act is Act shall become county or Act is adopted, the second part of this Act shall become county or city.

and be in force and take effect in such county or city after the expiration of thirty days from the day of the date of such Order in Council to that effect, published in the Canada Gazette. 41 V., c. 16, s. 96;—47 V., c. 31, s. 1.

Sub-section 3 (new) omitted at the suggestion of the Parliamentary Committee.

No Order in Council to be revoked for three years, and then only on similar petition, notice and other in proceedings.

96. No Order in Council issued under this Act shall be revoked until after the expiration of three years from the day of the coming into force under it of the second part of this Act, nor until a petition to the Governor in Council, praying for such revocation, has been embodied a notice in writing addressed to the Secretary of State and signed by one fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons, in the county or city named in such Order in Council, and such proceedings have been had thereon as are by this act required to be had on a notice and petition for the bringing of the second part of this Act into force, and more than the half of all the votes polled have been found to be for the petition for the revocation of such Order in Council; and each and all of the provisions of the preceding sections, a this Act shall apply, mutatis mutandis, to every case of a petition and notice for the revocation of an Order in Council under this section under this section, and to the proceedings to be had and taken thereon and in the proceedings to be had and taken thereon, and in respect to the powers to be exercised and the offences that and the offences that may be committed, and the penalties that may be incorrect in that may be incurred in the course of and in connection with such processing with such proceedings. 41 V., c. 16, s. 97.

Application of provisions of the preceding sections.

REPEAL OF BY-LAWS PASSED UNDER THE TEMPERANCE ACT OF 1864, AND REPEAL OF CERTAIN SECTIONS OF THAT ACT.

Proceedings for repeal of by-law under Temperance Act, 1864.

97. If a petition to the Governor in Council, praying for the repeal of a by-law passed by the council of any county or city in the Provinces of Ontario or Quebec under authority and for the council of any or the authority and for the council or any or the council or any authority and for the enforcement of the Act of the Legistature of the lete President lature of the late Province of Canada, passed in the session thereof held in the session thereof held in the twenty-seventh and twenty-eighth years of Her Majasty's rainer. of Her Majesty's reign, chaptered eighteen, and known ad-"The Temperance Act of 1864," is embodied in a notice at dressed to the Secretary 1864. dressed to the Secretary of State and signed by one fourth or more of the electors of small more of the electors of such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had thereon as a such county or city, and such proceedings are had the county or city. ings are had thereon as are, by this Act, required to be had act a notice and petition for being and petition for being a line and petition for being a line act. a notice and petition for bringing the second part of this act into force and more than one half and into force, and more than one half of the votes polled are found to be for the petition the Garage to be for the petition, the Governor in Council may, by Order in Council repeal such by law in Council, repeal such by-law, and thereupon such by shall become and be repealed. shall become and be repealed, upon, from and after the of the publication of real of of the publication of such Order in Council in the Canada

Gazette, and each and all the provisions of the preceding Application sections of this Act shall apply, mutatis mutandis, to every of preceding case of a petition and notice for the repeal of any such sections. by law, and to the proceedings to be had and taken thereon, and in respect to the powers to be exercised, and the offences that may be committed, and the penalties that may be incurred in the course of and in connection with such proceedings. 41 V., c. 16, s. 98.

perance Act of 1864," are repealed as to every municipality of Temperance within the second of 1864, and the second of 1864, are repealed as to every municipality of Temperance Act. within the limits of the said late Province of Canada in ance Act, Which no by-law passed and approved, or adopted and passed certain municulated in the control of the said late Province of Canada in ance Act, 1864, as to contain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to contain the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which no by-law passed and approved, or adopted and passed certain municulated in the said late Province of Canada in ance Act, as to which the said late Province of Canada in ance Act, as to which the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as the said late Province of Canada in ance Act, as t under the authority and for the enforcement of the said Act, cipalities. is in force:

2. As to every municipality within the limits of the As to municipality and late Province of Canada in which a by-law passed and which a by-law passed and law has been approved, or adopted and passed, under the authority and law has been for the enforcement of the said Act is in force, the said enforcement of the said Act is in force, the said enforcement of the said Act is in force, the said enforcement of the said Act is in force, the said enforcement of the said Act is in force, the said enforcement of sections of the said Act shall be repealed forthwith, upon, from and after the day next following the day on which such by law is repealed under the provisions of the said Act, or of this Act:

3. Provided always, that if such municipality is included such municipality is included such municipality is included in which in which is the same limits as any county or city cipality is in which the second part of this Act is brought into force included in a before the repeal of such by-law, then such by-law shall in which the thereas. thereupon ipso facto become and be null and void and of no second part of this Act is upon that whatsoever, and the said sections shall be repealed, brought into upon wnatsoever, and the said sections shall be left. from and after the day on which the said second part force. of this Act comes into force and takes effect in such county or city. 41 V., c. 16, s. 3, part;—42 V., c. 50, s. 1.

SECOND PART.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

omes into force and takes effect in any county or city, and for when and so long the so long thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person thereafter as the same continues in force therein, no where this person there is not the same continues in force therein, no where this person there is not the same continues in force therein, no where this person there is not the same continues in force therein, no where this person there is not the same continues in force therein, no where this person there is not the same continues in force therein, no where the same continues in force therein, no where the same continues in force therein is not the same continues in th person shall, within such county or city, by himself, his part of this clerk, servant or agent, expose or keep for sale, or directly or force, except indirectly. indirectly, on any pretence or upon any device, sell or for certain purposes. barter, or in consideration of the purchase of any other property. property, give to any other person any intoxicating liquor:

Possession of certain licenses not to render act lawful.

- 2. No act done in violation of this section shall be rendered lawful by reason of-
 - (a) Any license issued to any distiller or brewer; or
- (b) Any license for retailing on board any steamboat of other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors; or-
- (c) Any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous of fermented liquors, but not brandy, rum, whisky or other spirituous liquors; or—
- (d) Any license of any other description whatsoever: Re-drafted.

Proviso: sales for sacramental purposes.

3. Provided always, that the sale of wine for exclusively sacramental purposes may, on the certificate of a clergyman affirming that the wine is required for sacramental purposes, be made by druggists and vendors thereto specially licensed by the Board of License Commissioners appointed under "The Liquor License Act;" but the number of such licensed druggists and vendors shall not exceed one in each township or parish, or two in each town, or one for every four thousand inhabitants in each city:

4. Provided also, that the sale of intoxicating liquor for columns of the sale of the sale

exclusively medicinal purposes or for bonû fide use in some art,

And for medicinal and mechanical purposes.

trade or manufacture, may be made by such licensed drug gists and vendors; but such sale, when for medicinal purposes, shall be in quantities of not less than one pint, to be removed from the premises, and shall be made only on the certificate of a medical man harmonic man harmo of a medical man having no interest in the sale, affirming that such liquor has been prescribed for the person named therein; and when such sale is for its use in some art, trade or manufacture, the same shall be made only on a certificate, signed by two justices of the peace, of the good faith of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation; and such druggist or vendor shall file the certificates and leaves and leaves and leaves and leaves and leaves are leaves and leaves and leaves are leaves and leaves are leaves and leaves are leaves and leaves are leaves are leaves and leaves are leaves are leaves are leaves are leaves and leaves are leaves and leaves are leaves ar file the certificates and keep a register of all such sales, indicating the name of the sales, and cating the name of the purchaser and the quantity sold, and

Certificate to be produced.

Annual return to be furnished.

> or city is situated: 5. Provided also, that any producer of cider in the county may, at his premises, and any licensed distiller or brewes, having his distillery or brewery within any county or city

shall make an annual return of all such sales, on the thirty first day of December in every year, to the collector of inland revenue within where inland revenue within whose revenue division the county

Distiller, or brewer, &c., may sell

may, at such distillery or brewery, expose and keep for sale liquor of his such liquor as he manufactures thereat, and no other; own manuald may sell the same thereat, but only in quantities not wholesale less the less than ten gallons, or in the case of ale or beer, not less and to certain than eight gallons at any one time, and only to druggists persons only. and vendors licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoinfor county or city in which this part of this Act is then in force, and to be wholly removed or taken away in quantities not less than ten gallons, or in the case of ale or beer, not less than eight gallons at a time:

6. Provided also, that any incorporated company author- As to sales by vine-growing ized by law to carry on the business of cultivating and companies. growing vines and of making and selling wine and other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep a keep for sale such liquor as they manufacture thereat, and no other; and may sell the same thereat, but only in quantities, and may sell the same thereat, but only in quantities and only to tities not less than ten gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons sons as they have good reason to believe will forthwith of the same beyond the limits of the county or city and of any adjoining county or city in which this part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time:

7. Provided also, that manufacturers of pure native wines manufacturemay may manufacturemay from grapes grown and produced by them in Canada, ers of pure native wines. may, When authorized so to do, by license from the muni-native wines. cipal council, or other authority having jurisdiction where such wines at the place such manufacture is carried on, sell such wines at the place of manufacture is carried on, sell such wines at the place of manufacture is carried on, sen such manufacture in quantities of not less than ten gallons at on mediciat one time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental or medicinal new time, except when sold for sacramental new times are new times at the sacramental new times at the sacramen nal purposes, when any number of gallons, from one to ten, may be sold:

8. Provided also, that any merchant or trader, exclusively Merchants in wholesale trade and duly licensed to sell liquor by may sell wholesale trade and duly licensed to sell liquor by may sell liquor in liquor in wholesale trade and duly licensed to sell in may some such county or city, may thereat keep for sale and sell in quantities not less than ten and to cer toxicating liquor, but only in quantities not less than ten and to cer-gallons. In the same of the sa gallons at any one time, and only to druggists and vendors tain persons licensed as aforesaid, or to such persons as he has good reason to half. son to believe will forthwith carry the same beyond the limits of the same beyond the limits of the county or city, and of any adjoining county or city in the in force, to be city, in which this part of this Act is then in force, to be wholl—which this part of this Act is then in the standard manufacture and the standard manufacture a wholly removed and taken away in quantities not less than ten gallons at a time:

9. In any prosecution against a producer, distiller, brewer, Burthen of ahnese this section it proof of manufacturer, merchant or trader, under this section, it reasons of

belief of intention to remove the liquor sold. shall lie upon the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be forthwith removed beyond the limits of the county or city, and of any adjoining county or city in which this part of this Act is then in force, for consumption outside the same. 41 V., c. 16, s. 99;—47 V., c. 32, s. 24.

THIRD PART.

PENALTIES AND PROSECUTIONS FOR OFFENCES AGAINST THE SECOND PART.

Punishment of sale, &c., in violation of second part of this Act. agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells or barters, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor, in violation of the second part of this Act, shall, on summary conviction, be liable to a penalty of not less than fifty dollars for the first offence, and not less than one hundred dollars for the second offence, and to imprisonment for a term not exceeding two months for the third and for every subsequent offence:

Punishment of employee who sells. 2. Every one who, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barters, or gives in violation of the second part of this Act, any intoxicating liquor, is equally guilty with the principal, and shall, on summary conviction, be liable to the same penalty or punishment:

Forfeiture.

3. All intoxicating liquors, in respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind whatever in which the same are contained, shall be forfeited. 41 V., c. 16, s. 100.

By whom penalties may be sued for.

101. Any prosecution for any such penalty or punish ment may be brought by or in the name of any person.

V., c. 16, s. 101.

Duties of license commissioners under this Act.

spectors of licensed premises appointed under "The Liquor License Act," shall exercise and discharge all their respective powers and duties under the said Act, for the enforcement of the provisions of this Act, and of "The Temperance Act of 1864," so far as the same apply, within the limits of any county, city, incorporated village, or township or parish, in which the second part of this Act or any by-law, under Temperance Act of 1864," is in force. 41 V., c. 16, s. 102; 46 V., c. 30, s. 143.

JURISDICTION AND PROCEDURE.

103. Such prosecution may be brought,—

Prosecutions.

- (a) In the Province of Quebec, if the offence was com- In Quebec. mitted in the city of Montreal or in the city of Quebec, before the recorder or judge of the sessions of the peace at Montreal or Quebec, as the case may be; or, if the offence was committed in any other part of the Province, then before a stipendiary magistrate, or before any two justices of the peace for the district wherein the offence was committed; or, if the district is other than that of Quebec or that of Montreal, before the sheriff of such district;
- (b) In the Province of Ontario, before any stipendiary In Ontario. magistrate or before any two justices of the peace for the county, city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having a police magistrate, then before such police magistrate or, in his absence, before the mayor or any two justices of the peace; or, if the offence was committed in any of the peace; or, if the offence was committed in any city or town not having a police magistrate, then before the mayor thereof, or before any two justices of the peace;
- (c) In the Province of Nova Scotia, before a stipendiary In Nova for the county in which the offence was committed;
- (d) In the Province of New Brunswick, before any police, In New Brunswick. stipendiary or sitting magistrate or commissioner of a parish court, or before any two justices of the peace in and for the for the county in which the offence was committed;
- (e) In the Province of Manitoba, before the police magis- In Manitoba. trate Within whose territorial jurisdiction the offence was committed, or before any two justices of the peace in and for the county in which the offence was committed;
- stipendiary magistrate or before any two justices of the peace in magistrate or before any two justices of the columbia. peace in and for the territorial division or jurisdiction with: Within the limits of which the offence was committed;
- (g) In the Province of Prince Edward Island, before the In Prince stipendiary magistrate for the city or town, or before any land. the offence of the peace in and for the county in which the offence was committed. 41 V., c. 16, s. 103.
- 104. If such prosecution is brought before any such sti- If before cerpendiary magistrate, recorder, judge of the sessions of the trates no peace shared states are commissional to the prosecution of the sessions of the ses peace, sheriff, police magistrate, sitting magistrate, commis-other justice to sit.

sioner or mayor, no other justice shall sit or take part therein. 41 V., c. 16, s. 104.

If before two justices, summons shall be signed by one of them, &c.

105. If such prosecution is brought before any two other justices of the peace, the summons shall be signed by at least one of them; and no justice, other than such two justices, shall sit or take part therein, except in the case of their absence or the absence of one of them, and not in the latter case except with the assent of the other of them. 16, s. 105.

Limitation of prosecution.

106. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the different fession of the defendant or upon the evidence of a witness 41 V., c. 16, s. 106. or witnesses.

Provisions of Summary proceedings Act to be applicable to such prosecutions.

107. Every offence against the second part of this Act may be prosecuted in the manner directed by the "Act respecting summary proceedings before Justices of the Peacer so far as no provision is hereby made for any matter of thing which is required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions and to the judicial and other officers before whom the same are hereby authorized to be broad to b rized to be brought, in the same manner as if they were incorporated in this Act, and as if all such judicial and other officers other officers were named in the said Act. 41 V., c. 16, s. 107.

DESTRUCTION OF LIQUOR.

Magistrate, &c., may

108. If a credible witness proves, upon oath, before the stipendiary, police or sitting magistrate, commissioner of rant to search parish court, recorder, judge of the sessions of the Peach for liquor, on instince of the residue. justices of the peace, sheriff or mayor, or before one of the tain informa- justices of the peace before whom any prosecution for at tion on oath. offence against the offence against the provisions of the second part of this that is brought that there is is brought, that there is reasonable cause to suspect that any interior inclination. any intoxicating liquor, in respect to which such offence has been committed, is in any dwelling house, store, shop, ware house outhorse and a welling house, store, shop, ware house, outhouse, garden, yard, croft or other place or places, such stinendian and such stipendiary, police or sitting magistrate, commissioner of a parish count of a parish court, recorder, judge of the sessions of the peace, justices of the peace of the pe justices of the peace, sheriff or mayor, may grant a warrant to search such dwelling by to search such dwelling house, store, shop, warehouse, and house, garden, yard, croft or other place or places, for such intoxicating ligner and seed intoxicating liquor, and if the same, or any part thereof, there found to be norther there on the same to be northered. there found, to bring the same before him; and any information to obtain a same before him; and any information to obtain a mation to obtain a warrant under this section may be in the form M in the reliable to the the form M in the schedule to this Act; and any search warrant under this section may be the warrant under this section may be in the form N in the said schedule 41 V said schedule. 41 V., c. 16, s. 108.

When any person is convicted of any offence against Convicting Magistrate, any of the provisions of the second part of this Act, the stipen-diary, police or sitting magistrate, commissioner of a parish that liquor seized on a court, recorder, judge of the sessions of the peace, justices seized on a search warof the Peace, sheriff or mayor, before whom such person is rant be deconvicted, may adjudge and order, in addition to any other stroyed. penalty or punishment, that the intoxicating liquor in respect to which the offence was committed, and which has been brought before him under a search warrant as aforesaid, whether the same is or is not the property of such person, or not more than twenty gallons thereof, if there is more of it than twenty gallons, be forfeited, and that any and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatsoever found containing the same, or not more than twenty gallons thereof, if there is more of it than twenty gallons, be broken up and uttended to the same of it than twenty gallons, be broken up and uttended to the same of it than twenty gallons, be broken up and uttended to the same of utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof, if there is more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatsoever, as aforesaid, may be forthwith broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof, if there is more of it than twenty gallons thereof, in there is most and utterly gallons, poured out, spilled, wasted and utterly dest. destroyed, by the constable or peace officer who executed the search Warrant under which the same was found, or in whose custody the same was afterwards placed by the convicting magistrate, commissioner, recorder, judge, justices, sheriff or mayor. 41 V., c. 16, s. 109.

NECESSARY ALLEGATIONS IN PROCEEDINGS.

unlawful disposal of intoxicating liquor, or the keeping in describing offences. thereof for sale, in any information, summons, conviction, offences. Warrant or proceeding under "The Temperance Act of 1864," or under this Act, it shall be sufficient to state the unlawful sale, barter, disposal or keeping of intoxicating liquor simply, Without stating the name or kind of such liquor, or the Certain facts price is stating the name or kind of such liquor, or the certain facts price thereof, or any person to whom it was sold, bartered alleged. or disposed of; and it shall not be necessary to state the quantity of liquor so sold, bartered, disposed of or kept, except in the case of offences where the quantity is essential, Exception. and it shall then be sufficient to allege the sale or disposal of more or less than such quantity, and it shall not be necessary, in any such summons, conviction, warrant, or proceeding, to negative the circumstances, the existence of which which would make the act complained of lawful, but upon any such circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, the defendant of the circumstances being proved in evidence, and the circumstances being proved in evidence. dant shall be acquitted; and this provision shall apply, whether such circumstances are stated by way of exception

in the section under which the offence is laid or in a substantive section or otherwise. 41 V., c. 16, s. 115.

PROOF.

The keeping of liquor for sale shall be inferred under certain circumstances.

111. When in any house, shop, room or other place in any municipality in which the second part of this Act or in which any prohibitory by-law passed under the provisions of "The Temperance Act of 1864," is in force, a bar, counter, beer pumps, kegs or any other appliances or preparations similar to those usually found in taverns and shops where intoxicating liquors are usually sold or trafficked in are found, and intoxicating liquor is also found in such house, shop, room or place, such liquor shall be deemed to have been kept for sale contrary to the provisions of this Act or of "The Temperance Act of 1864," as the case may be, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who keeps therein such liquor for sale. 41 V., c. 16, s. 119.

Passing of money need not be proved.

112. In proving the sale or barter or other unlawful disposal of liquor for the purpose of any proceeding relative to any offence under "The Temperance Act of 1864," or under this Act, it shall not be necessary to show that any money actually passed, or that any liquor was actually consumed, if the justices, magistrate or other officer or court hearing the case is or are satisfied that a transaction, in the nature of a sale or barter or other unlawful disposal, actually took place. 41 V., c. 16, s. 120.

What evinecessary for a conviction.

113. In any prosecution under "The Temperance Act of dence shall be 1864," or under this Act, for the sale or barter or other the lawful disposal of intoxicating liquor, it shall not the necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or precise consideration therefor, or to the fact of the sale of other disposal having taken place, with his participation of to his own personal and certain knowledge, but the justices or magistrate or other officer trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently actable 1 sufficiently establish the violation of law complained of shall put the defer decision shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly. 41 V., c. 16, s. 121.

Wife or husband, a competent witness.

114. On the trial of any proceeding, matter or question under any of the Acts or laws in the one hundred and twentieth section of this Act mentioned or under this Act, the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give and pellable to give evidence in such proceeding, matter or question. 41 W and 100 100 question. 41 V., c. 16, s. 123.

SUBSEQUENT OFFENCE.

The proceedings upon any information for commit-Proceedings upon inform ting an offence against any of the provisions of this Act, in upon informa-case of case of a previous conviction or convictions being charged, subsequent offence. shall be as follows:—

(a) The justices or magistrate or other officer shall, in the Subsequent first instance, inquire concerning such subsequent offence offence to be only, and if the accused is found guilty thereof, he shall into and then, and not before, be asked whether he was so previously previous convicted. convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be convicted accordingly; but if he denies that he was so previously convicted or does not answer convicted, or stands mute of malice, or does not answer directly to such question, the justices or police magistrate or other officer shall then inquire concerning such previous conviction or convictions;

(b) The number of such previous convictions shall be prover Proof of previous able by the production of a certificate under the hand of the convictions. convicting justices or magistrate, or officer, or of the clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence;

(c) A conviction may, in any case, be had as for a first Conviction may be for offence, notwithstanding that there has been a prior confirst offence viction or convictions for the same or any other offence;

this Act, although such offences have been committed on the offences on same down the offences have been committed on the offences on same day. same day; but the increased penalty or punishment herein-same day. before imposed shall only be recoverable or be liable to be imposed shall only be recoverable or different days. imposed shall only be recoverable of samples of the case of offences committed on different days, and after information laid for a first offence;

(e) In the event of any conviction for any second or subse-Amendment quent offence becoming void or defective after the making conviction in avant of first thereof, by reason of any previous conviction being set aside, event of first quark, by reason of any previous conviction being set aside, being set quashed, or otherwise rendered void, the justices or magis-aside. trate or other officer by whom such second or subsequent conviction was made, may, by summons under his or their hand hand, require the person convicted to appear at a time and place. place to be named in such summons, and may thereupon, upon proof of the due service of such summons, if such person for the due service of such summons, if such persond such second son fails to appear, or on his appearance, amend such second or spl or subsequent conviction, and adjudge such penalty or punishman ishment as might have been adjudged had such previous conviction shall conviction never existed, and such amended conviction shall there. thereupon be held valid, to all intents and purposes, as if it had been made in the first instance;

What shall be deemed a conviction for a second or subsequent offence.

(f) If any person who has been convicted of a violation of any provision of the second part of this Act is afterwards convicted of an offence against such provision of against any other provision of the second part, such conviction shall be deemed a conviction for a second offence, within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly, although the two convictions may be for acts of different descriptions; and if any such person is afterwards again convicted of a violation of any provision of the second part, whether similar or not to the previous offences, such conviction shall, in like manner, be deemed a conviction for a third offence, within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly. 41 V., c. 16, s. 122.

VARIANCES, DEFECTS AND AMENDMENTS.

Amendment of information and adjournment. 116. In the event of any variance between the information and evidence adduced in support thereof, the justices or magistrate or other officer may amend or alter such information, and may substitute, for the offence charged therein, any other offence against the provisions of "The Temperance Act of 1864," or of this Act, as the case may be but if it appears that the defendant has been materially misled by such variance, such justices, magistrate or other officer shall thereupon adjourn the hearing of the case to a future day, unless the defendant waives such adjournment. 41 V., c. 16, s. 116.

Variance or defect of form not to affect conviction. other process or proceeding under either of the said Acts shall be held insufficient or invalid by reason of any variance between the information and conviction, or by reason of any other defect in form or substance, if it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of such Act, within the jurisdiction of the justices or magistrate or other officer who made or signed the same, and if there is evidence to prove such offence, and if no greater penalty is imposed than authorized by such Act. 41 V., c. 16, s. 117.

Application to quash conviction to be decided upon the merits. warrant enforcing the same, or other process or proceeding, or to discharge any person in custody under such warrant, whether such application is made in appeal or upon habeas corpus, or otherwise, the court or judge to whom such appeal is made, or to whom such application is made upon habeas corpus, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid; and such court of judge may, in any case, amend the same if necessary; and

in all cases in which it appears that the merits have been tried and that the conviction, warrant, process or proceeding is sufficient and valid under this section or other-Wise, such conviction, warrant, process or proceeding shall be a grant conviction warrant, process or proceeding shall be a grant be be affirmed, or shall not be quashed, as the case may be; and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended, may be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. 41 V., c. 16, s. 118.

The words "or by way of certiorari" are omitted because they are unnecessary.

CERTIORARI AND APPEAL RESTRICTED.

No conviction, judgment or order, in respect of any No Certiorari. offence against the second part of this Act, shall be removed by certiorari or otherwise into any of Her Majesty's courts of

No appeal shall be allowed from any such conviction, No appeal Judgment or order to any court of general sessions, or other cases. court whatsoever, if the conviction has been made by a stipendiary magistrate, recorder, judge of the sessions of the peace, sheriff, police magistrate, sitting magistrate or commissioner of a parish court. 41 V., c. 16, s. 111.

COMPOUNDING OFFENCES.

Every one who, having violated any of the pro- Compounding offence Visions of this Act or of any Act in force in any Province, and penalty respecting the issue of licenses for the sale of fermented or therefor. spirituous liquors, or of "The Temperance Act of 1864," compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or person. persons, with the view of preventing any complaint being made. made in respect thereof, or if a complaint has been made, with it respect thereof, or if a complaint or of stopwith the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or other having the same dismissed for want of prosecution and or otherwise, is guilty of an offence against this Act, and on conviction thereof, shall be liable to imprisonment at hard 1-1 hard labor in the common gaol of the county or district in which the common gaol of the county or district in the county of the county of the county of the county or district in the county of which the offence was committed, for any term not exceeding three months:

2. Every one who is concerned in or is a party to the Punishment compromise, composition or settlement mentioned in this of parties to compromise. section, is guilty of an offence against this Act, and on conviction in the comviction thereof, shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprisonment in the common continuous shall be liable to imprison s mon gaol of the county or district in which the offence was committee the county or district in which the offence was committed, for any term not exceeding three months. V., c. 16, ss. 112 and 113.

TAMPERING WITH WITNESSES.

Penalty for tampering with witnesses. 121. Every one who, on any prosecution under any of the said Acts, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under any such Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such witness to absent himself, or to swear falsely, shall incur a penalty of fifty dollars for each offence. 41 V., c. 16, ss. 110 and 114.

APPLICATION OF PENALTIES.

Application of penalties.

122. All penalties enforced and recovered under like provisions of this Act shall be paid and applied in manner as penalties under "The Liquor License Act" are directed to be paid and applied. 47 V., c. 32, s. 25.

SCHEDULE.

FORM A.

Forms of Notice and Petition for the bringing of the second part of this Act into force.

To the Honorable the Secretary of State of Canada:

SIR,—We the undersigned electors of the county (or city) of request you to take notice that we propose presenting the following petition to His Excellency the Governor General, namely:—

To His Excellency the Governor General of Canada in Council.

The petition of the electors of the county (or city) of the , qualified and competent to vote at the election of a member of the House of Commons in the said county (or city),—

Respectfully shows, that your petitioners are desirous that the second part of "The Canada Temperance Act," should be in force and take effect in the said county (or city).

Wherefore your petitioners humbly pray that Your Excellency will be pleased, by an Order in Council under the ninety-fifth section of the said Act, to declare that second part of the said Act shall be in force and take effect in the said county (or city).

And your petitioners will ever pray, &c.
And that we desire that the votes of all the electors of the said county (or city) be taken for and against the adoption of the said petition. 41 V., c. 16.

FORM B.

Oath of the Returning Officer.

Canada Temperance Act," for the county (or city) of

ted by law to affirm in civil cases, solemnly affirm) that I will
or affection. So help me God.

(Signature) A. B., Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

of the undersigned, hereby certify that on the day officer, under "The Canada Temperance Act," for the county (or city) of , took and subscribed before of a returning officer, by section eleven of "The Canada Temperance Act."

ficate. In testimony whereof, I have delivered to him this certi-

(Signature)

C. D.,

41 $V_{\rm o,\ c.\ 16.}$

Justice of the Peace.

FORM C.

Commission of a Deputy Returning Officer.

To G. H. (insert his legal addition and residence):

"The Canada Temperance Act," for the county (or city) of you to be deputy returning officer for the polling district , of the said county (or city) of

, there to take the votes of the electors by ballot, according to law, at the polling station to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll, under the said Act, for the said polling district, on the , at nine o'clock in the forenoon, at (here day of describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to take, at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box, sealed with your seal, and inclosing the ballots, voters' list, and other documents required by law, together with this commission.

Given under my hand, at , this day of , in the year 18 .

(Signature) A. B.,

Returning Officer.

41 V., c. 16.

FORM D.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed deputy returning officer for the polling district, No. , of the county (or city) of , solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favor or affection. So help me God.

(Signature) G. H., Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , G. H., deputy returning officer for the polling district No , of the county (or city) of , took and subscribed the oath (or affirmation) of office, required in such case of a deputy returning officer, by section fourteen of "The Canada Temperance Act."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature) A. B.,
Returning Officer,
or C. D.,
Justice of the Peace.

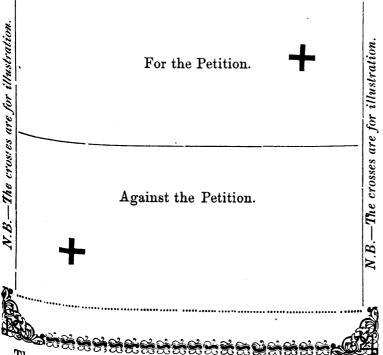
41 V., c. 16.

FORM E.

Form of Ballot Paper.

18

Voting on the petition to the Governor General for Temperance Act."



The dotted line will be a line of perforation for easily detaching the counterfoil. 41 V., c. 16.

FORM F.

Directions for the Guidance of Electors in Voting.

The voter will go into one of the compartments, and with pencil there provided, place a cross thus X, in the upper

space if he votes for the adoption of the petition, and in the lower space if he votes against the adoption of the petition.

The voter will then fold the ballot, so as to show a portion of the back only, with the number and the initials of the deputy returning officer, and deliver it to the deputy returning officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper, he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter places on the ballot paper more than one mark, or places any mark on it by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor. 41 V., c. 16.

FORM G.

Form of Declaration of Agent.

I, the undersigned E. F., solemnly declare that I am desirous of promoting (or opposing) the adoption of a petition to the Governor General for the bringing into force in the said county (or city) of the second part of "The Canada Temperance Act."

	(Signature)	A. B.
Made and declared at A.D., , before me.	$ ext{this}$	day of

C. D., Returning Officer.

41 V., c. 16.

FORM H.

Form of Oath of Secrecy.

I, the undersigned E. F., agent for the electors of the county (or city) of , interested in promoting opposing) the adoption of a petition to the Governor General for the bringing into force in the said county (or city) of the

second part of "The Canada Temperance Act," solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm, promise and declare), that I will keep secret the way in which any of the voters at the polling station in the polling district No. , marks his hallest ballot in my presence, at this polling of votes for or against such petition. So help me God.

(Signature,)

E. F.

Sworn (or affirmed) at , before me.

this

day of

A. B., Returning Officer, (or) C. D.

41 V., c. 16.

FORM I.

-	Form of	Vot	ers'	Lis	t.					
Number of the Voters.	Names of the Voters.	Their legal addition.	Their place of residence.	Owners.	Tenants or occupants.	Residence or other qualification.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or affirmed.	Voters voting after others voted in their names.
~	Von									

The qualification need not be inserted except where there are no provincial lists of voters. 41 V., c. 16.

FORM J.

Oath of identity by Voter receiving a Ballot Paper after another has voted in his name.

I solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm), that I am God on the voters' list now shown me. So help me 41 V., c. 16. 871

FORM K.

Oath of Messenger sent to collect the Ballot Boxes

, messenger appointed by C. D., return I. A. B., of , in the Province ing officer for the county (or city) of , do solemnly swear that the several boxes, to the now delivered by me to the said returning number of officer, have been handed to me by the several deputy returning officers at the present polling of votes, in the said county (or city, or by—here insert the names of the deputy returning officers who have delivered said boxes), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (If any change has taken place, the deponent shall vary his deposition by fully stating the circum stances).

(Signature) A. B.

this

Sworn (or affirmed) and subscribed before me, at day of , in the year 18 .

(Signature) X. Y.,

Justice of the Peace.

or A. B.,

Returning Officer.

or G. H.,

Deputy Returning Officer.

41 V., c. 16.

FORM L.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, deputy returning officer for the polling district No. , of the county (or city) of do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for kept said polling district under my direction, has been so kept correctly; and that the total number of votes polled in said list is , and that, to the best of my knowledge and belief, it contains a true and exact record for the votes given at the polling station in the said polling district as the said votes were taken thereat; that I have faithfully counted the votes given for each interest, in the faithfully counted the votes given for each interest, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers

and other documents required by law to be returned by me, to the returning officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

> (Signature) G.H., Deputy Returning Officer.

tat , in the county of day of Sworn before me at . , this

> (Signature) X. Y., Justice of the Peace. or A. B., Returning Officer.

41 V., c. 16.

FORM M.

Information to obtain a Search Warrant.

 $\left. \begin{array}{c} \text{Canada,} \\ \text{D}_{\text{ISTRICT (or County, or, as the}} \\ \text{case may be) of} \end{array} \right\}$

The information of K. L., of the in the said district (or, county, &c., yeoman), taken this W. S., Esq., , before me in the year and for the district (or, county, or, united counties, or as the a justice of the peace, in case may be) of , who says that he has just and reasonable cause to suspect, and does suspect, that intoxication cating liquor, in respect to which an offence against the second part of "The Canada Temperance Act," has been committed, is concealed in the (dwelling house, &c.), of P. Q., of in the said district (or county, &c.), (here add the the said district for county, and, the said district for county, and the said district for county for county, and the said district for county for county, and the said district for county for c they may be.)

Wherefore he prays that a search warrant may be granted him to search the (dwelling house, &c.) of the said P. Q., as aforesaid, for the said intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned, at in the said district (or county, &c.)

of , before me.

(Signature)

FORM N.

Form of Search Warrant.

PROVINCE OF
DISTRICT (or County, or, as the case may be) of

To all or any of the constables or other peace officers, in the district (or county, or as the case may be) of

Whereas, K. L., of the of in the said district (or county, &c.), has this day made oath before me the undersigned, a justice of the peace in and for the said district (or county, &c.) of that he has just and reasonable cause to suspect, and does suspect, that intoxicating liquor, in respect to which an offence against the second part of "The Canada Temperance Act," has been committed, to wit, in respect to which (here describe the offence, in the words of the information) is concealed in the (dwelling house, &c.) of one P. Q., of in the said district (or, county, &c.) of

These are, therefore, in the name of Our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (dwelling house, &c.) of the said P.Q. and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, is found upon such search, that you bring the intoxicating liquor so found, or gallons thereof, if there are more than twenty gallons so found, and also all barrels, kegs, cases, boxes, packages and other receptacles of any kind whatsoever containing the same, before me, to be disposed of and dealt with according to law.

Given under my hand and seal at district (or county, &c.), this day of in the year

41 V., c. 16.

(Seal) W. S., J. P.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., c. 50	The whole, except s. 124. The whole. s. 143	ĺ	s. 124 forms part of the Temperance Act of 1864. Remainder	Liquor License
47 V., c. 31 47 V., c. 32	s. 1ss. 24 and 25		Remainder	

CHAPTER 102.

An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.

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

SHORT TITLE.

This Act may be cited as "The Liquor License Act." Short title. 46 V., c. 30, s. 1.

INTERPRETATION.

- 2. In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "district" means a license district, "District." this Act;
- Commissioners; "board" means the Board of License "Board."
- (c) The expression "inspector" means an inspector of "Inspector." authority of such inspector;
- authorizing the holder thereof to sell and dispose of, under the provisions of this Act, any liquor in quantities not exceeding one quart, which may be drunk on the premises;
- (e) The expression "saloon license" means a license "Saloon liquors, not exceeding one quart, on the premises therein specified, and which may be drunk on the premises;
- (f) The expression "licensed premises" means the premises in respect of which a license under this Act has been cellar, yard, stable, outhouse, shed, or any other place whathouse or place;
- (g) The expression "licensee" means a person holding a "Licensee." licensee under this Act;

- "Public bar." (h) The expression "public bar," or "bar," means and includes any room, passage or lobby in any licensed premises into which the public may enter and purchase liquors, and which opens immediately to any street, highway, public place or public thoroughfare;
- "Liquors." (i) The expression "liquors," or "liquor," means and includes all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids, which are intoxicating;
- "Magistrate." (j) The expression "magistrate" means the judge of the sessions of the peace, police, stipendiary or sitting magistrate, recorder, justice or justices of the peace, or commissioner of a parish court who has jurisdiction to entertain a complaint in respect of a violation of the provisions of this Act:
- "Justice." (k) The expression "justice," or "justices," means justice of the peace, or justices of the peace, as the case may be;
- "Electors." (l) The expression "electors" means persons who are entitled to vote at an election for a member of the House of Commons. 46 V., c. 30, s. 2 and s. 4, part.

EXTENSION OF TIME.

Governor in Council may extend time in certain cases. 3. Whenever in this Act it is provided that any application shall be filed, any meeting held, or any other matter or thing done at a specified date, or within a fixed time, and whenever from the geographical position of the part of Canada in respect of which any license is applied for, it appears to the Governor in Council that it is expedient that a date or limit other than that fixed by this Act should be substituted for the filing of such application, the holding of such meeting, or the doing of such matter or thing, the Governor in Council may fix such date or define such or limit in such manner as he deems fit. 47 V., c. 32, s. 22.

EXEMPTIONS.

Exceptions.

4. Nothing in this Act shall apply,—

As to makers of native wines. (a) To persons who manufacture native wines from grapes grown and produced in Canada, and who sell such wines in quantities of not less than one gallon, or two bottles not less than three-half pints each, at one time, at the place of manufacture;

Auctioneers.

(b) To any person who holds a license as auctioneer, and who sells liquor at public auction in quantities of not than two gallons at any one time;

(c) To any person who sells liquor in any refreshment Refreshment room at the Senate or House of Commons, or the Legislative islative build-Council or House of Assembly of any of the Provinces, by ings. the permission and under the control of the Senate, House of O of Commons, Legislative Council or House of Assembly respectively. 46 V., c. 30, s. 3.

LICENSE DISTRICTS.

- 5. The Governor in Council may, from time to time, alter Establishment of and re-define license districts, and the same when so altered license and re-defined, shall be announced by proclamation in the districts. Canada Gazette:
- 2. Such districts shall, as far as possible and convenient, Boundaries thereof. be identical and co-terminous with existing and future—
 - (a) Counties, or
 - (b) Electoral Districts, or
 - (c) Cities. 46 V., c. 30, s. 4.

LICENSE COMMISSIONERS.

There shall be a Board of License Commissioners, Board of commissioners; of composed of three persons for each district:

whom composed.

- 2. The first commissioner shall be, in the Provinces of First commis-Ontario, Nova Scotia, New Brunswick, Manitoba and Prince several Prov-Edward Island, a judge of a county court, or a junior judge inces. of a county court, as the Governor in Council directs; and in the Province of Quebec, the judge of a judicial district, a judge of the sessions of the peace, the prothonotary, sheriff or district magistrate, or a registrar of the county or registration division, as the Governor in Council directs; in the Province of Quebec, the first commissioner shall hold office for one year, or the portion of the year yet unexpired in which he is appointed, but he shall nevertheless continue to hold office until his successor is appointed:
- 3. The second commissioner shall be the warden of the Second Commissioner. county, or the mayor of the city; but whenever there are within the district both a warden and a mayor, the former shall be the commissioner; and whenever within the district there are two or more wardens, the second commissioner shall be such of the wardens as the Governor in Commissioner shall be such of the wardens as the Governor in Ouebec. Council appoints. In the cities of Montreal and Quebec, in the D in the Province of Quebec, the recorder, and in the city of St. John, New Brunswick, the mayor, and in the counties of the of the Province of Prince Edward Island, the sheriff of the county, shall be the second commissioner:

Third commissioner. 4. The third commissioner shall be a person appointed by the Governor in Council, who shall hold office for one year, or for the portion of the year yet unexpired in which he is appointed, but he shall continue to hold office until his successor is appointed:

Commissioners in certain counties in Quebec and in British Columbia.

5. In the counties of Chicoutimi and Saguenay, Gaspé and Bonaventure, in the Province of Quebec, the Governor in Council may appoint a second and a third commissioner, who, with the warden, shall form the board; and in any unorganized district, and in the districts in the Province of British Columbia, the Governor in Council may appoint a first, a second and a third commissioner:

Chairman and quorum. 6. The first commissioner shall be chairman of the board, and two of the said commissioners shall form a quorum; and in the absence of the first commissioner, the second commissioner shall be the chairman:

Power of Governor in Council in case of inability, &c., of commissioner.

7. If any first or second commissioner has an interest in any business, in consequence whereof he is disqualified to act, or is subject to a penalty for so acting, or if any commissioner refuses to act, the Governor in Council may assign his duties to a commissioner of an adjacent district, or may appoint another commissioner to act in his stead; and such substituted commissioner shall have all the powers and shall perform all the duties of the commissioner for whom he is so substituted. 46 V., c. 30, s. 5;—47 V., c. 32, s. 1.

LICENSE INSPECTORS.

Chief inspector and inspectors for each district.

Security and salaries.

7. A chief inspector of licenses, and one or more inspectors, shall be appointed by the board, from time to time, for each district, as the board sees fit, and every inspector shall, before entering upon his duties, give such security as the board requires for the due performance of his duties, and for the payment over of all sums of money received by him under the provisions of this Act; and the salaries of the inspectors shall be fixed by the board, subject to the approval of the Governor in Council:

Bond.

2. The security required by this section shall be given by bond to Her Majesty:

Secretary-Treasurer. 3. The chief license inspector shall be the secretary treasurer of the board, and all moneys payable to the board shall be paid to him. 46 V., c. 30, s. 6.

LICENSES.

Description and form of license. 8. The Governor in Council may direct the issue of licenses, written or printed, or partly written and partly

printed, of the several kinds or descriptions following, that is to say:—

- (a) Hotel licenses;
- (b) Saloon licenses;
- (c) Shop licenses;
- (d) Vessel licenses;
- (e) Wholesale licenses:
- 2. Every license shall be issued by the Department of How signed; Inland Revenue, and countersigned by the chief inspector form and of license. of licenses of the district, and shall be in such one of the license. forms in the first schedule to this Act, as is applicable, and, except when otherwise provided, shall be in force to the things the date the thirtieth day of April inclusive, following the date
- 3. An hotel license or saloon license shall authorize the Hotel or saloon licensee to sell and dispose of any liquors in quantities not license. exceeding one quart, which may be drunk in the hotel or saloon in which the same is sold:
- 4. A shop license shall authorize the licensee to sell and Shop license. dispose of any liquors not to be drunk in or upon the premises for which the license is granted, but not less than one pint. Which the license is granted, but not less than one pint in quantity shall be sold or disposed of at any, one time to any one person:

5. A vessel license shall authorize the master of the Vessel license. vessel, being a vessel by which passengers are conveyed from the beyond Canada, to sell from one place to another within or beyond Canada, to sell or dispose of liquor during the passage of the vessel between such place to another within or peyond canada, such place of liquor during the passage of the vessel between such places, to any passenger on board such vessel: Pro-Proviso. vided always, that it shall not permit the selling or disposing of annul. of any liquor, except at the regular meals served on board such responses: and prosuch vessel, and then only to actual passengers: and pro-Proviso. vided further, that it shall not authorize the opening or keeping. keeping of a bar or place on board such vessel, where liquors are sold or drunk:

6. A wholesale license shall authorize the licensee to Wholesale license shall authorize the license or license. sell and dispose of liquors in his warehouse, store, shop or less than place defined in the license, in quantities of not less than two mall and whenever such two gallons in each cask or vessel; and whenever such hottles. selling by wholesale is in respect of bottled ale, porter, beer, wine or all wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and wholesale is in respect of bottled ale, porter, beer, and the bottled ale, because the bottled ale, becaus Wine or other fermented or spirituous liquor, each such sale shall be in the spirituous liquor, each such sale shall be in quantities of not less than one dozen reputed quart both quantities of not less than one dozen reputed quart bottles: no liquors sold under a wholesale licens

Not to be con-shall be consumed in or upon the house or premises in sumed on the respect of sumed in or upon the house or premises that respect of which the license is granted: Provided, that persons importing or dealing in liquors in unbroken pack premises. ages in bond, shall not be required to have defined in their Proviso. licenses any other place than the general office wherein

their business is conducted:

Duty imposed by Provincial Legislatures under B.N.A. Act, s. 92, to be paid.

7. Hotel, saloon and shop licenses and such other of the licenses by this Act authorized to be issued, as to which a Provincial Local to a Provincial Legislature may impose a tax in order to the raising of a revenue of raising of a revenue, shall be subject to the payment the such duty as the Legislature of the Province, under of power conferred on it by the ninth enumerated class of subjects in section viscoti subjects in section ninety-two of "The British North America Act 1867" impacts for it Act, 1867," imposes for the purpose of raising or in order to raise a revenue for provincial, local or municipal purposes. 46 V., c. 30, s. 7;—47 V., c. 32, s. 3.

Under authority of what Board license shall issue.

9. Every license shall be issued by the authority and uder the direction of the under the direction of the board for the district in which the premises to which the the premises to which the license is to apply are situate, be except in the case of licenses for vessels, which may of issued under the cuth cuth care. issued under the authority of the board for any district which the port from or to the board for any district which the port from or to the board for any district which the port from or to the board for any district which the port from or to the board for any district of the which the port from or to which the vessel sails, or any port at which she calls former which she calls for any port which which which which which which which we call the call which which which which which we call the call which which which which which we call the call which which which which we call the call which which which we call the call which which which which at which she calls, forms part. 46 V., c. 30, s. 8.

MEETINGS OF THE BOARD.

Resolutions for certain purposes at meeting of board.

10. The board shall hold a meeting during the month of arch in each year of which more March in each year, of which notice shall be given as here inafter provided and and a meeting during the most paster provided and a meeting during the most paster paste inafter provided, and may thereat pass a resolution or resolutions for regulating the lutions for regulating the matters following:—

Qualifications and conditions for licenses.

(a) For defining the conditions and qualifications require to obtain hotel are all the conditions and qualifications site to obtain hotel or saloon licenses for the retailing, within the district or any in the district or any part thereof, of liquors, and also any licenses for the sale beautiful and also any licenses for the sale, by retail, within the district or any part thereof, of liquors in shops or places other than hotels, tayerns in a claber of his part thereof, of liquors in shops or places other than hotels, tayerns in a claber of his part thereof, of liquors in shops or places other than hotels, and have the history of the liquors of the hotels. taverns, inns, ale-houses, beer-houses or places of public entertainment, not contrary to entertainment, not contrary to, or inconsistent with the provisions of this Act. visions of this Act;

Number of licenses and times and localities for issuing.

(b) For limiting the number of hotel, saloon and shed licenses, respectively, within the maximum prescribed by this Act and for Jectively by this Act, and for defining the respective times and localities within which and it localities within which and the persons to whom such limited number may be issued. limited number may be issued within the year, from of first day of May of one was a state of the first day of May, of one year, until the thirtieth day of April, inclusive of the next are

Number of saloon licenses.

(c) For declaring the number of saloon licenses that may issued in any warr. be issued in any year;

- (d) For regulating the hotels, saloons and shops to be Regulation.
- (e) For fixing and defining the duties, powers and privi- Duties of inspectors. leges of the inspectors for its district:
- 2. The resolution or resolutions so adopted shall have Effect of resolution effect only as respects the licenses of the succeeding year: resolutions.
- 3. Any resolution or resolutions adopted by the board, How promulall L. shall be promulgated within ten days thereafter, in such gated. manner as it determines:
- 4. The board shall also, at such meeting, take into con-Applications sideration all applications for certificates for such licenses to be considered. as by this Act are authorized to be granted:
- 5. If, for any reason, a quorum of the board is not present Adjournment on the day fixed for the meeting, or at any adjournment of quorum. a meeting on the appointed day, the said meeting or adjourned meeting shall stand adjourned from day to day, until a quorum is present to hold such meeting:
- 6. The chief inspector of any district in which an annual Notice of meeting is to be held, shall, one month at least before the Chief Inspector. holding is to be held, shall, one month at least below to the of such meeting, cause a notice thereof to be affixed tor. to the outside of the outer door of the court house or other builds. Outside of the outer door of the court house or other building where the meeting of the board is to be held, and shall are where the meeting of the board is to be held, and shall also cause an advertisement of the time and place of hold: holding such meeting to be inserted at least three times, in at least three times, in the district or if no at least one newspaper published in the district, or if no newspaper newspaper published in the district, or published in the newspaper published therein, then in the newspaper Published nearest to the said district:

7. At all meetings of the board, the chairman shall have Powers of the same rights as to moving and seconding resolutions and meetings. voting thereon as the other members of the board; but in no case shall he have a second or casting vote, and every resolutions. resolution in respect of which there is an equality of votes, shall be a second or casting vote, and a second or casting shall be declared lost. 46 V., c. 30, ss. 9 and 10;—47 V., c.

APPLICATIONS FOR LICENSES.

Wholesale or retail, shall be by petition of the applicant to made.

The board of the applicant to have the board of the district in which the license is to have effect. 46 V., c. 30, s. 11.

Every petition for an hotel, saloon or shop license, And when. shall be filed with the chief inspector for the district wherein like with the chief inspector for the first wherein the license is to have effect, on or before the first

day of March next preceding the day when it is to come into force:

To be filed with chief inspector.

2. Every petition for any other license authorized to be granted by this Act shall be filed with the chief inspector five days, at least, before the day upon which the meeting of the board is to be held. 46 V., c. 30, s. 12.

Certificate re-

13. In the case of an application for an hotel, saloon of the application in shop license, by a person who is not, at the time of the case applicant making of such a such as the time of tike case applicant making of such application, a holder of a license of a prois not a licen- description under this Act, or under any Act of a prosee. vincial Legislature or as to premises which are not then licensed, the petition shall be accompanied by a rate tificate signed by continuous accompanied by a rate tificate signed by one third of the electors entitled to wht in the polling sub-division in which the premises sought to be licensed are said and and are said are said and are said are said are said and are said are to be licensed are situated; except that in districts in the Province of Manitoba, until the first day of March, of thousand eight hundred and eighty-seven, the signatures of one third of the resident and life in the resident and life. one third of the resident qualified electors to such certificate shall be an entired cate shall be sufficient:

Polling subdivision defined.

2. Such polling sub-division shall be that established by law for the purposes of an election for the House of Commons; or if none such is established, then the polling subdivision need for the none such is established. division used for the next preceding election for the House of Commons: of Commons:

As to unorganized districts.

3. In unorganized districts the said certificate shall he signed by at least ten out of the twenty householders who reside nearest to the premises in which the applicant proposes to carry on the business for which the license required. 47 V., c. 32, s. 5.

Form and reauisites of certificate.

14. Such certificates shall be in the form in the second hedule to this Ast and the second schedule to this Act, or to the like effect, in respect of the fitness of the applicant to have such license, and premises in which it is premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience, of having a license granted therefor. 46 V., c. 30, s. 14.

Notice by chief inspector as to applications for licenses.

15. The chief inspector shall cause to be published, at fourteen days her and the published of the published. least fourteen days before the meeting of the board, in some newspaper and line in some newspaper and line in some newspaper. paper is therein published, then in a newspaper published, near thereto, the newspaper published, near thereto, the name of each applicant for an hotel saloon or shop license saloon or shop license, the description of license applied for, and the place (described with a state of license applied for and the place (described with a state of license applied for an applicant for an applied saloon or shop license, the description of license applied for an applicant for an applied saloon or shop license, the description of license applied for an applicant for an applied saloon or shop license, the description of license applied for an applied for an applied saloon or shop license, the description of license applied for an applied for a part of the applied for a pa for, and the place (described with sufficient certainty) where such applicant proposed such applicant proposes to sell. He shall also cause notice containing similar in a notice containing similar information to be fixed to the outer door of the side of the outer door of the court house or other building where the meeting of the court house or other building. where the meeting of the board is to be held. c. 32, s. 6

Posting up notice.

- 16. The applicant shall, with his application, deposit a Deposit by fee of ten dollars to cover expenses of inspection and ad-applicant. Vertising. 46 V., c. 30, s. 16.
- division, and, in unorganized districts, any five or more out for licensee. of the twenty householders residing nearest to the premises for which a license is applied for, may object, by petition or in any similar manner, to the granting of any license:
- 2. The objections which may be taken to the granting of Nature of objections. The objections which may be taken to the granting of Nature of objections.
- (a) That the applicant is of bad fame and character, or of As to character, drunken habits, or has previously forfeited a license, or that ter of applitude applicant has been convicted of selling liquor without a license within a period of three years; or—
- (b) That the premises in question are out of repair, or As to his have not the accommodation required by this Act, or reasonable accommodation, if the premises are not subject to the said requirements; or—
- (c) That the licensing thereof is not required in the As to the neighborhood, or that the premises are in the immediate neighborhood. That the place of public worship, hospital or school, or situate will be disturbed if a license is granted. 46 V., c. 30, s. 17.
- license shall contain, in addition to each signature thereon, to persons a statement of the approximate distance from the premises of which such petition refers, of the residence or property each person who signs the same. 46 V., c. 30, s. 18.
- be lodged with the chief inspector, not less than four clear 46 V, c. 30, s. 19.
- office for three days previous to the meeting of the board, of petitions, &c. all certificates and petitions lodged with him as aforesaid, and every such petition or memorial shall be open to public inspection without fee. 46 V., c. 30, s. 20.
- aforesaid, erase therefrom all names in respect of which the of signatures. Particulars hereby required to be set forth are not appended.

 7. c. 30, s. 21.

Hearing and determining objections.

22. Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the board for the district wherein the premises in respect of which the license is sought, or to which it relates, are situate:

Proceedings at hearings.

2. Every such hearing shall be open to the public, and every applicant for a license shall attend personally at such hearing, unless hindered by sickness or infirmity; and the board may summon and examine on oath such witnesses as they think necessary, and as nearly as may be in the man ner directed by the "Act respecting summary proceedings before Justices of the Peace: " Provided always, that the personal attendance of the applicant may be dispensed with by the board, in cases in which the report of the inspector has been dispensed with under the following provisions of

Adjourning

meetings.

this Act:

Proviso.

3. Any such meeting may, in the discretion of the board, be adjourned, from time to time, to the same or any other court house or building within the district. 22;—47 V., c. 32, s. 7.

Report of inspector on applications.

23. The inspector shall report, in writing, to the board on every application for a license, and such report shall contain.—

As to premises.

(a) A description of the house, premises and furniture;

Conduct of applicant if previously licensed.

(b) If the application is made by a person who held a license for the same premises during the preceding year, a statement of the light statement statement as to the manner in which the house has been and conducted during the existence of the previous license, and the character of persons frequenting the house;

As to licensed houses in the neighborhood.

(c) A statement of the number, position and distance from the house in respect of which a license is applied for, of other licensed houses in the neighborhood;

Fitness of applicant.

(d) A statement whether the applicant is a fit and proper person to have a license, and is known to be of good character and reports. ter and repute;

Necessity of licensed house.

(e) A statement whether the house or premises sought to be licensed are or are not, in his opinion, required for Public convenience:

Whether applicant owns the business.

(f) A statement whether the applicant is or is not the true owner of the business of the hotel, saloon or shop proposed to be licensed. 46 V., c. 30, s. 23.

Report to be for information of board.

24. The report of the inspector shall be for the information of the board, who also is tion of the board, who shall, nevertheless, exercise its own discretion on each application of the board, who shall, nevertheless, exercise its own discretion on each application. 46 V., c. 30, s. 24.

DUTIES OF THE BOARD.

- 25. The board shall ascertain that the requirements of To see that this Act, as to the petition of the applicant, the certificate of are complied the electors when necessary, and the report of the inspector, with. have been complied with:
- 2. If the said pre-requisites have been complied with, Entertaining but not otherwise, the board shall entertain the applica- not.
- 3. If the applicant for an hotel or shop license resides in Applicants in remote parts. remote part of the district, or if for any other reason the remote parts. board sees fit, it may dispense with the report of the inspector, and act upon such information as satisfies it in the premises:
- 4. The board shall hear and determine all applications, Hearing and and also all objections which are made to such applications, determining applications. on such evidence as seems to it sufficient, whether the same applications. is strictly legal evidence or not:
- 5. Any person who has signed a petition against the grant- Hearing objectors. ing of a license, may be heard in opposition thereto:
- 6. The council of any city, town or incorporated village, And those authorized or of any municipality or parish, may authorize any person authorized by appear in a similar manner on behalf of the ratepayers of ties. such city, town, incorporated village, municipality or parish, as to the city of the city, town, incorporated village, municipality or parish, as to the city of the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city, town, incorporated village, municipality or parish, as to the city of the city, and the city of the as to the granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license, and such person so authorized all granting of a license all granting of ized shall be entitled to be heard before the board against the granting of such license':
- 7. No objection in respect of the character of any appli- As to objection to character of any appli- As to object of the character of any appli- As the character of any appli- As to object of the character of any appli- As to object of the character of any appli- As to object of the character of any appli- As to object of the character of any appli- As to object of the character of th cant shall be entertained, unless three days' notice has been tions to chargiven. given to the applicant:
- 8. No objection from an inspector shall be entertained, Objections by unless the nature of the objection has been stated in the inspectors. report furnished to the board:
- 9. Notwithstanding anything in this Act contained, the Board may board may, of its own motion, take notice of any matter or not mentioned by objectors. thing which, in its opinion, would be an objection to the by objectors. granting of a license, although no notice or objection has been as of a license, although no notice or objection has been given or made, as by this Act provided; and in any Notice to apsuch control or made, as by this Act provided; and shall plicant in such case. such case the board shall notify the applicant, and shall such case. adjourn its hearing of the application, if requested by him, for any days and not less for any period not exceeding fourteen days and not less than some affected by the than seven days, in order that any person affected by the objection days, in order that any person affected by the objection may have an opportunity of answering the same:

Decision of board final.

10. The decision of the board, when once announced by the chairman, shall not be questioned or reconsidered:

Applicants

11. If any applicant for a license has, at any time or in fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place, been refused on the ground that he is not a fit disqualified any place. for two years. person to hold a license, no application by such applicant shall be entertained by any board within a period of two years of the last of such refusals. 46 V., c. 30, s. 29.

Certificates to license.

26. If it appears that the applicant is the true owner of found entitled the business of such hotel, saloon or shop, and has controllicense. plied with the requirements of the law and with the regulations and many many lations and requirements of the board, the board may grant such applicant a certificate under the hands of any members of the board, stating that he is entitled to a license for a certain time, and for a certain hotel, saloon or shop within the district. 46 V., c. 30, s. 30.

Entrance to hotel to be separate from

27. No hotel license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. c. 30, s. 31.

Two-thirds majority of electors may prevent license.

28. No license shall be granted if two-thirds of the electors in the polling sub-division petition against it, on the grounds hereinbefore set forth, or on any of such grounds 46 V., c. 30, s. 32.

No license to person disqualified.

29. No license shall be granted to any person declared, in pursuance of this Act, to be a disqualified person, during the continuance of such disqualification; and any license issued to a paragraph of the continuance of such disqualification; issued to a person so disqualified shall be void. 30, s. 33.

Nor to a commissioner or inspector.

30. No license shall be granted under the provisions of this Act to or for the benefit of any person who is a license commissioner or lilicense commissioner or license inspector; and any license so issued shall be reid at 2 Tr so issued shall be void. 46 V., c. 30, s. 34.

Nor if commissioner or inspector owns the premises.

31. No hotel, saloon or shop license or certificate for and such license shall be issued under the provisions of this Act for premises within and the provisions of this are for premises within any district of which any of the license commissioners or of the commissioners or of the inspectors for such district is the owner; and every license commissioner who knowingly assents to the issue of a license or a certificate for a license, and every license inspector who had every license inspector who knowingly recommends the issue of a license or a certificate for a heense, the issue of a license or a certificate for a license for any such premises contrary to the premises, contrary to the provisions of this section, is guilty of a misdemenor. of a misdemeanor:

The words "a license or" after "issue of" in lines 6 and 8 are inserted at suggestion of the Parliamentary Committee the suggestion of the Parliamentary Committee.

As to joint stock companies.

2. The provisions of this section shall not extend or apply premises owned or committee the section of the section shall not extend or apply premises owned or committee the section of the section shall not extend or apply premises owned or committee the section of the section to premises owned or occupied by a joint-stock company

Which a license commissioner is a shareholder, but in every such case such license commissioner shall not vote upon any question affecting the granting of a license to such compared by it 46 V. company, or for premises owned or occupied by it. 46 V., c. 30, s. 35.

82. No shop license shall be granted to any person to Conditions for obtaining a sell liquors in any store, shop, place or premises where shop license. groceries or other merchandise are sold, or exposed for sale, or in any store, place or premises connected by any internal communication with such first mentioned store, shop, place or premises; but this section shall not apply to any licensee Proviso. who held a license on the twenty-fifth day of May, one thousand eight hundred and eighty-three, in a city or town, prior to the first day of May in the year one thousand eight hundred and ninety, and elsewhere, prior to the first day of M of May in the year one thousand eight hundred and eightyseven. 46 V., c. 30, s. 75, part.

The board may also direct to be issued licenses for Licenses for pessels or for vessels or vessels vessels, or wholesale licenses which have been applied for wholesale. within the time hereinbefore prescribed. 46 V., c. 30, s. 36.

ho a No wholesale license shall be granted to any person Condition of wholesale wholesale who does not carry on the business of selling by wholesale license. or in unbroken packages. 46 V., c. 30, s. 37.

Wholesale licenses may be issued in the name of a As to partner-ships. co-partnership, when two or more persons are carrying on busing the contract of the contract o business as one, but a separate license shall be required in every as the business. 46 every district wherein the firm carries on its business. 46 V., c. 30, s. 38.

36. If the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit, or is Extension of nahl and the board of any district does not think fit. unable to grant a new license to any applicant who has certain cases. been licensed during the preceding twelve months, or any part the new license to any appropriate to grant a new license to g part thereof, it may, nevertheless, by resolution, provide for extending license for any extending the duration of the existing license for any specifically three months, in specified period of the year, not exceeding three months, in the discourse when a certithe discretion of the board; and such license, when a certificate of the board; ficate of the extension aforesaid has been indorsed thereon, under the extension aforesaid has been indorsed thereon, under the extension aforesaid has been inquised and remain the hand of the chief inspector for the district, shall remain the resolution of the remain valid for the period specified in the resolution of the board valid for the period specified in the resolution of the board, and no longer; but this provision shall not be construed to confer on the board any authority to exceed the limit provided to confer on the board any authority to exceed the limit prescribed by this Act as to the number of licenses to be granted in any year. 46 V., c. 30, s. 39.

The board shall report annually to the Minister of Annual reports of boards to Inland Revenue, and its report shall contain,—

(a) A statement of the number and description of licenses Inland and of the number and description of ficenses infland Revenue; and granted description of ficenses were what they must show. granted during the year;

reports of boards to Minister of

- (b) The names of those to whom licenses were not granted;
- (c) Any other statement required to be entered in the register of licenses hereinafter mentioned;
- (d) The prosecutions for violation of this Act, and the result of the same;
- (e) General remarks as to the working of the law within the district:
- (f) Also any other matters in respect of which a report is asked by the Minister of Inland Revenue:

Moneys received and expended.

2. The board shall also report in respect to and account for the moneys received and expended during the year. V., c. 30, s. 61.

ISSUE OF LICENSES.

Issue of license and fee.

38. Upon the obtaining by the applicant of the certification cate authorizing the issuing of a license, the chief inspector shall, on the demand of the applicant so authorized, and upon the payment of a fee of five dollars, and when it is an hotel salary and it hotel, saloon or shop license that has been directed to issue, upon his giving security by bond as hereinafter provided, issue to him the license to which he is entitled:

Proviso; applicant must have paid or tendered any lawful pro-vincial duty.

2. Provided always, that in any Province in which, in order to the raising of a revenue for provincial, local or mu nicipal purposes, a duty has been imposed under the author ity of "The British North America Act, 1867," on any license, before the license issues, the person entitled thereto shall establish to the control of the con establish, to the satisfaction of the chief inspector, that he has paid or tondered the has paid or tendered the amount of such duty. 46 V., c. 30, s. 40.

License to apply to person and premises.

39. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a liquor shall be a l liquor shall be held to be a license only to the person there in named, and for the premises therein described, and shall remain valid only as the shall remain valid only as the shall remain valid only as the same only to the person that the premise only to the person that and shall remain valid only as the same only to the person that the person shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on. 46 V., c. 30, s. 48.

SECURITY TO BE GIVEN.

Form, amount

40. Before any hotel, saloon or shop license is granted, tions of bond. the person applying for the same shall enter into a bond to Her Majorty in the same shall enter into a bond to Her Majesty, in the sum of five hundred dollars, with good and sufficient good and sufficient sureties, approved of by the chief in spector, in the sum of one hundred and fifty dollars each, conditioned for the payment of all fines and penalties which such person is condemned to pay in respect of any offen person is condemned to pay in respect of any offence against any Act, by-law or provision in the nature of law, relative to hotels, taverns, inns or houses of public entertainment, then and thereafter in force, and to do, perform and observe all the requirements thereof, and to conform form to all by-laws and regulations established by competent tent authority in such behalf; and such bond shall be in Form of bond. the Words or to the effect of the third schedule to this Act, and when executed shall be filed in the office of the chief inspector, and shall be by him transmitted to the Secretary of State. 46 V., c. 19, s. 41.

ACCOMMODATION.

Every hotel authorized to be licensed under the pro-Accommodavisions of this Act, shall contain, and during the continuance in and at an of the license shall continue to contain, in addition to what hotel. is needed for the use of the family of the hotel keeper, in cities and in other cities and towns, not less than six bed rooms, and in other places, not less than six bed rooms, and reverse, not less than three bed rooms, together with, in every case, a suitable complement of bedding and furniture; and except in cities and incorporated towns, there shall also be at least six be attached to the said hotel, proper stabling for at least six horses, besides those belonging to the hotel keeper:

2. No hotel or saloon shall form a part of or com- Not to com-municate store municate municate by any entrance with any shop or store with a shop. but in cities and towns the board may, by resolution, Proviso. anthorize the chief inspector, with regard to any hotel license, to indorse thereon that this sub-section is not applicable, to indorse thereon that this sub-section is not applicable. cable to such license, and on such indorsement being made, this such license, and on such indorsement being made, this sub-section shall not apply thereto. 46 V., c. 30, s. 25;— 47 V., c. 32, s. 8.

Every hotel and saloon shall be shown, to the satis-Hotel or faction of the board, to be a well appointed and sufficient have sufficient ha ing meals to travellers; and the requirements of this secmodation,
and for set
tion shall tion shall apply to all hotels or saloons, subject to the pro- ing meals. visions of the next following sub-section, and continuously for the whole period of the license:

and for serv-

2. The board may, by resolution passed before the Board may dispense with a second may and a second may be a second may a first day of May in any year, dispense, as to à certain number of saloons in any city or town, with the necessity of modation in their havings. their having the accommodation in this section mentioned. certain cases. 47 V., c. 32, s. 9.

48. The council of any city, incorporated village, town, Municipal washing to the council me township or parish may, by by-law passed before the council may require additional accom modation.

first day of March in any year, prescribe for the then enguing license year beginning on the first day of May, any requirements in addition to those in the two sections next preceding mentioned, as to accommodation to be possessed by hotels and saloons, which the council sees fit; and the board, upon receiving a copy of such by-law, shall be bound to observe the to observe the provisions thereof; and such by-law shall continue in full form continue in full force for such year, and any future year until repealed. 46 V., c. 30, s. 27.

Stabling to be provided with hay, &c.

44. Every hotel keeper to whom a license is granted in respect of premises which are required to be provided with stabling, shall, at all times, keep upon his licensed premises a sufficient supply of hay, corn or other provender, for the accommodation of travellers. 46 V., c. 30, s. 28.

NUMBER OF LICENSES.

Number of licenses limited.

45. The aggregate number of hotel and saloon licenses to be granted, except as hereinafter provided, in the respective manifest 121 tive municipalities or parishes, shall not, in any year, be in excess of the following limitations:—

In municipalities generally.

Proviso.

(a) In cities, towns and incorporated villages respectively, according to the following scale, that is to say, one for each full two hands of 1000 and 100 full two hundred and fifty of the first one thousand of the population, and one for each full five hundred over one thousand of the population: Provided, that two hotel licenses may be granted in any town or incorporated village wherein the population is less than five hundred;

In villages being county towns.

(b) In incorporated villages, being county towns, five licenses may be granted, notwithstanding that according to the population that number could not be issued;

(c) In the town of Niagara Falls, in the Province of Onts. Niagara Falls. rio, three hotels near the Falls of Niagara may be licensed, in addition to the number which would otherwise be the maximum limit under this Act:

Where there is no municipal organization.

(d) In townships, local municipalities and parishes, and in places where there is no municipal organization, the board of the district shall, by resolution passed at their he meeting in each year, limit the number of licenses to be issued in such year;

(e) The board may authorize the granting of two additional hotel licenses beyond the number limited by this Act in a locality level. Act in a locality largely resorted to in summer by visitors, but such licenses shall only be for a period of six months, Proviso. commencing on the first day of May in each year; and this provision shall not apply to the town of Niagara Falls;

Places of summer resort.

- (f) In incorporated villages, and in townships and No saloon liparishes, no saloon licenses shall be granted. 46 V., c. 30, censes in certain places. s. 42;—47 V., c. 32, s. 11.
- 46. The number of shop licenses which may be granted Number of in the respective municipalities shall not, in any year, be in shop licenses. excess of the following scale:-
- (a) One for each full four hundred up to twelve hundred of the population; and,
- $^{(b)}_{ ext{th}}$ One for each full one thousand beyond twelve hundred of the population. 46 V., c. 30, s. 43.
- The council of any city, town or village may, by by-Municipal council me law to be passed before the first day of March in any year, further limit reduce, Within any limit by this Act provided, the number the number of hard, within any limit by this Act provided, the number for licenses. of hotel, saloon and shop licenses to be issued therein for licenses. the then ensuing year, or for any future license year until such by-law is altered or repealed:

2. The council shall cause a certified copy of such by Notice to law to be sent, immediately after the passing thereof, to the chief inspecchief inspector of the district in which the municipality is situate. 46 V., c. 30, s. 44.

of licenses shall be, at any time, determined under this Act, computed for shall be the shall be shall be that shown by the then last preceding census, ex-purposes of the central that shown by the then last preceding that owing this Act. cept when the board is at any time of opinion that, owing this Act. to a large increase of population since such census, an increase increase of population since such census, an increased number of licensed hotels is needed for the convenient of the convenience of th renience and accommodation of travellers; and in such New census in case, if it and accommodation of travellers; and in such New census in cases, page 16. C. c. case, if the board so certifies, and the council of the municipality the board so certifies, and the council of the municipality the board so certifies, and the council of the municipality the board so certifies, and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the board so certifies and the council of the municipality that the council of the cipality petitions the Governor in Council for an increase of the petitions the Governor in Council may of the number of hotels, the Governor in Council may authorize a new census to be taken at the expense of the municipality, and the limit for the number of licenses shall thereof thereafter, upon each such new census, be one for each full two hards one thousand, two hundred and fifty of the population under one thousand, and and are thousand of the and one for each five hundred over one thousand of the Population:

2. In case of the alteration or formation of any municities altered pality subsequent to the taking of any census, the popula-since census. tion of such municipality, for the purposes of this Act, may be ascent to the enumebe ascertained by the board by reference to the enumeration or by a new census ration on which such census took place, or by a new census taken under the provisions of this section:

3. When, since the general census, a census has been The same. taken in any municipality under the authority of the council

having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act. 46 V., c. 30, s. 46.

Certain powers of municipal councils in Quebec, at time of Confederation, saved. 49. No provision in this Act contained shall affect the powers conferred on the municipal councils in the Province of Quebec, of each county, city, town, village, parish and township, by the laws in force in the said Province on the first day of July, one thousand eight hundred and sixty seven, to restrict or prohibit the sale of intoxicating liquors within the limits of their respective territorial jurisdictions, and the said powers, and the by-laws now in force passed under the authority of the said laws, are hereby preserved and confirmed:

Restrictions in that Province.

2. In every town, village, parish and township in the Province of Quebec, the municipal council thereof may, by by-law, restrict or prohibit, within the limits of such town, village, parish or township, the sale of intoxicating liquors:

Certain bylaws confirmed. 3. In every such town, village, parish or township, in which, since the first day of July, one thousand eight hundred and sixty-seven, the council thereof has, under color of any statute of the Province of Quebec, passed a by-law restricting or prohibiting the sale of liquor within the limits of the said town, village, parish or township, such by-law shall be and is hereby confirmed: Provided always, that nothing herein contained shall apply to any by-law the validity of which is now in question in any court of law-46 V., c. 30, s. 45;—47 V., c. 32, s. 12.

Proviso.

TRANSFER OF LICENSES.

Conditions on which transfer shall be allowed.

50. If any person who has lawfully obtained a license under this Act dies before the expiration of his license, or sells, or by operation of law or otherwise assigns his business or remarked the selfness, or removes from the house or place in respect of which the said license applies, his said license shall, ipso factor become forfeited, and be absolutely null and void to all intents and numbers. intents and purposes whatsoever—unless such person, the assigns or legal representatives, within one month after the death assignment death, assignment or removal of, or sale by the original holder of such license holder of such license, or some other period in the discretion of the board of the of the board of the district in which the said license has effect, obtain its written consent or the consent of the chair man, countersigned by the inspector, either for the continuous of the said business to ance of the said business or the transfer of such license the some other person and it some other person, and thereupon forthwith transfer may same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to the duties and obligations the duties and obligations of the original holder thereof until the expiration thereof until the expiration thereof, in the house or place for which

Effect of transfer.

such license was issued and to which it applies, but in no other house or place:

2. In every such case of transfer of an hotel license, the Report of inperson in whose favor any such transfer is to be made shall spector re-first first produce to the board, or to the chairman thereof, a report of the inspector, similar in effect to that mentioned in section twenty-three of this Act:

3. Except in case of the death of the licensee, no transfer When to be any license shall be made, nor shall any application for applied for. leave to transfer a license be entertained until the expiration of 41. of three months from the time of the granting of such license. 46 V., c. 30, s. 49.

licensed premises, the board or the chairman may, notwithstanding the control of the chairman may on the applicastanding the non-production of the license, on the application in Writing of the owner of the premises and the proposed new tenant, grant a special certificate of transfer of such 1: such license to such new tenant, in such form as it or he thinks applicable, and such certificate shall be countersigned by the chief inspector. 46 V., c. 30, s. 50.

Any two members of the board may, by order, autho-Authority to rize Any two members of the board may, by order, authorous to continue any person it thinks entitled to the benefit of any business for the remainder of the term for which the license was granted, the same the same formally to the same to the same formally to the same formally the in the same manner as if such license had been formally transc transferred to such person, in any of the following cases, that is to say :-

(a) Whenever any person to whom a license has been Desertion of anti-distributed any person to whom a license has been premises. granted deserts the licensed premises, or refuses or neglects premises. to transfer the license when lawfully required so to do; or-

(b) If, during the currency of any such license, the holder Ceasing occuthereof ceases to occupy the premises in respect whereof the pation. license is held, or his tenancy of such premises is determined by any other by effluxion of time, or by notice to quit, or by any other means whatsoever. 46 V., c. 30, s. 51.

and, in consequence, either becomes personally disqualified victed of an offence convicted of an or forfeits his license, any two members of the board, upon offence disqualifying applications. the application by or on behalf of the owner of the premises him or entailing respectively. in respect of which the license was granted (when the ing forfeiture owner is not the occupier), and upon being satisfied that of license. such owner was not privy nor a consenting party to the act of his torral by her legal power to eject the act of his tenant, and that he has legal power to eject the tenant, and that he has legal power to eject the tenant of such premises, may, by order, authorize an agent to carry to carry on the business specified in the license relating to

such premises, until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent. 46 V., c. 30, s. 52.

Case of marriage of female licensee.

Proviso.

54. In case of the marriage of any female who is a licensee, the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations and liabilities as if such license had been granted to him originally: Provided, that the chairman of the board, on the application of the husband of the licensed woman, has confirmed to him his wife's license for the remainder of the term of the duration thereof, and granted him a certificate to that effect, which shall be countersigned by the chief inspector:

When confirmation may be granted.

2. Such confirmation shall be granted if the chairman is satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the three years next preceding. 46 V., c. 30, s. 53.

REMOVAL OF LICENSEE.

Grant of leave to remove.

the same by the board, or permission in writing granted by the chairman thereof, indorse on any hotel, saloon or shop license, a permit to the holder thereof to remove from the house to which his said license applies, to another house described in the indorsement, which shall be made by the chief inspector on the said license: Provided always, that the house to which the licensee proposes to remove has all the accommodation required by law:

Proviso.

Effect of leave to remove.

2. Such permit shall authorize the holder of the said license to sell the like liquors in the house mentioned in the indorsement, during the unexpired portion of the term for which the said license was granted, in the same manner and upon the same terms and conditions as he might do in the premises to which the license originally applied; but no such permit shall be granted unless the person applying therefor has filed in the office of the chief inspector, a report of the inspector containing the information required by law in case of an application for a license; and any bond or security which has been given by such holder of a license for any purpose in relation to such license, shall apply to the house or place to which

Proviso; report of inspector required.

Bonds to apply.

- house or place to which such removal is authorized:

 No sale at any other place.

 3. No such permit shall entitle the licensee to sell at any other than the place mentioned in the permit:
- Certificate of electors required.

 4. Every application for such permit for removal, in respect of any hotel, saloon or shop license, shall be accompanied

a certificate signed by one third of the electors of the polling sub-division in the same manner as is required by section thirteen, as to applications for a license. 46 V., c. 30, s. 54. Re-drafted.

FEES FOR TRANSFER, &C.

There shall be paid a fee of ten dollars for every trans- Fees in cases fer of a license; for every certificate permitting the continuance of the business; for every certificate of confirmation of
a license; for every certificate of confirmation of a license to the husband of a licensed woman; and for every indomest to other premises. indorsement of permission to remove to other premises. 46 V., c 30, s. 55.

REVOCATION OF LICENSES IMPROPERLY OBTAINED.

The judge of the county court of the county or the Proceedings Judge of the county court of the county or the reocceungs of the superior court having jurisdiction in the for revocation county in which a municipality is situate, in any part of and powers of which a limit which a municipality is situate, in any part of and powers of which a limit which which a limit which a limit which a limit which a limit which which a license granted is intended to take effect, shall, judge. upon the complaint of any person that such license has been issued. issued contrary to any of the provisions of this Act, or of any hard-like contrary to any of the provisionality or that such any by-law in force in the said municipality, or that such license law in force in the said municipality. license has been obtained by any fraud, summon the person to who has been obtained by any fraud, summon the person to appear before him, to whom such license has been issued to appear before him, and shall such license has been issued to appear before him, and shall proceed to hear and determine the matter of the said control of the said con said complaint in a summary manner; and may, upon such Hearing and hearing. hearing, or in default of appearance of the person sum-judgment, moned, determine and adjudge that such license, for any of the cancer of the the causes aforesaid, ought to be revoked, and thereupon shall are aforesaid. shall order and adjudge that such license is and stands revoked and cancelled accordingly, and such license shall then had cancelled accordingly, and the person then be and become inoperative and void; and the person to who and become inoperative and void; and the person the whole and become inoperative and void; and the person the whole and become inoperative and void; and the person the whole are the whole and the person that the whole are the whole a to whom such license issued shall thereafter, during the full period of three years, be disqualified from obtaining any full hard three years, be disqualified from obtaining any further or other license under this Act. 46 V., c. 30,

REGISTER OF LICENSES.

The chief inspector of each district shall keep, in such Register, &c., to be kept. form as is prescribed by the board,—

(a) A register, to be called "The Register of Licenses," Particulars required. containing the particulars of all licenses granted in the disrequired. trict, the premises in respect of which they are granted, the names of the sureties to any names of the licensees, and the names of the sureties to any bond of the licensees, and the names of the provisions bond given by such licensee in pursuance of the provisions of this Act by such licensee in pursuance disqualifications of this Act; and all forfeitures of licenses, disqualifications of licenses; and all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licensees, records of convictions and other matters relating to the licenses then on the register, shall also be entered on the register;

Applications to board.

(b) A record of all applications made to the board, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard, and the manner in which the same were disposed of, including, in cases of refusal, the cause thereof:

Furnishing extracts.

2. Every chief inspector shall, when requested so to do forthwith transmit extracts from any such register of licenses or record of applications, to any other inspector or to the clerk of any court. 46 V., c. 30, s. 60.

PERMITS TO SELL IN MUNICIPALITIES WHERE NO LICENSE IS GRANTED.

Permits to sell for certain purposes only.

59. In municipalities, parishes or townships in which "The Canada Temperance Act" is not in force, and where there is no person licensed under an hotel, saloon or shop license to retail liquors, such liquors may be sold, as here inafter provided, for medicinal or sacramental purposes only, on the certificate of a physician or of a clergyman, residing in the municipality or parish, and not otherwise; or for bonâ fide use in some art, trade or manufacture, on the certificate of two justices of the peace:

Certificate by and to whom to be given.

2. Such certificate may be given by a resident physicial but only to a patient under his immediate care, or by selergyman, but only to a person whose spiritual adviser he bona fide is, and every person who violates the provisions of this sub-section shall, for each offence, incur a penalty of thirty dollars:

Conditions of issue of certificate.

3. Before a certificate is granted by two justices of the peace to a person authorizing the sale to him of liquor shall use in any art, trade or manufacture, such justices shall cause a declaration to be made before them by the applicant to the effect that the liquor is to be used only for the purpose set forth in the declaration, and they shall attach the said declaration to their certificate:

Limit of quantity to be sold.

4. Not more than one pint shall, in any case, be sold at any one time, in virtue of such certificate, and no liquor so sold shall be allowed to be drunk on the premises, every person who violates the provisions of this sub-section shall, for eace offence, incur a penalty of forty dollars:

By whom to be sold.

5. The sale of liquor permitted by this section shall be made by such person only as is appointed for that purpose by a resolution of the board, and the board may grant such person a permit to sell for medicinal or sacramental purposes only, or for use in any art, trade or manufacture.

6. The person so permitted to sell shall, on the first day Report by of each month, make a report to the chief inspector, sworn person so sellto before a justice of the peace, showing the names of the persons to whom he has sold liquor during the previous vious month, the quantity sold in each case, and upon whom month, the quantity sold in each cartificates whose certificate the sale was made, and such certificates shall shall accompany the report; and every person who violates the new person who violates the provisions of this sub-section shall, for each offence, incur a penalty of twenty dollars. 46 V., c. 30, s. 59.

LICENSE FUND.

60. All sums received on applications for and on the License fund, how formed. issue of licenses, or received by the inspector for fines and how formed. penalties, shall form the license fund of the district:

2. The license fund shall be applied, under regulations How to be add the license fund shall be applied. made by the Governor in Council, to the payment of the applied. salary and expenses of the commissioners and inspectors, and of the expenses of the office of the board, or otherwise incurred in carrying the provisions of the law into effect; and the residue, on the thirtieth day of June in each year, and at such other times as are prescribed by the regulations made by the Governor in Council, shall be paid over to the treasure by the Governor in Council, shall be paid over to the treasurer of the city, town, village, parish or township municipality in which the licensed premises are respectively situal partial and in the situate, for the public uses of the municipality; and in the In P. E. Province of Prince Edward Island, except in the cities and unorganized towns in the International Control of Prince Edward Island, except in the cities and in districts. towns thereof, to the treasurer of that Province; and in districts. unorganized districts, the residue shall be paid to the Min-ister of Districts and the public uses of ister of Finance and Receiver General for the public uses of

- 3. Cheques upon the license fund account shall be drawn the fund. by the chief inspector, and countersigned by the chairman, or any two of the license commissioners, subject to the regular, two of the license commissioners, subject to the regulations made by the Governor in Council. 46 V., c. 30,

61. Two thirds of every penalty in money recovered Application of pecuniary under this Act, in cases in which an inspector is the prose-penalties. cutor or complainant, shall be paid by the convicting magistrate to the inspector, and paid in by him to the credit of the license fund account:

2. If the whole amount of the penalty and costs is not If not all covered first to recovered, the amount recovered shall be applied, first, to the name the large shall be approthe payment of the costs, and the balance shall be appropriated priated as herein provided:

3. Whenever the inspector has prosecuted and obtained Conviction a conviction, and has been unable to recover the amount very of costs. of costs, the same shall be paid out of the license fund:

Indemnity of inspector in cases of no conviction.

4. Whenever the inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs, out of the license fund, if the magistrate before whom complaint is made, certifies that such officer had reasonable and probable cause for instituting such prosecution or preferring such complaint. 46 V., c. 30, s. 57.

PROHIBITION.

No license to

62. No license shall be granted by the board for the sale when prohibi- of liquors within the limits of a town, parish, incorporated tion has been village township or all tion has been village, township or other municipality, except counties voted for by three-fifths of the electors. in manuar horoinest in manner hereinafter provided, that three-fifths of the duly qualified electors therein, who have voted at a poll taken as hereinafter specified, have declared themselves to be in favor of a prohibition of the sale of intoxicating liquors in their locality, and against the issue of licenses therefor:

Proceedings or requisition that poll may be taken.

2. When a requisition is presented to any commissioner from one-fifth of the electors of any town, parish, incorporated village, township, or other municipality, except counties and cities, requiring a vote to be taken as to whether or not such license shall issue or be granted therein, such commissioner shall, upon the receipt of such requisition, scrutinize the names of the electors attached to such requisition, and if he is satisfied that the said electors whose names are attached to the said requisition are duly qualified, and after the person or persons, who witnessed the signatures to the said requisition, have sworn, before justice of the peace or a notary public, that he the said witness or they the said witnesses were present and saw the said electors sign the said requisition, and that the signers constitute one-fifth of the electors of such town, parish, incorporated village, township or other municipality, shall issue a notice of the holding of a poll to determine whether the prohibition of the sale of liquors shall prevail within the limits of the within the limits of the said town, parish, township, incorporated village and the said town, parish township, incorporated village and the said township and the said township and the said township and the said township and the porated village, or other municipality, as aforesaid:

Notice of poll, by commissioner.

Time for and notice of poll.

3. Such poll shall be held in the month of February of he March, and the notice of the holding of the same shall be given by the incertification in the municipality or district, or if there is no newspaper published within the municipality or district, then in some newspaper published as near thereto as may be, and such publication shall be continued. publication shall be continued in at least one issue of such newspaper in each week for three successive weeks, and also by posting an arrival also by posting and also by posting up a printed notice of such poll, in at life six of the most publication six of the most public places within the said municipality or district:

Notice to be posted up.

- 4. The votes of the electors shall be taken by ballot in Vote shall be the manner provided by "The Canada Temperance Act," and the Canada the Sandia Temperance Act, "Temperance Act," and the Canada Temperance Act, "Temperance Act, "Temperance Act," and the Canada Temperance Act, "Temperance Act," and the Canada Temperance Act, "Temperance Act, "Temperan the sections thereof numbered nine and eleven to ninety- Temperance three 1 three, both inclusive, and the schedules to the said Act Act. referred to in any of the said sections, shall be read and construed as part of this Act, except where the same are inconsistent sistent with any of the provisions herein contained:
- 5. The notice to be issued by the commissioner shall conform of form to the requirements of the proclamation which the notice. Governor General is by the ninth section of the said Act permitted to issue, with such alterations as are necessary to make it answer the provisions of this section; and the Returning returning the returning returning the returning returning the returning officer named shall be the chief inspector, the officer. sheriff or the registrar of the county or district, within which or the registrar of the county or district, within which the municipality is situate, or the clerk of the municipality and such returning officer shall make his return to the board:
- 6. Objections to any act or proceeding under this section Objections to shall be made in writing and filed in the office of the board determined. Within eight days after the return is deposited in the said office. office: such objections shall be considered and adjudicated upon by the board at its next regular meeting, and the decision of the board at its next regular meeting, and the objections being maintained, the board shall have the final. power to cause another poll to be taken on the question Whether or not licenses shall be granted:

7. Nothing in this section shall be construed as permitting Want of form notices required therein, to be vitiated or set aside by reason ing. of any mere want or defect of form, or any irregularity in the drawing up or execution of the same:

the granting of licenses as declared at the poll, shall come take effect, and for how into force in the then ensuing license year, beginning on and for how the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for the first day of May, and such prohibition shall continue in full force for full force for such year and any future year until repealed; and all after such year and any future shall apply to the and all of the provisions of this section shall apply to the process. 46 V., proceedings to be taken in reference to such repeal. 46 V., c. 30, 8. 47;—47 V., c. 32, s. 13.

NO LIQUOR TO BE SOLD WITHOUT LICENSE.

1000 No person shall sell by wholesale or by retail any License required. liquors without having first obtained a license under this quired. Act authorizing him so to do:

2. No person, unless he is duly licensed, shall by any sign False signs notice. or notice give the public cause to believe that he is so prohibited. licensed. 46 V., c. 30, s. 83.

out license.

64. No person shall keep or have in any house, building, liquors in possession with session with sess or in any room or place whatsoever, any liquors for the purpose of selling boutering purpose of selling, bartering or trading therein, unless this duly licensed for that named to the selling therein. duly licensed for that purpose under the provisions of this Act. 46 V c 30 c 24 Act. 46 V., c. 30, s. 84.

Provision as to licensed manufacturers of liquors.

65. The two sections next preceding shall not be construed to prevent any brewer, distiller or other person laws licensed by the Government of Canada under the laws respecting the Inland Revenue, to manufacture fermented, spirituous or other liquors, from keeping, having or selling any liquor manufactured in the keeping of selling any liquor manufactured in the selling selling any liquor manufactured in the selling selling selling selling and selling selli any liquor manufactured by him in any building wherein such manufacture is comed to the such manufacture in the such manufacture is comed to the such man such manufacture is carried on, provided such building forms up part of and forms no part of and does not communicate by any entrance with any shop or promised with any shop or premises wherein any article authorized to be manufactured under the desired authorized under the des to be manufactured under such license is sold by retail, or wherein any broken made wherein any broken package of such article is kept:

Provision as to duly licensed druggists.

Obligations

2. The said sections shall not be construed to prevent any emist or druggist? chemist or druggist duly registered as such under and by virtue of "The Diagram and property of the Diagram and the construction of the co virtue of "The Pharmacy Act" of the Province of Davinces, or any similar Act in form or any similar Act in force in any of the other Provinces, from keeping bearing from keeping, having or selling liquors for strictly medicinal purposes: but no such and in liquors for strictly medicinal purposes; but no such sale shall be made in packages of more than six ourses of the sale shall be made in packages of more than six ourses of the sale shall be made in packages of the sale shall be made in packages. more than six ounces at any one time, except under certificate from a registered madical more than six ounces at any one time, except under to be kept by cate from a registered medical practitioner; and every such them. chemist or druggist shall record in a book, which shall be open to the inspection of open to the inspection of the commissioners and inspector, every sale or other districtions. every sale or other disposal by him of liquor; and such record shall show as to asset record shall show, as to every such sale or disposal, the time when, the person to when t when, the person to whom, and the quantity sold, and the certificate of the medical and the quantity sold, and such certificate of the medical practitioner, if any; and every such sale or disposal which is a such sale or disposal which is such as the such sale sale or disposal which is not so placed on record, shall, prima facie. he held to be primâ facie, be held to be a violation of the provisions contained in the said continu tained in the said sections:

No such liquor to be consumed on the premises.

3. No person authorized to sell liquors, as provided by e next preceding subthe next preceding sub-section, shall allow any liquors sold by him or on his promise. by him or on his premises, to be consumed within his shop or the premises of which or the premises of which such shop forms part. 30, ss. 85 and 86.

REGULATIONS AND PROHIBITIONS.

Licenses to be kept exposed.

66. All licenses shall be constantly and conspicuously posed in the warehouse exposed in the warehouses and shops, in the bar rooms of hotels, saloons or other plants and hotels, saloons or other places of public entertainment, and in the saloon or cabin of in the saloon or cabin of vessels, to which the licenses of spectively relate and constant of spectively relate. spectively relate; and every licensee, and master, captain of owner of a vessel who will also and master. owner of a vessel, who violates the provisions of this sections shall incur a penalty of ferrors. shall incur a penalty of five dollars, with costs, for ever

Penalty for default.

day's wilful or negligent omission so to expose them. 46 V., c. 30, s. 62.

- her 1: Every person who keeps an hotel or saloon or any Inscription over door o other licensed place in respect of which an hotel or saloon or any over door of licensed place in respect of which an hotel or saloon licensed licensed place in respect of which an hotel or saloon promises. licensed place in respect of which an noter of sales needs the documental description and is in force, shall exhibit over premises. the door of such hotel, saloon or other licensed place, in large letters of such hotel, saloon or other licensed place, in large letters, the words: "Licensed to sell spirituous or fermented liquon," dollar, and in default thereof, shall incur a penalty of five dollars, besides costs, for each and every day on which such default continues. 46 V., c. 30, s. 63.
- Every hotel keeper shall keep a lamp affixed over the Lamps over do door of his licensed premises, or within twenty feet thereof, lighted during the whole of every night, from sunset to sunrise, during the whole of every mgm, more than the time of his holding such license:
- 2. Every Person who violates, or who fails to comply Penalty for ith and person who violates, or who fails to comply Penalty for each such default. with any provision of this section, shall, for each such default. offence, incur a penalty not exceeding five dollars:
- 3. The chief inspector may, by indorsement on the Exemption by compliance with this Inspector. license, exempt any hotel keeper from compliance with this Inspector. provision in cases where he thinks the street or particular place will be a situate is otherwise place where the licensed premises are situate, is otherwise sufficiently lighted. 46 V., c. 30, s. 64.
- Not more than one bar shall be kept in any house or One bar only. premises licensed under this Act. 46 V., c. 30, s. 65.

No sale or other disposal of liquors shall take place Prohibition of sales on certain days and in any place or other disposal of liquors shall take place Promotion of by place where intoxicating liquors are, or may be sold sales on certain days and or from the certain, or on the premises thereof, or out of at certain the certain the certain are persons whomsoever, hours. or from the same, to any person or persons whomsoever, hours. seven of the colors of t seven of the o'clock on Saturday afternoon till six of the clock on the o'clock on Saturday afternoon of the o'clock on Monday forenoon thereafter, nor from or after the hour of Monday forenoon thereafter, nor from of according to following deven o'clock in the afternoon until six o'clock the following forenoon, on all the other days of the week, except in cases. in cases where a requisition for medical purposes, signed by a licensed where a requisition for medical purposes, signed by peace, is produced by the vendee or his agent; nor shall lowed to he have the permitted or almost the permitted lowed to be drunk in any such places during the time the the sold or not, be permission. When the sale of the same is prohibited by this Act: Pro-Proviso; as to guests in hotels. vided the sale of the same is prohibited by this Act: Proto the always, that in hotels, liquor may be sold on Sundays hotels.

d. the gnasta, that in hotels, liquor may be sold on Sundays hotels. to the guests bonû fide residing or boarding in such houses, during most bonû fide residing or boarding in such houses, during meals, between the hours of one and three, and five and seven in the afternoon, respectively, to be drunk or used at the not bernit meals at the table, but this provision shall be their meals at the table, but the bar or place not permit the furnishing of liquor at the bar or place where light the furnishing of liquor at the bar or place Where liquor is usually sold in such houses:

No sales on polling days of elections.

2. No sale or other disposal of liquor shall take place in any licensed place within the limits of a polling stary division, on any polling of a polling stary division, on any polling day for or at any Parliamentary election. or election of election, or election of a member for a Legislative of sembly, or any municipal alection of a legislative of sembly, or any municipal election, from or after the time of six o'clock in the foreness. six o'clock in the forenoon of the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the following lawful day at size 'l' in the said day, until the said day, until the said day at size 'l' in the sai ing lawful day, at six o'clock in the forenoon:

Penalty for violation.

3. Every person who violates any of the provisions of is section shall for the contract of this section shall, for the first offence, incur a penalty of not less than twenty dellnot less than twenty dollars, which shall be recoverable, with costs from the with costs, from the person or persons who are the proprietors in occupancy prietors in occupancy, or the tenants or agents in occupancy of the licensed prietors in occupants in occupan of the licensed premises, and who are found by himself, herself, or themselves and in a found by himself, herself, or themselves, or his, her or their servants or agents, to have violated the acid to have violated the said provisions, or any of them; and every such offender shall a every such offender shall, for a subsequent offence, incut penalty of not less than for penalty of not less than fifty dollars, with costs; and in default of payment of the result of the re fault of payment of the penalties in this section before set forth, the offender shall be set the forth, the offender shall be liable to imprisonment for the following terms that is to following terms, that is to say:—in the case of a first conviction, to fifteen decree for viction, to fifteen days of imprisonment with hard labor; and in the case of a substantial with hard labor; and in the case of a subsequent conviction, to one month's imprisonment with band 11 imprisonment with hard labor. 46 V., c. 30, ss. 66 and 88.

For subsequent offence.

Imprisonment in default of payment.

As to mode of payment for liquor, &c.

Re-drafted.

Recovering

pledges.

71. Every hotel keeper who receives in payment, or pledge, for any liquor and property of the payment, or property of the payment, or paym a pledge, for any liquor or entertainment supplied in of from his licensed promise. from his licensed premises, anything except current money, or the debtor's own shortor the debtor's own cheque on a bank or banker, shall, for each such offence income each such offence, incur a penalty not exceeding twenty dollars; and the person to allow the person the person to allow the person to allow the person to allow the pe lars; and the person to whom anything given as a pledge as aforesaid belongs shall? as aforesaid, belongs, shall have the same remedy for recovering the article pladard and research and never ing the article pledged or the value thereof, as if it had never been pledged:

Payment in advance for-bidden.

2. No hotel keeper shall receive payment in advance in a liquor to be supplied any liquor to be supplied, and any payment so made in advance shall be received any payment so made in advance shall be received. advance shall be recoverable, notwithstanding that and liquor has been supplied. liquor has been supplied subsequently to such payment 46 V., c. 30. s. 68

Recovery of certain articles purchased or received in pledge by licensee.

72. If any licensee purchases from any person wearing apparel, tools, implements of trade or husbands, fishing gear, household fishing gear, household goods or furniture, either by of sale or barter directly of sale or barter, directly or indirectly, the consideration for which, in whole or in the consideration of the co for which, in whole or in part, is any intoxicating goods in the price thereof. or received for the price thereof, or receives from any person any goods pawn, any stipendiary and two pawn, any stipendiary or police magistrate, or any justices of the peace or any particles. justices of the peace, or any parish court commissioner, sufficient proof on oath bains made of the facts. sufficient proof on oath being made before him of the may issue his warrant for the made before him of the may issue his warrant for the made before him of the may issue his warrant for the restitution of all such property, and for the payment of costs; and the warrant shall Proceedings contain of the offender's in default of contain directions for levying by sale of the offender's in default of restitution. goods to the value of such property so pawned, sold or bartons. battered, and costs, in default of such restitution and payment of costs; and the offender shall also incur a penalty not Penalty in addition. exceeding twenty dollars. 46 V., c. 30, s. 69.

78. Every person licensed under this Act may refuse to Power to readmit to the premises, in respect of which his license is fuse liquor to granted, any person who is intoxicated, and may refuse to any intoxicated admit to any person who is intoxicated every person who cated person. admit to and may turn out of the premises, every person who cated person. whose or quarrelsome, or disorderly, and every person Whose presence on his premises would subject the licensee to a nor presence on his premises would subject the licensee to a penalty under this Act; and every such person who, apon being requested, in pursuance of this section, by such licensed or any constable, to licensed person or his agent or servant, or any constable, to quit and person or his agent or servant, or any constable, to quit such premises, refuses or fails to do so, shall incur a penaltro premises, refuses or fails to do so, shall incur a penalty not exceeding twenty dollars; and every constable Constables is required person his agent or to aid. is required, on demand of such licensed person, his agent or to aid. servant, to expel or assist in expelling every such person from such force as is required from such premises, and may use such force as is required for that purpose. 46 V., c. 30, s. 72.

shall allow any liquor sold by him or in his possession, and on the premises of the sold o for the sale of which a license is required, to be consumed ises of shop within her of which such licensee. within his shop, or within any building, of which such licensee. with such a part, or which commmunicates by any entrance with such shop, either by the purchaser thereof, or by any other bonds such shop, either by the purchaser thereof, and other such shop, either by the purchaser thereot, or every person not usually resident within such building, and every such person who violates the provisions of this section, thall inch person who violates the provisions of this section, and the dollars. 46 V., c. shall incur a penalty not exceeding fifty dollars. 46 V., c.

No person who has a license to sell by wholesale, Wholesale is nossession for licensee no to allow shall allow any liquors sold by him or in his possession for licensee not to allow any liquors sold by him or in his possession for to allow the such license is liquor to be sale, and for the sale or disposal of which such license is liquor to be to such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale or disposal of which such license is liquor to be the sale of the sale or disposal of which such liquor to be the sale of the sale of the sale of the sale of the sale or disposal of the sale of the required, to be consumed within his warehouse or shop, or consumed on his premises. within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or is posed for premises wherein any article to be sold or is cold by retail, or wherein disposed of under such license is sold by retail, or wherein any article. 46 V., c. there is kept any broken package of such article. 46 V., c.

76. If any person who has a license to sell liquors which What shall be deemed unlawful conare not to be drunk on the premises, himself takes or car-lawful consumption of ries, or to be drunk on the premises, himself takes or car- lawiui con-any liquor out of or from the premises of such licensed per-son, for the premises of such licensed per-premises. son, for the purpose of being sold on his account or for his benefit or consumed in any benefit or profit, and of being drunk or consumed in any other home. other house, or in any tent, shed or other building of any

kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether inclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act:

What proof of offence sufficient.

2. In any proceeding under this section, it shall not be necessary to prove that the premises, or place or places which such liquor is taken to be drunk, belonged to or were hired, used or occupied by the seller, if proof is given to the satisfaction of the court hearing the case, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his license. 46 V., c. 30, s. 77.

Vessel licensee not to sell in port, &c.

77. When a vessel license is issued under this Act, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring place or station:

Penalty for contraven-

2. If any such sale or other disposal of liquor takes place, the said license shall, ipso facto, be and become for feited and void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section, shall severally and respectively incur a penalty of one hundred dollars; and every person who sells or disposes of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as is prescribed in the seventieth section of this Act. 46 V., c. 30, s. 78.

Power of justices to forbid sale of liquor to habitual drunkards.

78. If it is made to appear in open court that any personable excessive drinking of liquor, misspends, wastes or lessens of his estate, or greatly injures his health, or endangers of interrupts the peace and happiness of his family, the justices holding such court shall, by writing under the hands of two of such justices, forbid any licensed person to sell to him any liquor for the space of one year, and such justices or like other two justices, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any such licensed person of any other city, town or district to which the said person resorts or is likely to resort for the same:

Effect of such prohibition.

2. Whenever the sale of liquor to any such person been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures or on behalf of such person to whom the sale of liquor is hibited, or for his use, any liquor, such other person shall,

upon conviction, incur, for every such offence, a penalty not exceeding twenty dollars. 46 V., c. 30, s. 92.

has contracted the habit of drinking intoxicating liquor to drinking intoxicating liquor to forbit

tor to forbid sale of liquor

- (b) The father, mother, curator, tutor or employer of any drunkards. person under the age of twenty-one years, who has contracted the habit of drinking intoxicating liquor to excess,—
- (c) The manager or person in charge of any asylum or hospital, or other charitable institution, in which any person so addicted resides or is kept,—
- (d) The curator, guardian or committee of any interdicted person or lunatic; or-
- (e) The father, mother, brother or sister, of the husband or Wife of such person,—

May require the chief inspector to give notice in writing, signed by him, to any person licensed to sell liquors, that he is not be person addicted he is not to sell or deliver the same to the person addicted to snot to sell or deliver the same to the person are lunatic: to such habit or to such interdicted person or lunatic:

2. If in the course of one year from the date of such notifi- Penalty for tion in the course of one year from the date of such notifi- Penalty for hy his selling in cation, the person so notified, either personally or by his selling in contravention of such clerk, servant or agent, sells or delivers such liquors other-tion of such wise the person so notified, either personally of the contravention of such wise the person so notified, either personally of the contravention of such wise the person so notified, either personally of the contravention of such wise the person so notified, either personally of the contravention of such contravention of wise than on a certificate, for medicinal purposes, signed prohibition. by a medical practitioner, to the person addicted to such habit medical practitioner, to the person he shall inhabit, or to such lunatic or interdicted person, he shall incur, for to such lunatic or interdicted person, included dollars every such offence, a penalty not exceeding fifty dollars. 46 V., c. 30, s. 93.

No chief inspector, and no inspector of any district, Punishment of persons conshall, either directly or indirectly, receive, take or have any persons con-money money matter or thing bribery. money whatsoever, for any license, report, matter or thing bribery. connected with or relating to any grant of any license, other than the than the sum payable therefor as the duty under the provisions of this Act, or shall receive, take or have any note, security of any such money, or security or promise for the payment of any such money, or homeoever: and every any part thereof, from any person whomsoever; and every person will be person whomsoever. person who is guilty of, or concerned in, or party to any act, matter who is guilty of, or concerned in, or party to any act, matter or thing, contrary to the provisions of this section, or section of a misdemeanor, of sections thirty and thirty-one, is guilty of a misdemeanor, and shall thirty and thirty-one, is guilty of a misdemeanor, and shall be liable to a penalty not exceeding two hundred dollars. dollars, and to imprisonment for a term not exceeding twelve months. · 46 V., c. 30, s. 195.

ADULTERATION.

When a licensed person is convicted of any offence Duty of in-spector in conviction of conviction o for adulteration of liquor, and his license is not forfeited for of conviction of adulteration when license is not forfeited.

Notice to be affixed on premises.

Penalty for contravention.

such offence, the chief inspector or inspector, or any constable of the district of the stable of the district, shall cause a placard, stating such conviction to be offered and conviction, to be affixed to the premises; such placard shall be of such size and form be of such size and form, and shall be printed with such letters and shall be printed with in he letters, and shall contain such particulars, and shall be affixed to such part affixed to such part of the licensed premises, as the convicting instices think for ing justices think fit, and such licensed person shall keep the same officed designs. the same affixed during two weeks after the same is of affixed; and, if he fails to comply with the provisions of this section with respect to this section with respect to keeping such placard affixed, of defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with respect to keeping such placard affixed, or defaces or allows are the section with the province of the section with the sec defaces or allows such placard to be defaced, or if the same is defaced and be fall for the same is defaced and he fails forthwith to renew the same, he shall incur a penalty not incur a penalty not exceeding fifty dollars for every day on which the same, and which the same remains so defaced and unrenewed; and any inspector or any constitutions. any inspector or any constable may affix or re-affix such placard during the soil to be said to be placard during the said two weeks, or such further time as is directed by a court of is directed by a court of summary jurisdiction. 30, s. 79.

Proceedings for obtaining analysis of liquor suspected to be adulterated.

82. In order to obtain an analysis of any liquor, substance or thing, any justice of the peace may, on information on oath mode to him. tion on oath made to him that there is reason to believe that any such ligner. that any such liquor is adulterated, or contains any thing terious incredient or the terious ingredient, or that any substance, matter or thing of a deleterious of a deleteriou of a deleterious character is to be found upon any licensed premises. authorize the arrival the arrival than the premises authorize the arrival transfer and any substance, matter of the premises. premises, authorize the seizure of such suspected liquor, substance metter or this substance, matter or thing, and cause the same, or a sample thereof. to be analyzed in thereof, to be analyzed by some competent person, or a same and order the forfaiture of the order the forfeiture of the whole of the kind of liquor analyzed and found to be whose of the kind of liquor analyzed and found to be adulterated or to contain any deleterious incredient deleterious ingredient, and also of any substance, matter of thing of a deleterious character, found in the possession of on the premises of the name of on the premises of the person offending; and the expense of such analysis and forfairmed with the possession of the person offending; and the expense such analysis and forfairmed with the possession of the premise of the person of the perso such analysis and forfeiture shall be a portion of the costs which such justice shall be a portion of the costs which which shall be a portion of the costs which which shall be a portion of the costs which which which which which we are the costs which which which which which we are the costs which which which we co which such justice shall have power to order to be paid by any person convicted. any person convicted:

Expenses.

What evidence shall be sufficient for conviction of person found in possession.

2. In every proceeding under this section, proof of the ct that any liquor was a large than the section, proof of the fact that any liquor was adulterated or contained any of terious ingredient or that terious ingredient, or that any substance, matter or thing of a deleterious character was a a deleterious character was found upon the premises, as be prima facie evidence that it be primâ facie evidence that the person in whose possession the same was found did land the person in whose possession the same was found did land. the same was found did knowingly sell, or offer, or expose or have for sale such lighter and the same was found to the same was the sa or have for sale such liquor, or that such substance, matter or thing of a deleterious above. or thing of a deleterious character was kept for adulterating or mixing with the liganor mixing with the liquor sold: Provided always, that any person charged with what defend-ant may prove person charged with any offence against this section in defence. give evidence on his own ball to give evidence on his own behalf to prove that such hen it was, when seized in the control of the was, when seized, in the same condition as it was when it came into his possession has a condition as it was was came into his possession by a bond fide purchase, and protection as it was when the came into his possession by a bond fide purchase, and protection and protection as it was when the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase, and protection is a series of the came into his possession by a bond fide purchase. not adulterated or mixed with any deleterious ingredient him or any person acting with any deleterious ingredient such him or any person acting under his authority, and that such

· substance, matter or thing was not kept for adulterating or mixing with the liquor sold:

3. Any inspector may, at all times during business hours, Power of inand after such hours for reasonable cause, enter on any spector to licensed premises; he may also examine every room and take samples every part of all liquor of liquors. every part of such premises and take an account of all liquor of liquors. therein, and may demand, select and obtain any samples of 1: of liquor which is in such house or premises, which samples shall be sealed by the inspector in the presence of the i: the licensee or other person in charge of the house or premises, and if such licensee or other person so desires, with the seal of such licensee or other person; and on payment or tender of payment for such samples of liquor, the inspector may remove the same for the purpose of analysis or otherwise. 46 V., c. 30, s. 80.

POWERS OF INSPECTORS AND OTHER OFFICERS.

83. Any officer, policeman or constable, or inspector, may, Power to enter for the purpose of preventing or detecting the violation of and search any of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any hotel, tavern, or other house or place of public entertainment ment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may search every part thereof, and of the premiar of the thinks necessary, for premises connected therewith, as he thinks necessary, for the purpose aforesaid:

2. Every person who is therein, or who has charge there-Penalty on of, and who refuses or fails to admit such officer, policeman obstructing or constructing or constructions. or constable, or inspector, demanding to enter in pursuance search. of this section in the execution of his duty, or who obstructs or attack officer. policeman, or attempts to obstruct the entry of such officer, policeman, constable or inspector, or any such search as aforesaid, shall incur. 46 V. c. 30, s. 81. incur a penalty not exceeding fifty dollars. 46 V., c. 30, s. 81.

Any magistrate, if he is satisfied by information on Search warthe oath of any such officer, policeman, constable or inspector, powers at that the oath of any such officer, policeman, constable or inspector, powers at proceeding the constable of the consta that there is reasonable ground for belief that any spirituous proceedings or fermand or fermented liquor is kept for sale or disposal, contrary to under it. the provisions of this Act, in any unlicensed house or place within the provisions of this Act, in any unlicensed house or place within the jurisdiction of the magistrate, may, in his discretion, grant a warrant under his hand, by virtue whereof the person named in such warrant may, at any time or times within the warrant may at any time or times the such warrant may at any time or times and if need be, Within ten days from the date thereof, enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the content of the premises connected therewith, and examine the content of the premises connected therewith and for such amine the same and search for liquor therein; and for such Forcing doors, purpose as he deems purpose such person may, with such assistance as he deems &c. expedient, break open any door, lock or fastenings of such

Presumption if liquor is found.

premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale, contrary to the provisions of section sixty four of this Act:

Duty of officer finding liquor unlawfully kept.

2. When any inspector, policeman, constable or officer, in making or attempting to make any search under or in pur suance of the authority conferred by the next preceding section, or under the warrant mentioned in this section, finds in an unlicensed house or place any liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept; and upon the conviction of the viction of the occupant of such house or place, or of any other person, for keeping liquor for sale in such house of place without license, the magistrate before whom such conviction is had may, in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said inspector, policeman constable or officer, shall destroy the same or any part thereof, and the inspector or other person, as aforesaid, shall thereupon forthwith destroy the same or part thereof, as directed by such conviction or order. 46 V., c. 30, s. 82; 47 V., c. 32, s. 14.

Convicting magistrate may declare liquor forfeited, and order it to be destroyed.

Keeping disorderly house and proceedings on complaint.

85. The mayor or police magistrate of a town or city, the recorder or judge of the sessions of the peace having juris diction therein, any stipendiary magistrate, or the mayor of reeve of a township, with any one justice, or any two justices having jurisdiction in the township or village, or the commissioner of a parish court within his jurisdiction, with any one justice of the peace, or any two justices of the peace in having jurisdiction in the township, parish or village, or, in Manitoba, the judge of the county court of the judicial district upon information trict, upon information to him or them, or one of them respectively, that any keeper of any hotel, saloon or other house of public anterior house of public entertainment, situate within their jurisdiction, sentions on all tion, sanctions or allows gambling or riotous or disorderly conduct in his house or premises, may summon the keeper thorough to an analysis gambling or riotous or disorder the thorough the same than the thereof to answer the complaint, and may investigate ith same summarily, and either dismiss the complaint, with costs to be paid by the costs to be paid by the complainant, or convict the keeper of having an impact of having an improper or a riotous or disorderly house, as the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, as the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the case may be a riotous or disorderly house, and the riotous or disorderly house are disorderly house, and the riotous or disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house and the riotous or disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorderly house and the riotous or disorderly house are disorde the case may be; and such conviction shall, ipso factor operate as a forfeiture of his license, with or without cost; as in the discretion and it. as in the discretion of the convicting authority seems just; and if the keeper of arthur and if the keeper of arthur arthur are the convicting authority seems in the keeper of arthur arthur are the convicting authority seems in the keeper of arthur are the convicting authority seems in the keeper of arthur are the convicting authority seems in the conviction authority seems in and if the keeper of any such hotel, saloon or place of public entertainment is consist. entertainment is convicted under this section and his license

Investigation into complaint.

annulled, he shall not be eligible to obtain a license for the period of two years thereafter. 47 V., c. 32, s. 15.

least once in every three months, visit and inspect every spect licensed licensed at the every three months, which is the every spect licensed premises licensed place within the district, and report forthwith to premises the 1 the board, or chairman of the board, every case of violation periodically. of the Provisions of this Act; and every inspector shall at once, and in conformity with the provisions herein contained, prosecute any person so offending, and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution:

2. The inspector shall institute prosecutions whenever he And institute has reason to believe that this Act has been violated, and prosecutions. that such prosecutions can be successfully maintained, or that, at least, the costs can be recovered:

3. Whenever the inspector is called upon to institute a As to costs. prosecution, he may, if he has reason to fear that the costs cannot be recovered from the defendant, exact from the person asking for the institution of such prosecution the deposit of a reasonable amount to cover the same. 46 V., c. 30, s. 87.

PENALTIES.

without the license therefor by this Act required, or who liquor without a liquor without the license therefor by this Act required, or who liquor without the license therefor by this Act required, or who liquor without the license therefore by the form shall for the out a license violates the license therefor by this Act required, or the liquid license. first on the provisions of section sixty-four, shall, for the outalicense. first offence, incur a penalty not exceeding fifty dollars and not locate, and for a second or not less than twenty dollars and costs; and for a second or any sent than twenty dollars and costs; and for a second or any subsequent offence, such person shall be liable to imprisonment, with hard labor, for a term not exceeding three months. 47 V., c. 32, s. 16.

88. Every licensed person who knowingly harbors or Penalty for harboring knowingly suffers to remain on his premises, any constable constable to when on distributions of the constable to the constable t during any part of the time appointed for such constable to when on duty. be on duty, unless such constable is present for the purpose of keeping any part of the time appointed for the purpose of keeping or restoring order, or in the execution of his duty, or who supplies any liquor or refreshment whatever by way of gift or sale, to any constable on duty, unless by authorized gift or sale, to any constable on stable, or who authority of some superior officer of such constable, or who bribes or attempts to bribe any constable, shall incur a penalt of attempts to bribe any constable, shall incur a penalty not exceeding fifty dollars. 46 V., c. 30, s. 71.

89. Every person licensed under this Act who permits Penalty for dispermitting drunkenness, or any violent, quarrelsome, riotous or dispersiting orderly or any violent, quarrelsome, riotous or who sells ness, &c. orderly conduct to take place on his premises, or who sells ness, &c. or delivers intoxicating liquor to any drunken person, or who remains intoxicating liquor to any drunken person, or who permits any drunken person to consume any intoxi-

cating liquor on his premises, or who permits persons of notoriously bad character to assemble or meet on his premises, or permits any gambling or any unlawful game to be carried on on his premises, shall incur a penalty not exceeding fifty dollars. 46 V., c. 30, s. 70.

Penalty for using prohibited internal communications. 90. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall incur a penalty not exceeding fifty dollars for every day during which such communication remains open. 46 V., c. 30, s. 73.

Penalty for allowing liquors to be consumed on the premises by a minor. 91. Every licensed person who allows any liquor to be supplied in his licensed premises, by purchase or otherwise, to any person apparently under the age of sixteen years, who is not resident on the premises or a bonâ fide guest, lodger or traveller, and the person who actually gives or supplies the liquor, shall respectively incur a penalty not exceeding twenty dollars for every such offence. 46 V., c. 30, s. 74.

Penalty for refusing lodging, &c.

92. Every hotel keeper who fails or refuses, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals or accommodation to travellers, shall, for each offence, incur a penalty not exceeding twenty dollars. 46 V., c. 30, s. 67.

Penalty for treating any person in a shop. 93. Every person who has a shop license and who gives or treats any person to any liquor on the licensed premises, shall incur a penalty not exceeding fifty dollars. 46 V., c. 30, s. 75, part.

Penalty for obtaining liquor on false pretences.

94. Every person who, by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period when such premises are required to be closed as to the sale thereof, in pursuance of this Act, shall incur a penalty not exceeding twenty dollars. 46 V., c. 30, s. 94.

Interpretation. 95. For the purpose of this section, the expression "premises where the same is sold" includes any premises adjoining or near the premises where the liquor is sold, if they belong to the seller of the liquor, or are under his control, or are used by his permission:

Case of purchaser drinking liquor on premises where bought, &c.

2. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was

With his privity or consent, for the first offence, incur a First offence. penalty not exceeding twenty dollars, and for any sub-second or subsequent sequent offence a penalty not exceeding fifty dollars:

3. Every purchaser of liquors in a house or premises, to Penalty on purchaser in which a shop or wholesale license applies, who drinks or purchaser in capacitations. causes any one to drink, or allows liquor to be drunk in the shop or premises where the same is sold, shall incur a penalty not exceeding twenty dollars. 46 V., c. 30, s. 89.

96. Every inspector, officer or other person who, contrary Penalty for illegally iss to the provisions of this Act, knowingly issues, or causes or illegally issuence. procures to be issued, an hotel, saloon or shop license, or a certificate therefor, shall, for each offence, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars; and in default of payment of such penalty, to imprisonment for a term not exceeding three months. 46 V., c. 30, s. 96.

Every person who, having violated any of the pro-Penalty for compounding compounding the pro-Penalty for compounding compoundi Visions of this Act, compromises, compounds or settles or compounding offences offers or attempts to compromise, compound or settle the against this offence With any person, with the view of preventing any Act. complaint being made in respect thereof, or—if a complaint has been made—with the view of defeating such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall incur a penalty not exceeding fifty dollars. 46 V., c. 30, s. 97.

Every person who is concerned in, or is a party to Punishment of parties to the compromise, composition or settlement mentioned in the such offence. next preceding section, is guilty of a misdemeanor and liable to a fine not exceeding fifty dollars. 46 V., c. 30, s. 98.

99. Every one who knows or has reason to believe that Penalty for preventing an order to commit to gaol has been issued against any lawful arrest. person under this Act, and who prevents the arrest of such person, or procures or facilitates, by any act or counsel, or in any other manner whatsoever, his avoidance of arrest, or Who provides such person with the means of avoiding arrest, shall incur a penalty of fifty dollars. 46 V., c. 30,

100. Every person who, on any prosecution under this Penalty for tampering. Act, tampers with a witness, either before or after he is tampering. summoned or appears as such witness on any trial or pro-nesses. ceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, is guilty of a misdemeanor. 46 V., c. 30, s. 100.

Punishment for second offences against certain sections of this Act.

101. Every second conviction for any offence against the provisions of sections seventy, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty one, eighty-eight, ninety, ninety-one or ninety-three, and every conviction for an offence against the provisions of any one of the said sections, when there has been a previous conviction for an offence against the provisions of any

third offence.

other of them, and every third conviction for an offence Forfeiture for against the provisions of this Act, or any of them, shall operate a forfeiture of the license of the offender:

Disqualification for third offence.

And every such third conviction shall disqualify the person convicted from obtaining a license for three years thereafter. 46 V., c. 30, ss. 101 and 125.

Penalty in cases not specially provided for.

102. Every person who violates any of the provisions of this Act, for which violation no penalty is herein specially provided, shall incur a penalty not exceeding twenty dollars. 46 V., c. 30, s. 102.

Pecuniary penalties, how disposed of.

103. Every pecuniary penalty recovered under this Act shall be paid to the convicting magistrate, and two-thirds thereof shall, by him, in case an inspector is the prosecutor or complainant, be paid to the chief inspector, and the remaining third to the treasurer of the municipality wherein the offence was committed; and in case such inspector is not the prosecutor or complainant, then a moiety thereof shall be paid to the treasurer of the municipality wherein the offence was committed, and the other moiety shall be paid to the prosecutor or complainant. 47 V., c. 32, s. 19.

PENALTIES NOT TO BE REMITTED.

No power to remit.

104. No magistrate, license commissioner or inspector, or municipal council or municipal officer, shall have any power or authority to remit, suspend or compromise any penalty 46 V., c. 30, s. 103. or punishment inflicted under this Act.

PROSECUTIONS.

Who may prosecute.

105. Any person may be prosecutor or complainant under this Act. 46 V., c. 30, s. 117.

Limitation of time for prosecutions.

106. All informations or complaints for the prosecution of any offence against any of the provisions of this Act shall be laid or made in writing within thirty days after the commission of the offence. 46 V., c. 30, s. 104.

Prosecutions, how brought. 107. Such prosecution may be brought,—

In Ontario.

(a) In the Province of Ontario, before any stipendiary magistrate or before any two other justices of the peace for the county, city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having a police magistrate, then before such police magistrate, or, in his absence, before the mayor or any two justices of the peace—or if the offence was committed in any city or town not having a police magistrate, then before the mayor thereof, or before any two justices of the peace;

- (b) In the Province of Quebec, if the offence was committed in the city of Montreal or in the city of Quebec, before the recorder or judge of the sessions of the peace at Montreal or Quebec, as the case may be, or, if the offence was committed in any other part of the Province, then before a stipendiary magistrate, or before any two other justices of the peace for the district wherein the offence was committed; or if the district is other than that of Quebec or that of Montreal, before the sheriff of such district;
- (c) In the Province of Nova Scotia, before a stipendiary In Nova magistrate or before any two other justices of the peace for Scotia. the county in which the offence was committed;
- stipendiary or sitting magistrate or commissioner of a parish for the county in which the offence was committed;
- trate within whose territorial jurisdiction the offence was the country in which the offence was committed, or before any two justices of the peace in and for country in which the offence was committed;
- (f) In the Province of British Columbia, before any sti- In British pendiary magistrate or before any two other justices of the Columbia. limits of which the offence was committed;
- (g) In the Province of Prince Edward Island, before the In Prince Edpendiary magistrate for the city or town, or before any two ward Island. offer justices of the peace of or for the county in which the offence was committed. 46 V., c. 30, s. 105.
- pendiary magistrate, recorder, judge of the sessions of the sit in such peace, sheriff, police magistrate, sitting magistrate, commistioner or mayor, no other magistrate shall sit or take part therein. 46 V., c. 30, s. 106.
- justices of the peace, the summons shall be signed by at least justice to sit except by shall sit or take part therein, except in the case of their

absence, or the absence of one of them, and not in the latter case except with the assent of the other of them. 46 V., c. 30, s. 107.

What description of the offence sufficient; and provision as to exemptions, &c.

words of this Act, or in words of like effect, shall be sufficient in law, and any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be alleged or denied in the information; but if it is so alleged or denied, no proof in relation to the matter so alleged or denied shall be required on the part of the informer or complainant. 46 V., c. 30, s. 108.

Several cases may be included in one complaint. 111. Several cases of violation of this Act, committed by the same person, may be included in one and the same information or complaint, if such information or complaint, and the summons issued thereon, contain specifically an allegation of the time and place of each violation. 46 V., c. 30, s. 109.

What shall be sufficient statement in the information, &c.

ing the sale or other disposal of liquor, or the keeping of the consumption of liquor, to state in any information, summons, conviction, warrant, or proceeding under this Act, the sale, disposal, keeping or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or the name of any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed, except in the case of offences where the quantity is essential, and in such case it shall be sufficient to allege the sale or disposal of more or less than such quantity, as the case requires. 46 V., c. 30, s. 110.

Amendment of variances.

113. In the event of any variance between the information and the evidence adduced in support thereof, the magistrate may amend or alter such information, and may substitute, for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been materially misled by such variance, the magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. 46 V., c. 30, s. 111.

Adjournment if necessary.

Forms in schedule sufficient. 114. The forms set forth in the fourth and subsequent schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for; and when no forms are prescribed by the said fourth and subsequent schedules, new ones may be framed in accord-

ance with those appended to the Act, intituled "An Act respecting summary proceedings before Justices of the Peace." 46 V., c. 30, s. 112.

No conviction or warrant for enforcing the same or Convictions any other process or proceeding under this Act shall be held for defects, in insufficient the insufficient or invalid by reason of any variance between certain cases. the information and the conviction, or by reason of any other defect in form or substance, if it can be understood from such conviction, warrant, process or proceeding, that the same was made, issued or had, for an offence against some provision of this Act, within the jurisdiction of the justice, Justices or magistrate who made or signed the same, and if there is evidence to prove such offence, and it can be understood from such conviction, warrant or process, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. 46 V., c. 30, s. 116, part

tice of the peace, shall try or adjudicate upon any complaint plaint under for a result of the peace, shall try or adjudicate upon any complaint plaint under this Act. for a violation of any of the provisions of this Act com- this Act. mitted within the limits of the district for which he is a commissioner or inspector; but this section shall not be const. construed to apply to a judge of the superior court, or a judge or junior judge or deputy judge of a county court, a judge of sessions, or a recorder. 46 V., c. 30, s. 118.

- Whenever a licensee is convicted of any offence Indorsement against the provisions of this Act, a record thereof shall be on license, follow: following provisions shall have effect, that is to say:—
- (a) The magistrate before whom any licensed person is Production of license. accused shall require such person to produce and deliver to license. him the license under which such person carries on business, and at and the summons shall state that such production will be required;

(b) If such person is convicted, the court shall cause a Conviction summary of the particulars of such conviction and the imposed to be penalty imposed to be indorsed on his license before it is indorsed. returned to the offender;

- (c) The chief inspector shall enter the particulars respect. Entry in register of ing such conviction, or such of them as the case requires, in register of licenses. the register of licenses kept by him under this Act;
- (d) When the conviction of any such person has the effect In case of conviction disof causing the forfeiture of the license or of disqualifying qualifying the person under this Act, the license shall be retained by licensee. the magistrate, and notice of such forfeiture or disqualification shall be sent to the chief inspector of the proper district. 46 V., c. 30, s. 120.

Certificate of conviction to be sent to Inspector.

118. When any licensed person is convicted of an offence against this Act, the convicting magistrate shall send, forth with to the shief with, to the chief inspector of the proper district, a certificate of such conviction. 46 V., c. 30, s. 121.

Allowance to magistrate.

119. The magistrate shall, for the duties imposed by the two sections next preceding, be entitled to charge, as costs in the preceding. in the proceedings, the sum of fifty cents for making out and forwarding the and forwarding the certificate of conviction to the chief inspector, and the sum of fifty cents for recording the conviction on the line and the sum of fifty cents for recording the conviction on the line and the conviction of the viction on the license. 46 V., c. 30, s. 122.

Summary proceedings under this Act.

120. All the provisions of the Act, intituled "An Act re" specting summary proceedings before Justices of the Peace, Act to apply specting summary proceedings before Justices of the this to proceedings shall apply to all prosecutions and proceedings under this under this Act, so far as the same are consistent with this Act. V., c. 30, s. 119.

> PROCEDURE IN CASES WHERE PREVIOUS CONVICTION IS CHARGED.

Proceedings in case of pre-vious conviction.

121. The proceedings upon any information for committing an offence against any of the provisions of this Act, tions are charged, shall be as follows:—

Last offence to be first tried.

(a) The magistrate shall, in the first instance, inquire concerning such subsequent offence only, and if the accused is found and it is is found guilty thereof, he shall then, and not before, be asked whether the asked whether he was so previously convicted, as alleged in the information and alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; As to alleged but if he denies that he was so previously convicted, or previous constands mute of malian stands mute of malice, or does not answer directly to such question, the magistrate shall then inquire concerning such previous conviction or convictions:

victions.

(b) The number of such previous convictions may be be Proof thereof. proved by the production of a certificate purporting to be under the bendard. under the hand of the convicting magistrate, or of the clerk of the peace, without proof of his signature or official character, or by other satisfactory evidence:

Case of second or subsequent conviction becoming void, provided for.

(c) In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof by recommendation of the second or defective. ing thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the justices of other authority beauty other authority by whom such second or subsequent conviction was made viction was made, may, by warrant under their or his hand, summon the person summon the person convicted to appear at a time and place to be named in such to be named in such warrant, and may thereupon, upon proof of the due corrige of the due proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction shall viction never existed; and such amended conviction shall thereupon be held valid for all intents and purposes, as if it had been made in the first instance;

(d) If any person who has been convicted of a violation Provision in of any of the provisions of any of the sections of this Act, case of conmentioned in section one hundred and one, is afterwards con- der several victariance of the said sections of victed of an offence against any provision of any of the said sections of this Act. sections, such conviction shall be deemed a conviction for a second offence, within the meaning of the said section, and may be dealt with and punished accordingly, although the two convictions have been for offences against different sections. 46 V., c. 30, s. 113.

fance. A conviction may in any case be had as for a first Conviction as for first for first offence, notwithstanding that there has been a prior convicoffence notwithstanding that there has been a prior convicoffence non tion or convictions for the same or any other offence. 46 obstante. V., c. 30, s. 114.

Convictions for several offences may be made under Several offenthis Act, although such offences were committed on the day. same day; but the increased penalty or punishment here-Proviso. inbefore imposed shall only be incurred or awarded in the case of a month of the case of the ca case of offences committed on different days, and after information laid for a first offence. 46 V., c. 30, s. 115.

EVIDENCE, ETC.

124. In any prosecution or proceeding under this Act, in Inspector's high new prosecution on proceeding under this Act, in Inspector's high new processing any license, a certificate be evidence. which proof is required respecting any license, a certificate certificate to be evidence. purporting to be under the hand of the chief inspector of the distingto be under the hand of the existence of the district shall be prima facie evidence of the existence of a light shall be prima facie evidence of the whom the a license, and of the identity of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient prima facie evidence of the facts therein shall be sufficient prima facie evidence of the facts therein stated and of the authority of the chief inspector, with a stated and of the authority of the chief inspector, without any proof of his appointment or signature. 46 V.,

shall be sufficiently authenticated if it is signed by the chair authenticated.

The company and a copy of As to copies man of the board which passed the same; and a copy of As to copies any such any such resolution written or printed, and certified to be a thereof. true copy by any member of such board, shall be deemed authors: authentic, and shall be received in evidence in any court of justice in any court of instinction in the state of the state Justice Without proof of any such signature, unless it is speciall. specially pleaded or alleged that the signature to any such original resolution has been forged. 46 V., c. 30, s. 128.

What shall be deemed a

126. Every house, shop, room or other place in which it is proved that there exist a bar, counter, beer pumps, kegs, place where is proved that there exist a dar, counter, beer pumps, is or liquor is sold. jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where liquors are usually sold or trafficked in, shall be deemed to be a be deemed to be a place in which liquors are kept or had for the number of had in for the purpose of being sold, bartered or traded in, in violation of the sixty-fourth section of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has or keeps therein such liquors for sale, barter or traffic therein. 46 V., c. 30, s. 129;—47 V., c. 32, s. 20.

What shall be evidence of sale or disposal.

127. It shall not be necessary in proving the sale or disposal, gratuitous or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, to show that any money actually passed of any liquor was actually consumed, if the magistrate hear ing the case is satisfied that a transaction, in the nature of a sale or other disposal, actually took place, or that any consumption of liquor was about to take place; and proof of consumption or interded consumption or intended consumption of liquor on premises under license, or in respect to which a license is required under this Act, by some person other than the occupier of the premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carry ing away the same, as against the holder of the license of 46 V., c. 30, s. 130. the occupant of the said premises.

Evidence of sale during prohibited hours.

128. Whenever, in a city, a town or an incorporated village, any person other than a member of the family is household of the keeper of a licensed hotel or saloon, found frequenting found frequenting or present, or where gas or any other light is seen human and the li light is seen burning in the bar room of such hotel or saloon where light is traffill the bar room of such hotel or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken are deemed and taken as prima facie evidence that a sale of other disposal of limit and facie and disposal of limit an other disposal of liquors by the keeper of such licensed place has taken place has taken place place has taken place contrary to the provisions of the seventieth section of this Act; and such keeper may there and upon be convicted of an offence against the said section, and shall, upon conviction by shall, upon conviction, be subject to the punishment proscribed in and by the series. 46 V., c. 30, scribed in and by the said seventieth section. s. 131.

Responsibility of occupant of place where such sale is made.

129. The occupant of any house, shop, room or other are in which any solo barter bounds. place in which any sale, barter or traffic of liquors, or any matter act or thing in miles matter, act or thing in violation of any of the provisions of this Act has taken place about this Act has taken place, shall be personally liable to penalty and punishment penalty and punishment prescribed in the seventieth ninety-fifth sections of this Act, as the case may be, notwithstanding that such sale, barter or traffic is made by some other person, who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant. 46 V., c. 30, s. 132.

180. It shall not be necessary, in any prosecution under What partithis Act, in respect of the sale or other disposal of liquor culars need without the license required by law, that any witness should posed to. depose directly to the precise description of the liquor sold or hand the directly to the precise description therefor or to the or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his barrier the sale or other disposal having taken place with his barrier knowledge; participation or to his own personal and certain knowledge; but the justices or magistrate trying the case, so soon as it the justices or magistrate trying the case, so soon as it appears to them or him that the circumstances in evidence of law comevidence sufficiently establish the violation of law complained of, shall put the defendant on his defence, and in default of shall convict him default of his rebuttal of such evidence, shall convict him accordingly. 46 V., c. 30, s. 133.

181. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears, in any prosecution under Proof of decis A. Whenever it appears are also become an all the proof of decis A. Whenever it appears are also become an all the proof of decision and the p this Act, that the defendant has done any act or been guilty license to of any act or been guilty license to of any omission in respect of which, if he was not duly be given. licensed, he would be liable to some penalty under this Act, it shall, he would be liable to some penalty under that he it shall be incumbent upon the defendant to prove that he is dollars and act lawfully. 46 is duly licensed, and that he did the said act lawfully. V., c. 30, s. 134.

person, keeps up any sign, writing, painting or other mark, deemed evinin or near the sign, writing, painting or other mark, dence of unin or near to his house or premises, or has such house fitted lawful sale. up With a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or as to induce a reasonable belief any liquor, house or premises is or are licensed for the sale of any liquor, or that there is on or that liquor is sold or served therein, or that there is on such much meaning the sold or served therein. such premises more liquor than is reasonably required for the parents more liquor than is deemed wrima facie the persons residing therein, shall be deemed prima facie evidence by such person. 46 evidence of the unlawful sale of liquor by such person. 46 V., c. 30, s. 135.

The production of a license which, on its face, pur-Effect of proof to the boundary of the bou ports to be duly issued, and which, if it was duly issued, duction of would be duly issued, and which, if it was duly issued, license. would be a lawful authority to the defendant for such act or omission and which, if it was also such act or omission, shall be prima facie evidence that the defendant is dant is so authorized; and in all cases the signature to and upon an authorized; upon any instrument purporting to be a valid license shall prima for a 30. s. 136. prima facie be taken to be genuine. 46 V., c. 30, s. 136.

Evidence to be reduced to writing.

134. The magistrate shall, in all cases, reduce or cause to be reduced to writing, the evidence of the witnesses examined before him, and shall read the same over to such 47 V., c. 32, s. 17. witnesses, who shall sign the same.

WITNESSES.

Summoning and attendance of witnesses.

135. In any prosecution under this Act the magistrate may summon any person who is represented to him to be a material witness in relation thereto; and if such person refuses or neglects to attend, pursuant to such summons, the magistrate may issue his warrant for the arrest of such person; and he shall thereupon be brought before magistrate, and if he refuses to be sworn, or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county or place or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer 10.77 46 V., c. 30, s. 137. affirm and to answer.

Party or produce books, &c.

136. Every person summoned as a party to or as a wit be required to ness in any proceeding under this Act, may, by the summons, produce be required to produce, at the time and place appointed for his attendance all hands for his attendance, all books and papers, accounts, deeds and other documents in his and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusely or neglect to attend, pursuant to such summons, or to be sworn or to answer or to answer. sworn or to answer any question touching the case. c. 30, s. 138.

Penalty for non-production.

All questions

137. Every person, other than the defendant, summoned the issue must or examined as a witness in any prosecution brought under the answered. this Act shall answered. this Act, shall answer all questions put to him and which are pertinent to the issue, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Act; but such evidence shall not be used against him in any processition. 46 V., c. 30, s. 139. against him in any prosecution.

Certain persons may be examined as witnesses.

138. On the trial of any information or complaint under the provisions of this Act, the person charged, or husband of wife of such person, shall be competent and compellable to give evidence, as a witness, in the said matter. 30, s. 140.

The words "or wife" are inserted at the suggestion of the Parliamentary Committee.

APPEALS.

Decision in cases under section 87 to be final.

139. In a prosecution for any offence against any of the covisions of this Act for any offence against any of the covisions of this Act for any offence against any of the covisions of this Act for any offence against any of the covisions of this Act for any offence against any of the covisions of this Act for any offence against any of the covisions of the covi provisions of this Act, for which any penalty or punishment is prescribed by the circles. ment is prescribed by the eighty-seventh section of this the the conviction or order of the justices or magistrate, as the

case may be, shall, except as hereinafter mentioned, be final and conclusive, and, except as hereinafter mentioned, Exception. there shall be no appeal against such conviction or order to the court of general sessions of the peace, or to any other

2. An appeal shall lie from a conviction for any offence Appeal in for which a penalty or punishment is prescribed by the cases under eight. eighty-seventh section of this Act, in Ontario, Nova Scotia, In Provinces New Brunswick, Manitoba, British Columbia and Prince other than Edward results of the Quebec. Edward Island, to the judge of the county court of the Quebec. county in which the conviction is had, or to the judge of a superior court, sitting in chambers without a jury, and, in the Province of Quebec, to a judge of the superior court In Quebec. of the vice of Quebec, to a judge of the superior court of Conditions of the judicial district in which the conviction is had, pro-Conditions. vided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions:—

- (a) The person convicted, in case he is in custody, shall Offender to either remain in custody until the hearing of such appeal custody or custody or before the said judge or (if the penalty of imprisonment, give security. With or results of imprisonment and said judge or (if the penalty of imprisonment is said said said said enter into a with or without hard labor, is adjudged), shall enter into a recognizance with two sufficient sureties, in the sum of two hundard name with two sufficient sureties, in the sum of two hundred dollars each, before the convicting magistrate, conding the said indee, and conditioned personally to appear before the said judge, and to the said judge, and to try such appeal and abide his judgment thereupon, and Provision for have the appeal is against recognizance to pay such appeal and abide his judgment thorough, a constitution of money is of depositing control of the appeal is against recognizance of money is of depositing control of the appeal and abide his judgment thorough a gases a conviction whereby only a penalty or sum of money is or deposit in adjudged whereby only a penalty or sum of money is or deposit in certain cases. adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, give such recognizance as aforesaid, give such recognizance as aforesaid, or may deposit with the convicting magistrate the am d a further sum of the amount of the penalty and costs and a further sum of twent of the penalty and costs and a further sum of twenty-five dollars, to answer the respondent's costs of

the magistrate shall liberate such person, if in custody, and recognizance shall forther to recognize the person of the magistrate shall liberate such person is the recognizance or deposit. shall forthwith deliver or transmit, by registered letter, or deposit. post paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the community the appeal is made the court of which the judge to whom the appeal is made is the interpretation of which the judge to whom the appeal is made is the judge or a member. 46 V., c. 30, s. 123.

the proceedings thereon shall, as nearly as possible, be as Procedure on follows:

(a) Within ten days after the date of the conviction, but Summons for after the days after the date of the indee cause to be not afterwards, unless it is made to appear to the judge cause to be shown. that the delay arose wholly from the default of the convict-

ing magistrate, the judge, if he is of opinion from the evidence that the conviction may be erroneous, may grant summons calling upon the County Crown attorney, in any Province in which there is a County Crown attorney, and the prosecutor, to show cause why the conviction should not be quested. not be quashed;

Time limited.

(b) No such summons shall be granted in any case after the expiration of one month from the date of the conviction: tion;

Proceedings on return of summons.

(c) Upon the return of the summons the judge, upon paring the parties were still a summons the judge, upon hearing the parties, may either affirm or quash the conviction or if hearth affirm or quash the tion, or, if he thinks fit, may hear the evidence of such other witness other witness or witnesses as are produced before him, of the further evidence of any witness already examined, and may then make an order affirming or amending and affirming or anading and affirming anading anadin ing or quashing the conviction as he thinks just, and may order the payment of costs, and may fix the amount thereof;

Effect of judge's order.

(d) Upon the production of the judge's order affirming of amending and affirming the conviction, the magistrate before whom the conviction was had shall, if the case is one in which a recognizance has not been given, issue the warrant for payment of such further sum for costs as the sum deposited with him is insufficient to pay; and if the conviction is quashed the judge shall order a return of the money deposited, and may order payment of such sum for costs as he toward and ill costs as he taxes and allows; and unless the sum is paid by the complained. by the complainant, the magistrate shall issue his warrant to lavy the costs. to levy the costs;

Proceeding when imprisonment is awarded and conviction affirmed.

(e) If, by the conviction, it is adjudged that the person content shall be imposed. victed shall be imprisoned and the conviction is affirmed, or amended and affirmed, or if the person convicted fails duly to presents the duly to prosecute the appeal, the judge shall issue his warrant for the commitment to the proper gaol or other Escheat of re-place of imprisonment of the person convicted; and unless cognizance. such person, within one week thereafter, surrenders him self into the costs and meet self into the custody of the constable or other officer intrusted with the execution of the warrant, the condition of the recommission of the warrant, the condition of the recognizance shall be deemed broken and recognizance forfeited recognizance forfeited, and upon proof of the default being made, by affidavit of the officer or otherwise, the judge and certify the default on the back of the recognizance, shall thereupon transmit the shall thereupon transmit the recognizance to the clerk of the peace or to the proper of the peace or to the proper officer in that behalf according to the practice of the country. the practice of the court of which the judge is a member;

Proceedings in such case.

(f) Such recognizance shall be thereafter proceeded upon the general sessions of the at the general sessions of the peace or in the county court in the same manner as a recognizance taken upon an appeal to the sessions or to the county court from a summary conviction may be proceeded upon; and the said certificate shall a default of the shall be deemed prima facie evidence of the default of the defendant; but such proceedings shall not relieve the person Proviso: convicted from undergoing the term of imprisonment to relieve from which which he was sentenced, and the warrant of the judge punishment. issued in that behalf, or any new warrant issued by him, may be executed in any part of the Province in which the conviction was had, in the same manner and subject to the like conditions as a warrant of a justice for the apprehension of an offender;

the judge, upon being satisfied by affidavit or otherwise, penalty only an appeal in the penalty is imposed, Proceeding when money that default has been made upon a recognizance given on is imposed. an appeal in such a case, shall certify in like manner as is provided in paragraph (e) of this section, and similar proceed: ceedings shall thereupon be had in respect of such recognizance;

(h) If it is proved to the satisfaction of the judge that the Term of imprisonment. person convicted had previously served a portion of his prisonment. term, the judge shall only issue his warrant for the commitment of the defendant for the residue of the term of imprisonment to which he was sentenced; and the judge may, if he is the convicting if he thinks fit, transmit his said warrant to the convicting magistrate, in order that he may place the same in the hands of a constable for execution;

(i) Any warrant issued under this section may be directed Execution of warrant. in the same manner, and executed by the like officers, as a warrant conviction under warrant of commitment upon a summary conviction under the " I refer lustices of the the "Act respecting summary proceedings before Justices of the Peace";

(j) In all cases of appeal to a judge from any conviction Appeal to be heard on the under this Act, had before a magistrate, the judge to whom merits. such appeal is made shall hear and determine the charge or company peal is made shall hear and determine the charge or complaint on which such conviction has been had, upon the merits, notwithstanding any defect of form or otherwise in such conviction; and if the person charged or complained against in the conviction shall against is found to have been guilty, the conviction shall beam. be affirmed and the judge shall amend the same if necessary;

(k) The magistrate shall retain any moneys deposited Disposal of moneys with him as aforesaid for the period of six months, unless deposited. Judgment is sooner given, and upon the judgment in appeal being given, or upon the expiration of six months from the day of day of the date of the conviction, the magistrate shall pay over such moneys to the person or persons entitled thereto, Effect of dein accordance with the judgment; and if the judgment in judgment.

appeal is not delivered within six months from the day of the date of the conviction, the conviction shall stand, but the respondent shall not be entitled to any costs of appeal; and if imprisonment was adjudged by the conviction, the convicting magistrate shall, or any other magistrate may, issue his warrant for the commitment of the person convicted for any portion of the term which he has not served, and no further proceedings shall be taken on the appeal;

No removal by certiorari, λc.

(l) No conviction affirmed or amended and affirmed on appeal by the judge shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record; and no warrant or commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted and there is a good and valid conviction to sustain the same;

Powers of the judge.

(m) In every process and in all proceedings before a judge under this section, the judge shall, with reference to the matters herein contained, have all the powers which belong to or might be exercised by him in the court of which he is a member; and all necessary process may be issued from the effect of the court of issued from the office of the clerk of the court. s. 124;—47 V., c. 32, s. 18.

Proceedings on application to quash variance, &c.

141. Upon any application to quash any conviction, or the warrant for enforcing the same, or other process or proconviction on ceeding, whether in appeal or upon habeas corpus, or ground of by way of certiorari or otherwise, the court or judge to which such appeal is made, or to which such application has been made upon habeas corpus or by way of certiorari or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any variance be tween the information and the conviction or any other defect in form or substance, and if it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this Act or other wise, such conviction, warrant, process or proceeding shall he affirmed or shall need to be a shall need to be affirmed, or shall not be quashed (as the case may be); and such court or judge may, in any case, amend the same, if necessary, and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended, shall be enforced in the control of forced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally 46 V., c. 30, s. 116, part.

MUNICIPALITIES UNDER THE TEMPERANCE ACT.

Provisions of Canada Temperance Act not impaired.

142. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of "The Canada Temperance Act;" and no hotel, saloon or shop license shall be issued or take effect within any countyr city, town, incorporated village or township in Canada with: Within Which the second part of the said Act has been brong within brought into force, as by the said Act provided, or within which which any by-law for prohibiting the sale of liquor under The Temperance Act of 1864," or any other Act, is in force; nor in the North-West Territories, nor in that part of the As to N.W.T. Province of Manitoba which was added thereto, by the Act and Manitoba. passed in the forty-fourth year of Her Majesty's reign, chaptered fourteen and intituled "An Act to provide for the extension of the Boundaries of the Province of Manitoba." 46 V., c. 30, s. 141;—47 V., c. 32, s. 21.

that "The Canada Temperance Act" or any such by-law sioners may affects the whole of any county, be nominated therefor; and the said board and the increases shall have discharge and is in force. the said board and the inspectors shall have, discharge and is in force. exercise all such powers and duties respectively, for preventing the sale or disposal of, or traffic in liquor, contrary to the to the said Acts or this Act, as they respectively have or should said Acts or this Act, as they respectively have or this Act, as they respectively have or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or this Act, as they respectively have or the said Acts or the said A should exercise or perform under this Act. 46 V., c. 30, s. 142.

144. A wholesale license obtained under and subject to As to wholesale license obtained under and subject to As to wholesale license. the provisions of this Act shall be necessary, in order to sale license. authorize or make lawful any sale of liquor in the quantities all ties allowed under the provisions of "The Canada Temperance Act." 46 V., c. 30, s. 144.

The sale of liquor without license in any munici- Sale without license a viopality The sale of liquor without license in any municipality where "The Canada Temperance Act" is in force license a violation of sections sixty-three and Act, notwithshall have followed by the control of this Act, and the several provisions of this Act perance Act. shall have full force and effect in every such municipality, except in so far as such provisions relate to granting license in so far as such provisions relate to granting 46 V. c. 30, s. 145. licenses for the sale of liquor by retail. 46 V., c. 30, s. 145.

THE FIRST SCHEDULE.

HOTEL (OR SALOON) LICENSE.

Whereas the Board of License Commissioners for the district have, by their certificate, dated the , authorized the issue to for the house to be known as of an hotel (or saloon) license, hath entered into the bond, with sureties, required by "The Liquor read into the bond, with sureties, required by "The Liquor License Act," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said licensed to sell and dispose of liquors in quantities not exceeding one quart, which may be drunk on such premises between the hours of six of the clock in the morning and seven of the clock in the evening, on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days (except on days on which polling may be had respecting the polling sub-division in which said premises are situate, at a parliamentary election, or at said premises are situate, at a parliamentary election, or an election for the House of Assembly, or a municipal election); and between 1 p.m. and 3 p.m., and 5 p.m. and p.m., on Sunday, to guests boná fide residing or boarding in the said premises, to be drunk only at meals at the table.

And this license shall commence upon the and continue until midnight on the day of next ensuing.

Given under my hand this thousand eight hundred and

day of

one

Minister of Inland Revenue.

Chief Inspector.

SHOP LICENSE.

Whereas the Board of License Commissioners for the district of have, by their certificate, dated the day of , authorized the issue to of a shop license for the house to be known as situate ; and whereas the said hath entered into the bond, with sureties, required by "The Liquo" License Act," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell and dispose of liquors, not to be drunk in or upon the premises for which the license is granted, in quantities not less than one imperial pint, at any one time to any one per son, between the hours of six of the clock in the morning and seven of the clock in the evening on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days (except on days on which polling night, on other week days (except on days on which polling the said premises are situate, at a parliamentary election, or at an election for the House of Assembly, or a municipal election.)

This license shall commence on the day of and continue until midnight on the day of next ensuing.

Given under my hand this thousand eight hundred and

day one

Minister of Inland Revenue.

Chief Inspector.

VESSEL LICENSE.

Whereas the Board of License Commissioners for the district have, by their certificate, dated the to day of, authorized the issue the , master of the called the said hath paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is the said to sell and dispose of liquor during the passage of passenger at the regular meals served on board the said vessel.

day of this license shall commence at noon on the of , and continue until midnight on the day next ensuing.

thousand eight hundred and

day of

, one

Minister of Inland Revenue.

Chief Inspector.

WHOLESALE LICENSE.

Whereas the Board of License Commissioners for the the district have, by their certificate, dated day of , authorized the issue to to be known as , situate ; of five dollars as the fee on such license.

is licensed to sell liquor, not to be consumed in or upon the premises to which the consumed in or upon these Now I do hereby declare that the said premises to which this license applies, in quantities not less than two callenging and the state of the state than two gallons in each cask or vessel at any one time, or, if bottled in quantities if bottled, in quantities not less than one dozen reputed quart bottles.

And this license shall commence at noon on the and continue until midof night on the day of ensuing. , one

Given under my hand this thousand eight hundred and

day of

Minister of Inland Revenue.

Chief Inspector.

46 V., c. 30, first sch.

THE SECOND SCHEDULE.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling sub-division are situate the premises in respect of which X. Y. is applying for a license for the ensuing license year, do hereby certify that X. Y., the applicant for the said license, is a fit and proper near the said license, and to is a fit and proper person to be licensed to sell liquor and to keep a ; and that the premises in which , and that the premises in the the said X. Y. proposes to carry on the business for which he seeks a license and seeks a license, are, in our opinion, suitable therefor, and that the same are situated. that the same are situate in a place where the carrying on of the said business will not be the said business will not be an annoyance to the public generally generally.

And we have hereunto appended our names, and the disonces, approximately at a line of tances, approximately, at which we respectively reside, or own property from the arrival and the respectively reside, or own property, from the said premises for which the license is sought. is sought.

Signatures,

Distance of premises respectively from premises sought to be licensed.

CERTIFICATE OF THE BOARD OF LICENSE COMMISSIONERS TO BE GRANTED TO THE APPLICANT FOR A LICENSE.

We, the undersigned, being the License Commissioners the majority of the Board of License Commissioners) for complied with the requirements of the law, and with the regulations and requirements of the Board, and, in the license for the house to be known as

Given under our hands this thousand eight hundred and

day of

one

(Signatures.)

 $46 \, V.$, c. 30, second sch.

THE THIRD SCHEDULE.

PORM OF BOND BY APPLICANT FOR AN HOTEL, SALOON OR SHOP LICENSE.

V.W., of , and X.Y., of , are held and firmly Successors, in the sum of eight hundred dollars of good and the sum of five hundred dollars, the said T.U., in of one hundred and fifty dollars, and the said X.Y., in the ful money of Canada—that is to say, the said T.U., in of one hundred and fifty dollars, and the said X.Y., in the ful money, for payment of which well and truly to be made, administrators, firmly by these presents.

Whereas the above bounden T.U. is about to obtain a liquor, as the case may be) in the of; the condifines and penalties which he may be condemned to pay for the force against any statute or other provision having any hotel (or saloon, or shop for the sale of liquor, as the case may be), and does, performs and observes all the requireare or may be established by competent authority in such wise it shall remain in full force, virtue and effect.

In witness whereof, we have signed these presents with ar hands, and sealed them , A.D., one thousand eight hundred our hands, and sealed them with our seals, this day of and

T. U. [L.S.] $\mathbf{V}.\widetilde{\mathbf{W}}.[\mathbf{L}.\widetilde{\mathbf{S}}.]$ X. Y. [L.S.]

Signed, sealed, and delivered) in the presence of us 46 V., c. 30, third sch.

THE FOURTH SCHEDULE.

FORMS FOR DESCRIBING OFFENCES.

- 1. Neglecting to keep license exposed.
- "That X.Y., having a license for sale by wholesale (or so, or an hotel or a selection) shop, or an hotel, or a saloon, or a vessel license) on unlawfully and wilfully (or negligently) omitted to the said license in his expose the said license in his warehouse (or shop, or in the bar-room of his hetal are a bar-room of his hotel or saloon, or in the saloon, or cabin of his vessel." as the case war in the saloon, or cabin of his vessel," as the case may be.)
 - 2. Neglecting to exhibit notice of license.
- "That X.Y., being the keeper of an hotel (or saloon, of op) in respect of which is in shop) in respect of which a license has duly issued and is in force, on unlawfully failed to exhibit over the door of such hotel (or saloon or shop), in large letters, the words 'licensed to all the words 'licensed to sell spirituous or fermented liquors, as required by 'M'. as required by 'The Liquor License Act.'"
 - 3. Sale without license.
- in the yest "That X.Y., on the day unlawfully did of Our Lord one thousand eight hundred and sell liquor without the license therefor by law required."
 - 4. Keeping liquor without license.
- unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefore without the license therefor by law required."
- 5. Sale of liquor on licensed premises during prohibited purs. hours.
- in his premises (or on, or out of, or from his premises) being a place where

liquor may be sold, unlawfully did sell (or dispose of) liquor during the Liquor License Act,' during the time prohibited by 'The Liquor License Act,' for the sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for medical sale of the same, without any requisition for the same of the same o medical purposes, as required by the said Act, being produced 1 duced by the vendee or his agent."

- 6. Allowing liquor to be drunk on licensed premises during prohibited hours.
- "That X.Y., on being a place where liquor may be (or is) sold, by retail (or wholes) liquor to be wholesale) unlawfully did allow (or permit) liquor to be drunb: drunk in such place during the time prohibited by 'The son other lines and the same member of his family, son other than the licensee, or some member of his family, or a lodger in his house."
 - 7. Sale of less than one pint under shop license.
- "That X.Y., having a shop license, on unlawfully did sell liquor in less quantity than one pint."
- 8. Sale under wholesale license in less than wholesale quantities.
- That X.Y., having a license to sell by wholesale, on unlawfully did sell liquor in loss a liquor was gallons (or, than one dozen reputed quart bottles.)" unlawfully did sell liquor in less quantity than
 - 9. Allowing liquor to be consumed in shop.
- That X.Y., having a shop license, on unlawfully did allow liquor sold by him (or in his possession), and for the cale of which a license is required, to be consumed within his shop (or within the building of which his shop forms part, or within a building which communicates has been by a purchaser of such cates by an entrance with his shop), by a purchaser of such liquory an entrance with his shop). liquor (or, by a person not usually resident within the building of which such shop forms a part.)"
- 10. Allowing liquor to be consumed on premises under wholesale license.
- That X.Y., having a license to sell liquor by wholesale, (or in his possession for sale) and for the sale of which such license is required, to be consumed within his warehouse forms part of (or is or shop, or within a building which forms part of (or is appart). appurtenant to or which communicates by an entrance with) a manufacture which communicates wherein an article with) a warehouse or shop, or premises wherein an article to be sold arehouse or shop, or premises wherein an article to be sold (or disposed of) under such license, is sold by retail (or disposed of) under such license, is some for wherein there is kept a broken package of an article for sale under such license)]."

11. Illegal sale by druggists.

"That X.Y., being a chemist (or druggist) on at did unlawfully sell liquor for other than strictly medicinal purposes (or sell liquor in packages of more than six ounces at one time, without a certificate from any registered medical practitioner, or sell liquor without recording the same), as required by 'The Liquor License Act.'"

12. Illegal sale under vessel license.

"That X.Y., being authorized to sell liquor on board so vessel called the on at unlawfully did sell (or dispose of) liquor to be consumed by a person other than a passenger (or otherwise than as permitted by The Liquor License Act.')"

13. Keeping a disorderly house.

"That X.Y., being the keeper of an hotel (or salon, of house of public entertainment), situate in the city (or town, or village, or township), of in the county of on in the said hotel (or saloon or house) unlawfully did sanction (or allow) gambling, (or riotous, or disorderly conduct) in the said hotel (or saloon or house)."

14. Harboring constables on duty.

"That X.Y., being licensed to sell liquor, at on unlawfully and knowingly did harbor (or entertain of suffer to abide and remain on his premises) O.P., a constable belonging to a police force, during a part of the time of pointed for his being on duty, and not for the purpose quelling a disturbance or restoring order, or executing his duty."

15. Compromising or compounding a prosecution.

"That X.Y., having violated a provision of 'The Liquo' License Act,' on at unlawfully did compromise (or compound, or settle, or suffer, or attempt to compromise, compound or settle), the offence with A.B. with the view of preventing any complaint being made in respect thereof (or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be)."

16. Being concerned in compromising a prosecution.

"That X.Y., on at unlawfully was concerned in (or a party to) a compromise (or a composition) or a settlement) of an offence committed by O.P., against provision of 'The Liquor License Act.'"

17. Tampering with a witness.

License Act,' on a certain prosecution under 'The Liquor tamper with O.P., a witness in such prosecution before on a trial (or proceeding) under the said Act (or unlawfully prosecution, to absent himself, or to swear falsely)."

18. Refusing to admit policeman.

"That X.Y., on at being in for having charge of) the premises of O.P., being a place refuse (or fail) to admit (or did obstruct, or attempt to obstruct) E.F., an officer demanding to enter in the execution of his duty (or did obstruct or attempt to obstruct making searches in the said premises, and in the premises connected with such place)."

19. Officer refusing to prosecute.

tor of licenses) in and for the township of in the county of knowing that O.P. had, on at Liquor committed an offence against a provision of 'The still does neglect to prosecute the said O.P. for his said

20. Refusing or failing to supply lodging, meals or accommodation to travellers.

"That F.X., being the keeper of an hotel, in respect of which an hotel license has duly issued and is in force, on at unlawfully failed or refused personally ing, meals or accommodation to a traveller, as required by the Liquor License Act."

21. Selling liquor to any one under sixteen years of age.

"That X.Y., on unlawfully did sanction chase (or otherwise), liquor to a person apparently under the or a bond fide guest, lodger or traveller."

22. Allowing internal communication between licensed and unlicensed premises.

(or That X.Y., on unlawfully did sanction 91 to be made or used, an internal communication

between his licensed premises and unlicensed premises which are used for pulli which are used for public entertainments and resort (or as a refreshment beauty) refreshment house).'

23. Selling adulterated liquor.

unlawfully did sell (of offer for sale) liquor with which were mixed ingredients or materials injurious to the materials injurious to the health of persons drinking the same." same."

24. Obtaining liquor by false representations.

unlawfully did, by falsely representing himself to be a lodger, buy or obtain (or attempt to buy or obtain liquor during the period during which such premises are required to be closed in required to be closed in pursuance of 'The Liquor License Act.'"

GENERAL FORM OF INFORMATION.

THE INFORMATION of A.B., of the , of in the of C.D., Police Inspector, laid before me, C.D., Police Magistrate (or, as the case may be) in and for the city of (or one of Her Majesty's justices of the peace, in and for the of Our), the day of , in the year of Our housand eight hand. Lord one thousand eight hundred and

The said informant says he is informed and believes that .Y., on the day of , in the year of Out , at the X.Y., on the Lord one thousand eight hundred and

, unlawfully did sell liquor without the license therefor by law required (or as the cost may be). may be).

A B

Laid and signed before me the day and year, and at the place first above mentioned. C. D.,

P.M. or J.P.

46 V., c. 30, fourth sch.

THE FIFTH SCHEDULE.

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

Canada.
To Wit:

To Wit:

The Information of A.B. of, &c., License Inspector, laid before me, C.D., Police Magistrate in and for the

(or one of Her Majesty's justices of the peace in and for the year of Our Lord one thousand eight hundred and

X.Y., on , at (describe last offence.)

And further, that the said X.Y. was previously, to wit: on before C.D., Police Magistrate in and for the city of (or at the of , in the of , peace for the of) duly convicted of having in the day of 18, at the of the license therefor required by law (or, as the case may be).

And further, that the said X.Y. was previously, to wit: on in the day of , A.D. 18, at the of staph), again duly convicted of having, on the day of , A.D. 18, at the of , having a shop license, unlawfully allowed liquor an entrance with his shop, by a person not usually resident the case may be).

the further, that the said X.Y. was previously, to wit: on day of , A.D. 18 , at the of the , in convicted of having, on the day of , A.D. 18 , the of in the of in the of liquor was reputed to be sold), unlawfully failed to admit duty (or, as the case may be).

And the informant says the offence hereinbefore firstly charged against the said X.Y. is his fourth offence against "The Liquor License Act."

A. B.

Laid and signed before me the day and year, and at the place first above mentioned.

C.D.,

46 V., c. 30, fifth sch.

THE SIXTH SCHEDULE.

SUMMONS TO WITNESS.

 $\begin{array}{c} \text{Canada.} \\ \text{of} \\ \text{To Wit:} \end{array}, \left. \begin{array}{c} \text{To J. K., of the} \\ \end{array} \right. \quad \text{of} \qquad \text{, in the}$

Whereas information has been laid before me, C.D., one of Her Majesty's justices of the peace in and for the (or police magistrate for the city of X.Y., being a druggist, on the of A.D. 18 at the of in the of unlawfully did sell liquor for other than strictly medicinal purposes (or as the case may be), and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter.

These are to require you, under pain of imprisonment in the common gaol, personally to be and appear on day of , A.D. 18, at ten o'clock in the forenoon, at the , in the of , before me, or such justice or justices of the peace as may then be there, to testify what you shall know in the premises, and also to bring with you, and there and then to produce all and every invoices, day books, cash-books or ledgers, and receipts, promissory notes and other security relating to the purchase or sale of liquor by the said X.Y., and all other books and papers, accounts, deeds and other documents in your possession, custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal this day of A.D. 18, at the of, in the C.D., J.P.

46 V., c. 30, sixth sch.

THE SEVENTH SCHEDULE.

FORM OF CONVICTION FOR FIRST OFFENCE.

 $C_{ANADA.}$) BE IT REMEMBERED that on the of , in the year of Our Lord day of one thousand eight hundred and convicted before me, C.D., police magistrate in and for the Jesty's justices of the peace, in and for the (or before us, E.F. and G.H., two of Her Mahe, the said X.Y., on the day of), for that Our Lord one thousand eight hundred and , in the year of place where liquor may be sold, unlawfully did sell liquor may be sold, unlawfully did sell liquor License Act," during the time prohibited by "The Liquor License Act," for the for the sale of the same, without any requisition for medicinal half her being produced by the same of the same, without any required by the said Act, being produced by the said Act, being produced A R being by the vendee or his agent (or as the case may be), A.B. being the inc. the informant, and I (or we) adjudge the said X.Y., for his said of be not also to pay the sum of twenty dollars, to be paid and applied according to law, and also to pay to the so: 1 and applied according to law, and also to pay to the said A.B., the sum of six dollars for his costs in this behalf half, and if the said several sums be not paid forth-distress. I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and ; and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf * [or where the issuing of a distress warrant would be ruinous to the defendant he has no goods whereon dant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks** a distress, then instead of the words of the made to appear to me to say "inasmuch as it has now been made to appear to distress in this behale us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X.Y. and his family," or "that the said X.Y. has no goods or chattels whereon to levy the said X.Y. has no goods or charter the said several sums by distress"], I (or we) adjudge the said several sums by distress"], I (or we) adjudge the said X.Y. to be imprisoned in the common gaol for the there to be kept for the space of fifteen days, unless the said sums and the costs and charges of conveying the said Ly. to the said common gaol, shall be sooner paid.

the day and year first above mentioned, at the of aforesaid.

C.D.,
Police Magistrate,

[L.S.]

or E.F., J.P., [L.S.]

 $\begin{array}{cc} \text{G.H.,} \\ \textit{J.P.,} \end{array}$

FORM OF CONVICTION FOR A THIRD OFFENCE.

) BE IT REMEMBERED that on the , in the year of Our Lord one day To Wit: thousand eight hundred and , X.Y. is convicted before the undersigned C.D., police magistrate in and for the city of in the of in the and E. F., two of Her Majesty's justices of the peace in and for the said and for the city of), for that he, the said X.Y., on for the said , in the year of Our Lord one the day of at the city of (as the case thousand eight hundred and may be) having violated a provision of "The Liquor License Act." unlawfully and provision of "The Liquor License Act.") in the said Act," unlawfully did attempt to settle the offence with A.B., with the view of having the complaint made in respect thereof in respect thereof dismissed. And it appearing to me (of us), that the said X.Y. was previously, to wit: on the , A.D., 18 , at the day of of unlawfully sold liquof before, &c., duly convicted of having on the A.D., 18, at the without the license therefor by law required. And it also appearing to me (and it also). of appearing to me (or us) that the said X.Y. was previously, to wit and the A.D., 18 to wit: on the day of , before, &c. (see above) again duly conof , A.D., 18 , at the victed of having, on the (being the keeper of a saloon, situate in), unlawfully allowed gamb the said of ling in the said saloon (or, as the case may be).

I (or we), adjudged the offence of the said X.Y. hereinber fore firstly mentioned to be his third offence against "The Liquor License Act," (A.B. being the informant) and I (or we), adjudged the said X.Y., for his said third offence, to be imprisoned in the common gaol of the said of at , in the said of , there to be kept at hard labor for the space of three calendar months (or, as the case may be).

Given under my hand and seal (or our hands the day and year first above mentioned, at in the of

C.D. [L.S.] or C.D. [L.S.] E.F. [L.S.]

46 V., c. 30, seventh sch.

THE EIGHTH SCHEDULE.

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

 $\begin{array}{c} C_{ANADA}, \\ \text{of} \\ \text{the} \ _{8aid} \\ \end{array}, \begin{array}{c} \text{To ALL or any of the constables and other} \\ \text{peace officers in the} \\ \text{and to the keeper of the common gaol of} \\ \text{at} \\ \text{, in the} \end{array},$

Whereas, X.Y., late of the of , in the dersigned, C.D., police magistrate in and for the city of of the peace in and for the of , or of at unlawfully did sell liquor without the viction), (A.B. being the informant), and it was thereby addid and pay the sum of (as in conviction), his costs in that behalf.

And it was thereby further adjudged that if the said should sums should not be paid forthwith, the said X.Y. at hard labor for the space of a said is several sums and the costs and charges of conveying the said X.Y. to the said common gaol should be sooner paid.

And whereas the said X.Y. has not paid the said several thereof has elapsed;

(If a distress warrant issued and was returned no goods, or sufficient goods, say) And whereas, afterwards on the trate (or we, the said justices) issued a warrant to the said several sums of and by distress and sale of goods and chattels of the said X.Y.

And whereas it appears to me (or us), as well by the rehad the execution of the same as otherwise, that the said constable has made diligent search for the goods and chattels of the said X.Y., but that no sufficient distress whereon to levy the said sums could be found; (Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then instead of the foregoing recitals of the issue and return of the distress warrant, grants, and it is the same and return of the distress warrant, and say):

And whereas it has been made to appear to me (or us), that the issuing of a warrant by distress in this behalf would be ruinous to the said X.Y. and his family, or the said X.Y. has no goods or chattels whereon to levy the said sums by distress (as the case may be).

These are therefore to command you, the said constables or peace officers, or any one of you, to take the said X.Y., and him safely convey to the common gaol aforesaid at , in the of , and there deliver him to the said keeper thereof, together with this precept.

And I (or we) do hereby command you, the said keeper of the said common gaol, to receive the said X.Y. into your custody in the said common gaol, there to imprison him and keep him for the space of , unless the said several sums and all the costs and charges of the said distress, amounting to the sum of , and of the commitment and conveyance of the said X.Y. to the said common gaol, amounting to the further sum of , shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals), this day of A.D. 18, in the said of

C.D. [L.S.] or C.D. [L.S.] E.F. [L.S.]

WARRANT OF COMMITMENT FOR SECOND (or THIRD) OFFENCE, WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

CANADA.

of
To Wit:
of the said

To ALL or any of the constables and other peace officers in the of and to the keeper of the common gaol at , in the of

Whereas X.Y., late of the of , in the said was on this day convicted before the undersigned C.D., the (or C.D. and E.F., &c., as in preceding form) for that he, the said X.Y., on at (state offence with previous convictions, as set forth in the conviction for the second or third

offence, or as the case may be, and then proceed thus): and it was thereby adjudged that the offence of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against "The Liquor License Act," (A.B. being the informant). And it was thereby further adjudged that the said soned in the common gaol of the said of, at at hard labor for the space of (three) calendar months.

These are therefore to command you, the said constables, or any one of you, to take the said X.Y., and him safely condeliver him to the keeper thereof, with this precept. And said common gaol at common gaol, to receive the said X.Y. into your custody in the said common gaol, there to imprison him and to keep him at hard labor for the space of three calendar months.

C.D. [L.S.]

or C.D. [L.S.]

E.F. [L.S.]

46 V., c. 30, eighth sch.

THE NINTH SCHEDULE.

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If on conviction, after adjudging penalty or imprisonment, proceed thus:—

And I (or we) declare the said liquor and vessels in which jars containing whiskey, two barrels containing beer, three kegs containing whiskey, two bottles containing gin, four wine (or, as the case may be), to be forfeited to Her Majesty, inspector of the of (or J.P.W., licensed spector of the of the of), do forthwith destroy the said liquor and vessels.

Given under my hand and seal the day and year first above mentioned, at, &c.

If by separate or subsequent order:

WE, E.F. and G.H., two of Her Majesty's CANADA. ofjustices of the peace for the (or C.D., Police Magistrate, To Wit: day of of the city of), having on the , one thousand eight hundred and , in the said county, duly convicted X.Y. of having unlawfully kept liquor for sale without license, do hereby doclars the sale without license, do hereby declare the said liquor and vessels in which for same is kept, to wit: (describe the same as above), to be for feited to Her Majorta feited to Her Majesty, and we (or I) do hereby order and direct that I P W Barrens we have as above), to be and feited to Her Majesty, and we (or I) do hereby order the direct that J.P.W., license inspector of the , do forthwith destroy the said liquor and vessel. said

Given under our (or my) hands and seals, this, at the of, in the said

E.F. [L.S.] G.H. [L.S.]

or C.D. [L.S.]

46 V., c. 30, ninth sch.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
•	The whole, except ss. 143,146 and 147. The whole, except sub-s 3 of s 1 and ss 4, 10, 23, 24, 25, 26 and 27	sub-s. 3 of s. 1 and ss. 4, 10,	1	Canada Temperance Act. Canada Temperance Act.

CHAPTER 103.

An Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

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

SHORT TITLE.

This Act may be cited as "The Adulteration Act." Short title. 48-49 V., c. 67, s. 1.

INTERPRETATION.

- 2. In this Act, unless the context otherwise requires,— Interpretation.
- (a) The expression "food" includes every article used for "Food." food or drink by man or by cattle;
- (b) The expression "drug" includes all medicines for inter- "Drug." nal or external use for man or for cattle;
- (c) The expression "agricultural fertilizer" means and "Agricultural fertilizer." includes expression "agricultural tertifizer means or discourse every substance imported, manufactured, prepared or disposed of for fertilizing or manufactures, which is sold and which contains is sold at more than ten dollars per ton and which contains phosph at more than ten dollars per ton and which contains phosphoric acid, or ammonia or its equivalent of nitrogen;
- Revenue, or any person authorized under this Act or "The or agriculture" to procure samples of articles of food, drugs agriculture of the or agriculture of the or agriculture of the or agriculture of the or agriculture of the order of the or agricultural fertilizers and to submit them for analysis;
- (e) Food shall be deemed to be "adulterated" within the Adulterated shall be shall be shall be meaning of this Act,—

deemed such.

- (1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;
- (2) If any inferior or cheaper substance has been substituted, wholly or in part, for the article;
- (3) If any valuable constituent of the article has been wholly or in part abstracted;
- (4) If it is an imitation of, or is sold under the name of, another article;

- (5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal, or vegetable substance, whether manufactured or not, or in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food:
- (6) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it;

Adulterated drugs; what shall be deemed such.

- (f) Every drug shall be deemed to be "adulterated" within the meaning of this Act,—
 - (1) If, when sold, or offered or exposed for sale, under or by a name recognized in the British or United States Pharmacopæia, it differs from the standard of strength, quality or purity laid down therein;
 - (2) If, when sold, or offered or exposed for sale, under or by a name not recognized in the British of United States Pharmacopæia, but which is found in some other generally recognized pharmacopæia or other standard work on materia medicati differs from the standard of strength, quality or purity laid down in such work;
 - (3) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;

Exceptions.

(g) Provided, that the foregoing definitions as to the adulteration of food and drugs shall not apply,—

Addition of non-injurious matter.

(1) If any matter or ingredient not injurious health has been added to the food or drug be cause the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight measure of the food or drug, or to conceal the inferior quality thereof, if such articles are tinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Patented articles.

(2) If the food or drug is a proprietary medicine, of is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable mixture.

(3) If the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

- (4) If any articles of food not injurious to the health Compounds of the person consuming the same are mixed of articles not together and sold or offered for sale as a compound, and if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;
- "(h) Every agricultural fertilizer shall be deemed to be Agricultural adulterated" within the meaning of this Act, if, when sold, fertilizers, offered or exposed for sale, the chemical analysis thereof deemed shows a deficiency of more than one per cent. of any of the adulterated to be specified in the certificate, by "The Fertilizers Act" required to be affixed to each barrel, box, sack or package containing the same, or, if the agricultural fertilizer is in than the minimum percentage of such substances required by the said Act to be contained in such fertilizer. 48-49 V., c. 67, s. 2.

ANALYSIS.

- sons possessing competent medical, chemical and microscopbe appointed. knowledge as analysts of food, drugs and agricultural fertilizers purchased, sold, or exposed or offered for sale within such territorial limits as are assigned to each of them analysts so appointed, or may appoint, in addition thereto, lysted analyst, who shall be attached to the staff of the separtment of Inland Revenue at Ottawa. 48-49 V., c. 67,
- tion to be paid to such chief analyst and to such analysts as tion. be deems proper, and such remuneration, whether by fees be paid to them out of any sums voted by Parliament for the purposes of this Act. 48-49 V., c. 67, s. 4.
- deputy inspectors of Inland Revenue, the inspectors and Certain tors and deputy inspectors of weights and measures, and the inspectors of the and deputy inspectors acting under "The General samples of do by any regulation made in that behalf by the Minister of or agricultural fertilizers suspected to be adulterated, to be V., c. 67, s. 5.

Inspectors of articles and their powers.

6. The council of any city, town, county or village may appoint one or more inspectors of food, drugs and agricultural fertilizers; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue; and any such inspector may require any public analyst to analyze any samples of food, drugs or agricultural fertilizers collected by him, if such samples have been collected in accordance with the requirements of this Act:

Analysis.

2. The said analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor Council, forthwith analyze the same, and give the inspector a certificate of such analysis:

Inspector may prosecute.

3. Such inspector may prosecute any person manufacturing, selling, or offering or exposing for sale within the city, county, town or village for which he is appointed inspector, any article of food, drug or agricultural fertilizer which has been certified by any public analyst to have been adulter ated within the meaning of this Act:

Application of penalties.

4. Notwithstanding any other provision of this Act in respect of the disposition of penalties, all penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by into the Council of which such inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs. 48-49 V., c. 67, s. 6.

How samples may be obtained.

7. Any officer may procure samples of food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and place or places in which such articles are stored, and to give him samples of such articles, on payment or tender of the value of such samples. 48-49 V., c. 67, s. 7.

Penalty for refusing to deliver sample, &c.

8. If the person who has such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place in which any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated

articles knowing them to be adulterated. 43-49 V., c. 67, s. g

The officer purchasing any article with the intention Duty of officer on obtaining of submitting the same to be analyzed, shall, after the pursample. chase has been completed, forthwith notify the seller or his agent selling the article, of his intention to have the same analyzed by the public analyst, and shall, except in specific cases, respecting which provision is made by the Governor in Comments to be then in Council, divide the article into three parts, to be then Division of and +1. and there separated, and each part to be marked and sealed sample. up or fastened up, as its nature permits, and shall deliver one of the parts to the seller or his agent, if required by him so to do:

2. He shall transmit another of such parts to the Min-Transmission ister of Inland Revenue for submission to the chief analyst of parts for in case Inland Revenue for submission to the chief analysis. in case of appeal, and shall submit the remaining part to the analyst for the district within which the samples were taken taken, unless otherwise directed by the Minister of Inland Revenue. 48-49 V., c. 67, s. 9.

The person from whom any sample is obtained under Seller may require seal this Act may require the officer obtaining it to annex to the be affixed. Vessel or package containing the part of the sample which he is 1 the Minister of Inland he is hereby required to transmit to the Minister of Inland Revenue the name and address of such person, and to second the name and address of such person, and to packs, with a seal or seals belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot address taken off. withcannot be opened, or the name and address taken off, without be opened, or the name and address taken on, with breaking such seals; and the certificate of the chief such case. analyst shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals securing to the Vessel or package the name and address of such person, Were not broken until such time as he opened the vessel or pack. package for the purpose of making his analysis; and in when to be such as for the purpose of making his analysis; and in when to be such case no certificate shall be receivable in evidence, evidence. unless there is contained therein such statement as above, or a statement to the like effect. 48-49 V., c. 67, s. 10.

When the officer has, by either of the means afore-Proceedings for analysis. said, procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated within the meaning sample is of this Act, the station in such certificate if adulterated. of this Act, he shall certify such fact, stating in such certificadulterated. cate, in the case of an article of food or a drug, whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same; and the certificate so given Effect of shall consuming the same is shall consume the same is shall consume the same is shall consider the same is sh shall be received as evidence in any proceedings taken evidence.

against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the analyst, for the purpose of cross-examination. 48-49 V., c. 67, s. 11.

Appeal to chief analyst

12. If the vendor of the article respecting which such rtificate is given in the article respecting which such rtificate is given in the article respecting which such respecting which respecting which respecting which respecting which respectively. certificate is given, deems himself aggrieved thereby, and may, within forty-eight hours of the receipt of the notification of the interest against the interest against the interest against the interest against against the interest against against the interest against agai notification of the intention of the officer or other purchaser to take proceedings. to take proceedings against him (whether such notification is given by the small such such notification). is given by the purchaser or by the ordinary process of law, notify the said officer or purchaser in writing that he intends to appeal from the intends to appeal from the decision of the analyst to meet judgment of the chief analyst: and in such case the officer or numbers about or purchaser shall transmit such notification to the chief analyst and the chief analyst, and the chief analyst shall, with all convenient speed, analyze the part of the sample transmitted to the Minister of Inland Revenue for that purpose, and shall report thereon to the said Minister of of report thereon to the said Minister; and the decision of such chief analyst shall be a such chief analyst shall be said Minister; and the decision of such chief analyst shall be final, and his certificate thereof shall have the course of shall have the same effect as the certificate of the analyst in the next proceding 12. in the next preceding section mentioned. 48-49 V., c. 67, s. 12.

Proceedings in such case.

Report of chief analyst final.

Report for Parliament by analysts. quarterly to the Minister of Inland Revenue the number of articles of food, drugs and agricultural fertilizers, analyzed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulters tions detected in such articles of food, drugs and agricultural fertilizers; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and laid before Parliament as an appendix to the annual report of the said Minister. 48-49 V., c. 67, s. 13.

To be printed.

ADULTERATION.

No adulterated article to be sold. 14. No person shall manufacture, expose or offer for sale, or sell any food, drug or agricultural fertilizer, which is adulterated within the meaning of this Act. 48-49 V., c. 67, s. 14.

What shall be deemed adulterated milk.

valuable constituent of the article has been abstracted therefrom, or if water has been added thereto, or if it is the product of a diseased animal or of an animal fed upon wholesome food, it shall be deemed to have been adulterated in a manner injurious to health, and such sale, offer or exposure for sale shall render the vendor liable to the penalty hereinafter provided in respect to the sale of adulterated food; except that skimmed milk may be sold as terated food; except that skimmed milk may be sold such if contained in cans bearing upon their exterior, with

As to skimmed milk. in twelve inches of the tops of such vessels, the word skimmed" in letters of not less that two inches in length, and served in measures also similarly marked; but any proviso. person supplying such skimmed milk, unless such quality of milk, unless such skimmed milk, unless such quality of milk has been asked for by the purchaser, shall not be entitled has been asked for by the purchaser, shall not be entitled to plead the provisions of this section as a defence to or in extenuation of any violation of this Act:

2. Nothing in this section shall be interpreted to permit No water to be or warrant the admixture of water with milk, or any other added, &c. process than the removal of cream by skimming. 48-49 V.,

Vinegar sold, or offered or exposed for sale, shall be What shall be deemed to be adulterated in a manner injurious to health terated if any vineyar. if any mineral acid has been added thereto, or if it contains vinegar. any soluble salt having copper or lead as a base thereof whether such mineral acid or salt is added, either during the new whole salt having copper or read as a such that such mineral acid or salt is added, either during 48-49 V. c. 67. the process of manufacture or subsequently. 48-49 V., c. 67, s. 16

fered Alcoholic, fermented or other potable liquors sold, or and what offered or exposed for sale, shall be deemed to have been adulterated liquors. adulterated in a manner injurious to health if they are found to contain any of the articles mentioned in the schedule to this Act, or any article hereafter added to such schedule to this Act, or any article hereafter added to such schedule by the Governor in Council. 48-49 V., c. 67, s. 17.

18. The Governor in Council may, from time to time, Certain time or articles declare certain articles or preparations exempt in whole or articles may be exempted, and may add to the sc. by 0. C. in part from the provisions of this Act, and may add to the &c., by O. C. schedule to this Act any article or ingredient, the addition of which to this Act any article or ingredient, the public interof which is by him deemed necessary in the public interest. est, and every Order in Council in that behalf shall be Publication publish, every Order in Council in that behalf shall be Publication of O. C. published in the Canada Gazette, and shall take effect at of O. C. the expiration of thirty days from the date of such publication. 48-49 V., c. 67, s. 18.

The Governor in Council shall, from time to time, Lists of exempted articles, the articles, that the cause to be prepared and published, lists of the articles, cles to be prepared and published, lists of the articles, cles to be prepared and published, lists of the articles, cles to be prepared and published, lists of the articles, cles to be prepared and published, lists of the articles, cles to be prepared and published. mixtures or compounds declared exempt from the pro-prepared and visions or compounds declared exempt from the pro-prepared and published. visions of compounds declared exempt from the pro-prepared in second this Act, in accordance with the next preced-published. ing section, and shall also, from time to time, fix the limits of variation, and shall also, from time to time, fix the limits of variability permissible in any article of food or drug, or Limit of variability. compound, the standard of which is not established by any such pl such pharmacopæia or standard work, as is hereinbefore mentioner of the same mentioned; and the Orders in Council fixing the same shall t shall be published in the Canada Gazette, and shall take effect be published in the Canada Gazette. effect at the expiration of thirty days after the publication 48-49 V., c. 67, s. 19. 92

Detention of articles until sample is analyzed.

20. Whenever any article of food, any drug, or any agricultural fertilizer is reported by any analyst as being adulterated within the meaning of this Act, the Minister of Inland Revenue may, if he thinks fit, order such article, and all other articles of the same kind and quality which were in the same place at the time the article analyzed was obtained, to be seized by any officer of Customs or Inland obtained, to be seized by him until an analysis of samples Revenue, and detained by him until an analysis of samples of the whole is made by the chief analyst. 48-49 V., c. 67, s. 20.

Confiscation of adulterated articles.

Revenue that the whole or any part of such articles are adulterated, the Minister may declare such articles, or so adulterated at the chief analyst reports as being adulter much thereof as the chief analyst reports as being adulter ated, to be forfeited to the Crown; and such articles shall ated, to be disposed of as the Minister directs. 48-49 V., thereupon be disposed of as the Minister directs.

PENALTIES.

Penalty for adulterating food or drug. 22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,

If injurious to health.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence incur a penalty not exceeding fifty dollars and not less than ten dollars, and costs, and for each subsequent offence, penalty not exceeding two hundred dollars and not less than fifty dollars, and costs;

If not so injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding thirty dollars, and costs, and for each subsequent offence a penalty not exceeding one hundred dollars and not less than fifty dollars, and costs. 48-49 V., c. 67, s. 22.

Penalty for selling adulterated article. 23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or this drug, which is adulterated within the meaning of Act, shall,—

If injurious.

(a) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding fifty dollars, and costs, and for each subsequent offence a penalty not exceeding hundred dollars and not less than fifty dollars, and costs:

If not injurious.

(b) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for such offence, a penalty not exceeding fifty dollars and less than five dollars, and costs:

2. Provided, that if the person accused proves to the Proviso: as court before which the case is tried that he did not know to knowledge of the of the article being adulterated, and shows that he could not, with reasonable diligence, have obtained that knowledge, he shall be subject only to the liability to forfeiture under the shall be subject only to the liability to forfeiture under the twenty-first section of this Act. 48-49 V., c. 67,

Every compounder, or dealer in, and every manu-Penalty on compounder facturer of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has in his possession compounder, or in an analysis of intoxicating liquors, who has an analysis of intoxicating liquors, and the analysis of intoxicating liquors are also an analysis of intoxicating liquors. or in any part of the premises occupied by him as such, certain any adulterated liquor, knowing it to be adulterated, or articles in his any deleterious ingredient specified in the schedule hereto, or added or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated first offence a penalty terated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence. offence a penalty not exceeding four hundred dollars. 48-49 V., c. 67, s. 24.

of food, or any drug, any label which falsely describes the attaching article sold, or offered or exposed for sale, shall incur a false label. penalty not exceeding one hundred dollars and not less than twenty dollars, and costs. 48-49 V., c. 67, s. 25.

28. Every penalty imposed and recovered under this Application of penalties. Act shall, except as herein otherwise provided, and except in the in the case of any suit, action or prosecution brought or institutions of any suit, action or prosecution brought or instituted under the provisions of the next following section, be have be paid over to the Minister of Finance and Receiver General, and all over to the Minister of Finance and Revenue Fund. and shall form part of the Consolidated Revenue Fund. 48-49 V., c. 67, s. 26.

GENERAL PROVISIONS.

Nothing herein contained shall be held to preclude Any person may subject to the food drug or any person from submitting any sample of food, drug or an article for a formal formal for a formal forma agricultural fertilizer for analysis to any public analyst, or analysis. from prosecuting the vendor thereof, if such article is found to be all equal to the proof of sale, and of the to be adulterated, but the burden of proof of sale, and of the fact the transfer our than the sale with after purchase, fact that the sample was not tampered with after purchase, shall 1 shall be upon the person so submitting the same:

- 2. Any public analyst shall analyze such sample on pay-Duty of ment of the fee prescribed in respect of such article or class such case. of article by the Governor in Council. 48-49 V., c. 67, s. 27.
- Any expenses incurred in analyzing any food, drug As to or agricultural fertilizer, in pursuance of this Act, shall, if expenses of analysis.

the person from whom the sample is taken is convicted of having in his of having in his possession, selling, offering or exposing for sale adultorated find an exposing of exposing for sale adultorated find a sample is taken is converged for the sample is taken in for sale, adulterated food, drugs or agricultural fertilizers, in violation of the control of th in violation of this Act, be deemed to be a portion of the costs of the present in costs of the proceedings against him, and shall be paid by him accordingly, and shall be paid How payable by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who present it. the person who procured the sample, as the case may be. 48-49 V., c. 67, s. 28.

Regulations may be made.

29. The Governor in Council may, from time to time, also such recombination. make such regulations as to him seem necessary, for carrying the provisions of this Act into effect. 48-49 V., c. 67, s. 29.

Inland Revenue Act to apply.

30. The provisions of "The Inland Revenue Act," whether enacted with special reference to any particular business of trade or with special reference to any particular business of trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation the fraud or neglect in relation thereto, shall extend, apply and be construed and about this be construed and shall have effect with reference to to Act, as if they had been enacted with special reference to the matters and things herein provided for:

2. Every penalty imposed under this Act may be enforced and dealt with as if may be under and dealt with as if imposed under the said Act, and every the said Act. compounder and the com compounder, and the apparatus used by him, and the place in which his business in in which his business is carried on, and the articles made or compounded by his or compounded by him, or used in compounding any such article shall be "orbital to the shall be article, shall be "subject to excise" under the said Act. 48-49 V., c. 67, s. 30.

SCHEDULE.

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium. cayenne pepper, picric acid, Indian hemp strychning taken hemp, strychnine, tobacco, darnel seed, extract of log wood, salts of zine competents. salts of zinc, copper or lead, alum, methyl alcohol and its derivatives appliable half derivatives, amyl alcohol, and any extract or compound of any of the above incredient any of the above ingredients.

Proposed to be	Part Consolidated.	Left for Repeal.	To be Consolidated	To be Consolidated with.
Consolidated.			elsewhere.	
48-49 V., c. 67 T	he whole except ss. 31 and 32.	ss. 31 and 32.		

CHAPTER 104.

An Act respecting Agricultural Fertilizers.

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

- This Act may be cited as "The Fertilizers Act." 48-49 Short title. V., c. 68, s. 1.
- 2. In this Act the expression "fertilizer" means and in-Interpretacludes every fertilizer which is sold at more than ten dollars tion. per ton, and which contains phosphoric acid or ammonia, or its 20 M 20 M 20 S 20 or its equivalent of nitrogen. 48-49 V., c. 68, s. 2.
- 8. Every manufacturer or importer of fertilizers for sale, Sample to be shall, in the course of the month of January in each year, Minister of and hand to the Inland and before offering the said fertilizer for sale, transmit to the Inland Minister offering the said fertilizer for sale, transmit to the Inland Revenu Minister of Inland Revenue, carriage paid, a sealed glass every year. jar, containing at least two pounds of the fertilizer manufacts. factured or imported by him, with the certificate of analysis of the same, together with an affidavit setting forth that man, jar contains a fair average sample of the fertilizer manufactured or imported by him; and such sample shall To be kept by preserved by the Minister of Inland Revenue for the comparison. purpose of comparison with any sample of fertilizer which is obtained in the course of the twelve months then next ensuing from such manufacturer or importer, and which is transmitted to the chief analyst for analysis:

2. The affidavit required by this section may be taken Before whom section of the property of the section of th before any magistrate, justice of the peace or commissioner taken. for taking affidavits for use in any court of the Province in which affidavits for use in any court of the Province in which such affidavit is taken. 48-49 V., c. 68, s. 3.

The officers of Inland Revenue, the officers of Customs, Certain officer in the officers to act as the inspectors and deputy inspectors of weights and mea-inspectors. sures, and the inspectors and deputy inspectors acting under "The C The General Inspection Act," or any of them, shall, when require made in that behalf by required so to do, by any regulation made in that behalf by the G the Governor in Council, act as inspectors of fertilizers, and shall not be fartilizers suspected to shall procure and submit samples of fertilizers suspected to be adulterated, to be analyzed. 48-49 V., c. 68, s. 4.

for analysis from every manufacturer or importer of ferti- analyzed the inspector is yearly. lizers for sale in the district for which the inspector is yearly.

appointed, a sample of the fertilizer manufactured or imported by such manufacturer or importer; but the provisions of this section shall not be construed to limit the right of the inspector to procure samples for analysis in accordance with the following provisions of this Act:

Analysis and publication thereof.

2. Every sample so obtained by the inspector under this section shall be transmitted to the Minister of Inland and enue for submission to the chief analyst for analysis; and the results of such analyses shall be published annually by the said Minister in such manner as he sees fit. 48-49 V., c. 68, s. 5.

Manufacturer's certificate of analysis. package intended for sale or distribution within Canada shall have the manufacturer's certificate of analysis placed upon or securely attached to each package by the manufacturer; if the fertilizer is in bags, such certificate shall be turer; if the fertilizer is in bags, such certificate shall be distinctly stamped or printed upon each bag; if it is in barrels, such certificate shall be either branded, stamped or printed upon the head of each barrel, or distinctly printed upon good paper and securely pasted upon the head of each barrel, or upon a tag securely attached to the head of barrel; if it is in bulk, such certificate shall be produced and a copy given to each purchaser:

No sale to be made till forms complied with. 2. No fertilizer shall be sold or offered or exposed for sale unless a certificate of analysis and a sample of the same have been transmitted to the Minister of Inland Revenue, and the provisions of the foregoing sub-section have been complied with. 48-49 V., c. 68, s. 6.

Attachment of Inspector's tag.

7. The inspector, after taking samples for analysis, shall if requested so to do by the manufacturer, the importer of the person selling the fertilizer, cause to be applied, under his personal supervision, inspector's tags, one to each package, bag or barrel of fertilizer, before the same is offered for sale or distribution: inspector's tags shall be numbered consecutively and shall have printed upon each of them the words and figures, "Inspected, 18, Canada," together with a fac-simile of the signature of the Minister of Inland Revenue. 48-49 V., c. 68, s. 7.

What to show.

If fertilizer is imported in bulk.

Duty of inspector.

8. If the fertilizer is imported in bulk, or if it is proposed that it shall be removed from the manufactory, or out of the possession of the manufacturer's agent, in bulk, the manufacturer's certificate of analysis shall be produced for the inspector; and the inspector, after taking samples analysis, shall deliver to the manufacturer, the importer, of his agent, if requested by any of them so to do, a bill of inspection specifying the quantity and the quality as set inspection specifying the certificate, together with

name of the store or vessel, or the number of the car in which in the store or vessel, or the number of the shall attach which the fertilizer was when inspected, and he shall attach the manufacturer's certificate of analysis to the bill of inspection and the second of inspection before so delivering it. 48-49 V., c. 68, s. 8.

9. If any fertilizer is imported for use by the importer Inspection at the importance in the thereof and not for sale, it may be inspected in conformity port of entry. with the foregoing provisions at the Customs port of entry at which at which it is imported. 48-49 V., c. 68, s 9.

hick The inspector shall be entitled, for each package to Inspector's which a tag is attached under his supervision, and for each before bill of the supervision. bill of inspection delivered by him, if the fertilizer is in removal. bulk, to such fee in either case as the Governor in Council directs directs, which fee shall be paid and the inspector's tag attached or certificate delivered, as the case requires, before the fertilizer may be removed from the mill, factory or storehonders. storehouse, or out of the possession of the manufacturer's agent 2.10 V c. 68. s. 10. agent or the person importing the same. 48-49 V, c. 68, s. 10.

The inspector shall not furnish any tag to be attached conditions under which The inspector shall not furnish any tag to be attached under which tag may be package of fertilizer unless the manufacturer's certage may be package, or, if the fertilizer is in bulk, shall not deliver any be bill of inspect. bill of inspection unless such certificate is produced to him, claim: claiming, in the case of an ammoniated superphosphate, that it is that it contains at least five per centum of soluble phosphoric acid and in the case of any acid and two per centum of ammonia, and in the case of any acid phosphate or dissolved bone, that it contains at least eight per centum of available phosphoric acid; nor shall any such tag be furnished or applied to any package of fertilizer. The furnished or applied to any package of any fertilizer. izer, or bill of inspection delivered in respect of any fertilizer, the state of th izer, or bill of inspection delivered in respect of 48,49 tr that is in a damaged or unmerchantable condition. 48.49 V., c. 68, s. 11.

Every person who sells, or offers or exposes for sale, Penalty for the fact is selling act in this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of this Act will be selled to the selling of any fertilizer, in respect of which the provisions of this Act violation of have not less than the provisions of the Act. have not been complied with,—or who permits a certificate this Act. of analysis to be attached to any package, bag or barrel of such forms. such fertilizer, or to be produced to the inspector, to accompany the line of the inspector stating that pany the bill of inspection of such inspector, stating that the factor. the fertilizer contains a larger percentage of the constituents mentioned in the next preceding section than is contained therein therein or who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells, offers or exposes for sale any fertilizer nor who sells not the sells of the sale and which does not the sells of izer purporting to have been inspected and which does not contain portioned in the contain the percentage of constituents mentioned in the next preceding section,—or who sells or offers or exposes for sale and a section of the percentage for sale any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanies in the liable in each case to a accompanying the same, shall be liable in each case to a penalt. penalty not exceeding fifty dollars for the first offence, and for each not exceeding one for each subsequent offence to a penalty not exceeding one

Proviso.

hundred dollars: Provided always, that a deficiency of one per centum of the ammonia or its equivalent of nitrogen, or of the phosphoric acid, claimed to be contained, shall not considered as evidence of fraudulent intent. 48-49 V., c. 68, s. 12.

Penalty for forging certificate, &c.

13. Every person who forges, or utters or uses, knowing it to be forged, any manufacturer's certificate, bill of inspection, certificate of analysis, or inspector's tag, required under this Act, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding two years, with or without hard labor. 48-49 V., c. 68, s. 13, part.

For unlawfully attaching tag or certificate. 14. Every person who wilfully applies to any fertilizer a certificate or tag, or produces to any person a bill of inspection, given in relation to any other package or lot of fertilizer shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months. 48-49 V., c. 68, s. 13, part.

For giving false certificate.

15. Every person who gives a false certificate in writing to any person in respect to a fertilizer sold by him as a principal or agent, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

V., c. 68, s. 13, part.

Application of penalties.

16. All penalties recovered under this Act shall form part of the Consolidated Revenue Fund. 48-49 V., c. 68, s. 14.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
48-49 V., c. 68	The whole except ss. 15, 16 and 17.	ss. 15, 16 and 17.		

CHAPTER 105.

An Act respecting Railways.

HER Majesty, by and with the advice and consent of the follows:—

SHORT TITLE.

c. 9, s. 1. This Act may be cited as "The Railway Act." 42 V., Short title.

GENERAL INTERPRETATION.

- 2. In this Act and in the special Act incorporating any Interpreta-applies, unless the context otherwise requires:—
- Railways and Canals, and the expression "Deputy" means the Minister of "Minister." Deputy of the Minister of Railways and Canals;
- Railways and Canals; means the Department of "Department"
- suages, lands, tenements and hereditaments of any tenure;
- lease; The expression "lease" includes an agreement for a "Lease."
- (c) The expression "toll" includes any rate or charge or "Toll." for payment payable under this Act or the special Act matter or thing conveyed on the railway;
- that may be conveyed upon the railway, or upon steam ...

 vessels or other vessels connected therewith;
- of counties, riding, or like division of a county in any Proseparate municipalities;
- (h) The expression "highway" includes any public road, "Highway." lane or other public way or communication;

"Sheriff

(i) The expression "sheriff" includes under sheriff, of other legal competent deputy; and when any matter relation to any lands is required to be done by any sheriff relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall, in such case, be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate, and if there is no clerk of the peace, shall include clerk of the municipality; and if the lands in question, being the property of one and the same person, are situate not wholly property of one and the same person, are situate not wholly in one district, county, riding, division or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any portion of such lands is situate;

"Justice"

(j) The expression "justice" means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and when the matter arises in respect of lands which are the property of one and the same person, situate not wholly in any one district, county, riding, division, city or place, the expression "justice" means a justice acting for the district county, riding, division, city or place where any portion of such lands is situate, and who is not interested in such matter; and when any matter is authorized or required to matter; and when any matter is authorized or required to shall be understood to mean two justices assembled and acting together;

"Map or plan."

(k) The expression "map or plan" means a ground plan of the lands and property taken or intended to be taken;

"Owner.

(l) The expression "owner," when, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, shall be understood to mean any person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"Railway Committee."

(m) The expression "the railway committee" means the Railway Committee of the Privy Council. 42 V., c. 9, s. 5, sub-ss. 5 to 14;—46 V., c. 24, s. 2, part.

APPLICATION OF ACT.

Application of part one.

3. The provisions of this Act, from section four to section thirty-nine, both inclusive, being Part One of this Act, shall apply to every railway constructed or to be constructed

under the authority of any Act passed by the Parliament of Canada, and shall, in so far as they are applicable to the undertaking, and unless they are expressly varied or excepted therefrom by the special Act, be incorporated therewith as forming one Act:

- 2. Any of the said provisions forming Part One of this Act How certain by enacting, in such special Act, that the sections of this not to apply. Act proposed to be excepted, referring to them by the porated with such special Act, which shall not be incorconstrued with such special Act, which shall thereupon be Re-drafted.
- 3. The provisions of this Act, from section forty to section Application of hundred and six, both inclusive, being Part Two of part two. Within the legislative authority of the Parliament of Redrafted.
- 4. The provisions of this Act, from section one hundred and seven to section one hundred and nineteen, both inclusive, panies Part Three of this Act, shall apply to all railway comwhether otherwise within the legislative authority of the V., c. 24, s. 1;—47 V., c. 11, s. 1.

far as the applicability of the provisions of this Act are concerned, which classes accordingly.

PART ONE.

INTERPRETATION.

- requires:— One of this Act, unless the context otherwise Interpretation in part one.
- authorizing the construction of a railway, with which this Act." The Railway Act, 1868," or "The Consolidated Railway Act, 1879," is incorporated;
- matter herein stated, means "as the same is prescribed or

provided for in the special Act," and the sentence in which such word occurs shall be such word occurs shall be construed as if, instead of the word "prescribed" the word "prescribed," the expression "prescribed for that purpose in the special Act " L. " pose in the special Act," had been used;

"The lands."

(c) The expression "the lands" means the lands, which the special Act care the by the special Act, are authorized to be taken or used for the purposes thereof. purposes thereof:

"The undertaking."

(d) The expression "the undertaking" means the railways d works of whotsomer is and works, of whatsoever description, authorized under the special Act to be construct. special Act to be constructed:

In part one and special Act.

2. In Part One of this Act and in the special Act, unlege e context otherwise received the context otherwise requires:—

" The Company."

(e) The expression "the company" means the company person authorized by the or person authorized by the special Act to construct the railway: railway;

"The railway."

(f) The expression "the railway" means the railway and e works authorized under the the works authorized under the special Act to be constructed.

42 V., c. 9, s. 5, sub-sc. 14. 42 V., c. 9, s. 5, sub-ss. 1 to 5, and 15 and 16.

INCORPORATION.

Companies to have corporate powers.

5. Every company incorporated under a special the shall be a body corporate, under the name declared in the special Act. and shall be received in the special Act. special Act, and shall be vested with all such powers, privileges and immunities as are leges and immunities as are necessary to carry into effect the intention and objects of the intention and objects of this Act, and of the special and which are incident to an incident to a and which are incident to such corporation, or are expressed or included in "The International Transfer of the special and which are incident to such corporation, or are expressed or included in "The International Transfer of the special and the special 42 V., c. 9, s. 6. or included in "The Interpretation Act."

POWERS.

Powers.

6. The company may,—

(1) Receive, take and hold all voluntary grants and done of the control of land or other areas of the control o grants of land, tions of land or other property made to it, for the purpose of aiding in the construction aiding in the construction, maintenance and accommodation of the railway. tion of the railway; but the same shall be held and used for the purpose of such great for the purpose of such grants or donations only;

To purchase land.

(2) Purchase, take and hold, of and from any person, and or other property possession land or other property necessary for the construction, also tenance, accommodation tenance, accommodation and use of the railway, and also alienate, sell or dispose of the alienate, sell or dispose of the same;

To carry railway across lands.

(3) Make, carry or place the railway across or upon the upon the lands of any person on the line of the railway, or within the distance from such line state. distance from such line stated in the special Act, although through error or other cause, the name of such person has not been entered in the book of reference hereinafter mentioned, or although some other person has been erroneously ment; mentioned as the owner of or entitled to convey, or is interestal: ested in such lands;

(4) Construct, maintain and work the railway across, And across and along along, or upon any stream of water, watercourse, canal, and along streams, &c. highway or railway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the company to its forman in touched, shall be restored by the company to its impairits usefulness; former state, or to such state as not to impair its usefulness;

with one or more sets of rails or tracks, to be worked by the way. force and power of steam, or of the atmosphere, or of animals, or hy or by mechanical power, or by any combination of them;

(6) Erect and maintain all necessary and convenient build- Toerect buildings, &c. ings, stations, depôts, wharves and fixtures, and from time ings, &c. to time alter, repair or enlarge the same, and purchase and aconical accordance and carriages, acquire stationary or locomotive engines and carriages, Wagons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway;

the Pecial Act, and manage the same, and for that pur-branch raile pose example of the same and authorities pose exercise all the powers, privileges and authorities railway therefor, in as full and ample a manner as for the

(8) Construct and make all other matters and things To do all necessary and convenient for the making, extending and things using and convenient for the making, extending and things necess using of the railway, according to the meaning and intent of necessary. this Act, and of the special Act;

(9) Take, transport, carry and convey persons and goods To convey on the railway, regulate the time and manner in which the persons and goods. to he shall be transported, and the tolls and compensation; to be paid therefor, and receive such tolls and compensation;

here Borrow, from time to time, either in Canada or else- To borrow money, &c where, such sums of money as are expedient for completing, maintain at a rate of intermaintaining or working the railway, and at a rate of interest not est not exceeding eight per cent. per annum, and make the bonds exceeding eight per cent. bonds, debentures or other securities granted for the sums so how debentures are other securities granted for the sums so borrowed payable either in currency or in sterling, and at snot without Canada, as are at such place or places, within or without Canada, as are deemed place or places, within or without Canada, as are deemed advisable, and sell the same at such prices or discount count as are deemed expedient or are necessary, and hypothecate to be a such processory of the lands to be revenues and thecate, mortgage or pledge the lands, tolls, revenues and

Proviso; as to extent of such power. other properties of the company for the due payment of the said sums and the interest the said sums and the interest thereon, but no such debenture shall be for a loss sum the shall be for a less sum than one hundred dollars: Provided always, that the power of always, that the power of issuing bonds hereby conferred upon the company or made it upon the company or under the special Act shall nower construed as being or beautiful and the special act shall nower construed as being exhausted by such issue; but such power may be exercised from timed by such issue; may be exercised, from time to time, upon the bonds constituting such issue being will? tuting such issue being withdrawn or paid off, and in cancelled: but the limit to the cancelled; but the limit to the amount of bonds fixed in the special Act shall not? the special Act shall not be exceeded;

To enter lands for survey, &c.

(11) Enter into and upon any lands of Her Majesty Without evious license therefore any previous license therefor, or into and upon the lands of the person whomsoever lying in the person whomsoever lying in the intended route or line of the railway: and make surrous railway; and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and scant in the site of the railway, and set out and scant in the site of the railway. way, and set out and ascertain such parts of the lands as are necessary and proper for the

To fell trees.

(12) Fell or remove any trees standing in any woods, and or forests where lands or forests where the railway passes, to the distance of six rods from either side. of six rods from either side thereof;

To cross or unite with other railways.

(13) Cross, intersect, join and unite the railway with any her railway at any point other railway at any point on its route, and upon the lands of such other railway with the lands of such other railway with the lands. of such other railway, with the necessary conveniences for the purposes of such assumptions of such as a s the purposes of such connection; and the owners of both railways may units; railways may unite in forming such intersection, and grant the facilities therefore the facilities therefor; and in case of disagreement as to the amount of compensation to amount of compensation to be made therefor, or upon the point or manner of such point or manner of such crossing and connection, the same shall be determined by salising and connection, shall be determined by arbitrators, who shall be appointed by a judge of one of the result. by a judge of one of the superior courts in the Province in which the point of imperior which the point of junction or intersection is situate;

Compensation, &c.

Approval of Railway Committee to be obtained.

(14) No railway company shall avail itself of any of the overs contained in the contained i powers contained in the next preceding sub-section without application to the Poilapplication to the Railway Committee for approval of mode of crossing mode of crossing, union or intersection proposed; of which application notice which application, notice in writing shall be given by the company to any other company affected, by sending same, by mail or otherwise to the sending that the same, by mail or otherwise to the sending that the same is a sending to the sending to same, by mail or otherwise, to the address of the president, superintendent superintendent, managing director or secretary of such other company, and when other company; and when such approval has been obtained, either company may in either company may, in case of disagreement as to the amount to be paid for case. amount to be paid for compensation, proceed for the determination of such compensation. nation of such compensation as provided in the next preceding sub-section. ing sub-section;

length.

(15) Any company may construct a branch or branches not exceeding six miles in length, from any terminus or station of its roilway and residues the state of the roilway and residues to the roilw tion of its railway, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within a passed by the municipal council of the municipality Within the limits of which such proposed branch is situate; and no such branch shall, as to the quality and construction of the such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the special, be subject to any of the restrictions contained in the special Act or in this Act, nor shall any thing in either of the soil Act or in this Act, nor shall any thing in either of the said Acts authorize the company to take, for such branch, any land the consent of any lands belonging to any person, without the consent of such person first obtained;

(16) Any company which desires at any time to change the Changes in location of its line of railway in any particular part, for the way may be purpose of lessening a curve, reducing a gradient or other made. wise benefiting such line of railway, or for any other purpose of nall. of public advantage, may make such change; and all the provision advantage, may make such change; and all the provisions of this Act shall refer as fully to the part of such line of proposed to be line of railway, so at any time changed or proposed to be changed. changed, as to the original line; but no company shall extend its line of railway beyond the termini mentioned in the

(17) No company shall take possession of, use or occupy As to lands any lands vested in Her Majesty, without the consent of wested in Her Governor in Council; but with such consent, any such company. company may take and appropriate, for the use of its railway and works, but not alienate, so much of the wild lands of the Carlway as have not the Crown lying on the route of the railway as have not been route of the railway as have not been granted or sold, and as is necessary for such railway, as also granted or sold, and as is necessary for such railway, as also so much of the public beach, or of the land covered with 11 or of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their rooms waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing the waters of any lake, river, stream of their respective beds, as is necessary for making and completing the waters of any lake, river, stream of the property of the waters of any lake, river, stream of the property of the waters of any lake, river, stream of the property of the waters of any lake, river, stream of the property of pleting and using its said railway and works, subject, however, the next following ever, to the exceptions contained in the next following

(18) Whenever it is necessary for such company to occupy As to lands any part of the lands belonging to Her Majesty reserved for naval or military pur naval or military purposes, it shall first apply for and military purposes.

Obtain 41 Majesty under the poses. obtain the license and consent of Her Majesty, under the poses. hand and seal of the Governor General, and having obtained such 1: such license and consent, it may, at any time or times, enter into and seal of the Governor General, and having seal of the burposes of the into and enjoy any of the said lands for the purposes of the railway; but in the case of any such naval or military re- Consent of server; but in the case of any such naval or military reserves, no such license or consent shall be given except upon military authority authority a report first made thereupon by the naval or military authority. authorities in which such lands are for the time being vested, approving of such license and consent being so given. 42 4. s. b, s. 7, sub-ss. 1 to 15, 16, part, 17 and 19;—46 V., c. 24, s. 7, part.

PLANS AND SURVEYS.

Plans and surveys shall be made and corrected as Plans and surveys. follows :—

Surveys and levels.

Map or plan and book of

reference.

- (1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, as far as then ascertained; and a book of reference for the railway shall also be made, in which shall be set forth:
 - (a) A general description of the said lands;
 - (b) The names of the owners and occupiers thereof, as far as they can be ascertained; and
 - (c) Everything necessary for the right understanding of such map or plan:

To be examined and certified and copies deposited.

(2) The map or plan and book of reference shall be examined and certified by the minister or by the deputy, and a duplicate thereof, so examined and certified, shall be deposited at the department, and the company shall deposit copies of such map or plan and book of reference, or of such parts thereof as relate to each district or county through which the railway is to pass, in the offices of the clerks of the peace for such districts or counties respectively:

Access to copies.

(3) Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the clerks of the peace at the rate of ten cents for every hundred words:

Certified copies to be evidence.

(4) Such map or plan and book of reference so certified, or a true copy thereof, certified by the minister or by any clerk of the peace, shall be evidence in any court of justice and elsewhere:

Errors, how remedied.

(5) Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or book of reference, may, after ten days' notice has been given to the owners of such lands, be corrected by two justices, on application made to them for that purpose; and if it appears to them that such omission, mis-statement or erroneous description arose from mistake, the justices shall certify the same accordingly:

Certificate relating thereto.

(6) The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties, rewith the clerks of the peace of the districts or counties, respectively, in which such lands are situate, and shall be kept by them together with the other documents to which they relate; and thereupon such map or plan, or book of reference, shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate:

(7) If any alterations from the original plan or survey are Alterations from original plan or survey are from original plan or survey as from original plan or survey are Alterations intended to be made in the line or course of the railway, a from original plan and to be made in the line or course of the railway, a survey. plan and section of such alterations as have been approved of her plan and section of such alterations as have been approved to the same of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies of or extracts from such plan and section, so far as they related in or through relate to the several districts or counties in or through which which such alterations have been authorized to be made, shall be deposited with the clerks of the peace of such districts and counties:

or the plans and sections of the alterations, have been so de-be proceeded posited, the construction of the railway, or of the part thereof map, &c., are affected by the construction of the railway be shall not be deposited. affected by the alterations, as the case may be, shall not be deposited. proceeded with:

(9) The clerks of the peace shall receive and retain the Custody of copies of the original plans and surveys, and copies of the copies by plans of the original plans and surveys, and extracts Peace. plans and sections of alterations, and copies and extracts Peace. thereof respectively, and shall permit all persons interested to incompare the make copies to inspect any of the documents aforesaid, and to make copies who rect any of the documents aloresalu, and the peace who rect acts from the same, and every clerk of the peace default. who refuses so to do, shall incur a penalty, for each default, of four dollars:

of The copies of the maps, plans and books of reference, Copies certified by or of any alteration or correction thereof, or extracts there-Clerk to be from any alteration or correction thereoi, or extracts the clerk of the peace, shall be received evidence. In all certified by the clerk of the peace, shall be received evidence. in all courts of justice and elsewhere as evidence of the content of the peace shall give such contents thereof, and the clerk of the peace shall give such certifications. certificate to any person interested when required so to do:

(11) No deviation of more than one mile from the line of What deviation allowed. the railway or from the places assigned thereto in the said man or plans and sections, map or plan and book of reference, or plans and sections, shall be made into, through, across, under or over any part of the land and book of reference. the lands not shown in such map or plan and book of reference ence, or plans or sections, or within one mile of the said line and plans or sections, or within one mile of the said line and place, except in such instances as are provided for in the

of any person on the line, or within the distance from such in book of in book or reference. line as aforesaid, although the name of such person has not reference. been entered in the book of reference, through error or any other cause, or although some other person is erroneously mentioners, or although some other person is intermentioned as the owner of or entitled to convey, or is interested: ested in such lands:

(13) A map and profile of the completed railway and of Map of comthe land taken or obtained for the use thereof, shall, to be filed at the department.

within six months after completion of the undertaking, the made and filed at the made and filed at the department, and like maps of the parts thereof leasted in J. ... parts thereof, located in different districts and counties, shall be filed in the registry officer. be filed in the registry offices for the districts and counties in which such parts are received. which such parts are respectively situate; and every company which fails or nonlinear the pany which fails or neglects to furnish such map within said period shall income and said period, shall incur a penalty of two hundred dollars, and a like penalty for each and a like penalty for each and every month during which such failure or perfect such failure or neglect continues, which penalty shall be recoverable in How Marinette and every month during with the such failure or neglect continues, which penalty shall be recoverable in How Marinette and every month during with the such as recoverable in Her Majesty's name in any court of competent invisdiction. petent jurisdiction:

Scale and paper.

(14) Every such map shall be drawn on such a scale and on the paper as one from such paper as are, from time to time, designated for that pur pose by the minister and all lives a scale and by pose by the minister, and shall be certified and signed by the president or engineer of the company:

Plan, &c., may be in sections. Filing of profile.

(15) The plan and book of reference may be made of sections of the reilling this tions of the railway not less than twenty miles in length; and in addition thereto, the company shall file, at the department within the partment, within three months after the deposit of such map or plan and book of the map or plan and book of reference, a profile of the railway described upon and described upon such map or plan. 42 V., c. 9, s. 8;—46 V., c. 24, s. 2, part.

LANDS AND THEIR VALUATION.

Interpretation.

"Court."

8. In this section the expression "court" superior court of the district or Province in which the lands are situate and if it is lands are situate, and if the lands are situate in the North West Torritories West Territories, it means Her Majesty's Court of Queen's Bench of Manitoba waith Bench of Manitoba, until there is a superior court in the said Territories, when it shall make the said in Territories, when it shall mean such superior court; and in this section the this section the expression "judge" means a judge of the superior court of the airn. superior court of the district or Province in Which the lands are situate and it is a situate or in which the lands are situate or if it is a situate or i lands are situate, or if the lands are situate in the North West Territories it West Territories, it means a stipendiary magistrate in the said Territories.

"Judge."

In consequence of the amendment made by 47 V., c. 11, s. 11, the jurisdiction of the judges of county courts is not continued in 42 V., c. 9, s. 9.

Extent of lands to be taken without consent of proprietor.

2. The lands which may be taken without the consent in the owners thereof shall not exceed thirty-three yards in breadth but in places and breadth, but in places where the railway is raised more the five feet higher or out the five feet higher, or cut more than five feet deeper than surface of the line or the surface of the line, or where offsets are established, or where stations depôts or factorisms. stations, depôts or fixtures are intended to be erected, or goods to be delivered that goods to be delivered, the lands which may be taken with out the consent of the c Extra breadth out the consent of the owner shall not be more than six in for stations, dred and fifty words dred and fifty yards in length by one hundred yards breadth. except for town breadth, except for town and city stations, depois terminal stations or for protections terminal stations, or for protection against snow drifts,

for stations, åcc.

Which cases such greater quantity of land or land covered with with Governor with water may be taken, as is approved by the Governor in Council:

- 8. The places at which such extra breadth is to be taken To be shown all hand places at which such extra breadth is to be taken To be shown shall be shown on the map or plan, or plans or sections, so far on map, &c. as the same are then ascertained, but the fact of their not being same are then ascertained, but the fact of their not being so shown shall not prevent such extra breadth from being taken, if it is taken upon the line shown or within the distance aforesaid from such line:
- 4. The extent of the public beach, or of the land covered Extent of the public beach for the public beach. with the extent of the public beach, or of the land covered public beach railway. I with the waters of any river or lake in Canada, taken for the public beach to be taken. railway, shall not exceed the quantity limited in the next preceding sub-section:
- 5. All tenants in tail or for life, grevés de substitution, Conveyance guardians, curators, executors, administrators, trustees and to the comall persons whomsoever, not only for and on behalf of themsol. themselves, their heirs and successors, but also for and on behalf of the heirs and successors, but also for and on whather infants, issue behalf of those whom they represent, whether infants, issue unhouse the second of the second of those whom they represent the second of the se unborn, lunatics, idiots, femes-covert, or other persons, seized, possesso, lunatics, idiots, femes-covert, or other persons, seized, may contract, sell possessed of, or interested in any lands, may contract, sell and convey to the company all or any part thereof:
- 6. In all cases in which the persons hereinbefore enume-Order of judge rated have no right in law to sell or convey the rights of procertain cases. perty of the said land, the said persons shall obtain, from a judge of the said land, the said persons interested, the right Judge, after due notice to the persons interested, the right to sell the said land; and the said judge shall give such orders. orders as are necessary to secure the investment of the purchase money in such a manner as he deems necessary, in accordance with the law of the Province, to secure the interests of ests of the owner of the said land:

7. The powers by the next preceding sub-section con-Limitation of red no powers in certain cases. ferred upon rectors in possession of glebe lands in the Protain cases. Vince upon rectors in possession of glebe lands in trustee of Ontario, ecclesiastical and other corporations, or either, trustees of Ontario, ecclesiastical and other corrections of land for church or school purposes, or either, execute which they are not executors appointed by wills under which they are not investal property of the invested with any power over the real property of the testator. testator, administrators of persons dying intestate, but at their do. administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exceed a seized of real property of such lands actually be exercised with respect to any of such lands actually required and with respect to any of a company: required for the use and occupation of a company:

8. Any contract, agreement, sale, conveyance and assurance Effect of sale made proceeding, shall under preceding and assurance effect of sale 80 made, under the two sub-sections next preceding, shall under preceding sub-sections. be valid and effectual in law, to all intents and purposes tions.

Whatson whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limita-

tions whatsoever; and the person so conveying is hereby indemnified for what he does by virtue of or in pursuance of this Act:

Responsibility as to purchase money.

9. The company shall not be responsible for the disposition of the dis tion of any purchase money for lands taken by it for its purchase money for lands taken by the lands taken by the lands taken by the lands taken by the lands tak poses, if paid to the owner of the land or into court for his benefit, as hereinafter provided:

10. Any contract or agreement made by any person Effect of conbefore deposit authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before of map, &c. the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract agreement, and although such land has, in the meantime become the property of a third person, and possession of the land may be taken and the agreement and price may of dealt with as if such price had been fixed by an award of arbitrators as harding that arbitrators, as hereinafter provided, and the agreement shall be in the place of an

be in the place of an award:

Fixed rent may be agreed upon in certain cases.

11. All persons who cannot, in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed any agree upon a fixed annual rent as an equivalent, and not upon a principal arms. upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement of compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed:

Lien for payment thereof.

12. For the payment of the said annual rent and every other annual rent agreed upon or ascertained, and to be paid for the same to be paid to b paid for the purchase of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of any lands, or for any part of the purchase money of the pur purchase money of any lands, which the vendor agreed to leave unpoid the real to leave unpaid, the railway and the tolls thereon be liable and chargeable in be liable and chargeable in preference to all other claims and demands thereon are and demands thereon whatsoever, upon the deed creating such charge and liability being duly registered in the registery office of try office of the proper district, county or registration division: division:

13. After the expiration of ten days from the deposit of e map or plan and book of a first from the deposit of application to the map or plan and book of reference, and after notice owner. thereof has been given in at least the state of the state thereof has been given in at least one newspaper, if there is any, published in cock of the newspaper, if there is any, published in cock of the newspaper. is any, published in each of the districts and counties through which the reilway is through which the railway is intended to pass, application may be made to the owners of land may be made to the owners of lands, or to persons empowered to convey lands. or interested to convey lands, or interested in lands which may sign of damage from the taking of materials or the exercise any of the powers granted for the exercise of the exercise and the control for the exercise of the exercis any of the powers granted for the railway; and, the upon, agreements and control upon, agreements and contracts may be made with persons, touching the said land. persons, touching the said lands or the compensation

be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as seems expedient to both parties; and in case of disagreement Arbitration in between them, or any of them, all questions which arise default of agreement. between them shall be settled as in the following sub-sections of this section mentioned:

14. The deposit of a map or plan and book of reference, Deposit to and the notice of such deposit, shall be deemed a general notice. notice to all the parties, of the lands which will be redence for the railway and works; and the date of such deposit shall be the date with reference to which the aforesaid compensation or damages shall be ascertained:

15. The notice served upon the party shall contain,—

Notice to party, and what it shall

- (a) A description of the lands to be taken, or of the powers contain. intended to be exercised with regard to any lands, and describing the lands;
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages;
- of the name of a person to be appointed as the arbitrator shall he company, if its offer is not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for the Dands are situated, for the Province or Territories in which the lands are situated, who: who is a disinterested person and is not the arbitrator named in the notice, which certificate shall state,—
- That the land, if the notice relates to the taking of land What surveshown on the said map or plan, is required for the railway, cate shall contain. or is Within the limits of deviation hereby allowed;

- (2) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (3) That the sum so offered is, in his opinion, a fair com-Pensation for the land and damage aforesaid:
- county in which the lands lie, or is unknown, an applica-advertisetion for service, by advertisement, may be made to a judge: ment.

17. The application for service by advertisement shall be Certificate and affidavit davit of some of the certificate as aforesaid, and by an affito accompany that the opposite party application. davit of some officer of the company that the opposite party application. is so absent, or that, after diligent inquiry, the person on whom the company that the opposition of the company that the company that the opposition of the whom the notice ought to be served cannot be ascertained, and the notice ought to be served cannot be the without and the notice ought to be served cannot be assumed the judge shall order a notice as aforesaid, but without

certificate, to be inserted three times in the course of one. month, in a newspaper published in the district or county; or if there is no newspaper published therein, then in newspaper published in some adjacent district or county:

Party not accepting offer and not appointing an arbitrator.

18. If within ten days after the service of such notice, of within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, or does not give notice to it of the name of a person whom he appoints as arbitrator, the judge shall, on the application of the company, appoint a sworn surveyor for the Province or Territories, as the case may be, to be sole arbitrator for determining the compensation to be paid as aforesaid:

Appointment of arbitrator by party and of third arbitrator.

19. If the opposite party, within the time aforesaid, gives notice to the company of the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the judge shall, on the application of the party or the company, after notice of at least six clear days having been given to the other party, appoint a third arbitrator:

Arbitrators to be sworn.

Their duties.

20. The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or compare t trict or county in which the lands lie, faithfully and impartially to north many tights. tially to perform the duties of their office, and shall proceed to according the proceed to ascertain the said compensation in such way the they or he, or a majority of them, deem best; and the award of such arbitrates award of such arbitrators, or of any two of them, or of the sole arbitrators about the sole arbitrators about the sole arbitrators about the sole arbitrators about the sole arbitrators are the sol sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such maiority expent of a such management jority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days, notice, or to which cores

or to which some meeting at which the third arbitrator was present had been adjourned; and no notice to either of the parties shall be received; parties shall be necessary, but each party shall be held sufficiently notified through the sufficiently notified through the arbitrator appointed by him or whose appointment is

or whose appointment he required:

Increased value of remaining lands to be considered.

21. The arbitrators, in deciding on such value or come ensation shall tales and pensation, shall take into consideration the increased value that would be given that would be given to any lands through or over which the railway will pass be the railway will pass, by reason of the passage of the railway through or over the railway through or over the same, or by reason of the construction of the railway through or over the same, or by reason of the railway through or over the same, or by reason of the railway through the rail construction of the railway, and to set off the increased value that will attack to the value that will attach to the said lands or grounds, against the inconvenience loss or 3 the inconvenience, loss or damage that might be suffered or sustained by reason of the sustained by reason of the company taking possession of or using the said lands or effective to the said lands of the said lands or effective to the said l using the said lands as aforesaid:

Costs, by whom payable.

22. If by an award of arbitrators made under this act e sum awarded exceeds the rate made under this act. the sum awarded exceeds the sum offered by the company the costs of the arbitration shall be borne by the company; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation; and in either case the amount of such costs, if not agreed upon, may be taxed by the judge:

23. The arbitrators, or a majority of them, or the sole witnesses. arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation:

24. A majority of the arbitrators, at the first meeting after Time within which award their appointment, or the sole arbitrator, shall fix a day on which award or here. or before which the award shall be made; and if the same is not made on or before such day, or some other day to which the 1: the time for making it has been prolonged, either by the consent of the arbitrators, consent of the parties or by resolution of the arbitrators, then 11 then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company:

25. If the sole arbitrator appointed by the judge, or any Vacancy in arbitrator appointed by the two arbitrators, dies before the trator, how award has a pointed by the two arbitrators or fails filled. award has been made, or is disqualified, or refuses or fails filled. to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint anoth another arbitrator in the place of such sole arbitrator; and in the in the case of any arbitrator appointed by one of the parties, the case of any arbitrator appointed by appoint an the company and party respectively may each appoint an arbitrator so deceased or arbitrator in the place of its or his arbitrator appointed not acting; and in the case of the third arbitrator appointed by the state of the nineteenth subby the two arbitrators, the provisions of the nineteenth subsection was arbitrators, the provisions of the nineteenth subsection. section of this section shall apply; but no recommencement or report this section shall apply; but no recommencement or repetition of the previous proceedings shall be required in any case:

26. Any such notice for lands, as aforesaid, may be aban-Company may to the same or desist, paying doned, and a new notice given, with regard to the same or desist, paying other land a new notice given, with regard to the same or costs. other lands, and to the same or any other person; but in any such conditions to the same or any other person; but in any such case the liability to the person first notified for all damages on the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the person first notified for all damages of the liability to the liability of the liability of t ages or costs by him incurred in consequence of such first notice and abandonment, shall subsist:

27. The surveyor or other person offered or appointed as Valuator or all most be disqualified disqualified Valuator, or as sole arbitrator, shall not be disqualified disqualified because her party. or unless personbecause he is professionally employed by either party, or unless personals professionally employed by either party, or unless personate party. has previously expressed an opinion as to the amount of ally intercompensations. compensation, or because he is related or of kin to any sharehold not be the compensation of the compensat shareholder of the company, if he is not himself personally interested; of the company of the compensation; and no interested in the amount of the compensation; and no cause of in the amount of the compensation are arbitracause of disqualification shall be urged against any arbitra-

tor appointed by the judge after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the judge:

When disqualification must be urged.

28. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null and void, and the party offering the person so adjudged to be disqualified shall be held not to have appointed an arbitrator:

Award not avoided for want of form.

29. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation, and the person to whom the sum is to be paid need not be named in the award:

Upon paymen or tender of sum awarded possession may be taken.

Warrant of

possession.

30. Upon payment or legal tender of the compensation of annual rent, so awarded or agreed upon, to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to its so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his war rant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance of opposition, and to put the company in possession, and the sheriff or bailing and the sheriff or bailiff shall take with him sufficient assistance for such purpose, and shall put down such resistance of opposition, and put the company in possession:

Warrant of possession before award.

31. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed:

On what conditions such warrant may be granted.

(a) The judge shall not grant any warrant under this sub-section unless ten days' previous notice of the time and place when and where the application for such warrant

is to be made has been served upon the owner of the land, or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company, and unless the company gives security to his satisfaction, by deposit Security to be in a constant of given. the chartered bank, designated by him, to the credit of given. the company and such person or party jointly, of a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section fifteen of this section;

(b) The costs of the application to and of any hearing Costs. before the judge, shall be borne by the company, unless the the compensation awarded is not more than the company had offered to pay; and no part of such deposit or of any Payment on interest thereon shall be repaid or paid to such company or only. paid to such owner or party without an order from the the which he may make in accordance with the terms of the award:

without the consent of the proprietor, shall stand in the place of the stead of such lands; and any claim to or incumbrance upon land. the said lands; and any claim to the said lands, or any portion thereof, shall, as against the compensation, or company, be converted into a claim to the compensation, or to a line when the compensation or to a line when the compensation or to a line when the compensation of th to a like proportion thereof, and the company shall be responsible proportion thereof, and the company shall be responsible proportion thereof. ponsible accordingly, whenever it has paid such compensation tion, or any part thereof, to a person not entitled to receive the same part thereof, to a person against such person: the same, saving always its recourse against such person:

33. If the company has reason to fear any claims or incum- Payment of compensation or compensa brances, or if any person to whom the compensation or into court in annual root. annual rent, or any part thereof is payable, refuses to exe-certain cases. cute the proper conveyance and guarantee, or if the person entitled proper conveyance and guarantee, or is unknown entitled to claim the same cannot be found, or is unknown to the to the company, or if, for any other reason, the company deems it allows if the lands are situdeems it advisable, the company may, if the lands are situated also advisable, the company may of Ouebec. pay such ated elsewhere than in the Province of Quebec, pay such compensation into the office of the clerk or prothonotary of the compensation into the office of the clerk or prothonotary of the court, with the interest thereon for six months, and may deliver to with the interest thereon for six months, and may deliver to such clerk or prothonotary an authentic copy of the convenience of the conveni the conveyance, or of the award or agreement, if there is no conveyance, or of the award or agreement, shall thereafter conveyance, or of the award or agreement, in the conveyance; and such award or agreement shall thereafter be deemed; and such award or agreement to the land therebe deemed to be the title of the company to the land there-

34. A notice, in such form and for such time as the court Notice to be points shall, in such form and for such time as the court Notice to be published. appoints, shall be inserted in a newspaper, if there is any, published. published in the district or county in which the lands are situated at the seat of Govsituated in the district or county in which the seat of Gov-

Distribution of compensation and effect thereof.

ernment of the Province, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any persons so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudicated upon by the court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mort, gages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all persons interested, as to right and justice and to law appertain:

Costs.

35. The costs of the proceedings, in whole or in part, shall be paid by the company, or by any other person, as the court orders:

Interest.

36. If such order of distribution is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if, from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as is right:

Proceedings in a like case in the Province of Quebec.

37. If the lands so taken are situated in the Province of Quebec, and if the company has reason to fear any claim, mortgage, hypothèque or incumbrance, or if any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the compensation or rent cannot be found, or is unknown to the company, of if, for any other reason, the company deems it advisable, the company may pay such compensation into the hands of the prothonotary of the superior court for the district in which the land is situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there is no conveyance, and such award, if there is no conveyance, and such award shall thereafter be deemed to be the title of the company to the land therein mentioned, and proceedings shall therein he land therein mentioned and proceedings shall thereupon be had for the confirmation of the title of the company in like and for the confirmation of the title of the company, in like manner as in other cases of confirmation of title argent that Special notice tion of title, except that, in addition to the usual contents of in such case. the notice that notice the notice the notice that notice the notice the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act and shall call many !! Act, and shall call upon all persons entitled to the lands, of any part thereof any part thereof, or representing or being the husband of any person so entitled to fill of the fill o person so entitled, to file their claims to the compensation, of any part thereof. any part thereof; and all such claims shall be received and adjudicated upon by the

adjudicated upon by the court:

Confirmation of title.

- (a) Such judgment of confirmation shall forever bar all Effect of conclaims to the land, or any part thereof, including dower not firmation. yet open, as well as any mortgage, hypothèque or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all persons interested, as to right and justice, and to law appertain;
- (b) The costs of the proceedings, in whole or in part, Costs. shall be paid by the company, or by any other person, as the court orders, and if judgment of confirmation is ob-Interest. tained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if, from any error, fault or neglect of the company, and ii, from any office, and office the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as is right. 42 V., c. 9, s. 9, part, and 10, part;—46 V., c. 24, s. 2, part, and s. 8;—47 V., c. 11, ss. 11 and 12, part, 13 and 14.
- Whenever stone, gravel, earth, sand or water is re-Power to take materials for quired for the construction or maintenance of any railway, construction. any part thereof, the company may, if it cannot stree with the owner of the lands on which the same are situated, for the purchase thereof, cause a land surveyor, duly licensed to act as such in the Province, Territory, distriction of the property trict or county, to make a map and description of the property so required, and it shall serve a copy thereof, with its notice of arbitration, as in the case of acquiring the roadway; and all the provisions of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the persons from whom lands may be taken, or who may sell all the persons from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the object matter of this section, and to the obtaining materials, as aforesaid, and such proceedthe format be had by the company, either for the right to the fee simple in the land from which the material is taken, or for the right to take material for any time it thinks necessary; and the notice of arbitration, if arbitration Notice in case is reserve; and the notice of arbitration, if arbitration. is resorted to, shall state the interest and powers required. of arbitration. 42 V., c. 9, s. 9, sub-s. 38.

Whenever any gravel, stone, earth, sand or water is Power to make sid! taken as aforesaid, at a distance from the line of the railway, conduits, &c. the company may lay down the necessary sidings, water pipes or through any lands inpipes or conduits and tracks, over or through any lands intervening the lands on which tervening between the railway and the lands on which such material or water is found, whatever is the distance, and all trial or water is found, whatever such as relate and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply

Maintenance and repair of railway. and the powers thereby granted may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company thinks proper; and the powers in this and the next preceding section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway. 42 V., c. 9, s. 9, sub-s. 39.

Provision when the whole parcel of land can be purchased with advantage.

11. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this part of this Act, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from its railway, and may sell and convey the same, or any part thereof, from time to time, as it deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid. 9, s. 9, sub-s. 40.

Compulsory provisions not to apr ly.

HIGHWAYS AND BRIDGES.

Railway not? to be carried along high-way without permission of proper authority.

highway, but shall merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway; and every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation; but, in either case, the rail itself, if it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction:

Variation when crossing on the level.

2. No part of the railway which crosses any highway without being carried over it by a bridge, or under it a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may carried across or above any highway within such limits:

Height of span of bridges over highways.

3. The span of the arch of every bridge erected for carrying the railway over or across any highway shall, at all times be and be continued of the open and clear breadth and space.

under such arch, of not less than twenty feet, and of a height, from the surface of such highway to the centre of such arch, of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet:

4. Signboards stretching across or projecting over the Sign boards highway crossed at a level by any railway, shall be erected erossing. and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and shall have the words "railway crossing" Painted on each side of the signboard, in letters at least inches in length; and every company which neglects to comply with the requirements of this sub-section, shall incur a penalty not exceeding forty dollars. 42 V., c. 9, s. 15, sub-ss. 1 to 3 and 6.

FENCES AND CATTLE GUARDS.

18. Within three months after the construction of a railway Fences, &c., on any section or lot of land which is occupied, or before and mainsuch construction, within six months after any part of such tained. section or lot of land has been taken possession of by the company for the purpose of constructing a railway thereon, the company has been so required, in writing, by the occupant thereof, the company shall erect and main-

- of the railway, of the height and strength of an ordinary fence. division fence, with openings or gates, or bars, or sliding or hardle gates, with proper fastenings therein, at farm crossings of the railway; and
- (b) Cattle guards at all highway crossings, suitable and Cattle guards. On the cattle guards at all nighway crossing from getting on the railway:
- 2. If, after the expiry of such delay, such fences, gates Liability of and cattle guards are not duly made and completed, or if the company until fences, mainter they are so made and completed, they are not duly ac, are mainter they are so made and completed, they are all damages erected. maintained, the company shall be liable for all damages erected. done on the railway by its trains or engines to the cattle, horses or other animals of the occupant of the land in respect of which such fences, gates or guards have not been made in conformity made or maintained, as the case may be, in conformity with the next preceding sub-section:
- Made and completed, and while they are duly maintained, exempted. no such liability shall accrue for any such damages, unless the same the same are caused wilfully or negligently by the company or by its employees:

When owner has accepted compensation.

4. If the proprietor of any such section or lot has accepted compensation for dispensing with the erection of such gates or bars, the proprietor or tenant thereof shall not be entitled to avail himself of the provisions of this section. 46 V., c. 24, s. 9, sub-ss. 1 to 3.

Re-drafted.

No cattle to be taken on the line. 14. Every person who rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the company, shall, for every violation of this section, incur a penalty not exceeding forty dollars, and shall also pay to the person aggrieved all damages sustained thereby. 42 V., c. 9, s. 16, sub-s. 4.

No one to

walk on the line.

Penalty.

15. No person other than those connected with the railway, or employed by the company, shall walk along the track thereof, except where the same is laid across or along a highway. 42 V., c. 9, s. 16, sub-s. 5.

TOLLS.

Tolls, how fixed.

by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels belonging to the company, and shall be paid to such persons and at such places, near to the railway, in such manner and under such regulations as the by-laws direct:

Enforcement of payment of tolls.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the company may seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof:

Sale of goods in default of payment. 3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls pay able, and all charges and expenses of such detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto:

Sale of unclaimed goods. 4. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertise.

ment, for six weeks, in the Official Gazette of the Province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all Application of proceeds. reasonable charges for storing, advertising and selling such proceeds. goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto:

5. In default of such balance being claimed before the Disposal of expiration of the period last aforesaid, the same shall be unclaimed balance. paid over to the Minister of Finance and Receiver General for the public uses of Canada, until claimed by the person entitled thereto:

6. The company may, subject to the provisions and limitalisms he tations herein and in the special Act contained, from time altered or to the special act contained, from time varied. to time, alter or vary the tolls by the special Act authorized. a special act authorized to the rized to be taken, either upon the whole or upon any particular portions of the railway, as the company thinks fit: Provided, that all such tolls shall always, under the same cir- Proviso; as to comstances, be charged equally to all persons, and at the same charges. rate, whether per ton, per mile or otherwise, in respect of all whether per ton, per mile or otherwise, in respect of all passengers and goods and railway carriages of the same description, and conveyed or propelled by a like railway carriage or engine, passing only over the same portion of the line of railway; and no reduction or advance in any such the directly or indirectly, in such tolls shall be made, either directly or indirectly, in favor of person travelfavor of or against any particular company or person travelling upon or using the railway:

7. In all cases, a fraction in the distance over which goods Fractions, have shall be con-how estior passengers are transported on the railway shall be conmated. sidered as a whole mile; and for a fraction of a ton in the weight Weight of any goods, a proportion of the tolls shall be demanded any goods, a proportion of the number of quarters demanded and taken, according to the number of quarters of a to of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a

8. The company shall, from time to time, cause to be Tariff to be inted. printed and posted up in its offices, and in every place where posted up. the tolls are to be collected, in some conspicuous place, a printed a rates of tolls payprinted board or paper, exhibiting all the rates of tolls payable, and or paper, exhibiting all the rates of money to be able, and particularizing the price or sum of money to be charged particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing:

the Governor in Council, nor until after two weekly publi- in Council. cations in the Canada Gazette of the by-law establishing such tolls, and the Canada Gazette of the canada Gazette of the by-law establishing such the canada Gazette of the canada Gaz tolls, and of the Order in Council approving thereof:

Revision o by-law fixing

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the Canada Gazette, the tolls men tioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked:

When Parliament may reduce tolls.

11. The Parliament of Canada may, from time to time, reduce the tolls upon the railway, but no such reduction shall, without the consent of the company, be made so as to make the said tolls produce less than fifteen per cent. per annum profit on the capital actually expended in its construction, and unless, on an examination made by the minister of the amount received and expended by the company, the net income from all sources, for the year then last past found to have exceeded fifteen per cent. upon the capital so Interpretation actually expended; and the expression "capital," as used in of "capital." It is a second of the capital of "capital." this sub-section means the paid-up stock and paid-up share capital of the company, with interest added, for periods during which no dividend is paid, to the exclusion of all subsidies and bonuses, and, as regards the Canadian Pacific Railway, also to the exclusion of any debt of the company contracted on the pledge thereof, or of any part thereof:

By-law not in force until approved.

of "capital."

12. No by-law of any company, by which any tolls are to be imposed or altered, or by which any person other than the shareholders, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved by the Governor in Council. 42 V., c. 9, s. 17;—44 V., c. 24, s. 1;—46 V., c. 24, s. 12, part.

GENERAL MEETINGS OF SHAREHOLDERS:

General meetings of share-holders.

17. The shareholders may assemble together at general eetings for purposes. meetings for purposes connected with or belonging to the undertaking and at any undertaking, and, at any annual general meeting, may elect directors in the manual general meeting, may 9, directors in the manner hereinafter provided. s. 18.

PRESIDENT AND DIRECTORS.

Election of board of directors.

18. A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, shall be chosen and the special affairs. Act, shall be chosen annually by a majority of the share holders voting at such holders voting at such election at a general meeting, the time and place for which at a general meeting, time and place for which shall be appointed by the special Act, and if such election is not a special meeting, and if such election is not a special meeting. Act, and if such election is not held on the day appointed the directors shall cause such all causes such all the directors shall cause such election to be held within short a delay as possible of the directors. short a delay as possible after the day appointed:

- 2. No person shall vote on such subsequent day except who entitled those who would have been entitled to vote if the election had been held on the day when it should have been ing.
- 3. Vacancies in the board of directors shall be filled in Vacancies, the manner prescribed by the by-laws:
- 4. No person shall be a director unless he is a share-Qualification holder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen:
- 5. The method of calling general meetings, and the time Calling and place of the first meeting of shareholders for the appearance pointment of directors, shall be prescribed and appointed in the special Act:
- be entitled, on every occasion when the votes of the share-shares. holders are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the special Act:
- 7. Every shareholder, whether resident in Canada or else-votes by where, may vote by proxy, if he sees fit, and if such proxy proxy. In the words or to the effect following, that is to say:—
- I,
 holders of the
 of, do hereby appoint,
 give my assent to any business, matter or thing relating to
 proposed at any meeting of the shareholders of the said comthinks proper. In witness whereof, I have hereunto set my
 year
- 8. The votes by proxy shall be as valid as if the constitu-votes by ents had voted in person; and every matter or thing pro-proxy valid. be determined at any meeting of the shareholders shall majority to present and given, and all decisions and acts of any such sions and acts of the company, and be deemed the decisions and acts of the company:
- 9. The directors appointed at the last election, or those Term of office office until their stead, in case of vacancy, shall remain in of directors.

 94

Vacancies, how filled.

10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation, shall not invalidate the acts of the remaining directors:

President.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of Term of office. the directors, and shall hold his office until he ceases to be

a director, or until another president has been elected in his stead; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president:

Quorum.

Vice-president.

> 12. The directors, at any meeting at which not less than a quorum, the number of such quorum being settled by the special Act, are present, shall be competent to use and exercise all and any of the powers vested in the directors:

Acts of the majority to bind the whole.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors:

Votes of directors.

14. No director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote:

Directors subject to shareholders and by-laws.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to the examination and shall be subject to all by-laws of the company, and to the orders and directions, from time to time, made or given at the annual or special meetings; but such orders and directions shall not be contract to shall not be contrary to any express directions or provisions of this Act or of the special Act:

Disability of officers and contractors.

16. No person who holds any office, place or employment in, or who is concerned or interested in any contract under or with the company about the company abou or with the company, shall be capable of being chosen adjrector or of holding the director, or of holding the office of director, nor shall any person who is a director of the company enter into, or bedirectly or indirectly or ind directly or indirectly, for his own use and benefit, interested in any contract with the ested in any contract with the company, other than a contract which relates to the tract which relates to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company: the company:

By-laws shall be made.

17. The directors shall make by-laws for the management d disposition of the stooland disposition of the stock, property, business and affair of the company not incompany not incompany. of the company, not inconsistent with the laws of Canada and for the appointment of all of and for the appointment of all officers, servants and artificers and prescribing their respective.

18. The directors shall, from time to time, appoint such Appointment officers as they deem requisite, and shall take sufficient of officers and security to be security, by one or more bonds, or by the guarantee of any given by society or joint stock company incorporated and empowered to them. grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes, as they deem expedient, from the managers and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the special Act, and for the directors think for the faithful execution of their duties, as the directors think proper:

19. In case of the absence or illness of the president, the When vicevice president shall have all the rights and powers of the president shall have all the rights and powers of the shall act. president, and may sign all notes, bills, debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the special Act, are required to be signed, performed and done by the president:

20. The directors may, at any meeting of directors, require Absence of president m the secretary to enter such absence or illness among the probe intered on coedings of such meeting; and a certificate thereof, signed minutes, &c. by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such Certificate shall be taken and considered as prima facie evidence of such absence or illness, at and during the period in the in the said certificate mentioned, in all proceedings in courts of justice or otherwise:

the thirty-first day of December, to be made up and balanced, prepared. a true, exact and particular account of the moneys collected and received and recei and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of the company or and of all other receipts and expenditures of the company or the directors. 42 V., c. 9, s. 19.

CALLS.

The directors may, from time to time, make such calls Calls, and notice there of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as the of capital respectively subscribed or owing by them, as they deem necessary; and at least thirty days' notice shall be given of each call, and no call shall exceed the amount prescribed in the special Act, or be made at a less interval prescribed in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act; but nothing herein More than one contained shall prevent the directors from making more resolution.

Proviso.

than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed:

Publication of 2. All notices of calls upon the shareholders of the company shall be published weekly in the Canada Gazette, and a copy of the said Gazette shall, on production thereof, be conclusive evidence of the sufficiency of such notice:

Payment of calls.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the times and places, from time to time, appointed by the company or the directors:

Interest on overdue calls.

4. If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment:

Recovery by suit.

5. If, at the time appointed for the payment of any callary shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same shall be recoverable, with lawful interest from the day on which the call became payable:

What allegations necessary in suits for calls. 6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act. 42 V., c. 9, s. 20, part.

DIVIDENDS AND INTEREST.

Declaration of dividend.

20. At the annual general meeting of the shareholders of the company, from time to time holden, a dividend shall be declared out of the clear profits of the undertaking, unless such meeting decides otherwise:

At so much per share. 2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine:

Dividends not to impair the capital, &c.

3. No dividends shall be declared whereby the capital of the company is in any degree reduced or impaired, or paid out of such capital, nor shall any dividend be paid, in

respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

4. The directors may, in their discretion, until the railway Interest on is completed and opened to the public, pay interest at any certain sums rate not exceeding six per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose:

5. No interest shall accrue to any shareholder in respect of No interest any share upon which any call is in arrear, or in respect to on share in arrear. any other share held by such shareholder while such call remains unpaid. 42 V., c. 9, s. 21.

INCREASE OF STOCK.

21. The original capital stock of any company may be How capital stock may be increased, from time to time, to any amount, if such stock may be increased. increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressy called by the directors for that purpose, by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of the meeting, and the amount of the proposed increase; and the proceedings of such meeting shall Entry on minutes. be entered in the minutes of the proceedings of the company, minutes. and thereupon the capital stock may be increased to the amount sanctioned by such vote. 42 V., c. 9, s. 7, sub-s. 20.

SHARES.

Shares in the company may, by the holders thereof, be Shares may be transferred. sold and transferred by instrument in writing, made in transferred. duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest or dividend on the shares transferred at an another share transferred at the share transferred a ferred shall be paid to the purchaser until such duplicate is 80 delivered, filed and entered:

- 2. Transfers shall be in the form following, varying the Form of deed names and descriptions of the contracting parties as the case of sale. requires, that is to say:—
- I, A. B., in consideration of the sum of me by C. D., hereby sell and transfer to him share (or shares) of the stock of the , to hold to him, the

said C. D., his heirs, executors, administrators and assigns (or successors and assigns, as the case may be), subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said share (or shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18

Share personal property &c.

3. The stock of the company shall be personal property, but no shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon; and no transfer of less than a whole share shall be valid:

Transmission otherwise than by transfer.

4. If any share in the capital stock of the company is transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing, signed by him, which shall declare the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as are necessary; and without such proof the person to whom the share is so transmitted, as aforesaid, shall not be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof:

Company not bound to see to trusts.

5. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares is subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more than one person, the receipt of one of the persons named in the register of shareholders in respect thereof, shall, from time to time, be sufficient discharge to the company for any dividend or other sufficient discharge to the company for any dividend or other ing any trust to which the share is then subject, and whether or not the company has had notice of the trust, and the company shall not be bound to see to the application of the money paid upon such receipt:

Certificate of proprietorship to be evidence. 6. The certificate of proprietorship of any share shall be admitted in all courts as primâ facie evidence of the title of any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified:

Sale without certificate.

7. The want of such certificate shall not prevent the holder of any share from disposing thereof:

8. Every person who neglects or refuses to pay a ratable Penalty for share of the calls as aforesaid, for the space of two months calls. after the time appointed for the payment thereof, shall forfeit to the company, for the benefit thereof, his shares in the company, and all the profit and benefit thereof:

9. No advantage shall be taken of the forfeiture unless When only forfeiture may forfeiture may be taken adof the company, assembled at any time after such forfeiture vantage of. has been incurred:

10. Every such forfeiture shall be an indemnification to Effect of fortune and for every shareholder so forfeiting, against all actions, liability. suits or prosecutions whatsoever, commenced or prosecuted, for any breach of contract or other agreement between such shareholder and the other shareholders, with regard to carrying on the undertaking:

private sale, and in such manner and on such terms as to be sold. them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or may pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or for the payment of any sums of money borrowed by or advanced to the company:

forfeiture of the shares was declared, shall be sufficient evidence of the shares was declared, shall be sufficient evidence of the shares was declared. evidence of the fact, and of their purchase by the purchaser; forfeiture and and their purchase by the purchaser; for of title of purchase by the purchaser. and such certificate, with the receipt of the treasurer for chaser. the price of such shares, shall constitute a good title to the shares, and the certificate shall be, by the said treasurer, receipt, and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and books and of the purchaser, and shall be entered in the purchaser, and shall be entered in the books required to be kept by the by-laws of the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the of the purchase money, and his title to such shares shall not he purchase money and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold:

13. Any shareholder who is willing to advance the amount Interest on of his shares, or any part of the money due upon his shares sums paid in beyond the same to beyond the sums actually called for, may pay the same to the continuous so paid in adthe company, and upon the principal moneys so paid in advance time to time, exceeds Vance, or so much thereof as, from time to time, exceeds the amount thereof as, from the shares in resthe amount of the calls then made upon the shares in respect to the company may pect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders who pay such sum in advance and

Proviso.

the company agree upon; but such interest shall not be paid out of the capital subscribed. 42 V., c. 9, s. 20, partr nd s. 22.

SHAREHOLDERS.

Liability of shareholders.

23. Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company, to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up; but no such shareholder shall be liable to an action in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part:

When and how municipal corporations may take stock.

2. Municipal corporations in any Province in Canada duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the company, and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall be ex officio one of the directors of the company in addition to the number of directors authorized by the special Act:

Record of names and residence of shareholders.

3. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book. 42 V., c. 9, s. 23. which shall be kept for that purpose.

BY-LAWS, NOTICES, ETC.

By-laws to be in writing and signed by the chairman.

Publication.

24. All by-laws, rules and orders, regularly made, shall be reduced to writing, and be signed by the chairman of person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them. copy of so much of them as relates to or affects any person other than the sharely like other than the shareholders or servants of the company, shall be openly affined in be openly affixed in every place where tolls are to be collected and a mintal lected, and a printed copy of so much of them as relates to the safety and liability of passengers, shall be openly affixed in each passenger car and in line in each passenger car, and in like manner as often as any change or alteration. change or alteration is made in the same; and a copy of the same or of any of the the same, or of any of them, certified as correct by any president or secretary. president or secretary, shall be evidence thereof in any

Copy to be evidence.

Approval of Governor in Council.

court:

- 2. All such by-laws, rules and orders shall be submitted; om time to time to the G from time to time, to the Governor in Council for approval:
- Copies of minutes to be evidence.
- 3. Copies of the minutes of proceedings and resolutions of e shareholders of the company the shareholders of the company, at any general or special meeting, and of the minutes of the shareholders of the minutes of t meeting, and of the minutes of proceedings and resolutions

of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, shall be evidence of such proceedings and resolutions in any court:

- 4. All notices given by the secretary of the company, by Notice by secretary order of the directors, shall be deemed notices by the secretary directors. directors and the company:
- 5. All notices of meetings of the shareholders of the com-Publication of pany shall be published weekly in the Canada Gazette, and notices of a careful and meetings. a copy of the said Gazette shall, on production thereof, be conclusive evidence of the sufficiency of such notice. 42 V., c. 9, 8. 20, sub-s. 2, part, and s. 24.

WORKING OF THE RAILWAY.

25. Every servant of the company employed in a pas-Servants to wear badge. senger train or at a station for passengers, shall wear upon wear badge. his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passen. senger or his baggage or property:

2. Checks shall be affixed by an agent or servant to every Checks to be parcel of baggage having a handle, loop or fixture of any affixed to baggage. kind thereupon, delivered to such agent or servant for transport, and a duplicate of such check shall be given to the passenger delivering the same:

3. If such check is refused on demand, the company shall Penalty for pay to such passenger the sum of eight dollars, which shall refusing to affix check. be recoverable in a civil action; and no fare or toll shall be collected or received from such passenger, and if he has paid his facetor in charge his fare the same shall be refunded by the conductor in charge of the train:

4. Any passenger who produces such check may himself Evidence of be a witness in any action or suit brought by him against the value of companies in any action or suit brought by him against the baggage. company to prove the contents and value of his baggage not delivered to him:

be placed in rear of the passenger cars, and if any such car is not to be in rear of the passenger cars, and if any such car is rear of passenger cars. so placed in rear of the passenger cars, and II any such a rear of passenger cars, with a passenger cars, and II any such a rear of passenger cars. mits such arrangement, and the conductor of the train, shall each had be punishable accordeach be guilty of a misdemeanor, and be punishable accordingly.

6. Every locomotive engine shall be furnished with a bell Bells and at least whistle: whistle: of at least thirty pounds weight, and with a steam whistle: whistles.

To be rung or sounded at crossings.

Penalty for non-compliance. 7. The bell shall be rung or the whistle sounded at the distance of at least eighty rods from every place at which the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all damage sustained by any person by reason of such neglect, and a moiety of such penalty and damages shall be chargeable to and collected by the company from the engineer who has charge of such engine, and who neglects to sound the whistle or ring the bell as aforesaid:

Intoxication a misdemeanor.

8. Every person who is intoxicated while he is in charge of a locomotive engine, or acting as the conductor of a car of train of cars, is guilty of a misdemeanor:

Expulsion of passenger refusing to pay.

9. Every passenger who refuses to pay his fare, may, by the conductor of the train and the train servants of the company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force:

Injury to passenger standing on platforms, &c.

10. No person injured while on the platform of a car, of on any baggage, wood or freight car, in violation of the printed regulations posted up at the time, in a conspicuous place inside of the passenger cars then in the train, shall have any claim in respect of the injury, if room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time:

As to dangerous goods.

To be plainly marked.

11. No passenger shall carry, or require the company to carry upon its railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the company, are of a dangerous nature; and every person who sends by the railway any such goods without, at the time of so sending the same, 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 of the company with whom the same are left, shall forfeit to the company the sum of five hundred dollars for every such offence:

Penalty.

Dangerous goods may be refused.

12. The company may refuse to take any package parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and the company shall not carry any such goods of a dangerous nature, except in cars specially designated that purpose, on each side of each of which shall be painted, in large letters, the words, "dangerous explosives; and for each neglect to comply with the provisions of the state of the provisions of the state of the state

Carriage of such goods.

sub-section, the company shall incur a penalty of five hundred dollars, which shall be recoverable by any person who sues for the same. 42 V., c. 9, s. 25, part.

TRAINS OVERDUE.

graph line in operation, shall have a blackboard put upon when train is the operation. the outside of the station house, over the platform of the sta- overdue. tion, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station, according to the time table of such company, the station master or person in charge at such station, shall write, or cause to be written with white chalk on such blackboard, a notice in English and French in the Province of Quebec, and in the Province of Quebec, and in the Province of the best of his in English and French in the Frozinces, stating, to the best of his knowledge in the other Provinces, stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station; and if, when that time has come, the train has not reached the station, the station master or person in charge of the station shall write, or continuous master or person in charge of the station shall write, and in like manner, a or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station:

2. Every such company, station master or person in charge Penalty for any area or conding five non-compliat any such company, station master or person in charge non-compli-dollars to station, shall incur a penalty not exceeding five ance. dollars for every wilful neglect, omission or refusal to obey the provisions of this section, which shall be recoverable, in the provisions of this section, which snan percentage or in the province of Quebec, before any two justices of the peace or in the county in or in the circuit court of the district or of the county in which he circuit court of the district and, in the which district or county such station is situate, and, in the other Provinces, before any two justices of the peace or the stimulation is situated. the stipendiary or police magistrate for the city, town, district and is truck station is situated, and district or county in which such station is situated, and shall had republic uses of Canada: shall belong to Her Majesty for the public uses of Canada:

8. Every proceeding brought under this section shall be Time for procommenced within one month following the commission of limited. the offence, and not afterwards; but nothing in this section proviso. damagnee the right of any person to the recovery of damages from any such company, by reason of the detention of trains of trains as aforesaid; and every such company shall have a printed copy of this section posted up in a conspicuous place at each copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office. 42

ACTIONS FOR INDEMNITY; FINES AND PENALTIES AND PRO-

All actions or suits for indemnity for any damage or Limitation of actions for actions for shall be com-damages. injury All actions or suits for indemnity for any damage or initiation actions for sustained by reason of the railway, shall be com-damages.

menced within six months next after the time when such supposed damage is sustained, or if there is continuation of damage, within six months next after the doing or committing of such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the special Act. 42 V., c. 9, s. 27, sub-s. 1.

Recovery of penalties, fines and forfeitures.

28. All penalties, fines and forfeitures imposed under this part of this Act, or under the special Act, or under any by-law, except those for the levying and recovering of which special provision is hereinbefore made, shall be recoverable or enforceable in a summary manner before one or more justices of the peace, under the "Act respecting summary proceedings before Justices of the Peace," or by civil action in any court of competent jurisdiction:

How applicable. 2. All the fines, penalties and forfeitures recovered or enforced under the next preceding sub-section, the application whereof is not hereinbefore particularly directed, shall be paid and belong to the person who sues for the same.

42 V., c. 9, s. 27, sub-s. 2;—47 V., c. 11, s. 2.

Violation of this Act, &c., a misdemeanor. 29. Every violation of this Act or of the special Act, by the company or by any other person, for which no punish ment or penalty is herein provided, is a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the company, if it is the offender, from the for not exempt the company, if it is the offender, from the feiture, under this Act and the special Act, of the privileges conferred on it by the said Acts, if by the provisions thereof or by law, the same are forfeited by such violation.

9. s. 27. sub-s. 4.

GENERAL PROVISIONS.

Carriage of Her Majesty's mails, &c.

30. Her Majesty's mail, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all or others travelling on Her Majesty's service, shall at times, when required by the Postmaster General of Canada the the Commander of the Forces, or any person having tire superintendence and command of any police force respectively, and with the whole resources of the company if required be carried on the railway, on such terms and conditions and be carried on the railway, on such terms and conditions and under such regulations as the Governor in Council makes.

Government to have use of Governor in Council, or any person authorized by him, place telegraph if required.

any electric telegraph, and the apparatus and operators.

it has, at the exclusive use of the Government of Canada, receiving thereafter reasonable compensation for such ser-Vice. 42 V., c. 9, s. 28, sub-s. 2.

The Governor in Council may, at any time, cause a Telegraph line line or lines of electric telegraph to be constructed along the structed by line of the railway, for the use of the Government of Canada, Government. the for that purpose may enter upon and occupy so much of the lands of the company as is necessary for the purpose. 42 V., c. 9, s. 28, sub-s. 3.

Any further enactments which the Parliament of Further enact-Canada hereafter makes for the carriage of the mail or of ments may be made by Her Majesty's forces, and other persons and articles as Parliament. aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. 42 V., c. 9, s. 28, sub-s. 4.

No contracts for works of construction or maintenance Tenders for of the railway, except works of ordinary repair, or of imto the certain works to be called mediate necessity, shall be entered into until after tenders for for such works respectively have been invited by public notice therefor, given for at least four weeks in a news-Paper Dublished in the place nearest to that at which the work is required to be done, but the company shall not be compelled to accept any such tender. 42 V., c. 9, s. 28,

If the construction of the railway is not commenced, Time for completion of railand ten per cent. on the amount of the capital is not ex- way, &c., pended thereon, within three years after the passing of the limited. special Act, or if the railway is not finished and put in operation. operation in ten years from the passing of such special Act, the corporate existence and powers of the company shall cease. 42 V., c. 9, s. 28, sub-s. 6.

After the opening of the railway, or any part thereof, Annual account the fifteen days after the Parliam to the public, and within the first fifteen days after the Parliament. opening of each session of Parliament, an account shall be annually submitted to the three branches thereof, containing a detail y submitted to the three branches thereof, and one oath by the President and particular account, attested upon oath by the President, or in his absence, by the Vice-President, of the monay, and a moneys received and expended by the company, and a classifical received and expended by the company and a classified statement of the passengers and goods transported by the by the company, with an attested copy of the last annual statement. 42 V., c. 9, s. 28, sub-s. 7.

No further provisions which Parliament hereafter Form may be lakes with account, or varied. makes, with regard to the form or details of such account, or varied. the mode of attesting or rendering the same, shall be deemed

an infringement of the privileges hereby granted to the company. 42 V., c. 9, s. 28, sub-s. 8.

Corporation may be dissolved.

- **38.** Parliament may, at any time, annul or dissolve any company; but such dissolution shall not take away or impair any remedy given against such company, its shareholders officers or servants, for any liability previously incurred.

 V., c. 9, s. 28, sub-s. 9.
- Certain rights saved.

 39. Nothing herein contained shall affect in any manuer the rights of Her Majesty, or of any person, except such as are herein mentioned. 42 V., c. 9, s. 28, sub-s. 10.

PART TWO.

INTERPRETATION.

Interpretation.

- 40. In Part Two of this Act, unless the context otherwise requires:—
- "Company." (a) The expression "company" means any railway company within the legislative authority of the Parliament of Canada;
- "Railway Company."
- (b) The expression "railway company" or "company" includes any person who is the owner or lessee of, or a contractor working any railway to which Part Two of this Act applies;
- "Engineer."
- (c) The expression "engineer" includes engineers when more than one are appointed. 42 V., c. 9, s. 98.

AUTHORITY TO ACQUIRE ADDITIONAL LANDS.

Proceedings for acquiring additional lands. 41. Whenever any company requires, at any station of place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than it then possesses or can take without the consent of the proprietors thereof, the company may cause plan to be made of the additional land required at such station or place for the purposes aforesaid, which is not in actual use for similar purposes by any other railway company, and for the purpose of making such plan shall have the powers granted to railway companies under Part One of this Act for making surveys:

Transmission of plan and application.

2. The company may transmit such plan to the minister with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that other land suitable for such purposes can be acquired at such

place on reasonable terms and with less injury to private rights, and requesting the minister to authorize the taking thereof for such purposes under this Act:

- 3. At least ten days' notice of such application shall be given Notice to to the owner or possessor of such property; and the correctness owner, &c. of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the minister in duplicate. 42 V., c. 9, ss. 10 and 14, part.
- 42. The minister shall inquire into the correctness of the Certificate of plan and the truth of the allegations of such application, and minister required. he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan, or any less quantity, should be acquired by the company; and such certificate shall be annexed by the company; and such certificate shall be annexed at the same of the same nexted to one of the duplicates of the said plan and statement, and the other duplicate shall remain at the department. $42\overline{V}$, c. 9, ss. 11 and 14, part.

Upon the granting of such certificate, and by virtue Effect of certificate thereof, the company may take the land shown on the said certificate. plan as required for such purposes, without the consent of the proprietors; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land, all the powers granted in section Powers of the eight of this Act to railway companies and persons who company in which not otherwise convey the same, with respect to lands such case. which may be taken without the consent of the proprietors thereof; and the provisions of the said section, except such as refer to the map or plan and book of reference therein mention to the map or plan and book of the taken, shall mentioned, or as limit the extent of land to be taken, shall apply and mentioned in the apply and are hereby extended to the land mentioned in the said and are hereby extended to the land mentioned in the said certificate of the minister, and to all the proceedings connected with or consequent upon the acquiring or taking of such land, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the company Land not redoes not require the whole or any portion of the land acquired quired may be sold. and require the whole or any portion of the land as is not so the two sections next preceding, then such land as is not so required shall be sold by public auction, after thirty days. 12 V. c. 9, ss. 12 days, notice thereof in any newspaper. 42 V., c. 9, ss. 12 and 14, part.

Every such certificate purporting to be signed by the Certificate to inistance without be evidence. minister, shall be received as authentic in all courts, without be evidence. proof of such signature or other evidence, unless its authenticity is such signature or other evidence, unless its authenticity is ticity is called in question on behalf of Her Majesty. V, c. 9, ss. 13 and 14, part.

Any company may, for the purpose of connecting any Power to concity, town, village, manufactory or mine, or any quarry of struct branch

lines for certain purposes.

stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory; mine, quarry, well or spring, build, make and construct, and work and use, sidings, switches or branch lines of railway, not exceeding in any one case six miles in length; but such com pany shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section, until public notice has been given, for six weeks, in some newspaper published in the county or counties through of in which such branch line is to be made, that it is the inter-

Notice to be given.

Maps and

plans.

Approval of Governor in Council.

Powers as to

such branch

lines.

the necessary lands for that purpose, under the compulsory powers vested in such company by this Act, or by any other Act in its behalf; nor unless the company has, prior to first publication of such notice, deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company has submitted the same to, and such maps and plans have been approved of by the Governor in Council, after the expiration of the council, after the expiration of the council, after the expiration of the council o Time for con piration of the said notice; and the order of the Governor in struction to be Constitution to b struction to be Council, approving the said maps and plans, shall limit the limited.

tion of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate

2. Every such company may, for any and every such pur pose, exercise all the powers given to it with respect to its main line, under the special Act and this Act; and each and all provisions of the and all provisions of the said Acts which are applicable to such extension about such extension shall extend and apply to every such siding, switch or branch line. switch or branch line of railway. 42 V., c. 9, s. 7, sub-s. 18, and s. 100, part.

time, which shall not exceed two years from the date of such order within which the order, within which the company may construct such branch line.

Partially re-drafted.

line:

The reference to Acts amending special Act and relating to company are tted as unnecessary. omitted as unnecessary.

SNOW FENCES.

46. Every company may, on and after the first day of Her ovember, in each veer outer. may be erected on adjoining lands.

November, in each year, enter into and upon any lands of Maiesty or into and upon any lands of Maiesty or into and upon any lands. Majesty, or into and upon the lands of any person whomse ever, lying along the route and lands of any person and erect ever, lying along the route or line of any person whomest and erect and maintain snow fences the and maintain snow fences thereon, subject to the payment of such land damages if such land damages, if any, as are thereafter established, the manner provided by the manner the manner provided by law with respect to such railway, to have been actually and to have been actually suffered; but every snow fence erected shall be removed. erected shall be removed on or before the first day of April then next following.

95

BRIDGES.

- 47. Every bridge or other erection or structure, over or As to height through or under which any railway passes, and every of over-head through or under which any railway passes, and every bridges. tunnel through which any railway passes, shall at all times hereafter be so maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway:
- 2. The company, before using higher freight cars than No higher cars those which admit of such open and clear headway of at least to be used till bridge is seven feet, shall, after having first obtained the consent of the raised. municipality or of the owner of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, ruise every such or suggestion of necessary, so as to edmit of such open and clear headway of at least seven feet, but the Governor in Council may exempt any bridge, erection, Exception. structure or tunnel existing on the twenty-first day of March, one thousand eight hundred and eighty-one, from the operation of this section:

Whenever any such bridge, erection, structure or tun-Bridge, &c., to nel is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any such bridge, structed. erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such bridge, erection, structure or tunnel, and the approaches thereto, if necessary, shall be constructed or reconstructed at the cost of the company, or of the municipality pality or other owner of the bridge, erection, structure or tunnel, as the case may be, and shall, at all times, be maintained, as the case may be, and shall, at all times, be maintained. tained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of at least freight cars least seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge, erection, structure or tunnel:

4. Such company shall thereafter, before using higher And clear freight cars than those used on its railway at the time of headway the cars than those used on its railway at the time of headway maintained the contract of or large repairs to such maintained the contract of or large repairs to such maintained the contract of or large repairs to such maintained the contract of or large repairs to such the care the contract of or large repairs to such the care that the care thad the care that the care that the care that the care that the ca the construction of reconstruction of, or large repairs to such maintained thereafter. bridge, erection, structure or tunnel, after having first obtained the consent of the municipality, or of the owner of such a transfer tunnel raise the said of such bridge, erection, structure or tunnel, raise the said bridge, erection, structure or tunnel, and the bridge or other erection, structure or tunner, range approach or other erection, structure or tunner, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an access thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of at least seven feet over the top of the highest freight car then about to be used on the $^{rail}way:$

Penalty for non-compliance.

5. Every company shall incur a penalty not exceeding fifty dollars per day for every day of wilful neglect, omission or refusal to obey the provisions of this section. 24, s. 3;—46 V., c. 24, s. 5.

HIGHWAYS AND CROSSINGS.

Inclination of highway at crossings.

48. The inclination of the ascent or descent, as the $cas\theta$ may be, of any approach by which any roadway is carried upon, over or under any railway, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach; and a good and sufficient fence shall be made on each side of such approach, and of the bridge or passage connected with it, which fence shall be at least four feet in height from the surface of the approach, bridge of passage; and in respect to railways which, on the nineteenth day of April, one thousand eight hundred and eighty-four, were

Distribution of expense in certain cases.

Fences.

under construction or already constructed, the railway committee shall determine the proportion in which the cost of providing such fencing for such approach shall be borne by the company and the municipality or person interested. 47 V., c. 11, s. 10.

Officer to be stationed at crossing.

- 49. Every company shall station an officer at every point on its line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. 9, s. 74.
- 50. Every locomotive or railway engine, or train of cars, at level cross- on any railway, shall, before it crosses the track of any othering. railway on a level, be stopped for the space of at least one minute. 42 V., c. 9, s. 75.

Rate of speed in cities, &c.

51. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a great and the village at a great village, at a speed greater than six miles an hour, unless the track is properly fenced. 42 V., c. 9, s. 76.

As to train moving reversely.

52. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the company shall station, on the last car in the train, a person who shall warm a who shall warn persons standing on or crossing the track of such railway of the analysis such railway, of the approach of such train; and for every violation of any of the provisions of this section or of any of the three sections nor three sections nor the three sections nor three sections nor the three sections nor three sect the three sections next preceding, the company shall incur a negative of case board and a results of case board and a result of case board and a results of case board and a results of case board and a results of case board and a result of case board and a results of case board and a result of case board and a a penalty of one hundred dollars. 42 V., c. 9, s. 77.

53. Whenever any railway crosses any public highway on e level, the company shall and the company shall are th stand on high-way crossing. the level, the company shall not, nor shall its officers, servants or agents, wilfully permit any engine, tender or car, or sportion thereof to stand on the stand of the stand portion thereof, to stand on any part of such highway for s longer period than five minutes at one time; and if in any city, town or village, a train is waiting for more than five minutes, such waiting train shall be cut so as to clear the highway:

2. In every case of a violation of this section, every such Penalty for officer, servant and agent who has under or subject to his violation. control, management or direction, any engine, tender or car which, or any portion of which, is wilfully allowed to stand on such highway longer than the time specified in this section, shall, and such company shall also, for each such violation, incur a penalty not exceeding fifty dollars—which How recover-penalty shall be recoverable, with costs, in any court of applied. competent jurisdiction, by the informer or any person who sues for the same; and a moiety of such penalty shall belong to Her Majesty, and the other moiety shall belong to the person who sues for the same: Provided always, that if such Proviso. the violation is, in the opinion of the court, excusable, the action for the penalty may be dismissed, but without costs. 47 V., c. 11, s. 8.

Every company shall make the crossings which it is Farm bound to furnish to persons across whose lands the railway is crossings. carried, convenient and proper for the passing of farmers' carts and other vehicles over the same; and the persons for whose use such crossings are furnished shall keep the gates at each side of the railway closed when not in use; and any Penalty for person person on whose lands such gates are, shall incur a penalty of leaving gates twenty dollars for each occasion on which such gate is left open. open without some person being at or near it to prevent animal. Which penmals from passing through it on to the railway; which penalty shall passing through it on to the railway; alty shall be recoverable in any court of competent jurisdiction, by the informer or person who sues for the same, a moiety whereof shall belong to such informer or person, and the oil shall belong to such informer or person, and the other moiety whereof shall belong to Her Majesty; and the moiety whereof shall belong to Her Majesty; and the owner or occupier of the land on which any such Liability of gate; gate is unlawfully left open as aforesaid, shall be liable to owner for the recommendation of damages. the railway company for any damage to the property of the company for any damage to the property of the company or for which the company is responsible, by reason of reason of such gate having been so left open; and no person, Company not any of whose cattle are killed by any train owing to the non-case. observance of this section, shall have any right of action against the same being so killed. against any company in respect to the same being so killed. 47 V., c. 11, s. 9.

At every road and farm crossing on the grade of the Crossings to the crossings to be fenced. railway, the crossing shall be sufficiently fenced on both sides be fenced. so as to allow the safe passage of the trains. 42 V., c. 9, s. 82.

TRAFFIC ARRANGEMENTS.

58. In this section the expression "traffic" includes not Interpretaonly passengers and their baggage, goods, animals and things tion.

"Traffic."

conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway; and the expression "railway" includes all stations and depots of the railway; and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other:

Arrangements for interchange of traffic.

2. The directors of any company may, at any time, make and enter into any agreement or arrangement with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company,'s railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately; and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrange ment, with such powers and functions as are considered necessary or expedient, subject to the consent of two thirds of the stockholders voting in person or by proxy; and also to the approval of the Governor in Council:

Proviso; for approval.

Notice of application for approval.

3. Before such approval is given, notice of the application therefor shall be published in the Canada Gazette for at least two months previously to the time therein named for the making of such application, and such notice shall state a time and place when the application is to be made, and that all persons interested may then and there appear and be heard on such application:

Facilities to be afforded in respect of traffic.

No undue advantage.

4. Every company shall, according to its power, afford all reasonable facilities for the receiving and forwarding and delivery of traffic upon and from the several railways and longing to are reliable to the several railways and longing to or worked by such companies respectively, and for the return of companies respectively, a no for the return of carriages, trucks and other vehicles; and such company about such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever, nor shall any such company subject any particular person any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or advantage in any advantage in any account of the contract of the con advantage in any respect whatsoever; and every company having or working railways which form part of a continuous line of railways or all it line of railway, or which intersect any other railway, or which intersect any other railway, the which has the terminal station or wharf of the one near the terminal station or wharf of the one near the terminal station or wharf of the one near and terminal station or wharf of the other, shall afford all due and reasonable facilities for reasonable facilities facilities for reasonable facilities for reasonable facilities f reasonable facilities for receiving and forwarding all the traffic arriving by one of and traffic arriving arrivi traffic arriving by one of such railways by the other, without

any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to Agreement the public in that behalf; and any agreement made between in violation any two or more companies contrary to this sub-section shall void. be unlawful, and null and void:

5. Every company which grants any facilities to any in- Equal facilities to express corporated express company shall grant equal facilities on ties to express companies. equal terms and conditions to any other incorporated express company which demands the same:

6. If any officer, servant or agent of any company, who has Penalty for the superintendence of the traffic at any station or depot officer to rethereof, refuses or neglects to receive, convey or deliver at any ceive and station or depot of the company for which they are destined, any passenger, goods or thing, brought, conveyed or delivered to him or such company, for conveyance over or along its railway from that of any other company, intersecting or coming near to such first mentioned railway, or in any way wilfully violates the provisions of the fourth sub-section of this section—such first mentioned company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, be liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty shall be recoverable with costs, by Recovery and the mich application. the railway company or by any person aggrieved by such application. heglect or refusal, and such penalty shall belong to the said rallway company, or other person so aggrieved. 42 V., c. 9, 8. 60;—46 V., c. 24, s. 11, part, and s. 13.

RAILWAY CONSTABLES.

Any two justices of the peace, or a stipendiary or police Appointment magistrate, in the Provinces of Ontario, Nova Scotia, New constables. Brunswick, British Columbia, Prince Edward Island, Manitoha Wick, British Columbia, Prince Edward Island, Manitoha William Columbia, Prince Edward Island, Wall Columbia, Wall Col toba, the North-West Territories or the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the Crown, or judge of the court of Onebec, on the the sessions of the peace, in the Province of Quebec, on the anni: application of the directors of any company whose railway Passes Within the local jurisdiction of such justices of the peace, magistrate, judge, clerk, or judge of the sessions of the Peace, as the case may be, or on the application of any clerk or any clerk or any clerk direction. or agent of such company thereto authorized by such directors. tors, may, in their or his discretion, appoint any persons recommonly. commended for that purpose by such directors, clerk or agent, to act as constables on and along such railway; and every per-Oath to be taken. son so appointed shall take an oath or make a solemn declara taken. tion in the form or to the effect following, that is to say:—

Form of oath.

"I, A. B., having been appointed a constable to act upon and along (here name the railway), under the provisions of "The Railway Act," do swear that I will well and truly serve Our Sovereign Lady the Queen in the said office of constable, without favor or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God:"

By whom to be administered.

Powers of such constable.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Manitoba, the North-West Territories or the District of Keewatin, by any one justice of the peace, and in the Province of Quebec by any such judge, clerk, or judge of the sessions of the peace; and every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing places, warehouses, lands and premises, belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes, which is made and the same all which is worked or leased by such company, and in all places not more than one quarter of a mile distant from such railway, and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prevention, for covery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick:

Arrest of offenders.

3. Any such constable may take such persons as are punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting the railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes; and every such justice may deal with all such cases, as though offence had been committed and the person taken within the limits of his own local jurisdiction:

Dismissal of constable.

4. Any two justices of the peace, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba, or in the North West Territories or District of Keewatin, and any judge of the

Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the Crown, or judge of the sessions of the peace, in the Province of Quebec, may dismiss any such constable, who is acting within their several jurisdictions; and the country of such the directors of such company, or any clerk or agent of such company thereto authorized by such directors, may dismiss any such constable who is acting on such railway; and upon Effect of diserson such railway; and upon missal. every such dismissal, all powers, protections and privileges missal. Which belonged to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, Without the consent of the authority by whom he was dis mi_{88ed} :

5. Every such company shall cause to be recorded in the Record of appointment to office of the clerk of the peace, for every county, city, be kept. town, parish, district or other local jurisdiction wherein such railway passes, the name and designation of every constable appointed at its instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such appointment or dismissar, as the care as the clerk of the peace shall keep such record in such form as the railway committee, from time to time, directs, in a book which shall be open to public inspection, charging from time to time, such which shall be open to public inspection, and fee as the railway committee, from time to time, authorizes:

6. Every such constable who is guilty of any neglect or Punishment breach of duty in his office of constable, shall be liable, on guilty of trict or pulled the conviction thereof, within any county, city, disneglect of duty. trict or other local jurisdiction wherein such railway passes, duty. to a penalty not exceeding eighty dollars, which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company, or without hard labor, shall be liable to imprisonment, with or without hard labor, for a term not exceeding two months:

7. Everyone who assaults or resists any constable, ap- And of per-pointed as aforesaid, in the execution of his duty, or who him. incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty not exceeding eight. eighty dollars, or to imprisonment, with or without hard labor control of the second s labor, for a term not exceeding two months. 42 V., c. 9, s. 61.

THE RAILWAY COMMITTEE.

oint and Governor in Council may, from time to time, ap-Railway Point such members of the Queen's Privy Council for Canada committee As he sees fit, to the number of at least four, to constitute the Railway fit, to the number of at least four, to constitute the Railway Committee of the Privy Council, and such commit-

tee shall have the powers and perform the duties assigned to it by this Act. 42 V., c. 9, s. 35.

Chairman and secretary.

59. The railway committee shall appoint one of its mem. bers to be chairman, and the deputy of the Minister of Rail ways and Canals, or some other fit person appointed by the committee, shall be the secretary of the committee. c. 9, s. 36.

Notice to railway committee before railway is opened.

60. No railway, or portion of any railway, shall be opened for the public conveyance of passengers, until one month after notice in writing of the intention to open the same is given to the railway committee by the company to which the railway belongs, and until ten days after notice in writ ing is given to the railway committee by the company, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. V., c. 9, s. 37.

Penalty for non-compliance.

61. If any railway or portion of a railway is opened with out such notices, the company to which such railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired. 42 V., c. 9, s. 38,

Railway to be inspected.

report is un-

favorable.

62. The railway committee, upon receiving such notification shall direct to cation, shall direct one or more of the engineers attached to the department to examine the railway proposed to be opened, and all bridges and all bridges opened, and all bridges, culverts, tunnels, road crossings and other works and and other works and appliances connected therewith, and also all engines and all angines and a also all engines and other rolling stock intended to be used thereon; and if the intended to Postponement thereon; and if the inspecting engineer reports in writing of opening if the realway companies the realway companies. the railway committee that, in his opinion, the opening of the same would be ettended with the same would be attended with danger to the public using the same by reason and it the same, by reason of the incompleteness of the works of permanent way or and the incompleteness of the works permanent way, or of the insufficiency of the establishment for working such resilected for working such railway, together with the ground of such opinion the railway. opinion, the railway committee, with the ground of the Governor in Council and as Governor in Council, and so from time to time, as often to such engineer after facilities. such engineer, after further inspection thereof, reports to the like effect may order and inspection thereof, reports to the like effect, may order and direct the company to time the railway belongs to read the company to time the railway belongs, to postpone such opening for any to not exceeding one month of not exceeding one month at any one time, until it appears to the committee that such the committee that such opening may take place without danger to the public 40 V

63. If any railway or any portion thereof is opened contary to such order or direction thereof is opened contary to such order or direction. trary to order. trary to such order or direction of the railway committee the company to whom the railway committee to the company to whom the railway confeit to the company to whom the railway belongs shall forfeit to Her Majesty the sum of two hands Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. 42 V., c. 9, s. 40.

84. No such order shall be binding upon the company Order not binding withwhich a copy of the report of the inspecting engineer on out notice. Which the order is founded is delivered to the company with such order. 41 V., c. 9, s. 41.

65. Whenever the railway committee receives informa- Proceedings if part of rail tion to the effect that any bridge, culvert, viaduct, tunnel or if part of railany other portion of any railway, or any engine, car or car-repair. riage used or for use on any railway, is dangerous to the bulks: Public using the same, from want of repair, insufficient or erroneous construction, or from any other cause; or whenever circumstances arise which, in its opinion, render it expedient, it may direct any engineer as aforesaid to examine and inspect the railway or any portion thereof, or of the Works connected therewith, or the engines and other rolling. the stock in use thereon, or any portion thereof; and upon the report of the engineer or engineers, may condemn the railway, or any portion thereof, or any of the rolling stock or other the approval of the other appliances used thereon, and with the approval of the the in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new brid. bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the company to which such Defects to be railway; and thereupon the company to which such Defects to be railway; and thereupon the company to which such sold line is belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the chairman of the committee and countersigned by the secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which has been so condemned, or shall make such change, alteration or substitution hereinbefore referred to, as has been required in manner aforesaid by the com-Mittee. 42 V., c. 9, s. 42.

1f in the opinion of any such engineer it is dangerous Running of trains may for trains or vehicles to pass over any railway, or any portions trains may be forbidden thereor thereof, until alterations, substitutions or repairs are made in case of thereof, until alterations, substitutions or locomotive danger. thereon, until alterations, substitutions or repairs are made in case, should, or that any particular car, carriage or locomotive danger. bid the be run or used, the said engineer may forthwith forbid the run or used, the said engineer may formally appropriate running of any train or vehicle over such railway or portion of any such car, portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered for locomotive, by delivering or causing to secretary or ered to the president, managing director or secretary or superintendent of the company owning, running or using such a management or such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to the running of trains on such railway, a notice in which he writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be a second of the danger to be a danger to be apprehended. 42 V., c. 9, s. 43.

Report and action thereon.

67. The inspecting engineer shall forthwith report the same to the railway committee, which, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and notice of such confirmation, modification or disallowance shall be duly given to the company affected thereby. 42 V., c. 9, s. 44.

Engineer may examine works, &c.

or works, may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. 42 V., c. 9, s. 45.

Information to be afforded him.

shall afford to the inspecting engineer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part.

V., c. 9, s. 46, sub-s. 1.

Engineer to be conveyed by the company.

70. Every such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such company.

42 V., c. 9, s. 46, sub-s. 2.

Telegraph operators to obey his orders. offices of or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer who neglects or refuses so to do, shall, for every such offence, incur a penalty of forty dollars. 42 V., c. 9, s. 46, sub-s. 3.

Proof of his authority.

72. The production of instructions in writing, signed by the chairman of the railway committee and countersigned by the secretary thereof, shall be sufficient evidence of the authority of such inspecting engineer. 42 V., c. 9, s. 46, sub-s. 4.

Substitution of fixed for movable bridges.

73. The Governor in Council may, upon the report of the railway committee, authorize or require any company construct fixed and permanent bridges, or to substitute such bridges in the place of swing, draw or movable bridges on the line of such railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty

Penalty for non-compliance. the sum of two hundred dollars; and no company shall No swing substitute any swing, draw or movable bridge in the place substituted or stock and without peror stead of any fixed or permanent bridge already built and without perconstructed, without the previous consent of the railway mission. committee. 42 V., c. 9, s. 47.

74. Whenever any portion of a railway is constructed, or Plan of crossauthorized or proposed to be constructed upon or along or way on the across any street or other public highway on the level or other-level to be wise any street or other public highway on the same or submitted. Wise, the company, before constructing or using the same, or submitted. in the case of railways already constructed within such time as the railway committee directs, shall submit a plan and profile of such portion of railway for the approval of the railway for the approval of the railway for the approval of the railway for the appears way committee; and the railway committee, if it appears Powers of to it committee; and the railway committee, if it appears Powers of to it committee. to it expedient or necessary for the public safety, may, from railway committee time to time, with the sanction of the Governor in Council, in such case. anthorize or require the company to which such railway belong. longs, Within such time as the said committee directs, to protect such street or highway by a watchman or by a watchman and gates or other protection, or to carry such street or high. highway either over or under the said railway by means of a bridge and the level, or bridge or arch, instead of crossing the same on the level, or to direct arch, instead of crossing the same or the level, or to divert such street or highway either temporarily or permanant such street or highway either temporarily or permanant manently, or to execute such other works and take such other works and take such other measures as under the circumstances of the case appear to the railway committee best adapted for removing or dimining a substances of the railway committee best adapted for removing or the then position of the diminishing the danger arising from the then position of the railway are so flaw at any such time railway; and all the provisions of law at any such time As to land applicat; and all the provisions of law at any such time required. applicable to the taking of land by such company, and to its valuation and conveyance to the company, and to the compensation and conveyance to the company and to the compensation and conveyance to the case of any land pensation and conveyance to the company, and required therefor, shall apply to the case of any land required the requirements required for the proper carrying out of the requirements of the of the railway committee under this section:

2. The railway committee may give such directions and Railway committee may give such directions and Railway committee may make stiputed and respecting such and respecting such and respecting such and respecting such as a make such stipulations, conditions or orders respecting such make stipulations, conditions or orders respecting make stipulations. works and the execution thereof, and the apportionment of lations. the costs thereof and of any such measures of protection, between thereof and of any such measures of protection, bet ween the reof and of any such measures of page about the said company and any person interested therein,

as appear to the railway committee just and reasonable: 8. Every company shall incur a penalty of fifty dollars for Penalty for and and state fixed by ance. each and every day after the expiration of the date fixed by non-compliance. the railway committee for the execution of any such works during any committee for the execution of any such works during which such works remain uncompleted, and for each and by the railway comeach and every day after the date fixed by the railway committee for the protection of mittee for the taking of any measure for the protection of any such at the taking of any measure for the protection of any such street or highway, or for removing or diminishing such danger as aforesaid, on which the company fails to take such measure :

4. Such penalty shall be recoverable, with costs of suit, How recoverable by increase Court of Canada, at able. either by information in the Exchequer Court of Canada, at able.

the suit of the Attorney General of Canada on behalf of Her Majesty, in which case the whole of such penalty shall be long to Her Majesty, or it shall be recoverable in any court of competent jurisdiction by the municipal corporation any municipality in which such company has made default in which case a moiety of the penalty shall belong to such municipal corporation, and the other moiety shall belong to Her Majesty. 47 V., c. 11, s. 3, part.

Powers as to carrying out orders of committee.

75. The company, either for the purpose of constructing or repair or in or repairing its railway, or for the purpose of carrying out the requirement of the purpose of carrying out the pur the requirements of the railway committee, or in exercise of the powers conferred upon it by the railway committee, may enter upon any land which is not more than two hundred yards distant from the centre of the located line of the railway, and which is not a garden or orchard attached to a house, or a park, planted walk, avenue or ground ornamentally planted, and may occupy the said lands as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of lands by such railway company, and its valuation and the compensation therefor, shall apply to the cose of and apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall in case the company shall, in case the consent of the owner is not obtained, printed the office of the owner is not obtained. into the office of one of the superior courts for the Province in which the lands are in which the lands are situated such sum, with interest there on for six months. on for six months, as is after two clear days' notice to the owner of the land, or to the person empowered to converthe same or interested the the same or interested therein, fixed by a judge of any one of such superior courts. of such superior courts. 47 V., c. 11, s. 3, part.

Payment into court if price is not agreed

If railway is out of repair at a crossing.

76. Whenever that portion of any railway which crossed is constructed and of or is constructed upon or along any turnpike road, street of other public highway and the land and turnpike road, shield other public highway on the level is out of repair, the chief officer of the municipality officer of the municipality, or other local division, having jurisdiction over such his land jurisdiction over such highway, may serve a notice upon the company in the named way. the company in the usual manner, requiring the repair to be forthwith made: and if it be forthwith made; and if the company does not forthwith make the same such of the make the same, such officer may transmit a copy of the notice so served to the control of the notice so served to the control of the control notice so served to the secretary of the railway committee; and thereupon the committee and thereupon the committee shall, with all possible despetch, appoint a day for patch, appoint a day for an examination into the matter; and shall, by mail give not and shall, by mail, give notice to such chief officer, and to the company, of the day so feet

Inspection and proceedings thereupon.

2. Upon the day so named the said portion of the railway shall be examined by an engineer appointed by the rail of the rail committee, and any certificate under his hand shall final on the subject so in dispute between the parties; if the said engineer determines that if the said engineer determines that any repairs are required he shall specify the nature of he shall specify the nature thereof in his certificate,

direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate:

8. In case of default, the proper authority in the munici- Provision if pality or other local division within whose jurisdiction the the company makes default said Portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of combut jurisdiction, as money paid to the company's use; but neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises. 46 V., c. 24, s. 4.

The railway committee, or the inspecting engineer, Regulation of speed of running of speed of may limit the number of times or rate of speed of running of speed of trains, &c. of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as he thinks sufficient have been made, or until such times as he thinks prudent; and the area wing such railway shall the company owning, running or using such railway shall forth the railway shall forthwith comply with any such order of the railway committee thereof as aforemittee or inspecting engineer, upon notice thereof as aforesaid. There is a said the said there is a said the said there is a said the said said. and for every act of non-compliance therewith, every such and for every act of non-compliance there was thousand shall forfeit to Her Majesty the sum of two thousand dollars. 42 V., c. 9, s. 50.

78. The railway committee may:—

Powers of Committee.

(a) Regulate and limit the rate of speed at which railway Rate of speed at main or wil- in cities &c. trains and locomotives may be run in any city, town or village. On : lage, or in any class of cities, towns or villages described in any class of cities, towns or villages described in any regulation; limiting, if the said railway committee thinks fit, the rate of speed within certain described portions of annual allowing another rate of of any city, town or village, and allowing another rate of speed; which rate of speed shall not speed in other portions thereof, which rate of speed shall not in any unless the track is in any case exceed six miles an hour, unless the track is properly fenced;

- (b) Make regulations with respect to the use of the steam Steam Whistle within any city, town or village, or any portion whistle.
- (c) Impose penalties, not exceeding twenty dollars, for each Penalties for ence on a regulation violation. offence on every person who offends against any regulation violation. made under this section—which penalties shall be recoverable under this section—which penalties and shall belong able under this section—which penalties snan be to Her M summary conviction, with costs, and shall belong to Her Majesty;

(d) Repeal, alter or re-enact, from time to time, any regula-Repeal and made was alter or re-enact, from time to time, any regula-Repeal and made was a second seco tion made under this section. 42 V., c. 9, s. 76, part;—47 V., amendment. Notice of accidents to be given.

79. Every company shall, as soon as possible and within forty-eight hours at the furthest after the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the same, 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, give notice thereof to the railway committee; and every company which wilfully omits to give such notice shall forfeit to Her Majesty the sum of two hundred land and la dred dollars for every day during which the omission to give the same continues. 42 V., c. 9, s. 51.

Penalty for default.

Inspection

80. No inspection had under this Act, and nothing in this company from Act contained, and nothing done or ordered or omitted to be liability. done, or ordered under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any come pany of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, of the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company or for anything done or omitted to be done by such pany, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any man any way to weaken or diminish the liability or responsibility of any such of any such company, under the laws in force in the Province in which and it will be a vince in which and it is the laws in force in the Province in which are in the laws in force in the Province in which are in the laws in force in the Province in the Province in the laws in force in the Province in vince in which such liability or responsibility arises. c. 9, s. 52.

Notification of order to officers, &c.

81. Every company shall, as soon as possible after the ceint of any order. receipt of any order or notice of the railway committee of inspecting engineer. inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in 42 V., c. 9, s. 53. the eighty-seventh section of this Act.

What shall be sufficient notice to the company.

82. Every order of the railway committee shall be considered as made by a reof. dered as made known to the company by a notice thereof, signed by the chairman and signed by the chairman and countersigned by the secretary of the committee, and delivered to the president, vice-president, wice-president, with the dent managing directions. dent, managing director, secretary or superintendent of the company, or at the office of the company, or at the office of the company; and every order of the inspecting engineer shall be a superintendent of the company; and every order of the inspecting engineer shall be a superintendent of the company; and every order of the company; and every order of the company is a superintendent of the company of the company is a superintendent of the company of the the inspecting engineer shall be deemed to be made known to the company by a posice of to the company by a notice thereof, signed by the engineer, and delivered as above month. 42 V., c. 9, s. 54. and delivered as above mentioned.

COMMISSIONS TO INVESTIGATE AS TO ACCIDENTS.

Commission to inquire into accidents.

83. The Governor in Council, on the recommendation of e railway committee management of the recommendation of the railway committee, may appoint such person or persons as he thinks fit to be a committee. as he thinks fit to be a commissioner or commissioners inquiring into the causes of and in inquiring into the causes of and the circumstances connected with any accident or casualty to 1:0 with any accident or casualty to life or property occurring

any railway, and into all particulars relating thereto; and Its powers. such commissioner or commissioners may send for persons, Papers and records, and by summons under his or their hand or hands, require the appearance of any person before him or them, and the production of any book, paper or thing which he or they consider important for such purpose; and any such commissioner may administer oaths, affirmations or declarations, to any person appearing before him or them, and every such person so appearing shall answer all such questions and inquiries relating to the premises as are put to

Such commissioner or commissioners shall have the Enforcing atsame power to enforce the attendance of witnesses and to witnesses. compel them to give evidence and produce the books, papers or things which they are required in such summons to bring With them, as is vested in any court in civil cases; but no person so summoned shall be compellable to answer any question, by truly answering which he might render himself liable to a criminal prosecution:

8. The said commissioner or commissioners shall receive Remuneration of commissuch remuneration for their services as the Governor in sioners. Council determines, and the persons summoned to attend before him or them shall receive the same fees and allowed to attend before a allowances for so doing as if summoned to attend before a court of civil jurisdiction in the Province in which they were required to appear; which remuneration and allowance shall be heard to appear; which remuneration and allowance for be payable out of any moneys provided by Parliament for unforeseen expenses:

4. The commissioner or commissioners shall report fully, Report to be made. in Writing, to the Governor in Council, his or their doings and only which he or they and opinions on the matters respecting which he or they are appointed to inquire. 47 V., c. 11, s. 6.

RAILWAY FUND.

84. Every company shall, so soon as any portion of its rail-to railway for in in the rail to railway found. way is in use, pay to the Minister of Finance and Receiver fund. General, an annual rate, which shall be fixed by the railway committee, not exceeding ten dollars for each mile of railway constructed and in use; and such rate shall be payable half- when payyearly on the first days of January and July in each year, and able. shall form a special fund for the purposes of this Act, which shall he will be shall be special fund for the purposes of this Act, which shall be called "The Railway Inspection Fund." 42 V.,

This is put in Part Two of this Act, as being thought properly applicable to applied.

This is put in Part Two of this Act, as being thought properly applicable to which that part is applicable, although in 42 V., c. 9, it was not

BY-LAWS AND REGULATIONS.

regulations, to be observed by the conductors, engine drivers for guidance

of its officers,

and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles to be used in the trains on the railway of the company, as are requisite for insuring the perfect carrying into effect of the provisions of this part of this Act, and the orders and regulations of the railway committee:

Repeal and amendment.

2. The company may, from time to time, repeal or alter such by-laws, and make others, if such by-laws are not repugnant to the provisions of this part of this Act, or of the special Act:

Form.

3. Such by-laws shall be reduced to writing and shall have affixed thereto the common seal of the company:

Penalty for violation.

4. Every conductor, engine driver and other officer and servant of the company or other railway company using the railway, who offends against any such by-law, shall, for every such offence, incur a penalty not exceeding forty dollars, which penalty shall be that imposed by the company in such by-law for such offence:

Summary interference in certain cases. 5. If the violation or non-observance of any such by-law, by any of the persons or officers in the next preceding sub-section mentioned, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance or hindrance, and without projudice to any penalty incurred by the violation of such by-law:

Sanction.

6. No such by-law shall have force or effect until it has been approved of by the Governor in Council:

Notification of such by-law, how proved.

7. The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the company, may be proved by proving the delivery of a copy to other receipt by such officer or servant; and if it affects any other railway company using the railway, it shall be painted on boards, or printed on paper and pasted on boards, and boards, or printed on paper and pasted on boards, ther hung up and affixed, and continued on the front or other the company, according to the nature or subject matter the company, according to the nature or subject mubic of such by-laws respectively, and so as to give public notice thereof to the persons and companies interested notice thereof to the persons and companies interested therein, or affected thereby; and such boards shall, reomitime to time, be renewed as often as the by-laws thereof or any part thereof are obliterated or destroyed; and or any part thereof are obliterated or destroyed; penalty imposed by any such by-law shall be recoverable.

unless the same has been published and kept published in manner aforesaid:

8. Such by-laws, when so confirmed, shall be binding upon Who shall be and be observed by every officer, person and company men-bound by such by-laws. tioned in the fourth sub-section of this section, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws affection. affecting only any other railway company using the railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be. 42 V., c. 9, s. 62, and s. 100, part.

86. Every company may, by a by-law, impose upon any Penalties for officer, servant or person who, before the violation of such bylaw, has had notice thereof and is employed by the company, a forfeiture to the company of at least thirty days' pay of such office of such by-law and officer, servant or person, for any violation of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. 42 V., c. 9, s. 63.

The notice of the by-law or of any order or notice of Proof of by-laws, orders the railway committee, or of the inspecting engineer, may ac. he proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted up in some place where his work or his duties, or some of them, were to be performed. 42 V., c. 9, s. 64.

Such proof, with a proof of such violation, shall be a Proof to be full answer and defence for the company in any action or suit defence. for the recovery of the amount so retained, and such forfeiture shall 1. 42 V., shall be over and above any penalty under this Act. 42 V.,

GENERAL PROVISIONS.

employ any of its funds in the purchase of its own stock, securities of or in the acquisition of any shares, bonds or other secu-companies not ties is specified in the acquisition of any shares, bonds or other secu-companies not to be dealt in. rities issued by any other railway company in Canada; but to be dealt in. nothing in this Act contained shall affect the powers or rights which which any company in Canada now has or possesses, to acquire have company in Canada now has or other securities of quire, have or hold the shares, bonds, or other securities of any reil. any railway company in the United States of America; nor shall it; way company in the United States of the Northern shall it interfere with the right conferred on the Northern Railway Company in the United States of America, Railway Company in the United States of Company Railway Company of Canada, or the Hamilton and North Western Dompany of Canada, or the Hamilton and North Western Railway Company, to acquire stock in the Ontario and Pacific Junction Railway Company, under the Acts

relating to the said first named companies, respectively passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign:

Penalty for violation.

2. Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of the next preceding sub-section, shall incurrently of one thousand dollars for each such violations which penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to Her Majesty and the other moiety thereof shall belong to the informer; and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions afore said. 46 V., c. 24, s. 11, part;—47 V., c. 11, s. 4.

Best appliances for communication and for stopping trains to be used.

90. Every railway company, which runs trains upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements atus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine drivers of such trains while the trains are in motion and good and sufficient means of applying, by the power of the steam engine of applying. the steam engine or otherwise, at the will of the engine driver or other person driver or other person appointed to such duty, the brakes the wheels of the location the wheels of the locomotive or tender, or both, or of all or and of the cars or carriages composing the trains, and of discornecting the locomotive, tender and cars or carriages from each other by any such manufacture. other by any such power or means, and also such apparates and arrangements and arrangements are the such apparates are the such apparates and arrangements are the such apparates are the such apparates are the such apparates are the such apparates are the such arrangements are the such arrangemen and arrangements as best and most securely place and fix the seats or chairs in the seats or chairs in the seats of chairs in the seats o seats or chairs in the cars or carriages, and shall alter such apparatus and apparatus and arrangements or supply new apparatus and arrangements from the arrangements, from time to time, as the railway committee orders; and every reil. orders; and every railway company which fails to comply with any of the received and company which fails to receive the received and the recei with any of the provisions of this section, shall forfeit to Her Maiestva sum not arranged Majesty a sum not exceeding two hundred dollars for every 42 V., c. 9, ss. 73 day during which such default continues. and 73.

Penalty for non-compliance.

Navigation not to be impeded. 91. No company shall cause any obstruction in or impede the free navigation of any river, stream or canal, to or across of along which its railway is carried. 42 V., c. 9, s. 66.

Bridges over navigable rivers. 92. Whenever the railway is carried across any navigable river or canal, the company shall leave openings between and abutments or piers of its bridge or viaduct over the same, and shall make the same of such clear height above the surfaces the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of canal, and shall be subject to such regulations as to the opening of such swingbridge or drawbridge as the Governor ing of such swingbridge or drawbridge or

Canal, or over the navigable channel of any river, without floored. having first laid such proper flooring under and on both sides of its railway track over such canal or channel, as is deemed by the minister sufficient to prevent anything falling from the railway into such canal or river, or upon the boats or Vessels, or craft, or persons who navigate such canal or river. 42 V., c. 9, s. 67, part.

No company shall construct any wharf, bridge, pier or Plans of bridges, other Work upon or over any navigable river, lake or canal, or to be apupon the beach or bed or lands covered with the waters there-proved. of, until it has first submitted the plan and proposed site of such work to the railway committee, and the same has been approved site or plan approved; and no deviation from such approved site or plan shall be made without the consent of the committee. 42 V.,

95. Nothing contained in the four sections next preced-powers powers expressly affected ing shall be construed to limit or affect any power expressly affected. given to any company by its Act of incorporation or any Act amount of the second of th Act amending the same. 42 V., c. 9, s. 69.

When a railway passes any draw or swing bridge over Train to stop passing which is subject to be before passing a navigable river, canal or stream, which is subject to be a swing opened for the river that the trains shall in every bridge. opened for the purposes of navigation, the trains shall in every bridge. case be stopped at least three minutes, to ascertain from the bridge is closed and in perfect bridge tender that the said bridge is closed and in perfect order to the said bridge is closed and the sai order for passing, and in default of so stopping for the full period passing, and in default of so stopping for the full period of three minutes, the company shall incur a penalty of four hundred dollars. 42 V., c. 9, s. 70.

or near the railway committee orders any company to erect Foot passengers to use gers to use foot bridge if at or near or in lieu of any level crossing of a turnpike road, or gers to use foot bridge if ther bull: in lieu of any level crossing of a turnpike over its provided. other public highway, a foot bridge or foot bridges over its provided. railway for the purpose of enabling persons passing on foot way by more railway by means of such bridge or bridges, from and after the completions of such bridge or bridges so required to completion of such foot bridge or foot bridges so required to be erectal be erected, and while the company keeps the same in good and sufficient while the company keeps the same in good sufficient while the company keeps the same in good sufficient while the company keeps the same in good sufficient while the company keeps the same in good sufficient while the company keeps the same in good sufficient while the company keeps the same in good such sufficient while the company keeps the same in good such sufficient while the company keeps the same in good such sufficient while the company keeps the same in good such sufficient while the company keeps the same in good such sufficient while the company keeps the same in good such sufficient while the company keeps the same in good sufficient while the company ke and sufficient repair, such level crossing shall not be used by passon trepair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the said turnpike road for the passage except during the time when the same is used for the passage of carriages. 42 V., of Carriages, carts, horses or cattle along the said road.

itted to head last sheep, swine or other cattle shall be per-Cattle not to head last large near railway. mitted to be at large upon any highway within half a mile of be at large near railway. the intersection of such highway with any railway on grade, unless such continuous such highway with any railway on grade, to be such continuous such highway with any railway on grade, to be such continuous unless such cattle are in charge of some person or persons, to prevent their loitering or stopping on such highway at such intersection.

Such cattle may be impounded.

2. All cattle found at large in violation of this section may by any person who finds the same at large, be impounded in the pound nearest to the place where the same are so found and the pound keeper with whom the same are so in pounded shell detain it pounded shall detain the same in the like manner, and sale ject to the like regulations as to the care and disposal thereof as in the case of cattle impounded for trespass on private property:

No right of

3. If the cattle of any person which are at large, contrations of the provisions of the provision o action in such to the provisions of this section, are killed or injured by and case. train at such point of intersection, he shall not have any right of action against any action. of action against any company in respect of the same being killed or injured. killed or injured. 42 V., c. 9, ss. 79, 80 and 81.

Weeds to be cut down.

90. Every company shall cause all thistles and other exious weeds growing and it is noxious weeds growing on the cleared land or ground adjoint ing the railway and believe ing the railway and belonging to such company to be down and kent constantly and down and kept constantly cut down, or to be rooted out:

Penalty for non-compliance.

2. Every company which fails to comply with this section it in twenty days of tonit it. within twenty days after it has been required to comply with the same. by notice from 11 the same, by notice from the mayor, reeve or chief officer of the municipality of the tothe municipality of the township, county or district in which the land or ground lies. the land or ground lies, or from any justice of the Part therein, shall incur a parelty of therein, shall incur a penalty of two dollars for every during which such comments of two dollars for every during which such comments. during which such company neglects to do anything which is lawfully required to do have is lawfully required to do by such notice; and the said mayor reeve or officer or justice and reeve or officer or justice of the peace, may cause all things to be done which the said comments. be done which the said company was lawfully required to by such notice and for that by such notice, and for that purpose may enter, by himself and his assistants or workers. and his assistants or workmen, upon such lands or grounds and may recover the arrangements. and may recover the expenses and charges incurred in so doing, and the said panels. doing, and the said penalty, with costs, in any court of petent jurisdiction. petent jurisdiction:

Mayor, &c., may cause work to be done.

> 3. Such penalty shall be paid to the proper officer of the unicipality, except in the B municipality, except in the Provinces of Nova Scotis New Brunswick in which it New Brunswick, in which it shall be paid to the overseers of the poor, for the uses of the the poor, for the uses of the poor of the district. 42 V., c. 9, 83 and 84.

Application of penalties.

- Mines not to be injured.
- 100. No company shall locate the line of its proposed ilway, or of any branch railway, or of any branch thereof, so as to obstruct the terfere with or inimiously terfere with or injuriously affect the working of, or the access or adit to any mine it access or adit to any mine then open or for opening law preparations are, at the time of preparations are, at the time of such location, being fully and openly made.

What property to be bought in certain cases.

2. No person shall at any time be compelled to sell to nvey or give possession of to convey or give possession of, to any company, a part of any house or other building of any house or other building or manufactory, person is willing and able to sell and convey and give possession of the whole thereof. 47 V., c. 11, s. 15.

101. If at any time any railway or any section of any Sale of railrailway is sold under the provisions of any deed of mort-chaser not gage thereof, or at the instance of the holders of any mort- having necesgage bonds or debentures, for the payment of which any sary corporate charge has been created thereon, or under any other lawful proceeding, and is purchased by any person or corporation which the holding which has not any corporate powers authorizing the holding and operating thereof by such purchase, the purchaser thereof shall transmit to the minister, within ten days from the Notice to the date of such purchase, a notice in writing stating the fact Minister. that such purchase, a notice in willing such and such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter or Act of incorporation under which the same had been constructed and operated, including a copy of any been constructed and operated, including a copy of such railway, which a preliminary to a conveyance of such railway, Which has been made as evidence of such sale; and im- And copy of mediatal been made as evidence of such sale; and im- deed of conveyance revenue. mediately upon the execution of any deed of conveyance deed of conveyance. of such railway, the purchaser shall also transmit to the minister a duplicate or an authenticated copy of such deed. The duplicate or an authenticated copy of such deed, and shall furnish to the minister, on request, any further and shall furnish to the minister, 46 V., c. further details or information which he requires. 46 V., c.

ister in manner and form as provided by the next preced-trains not to ing section, the purchaser shall not run or operate the berun. railway so purchased, or take, exact or receive any tolls whatso so purchased, or take, exact or receive any tolls whatsoever in respect of any traffic carried thereon; but Provisional operation of the the complied with the such railway after the said conditions have been complied with, the such railway. purchaser may continue, until the end of the then next session of the t session of the Parliament of Canada, to operate such railway and tolks thereon as the way and to take and receive such tolls thereon as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charteness of the said company, the charter or Act of incorporation of the said company, until hour or Act of incorporation of the minister Which has received a letter of license from the minister which letter the minister is hereby authorized to grant definition on which such railway defining the terms and conditions on which such railway the terms and conditions on which such railway the said period. shall be run by such purchaser during the said period.

Such purchaser shall apply to the Parliament of Application for necessary thereof after the powers to be Canada at the next following session thereof after the powers to be purchase of such railway, for an Act of incorporation or made. other legislative authority, to hold, operate and run such railway, and it Parliament and is way, and if such application is made to Parliament and is unsuccessor. unsuccessful, the minister may extend the license to such license. Extension of railway until the minister may extend the license to such license. railway until the end of the then next following session

Final action. of Parliament, and no longer; and if during such extended period the purchaser does not obtain such Act of incorn poration or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister as is determined by the railway committee. 46 V., c. 24, s. 16.

Trains to be run at regular hours, &c.

104. All trains shall be started and run at regular hours, fixed by public notice, and shall furnish sufficient accommo dation for the transportation of all such passengers and goods as are within a reasonable time previously thereto offered for transportation at the place of starting, and at the junctions of other will tions of other railways and at usual stopping places established for receiving lished for receiving and discharging way passengers and goods from the trains:

Conveyance of passengers and goods.

2. Such passengers and goods shall be taken, transported to and from, and discharged at such places, on the due par ment of the toll, freight or fare lawfully payable therefor:

Right of action in case of neglect.

3. Every person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company from which pany; from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any necliness. from any negligence or omission of the company or of its $4\overline{2}$ V., c. 9, s. 25, part, and s. 100, part.

OFFENCES AND PENALTIES.

Punishment of persons cutting or boring casks or packages.

105. Every person who bores, pierces, cuts, opens or other ine, wise injures any cask, box or package, which contains wines spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse station bears and the station bears are stationally as the station bears and the station bears and the station bears are stationally as the stational warehouse, station house, wharf, quay or premises of, or which belong to any company, with intent feloniously to steal or otherwise unlawfully to steal or otherwise unlawfully to obtain or to injure the contents or any part il contents, or any part thereof, or who unlawfully drinks, of wilfully spills or all and of the spills wilfully spills or allows to run to waste, any such liquors, of any part thereof shall mark any part thereof, shall, upon summary conviction be liable to a penalty not exceeding to a penalty not exceeding twenty dollars over and above the value of the goods or live value of the goods or liquors so taken or destroyed, or to imprisonment with a motified and the stroyed of the imprisonment with or without hard labor for a term not exceeding one month exceeding one month. 42 V., c. 9, s. 91.

Penalty for obstructing inspecting engineer.

106. Every person who wilfully obstructs any inspecting engineer in the execution of his duty shall, for every such offence, upon summary controls offence, upon summary conviction, be liable to a penalty not exceeding forty dollars. exceeding forty dollars; and in default of payment thereof immediately, or within such immediately, or within such time as the convicting justice of justices of the peace appoint o justices of the peace appoint, shall be liable to imprison for any term not exceeding the part.

PART THREE.

STATISTICS.

107. In Part Three of this Act, unless the context other-Interpreta-Wise requires :--

(a) The expression "company" means a company "Company." constructing or operating a line of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not, and includes any individual or individuals, not incorporated, who are owners or lessees of a railway in Canada, or parties to an agreement for Working a railway in Canada; Re-drafted.

(b) The expression "working expenditure" means and in- "Working expenditure." cludes all expenses of maintenance of the railway, and of the children that children the children the children that children the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant, and of the rolling and other stock and movable plant. plant used in the working thereof, and also all such tolls, rental such tolls, rental such tolls, rents used in the working thereon, and all least of property least or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line or in respect of the hire of engines, carriages or well all rent charges or or wagons let to the company; also, all rent charges or interces or lands belonging to the interest on the purchase money of lands belonging to the company; are or not fully paid for; company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also, rates, taxes, insurance and compensations and salaries and wages pensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, includ: including directors' fees, agency, legal and other like otherwise; and generally all such charges, if any, not above otherwise; otherwise specified, as in all cases of English railway com-Panies are usually carried to the debit of revenue, as distinguished a usually carried to the debit of revenue, as distinguished a usually carried to the debit of revenue, as distinguished a usually carried to the debit of revenue, as distinguished a usually carried to the debit of revenue, as distinguished as in all cases of Eugenee and South guished from capital account. 42 V., c. 9, ss. 29 and 85;— 46 V., c. 24, s. 3.

108. Every company shall annually prepare returns in Annual returns to be turns to be prepared. accordance with the forms contained in schedule one to this prepared. Act, of its capital, traffic and working expenditure, and of all info all information required, as indicated in the said form, to be furnished in the said form, to be furnished to the minister; and such returns shall be dated now the oath of the dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the vice-president or of the president, or in his absence, of the vice-president or manager of the company:

2. Such returns shall be made for the period included What period to be included to be included. from the date to which the then last yearly returns made

by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of June in the then current year:

Duplicate for the Minister.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the minister within three months after the first day of July in each year:

Further returns when required.

4. The company shall also, in addition to the information required to be furnished to the minister, as indicated in the said schedule one, furnish such other information and returns as are, from time to time, required by the Governor in Council:

Penalty for non-compliance.

5. Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding ten dollars for every day during which such default continues:

Returns to be submitted to Parliament.

6. The minister shall lay before both Houses of Parlia ment, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to 42 V., c. 9, ss. 30 and him, in pursuance of this section. 33;—44 V., c. 24, ss. 2 and 4, part. Re-drafted.

Weekly returns to be prepared and transmitted.

109. Every company shall, weekly, prepare returns of its traffic for the next preceding seven days, in accordance with the form contained in schedule two to this Act, and a copy of such returns of such returns, signed by the officer of the company responsible for the company resp sible for the correctness of such return, shall be forwarded by the company to the minister, within seven days from the day in each week up to which the said returns have been prepared; and another copy of each of such returns, signed by the same officer, shall be posted up by the company within the same delay and he company. the same delay, and kept posted up for seven days, in some conspicuous place with conspicuous place in the most public room in the head office of the company in Garage of the company in Canada, and so that the same can be perused by all persons and from all by all persons; and free access thereto shall be allowed to all persons during the manufacture of the manufa persons during the usual hours of business at such office, or each day of the soil each day of the said seven days not being a Sunday or holiday: holiday:

posted up.

Copy to be

2. Every company which makes default in forwarding the id weekly return to the makes default in forwarding the said weekly return to the minister, or which fails to post up and keep posted was according to the minister. and keep posted up a copy thereof as aforesaid, and to allow free access thereto as aforesaid, and to allow not free access thereto as aforesaid, shall incur a penalty not exceeding ten dollars for exceeding exceeding ten dollars for every day during which such defaults continues. 42 V . c 9 s 21.

Penalty for non-compliance.

- 110. If any return which is required by the two sections Penalty for next preceding is false in any particular, to the knowledge of signing false any person who signs the same, such person shall be liable, on conviction thereof, on indictment, to fine and imprisonment, but such fine shall not exceed two hundred and fifty dollars. 42 V., c. 9, s. 32, part.
- Every penalty imposed under any of the three sec- Recovery of tions next preceding, shall be recoverable for his own use and such penalties. benefit by any person who sues for the same in any court of competent jurisdiction. 42 V., c. 9, s. 32, part.
- Every company shall, within one month after the Return of accidents first days of January and July, in each and every year, make accidents to to be made. to the railway committee, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—

- (a) The causes and natures of such accidents and casual- Cause and nature.
- (b) The points at which they occurred, and whether by Locality and time. night or by day;
- The full extent thereof, and all the particulars of the Extent and particulars. same ;

And shall also, at the same time, return a true copy Copies of byof the existing by-laws of the company, and of its rules and laws. regulations for the management of the company and of its railway. 42 V., c. 9, s. 55.

The railway committee may order and direct, from Form of retime to time, the form in which such returns shall be made turn may be prescribed. up, and may order and direct any company to make up and deliver image to time in addideliver to the railway committee, from time to time, in addition to the railway committee, actions accidents tion to the railway committee, from time to time, accidents occurring said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belong: belonging to such company, whether attended with personal injury as the railway injury or not, in such form and manner as the railway committee deems necessary and requires for its information with a recessary and requires for its information with a view to the public safety. 42 V., c. 9, s. 56.

If the returns required under the two sections next Penalty for not transmi fing return. preceding, so verified, are not delivered within the respective ting return. times in the said sections prescribed, or within fourteen days after the said sections prescribed, or within fourteen days after the said sections prescribed, or within touttee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee, evaluate have been so required by the railway committee. tee, every company which makes default in so doing shall forfeit to II forfeit to Her Majesty the sum of one hundred dollars for

every day during which the company neglects to deliver the 42 V., c. 9, s. 57. same.

Returns privileged.

115. All returns made in pursuance of any of the provisions of this part of this Act shall be privileged communications, and shall not be evidence in any court whatsoever. V., c. 9, ss. 34 and 58.

CROSSING OTHER RAILWAYS.

Intersection of railways unal charters.

116. The provisions of sub-sections thirteen and fourder provision- teen of section six in Part One of this Act shall also apply to every company incorporated under any Act of any Provincial Legislature in any case in which it is proposed that such railway shall cross, intersect, join or unite with a railway under the legislative control of Canada. c. 9, s. 7, sub-s. 16, part.

PENALTIES.

Punishment for violation of by-laws.

117. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law or regulation of the company lawfully made and in force, or any order or notice of the railway committee, or of the inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs, is guilty of a misdemeanor, and shall, 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, be punished by fine or imprisonment or both. prisonment, or both; but no such fine shall exceed four hundred dollars and no such fine shall exceed four h dred dollars and no such imprisonment shall exceed the term of five years. 42 V., c. 9, s. 93;—31 V., c. 12, s. 67, part. of five years.

If injury is caused or risk of injury is increased.

If injury is not caused or risk of injury is not increased.

118. Whenever such violation does not cause injury to any person or property or expose any person or property to the risk of injury, or make such risk greater than it would have been but for and have been but for such violation, the officer, servant or other person quilty therefold is person guilty thereof shall, upon summary conviction, be the oath of one credible witness other than the informer, be liable to a negalty not an liable to a penalty not exceeding the amount of thirty days' pay, and not less than Company. pay, and not less than fifteen days' pay of the offender or the company with contains and pays' pay of the offender or the company, with costs, in the discretion of the justice of justices of the peece before justices of the peace before whom the conviction is had:

2. A moiety of such penalty shall belong to Her Majesty, for the public uses of Canada, and the other moiety shall Application of penalties.

belong to the informer, unless he is an officer or servant of or person in the employ of the company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty, for the uses aforesaid. 42 V., c. 9, ss. 94 and 95;—31 V., c. 12, s. 68, part, and s. 69, part.

The company may, in all cases under the two sec- Deduction of tions next preceding, pay the amount of the penalty and wages. costs, and recover the same from the offender or deduct it from his salary or pay. 42 V., c. 9, s. 96.

APPLICATION OF PENALTIES.

part thereof, in respect to the application of which no form part of the railway other provision is made, shall be paid to the Minister of fund. Finance and Receiver General, to the credit of "The Railway Inspection Fund." 42 V., c. 9, s. 99.

CERTAIN COMPANIES AND RAILWAYS.

The Intercolonial Railway, the Grand Trunk Rail- Certain railways declare Way, the North Shore Railway, the Northern Railway, the ways declared to be works Hamilton and North-Western Railway, the Canada Southern for advantage Rail Credit Valley of Canada. Railway, the Great Western Railway, the Credit Valley of Canada. Railway, the Great western many, Pacie ay, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch the or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada:

2. Every such railway and branch line shall hereafter To be subject be subject to the legislative authority of the Parliament of authority of the Parliament. Canada, but the provisions of any Act of the Legislature of Parliament. of Marovince of Canada, passed prior to the twenty-fifth day of May, one thousand eight hundred and eighty-three, relation, one thousand eight hundred and in relating to any such railway or branch line, and in force of far as they are force at that date, shall remain in force so far as they are consistent with any Act of the Parliament of Canada passed after that with any Act of the Parliament of Canada passed after that date. 42 V., c. 9, s. 100;—46 V., c. 24, s. 6, part.

SCHEDULE ONE.

Form of yearly returns to the Minister of Railways and Railways, required from railway companies under "The

RETURNS made by the (corporate name of the Company) in pure. pursuance of the Railway Act, for the period included between the railway Act, for the period included between the (insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be), to the last day of June, in the year 18

LOCATION AND GENERAL DESCRIPTION OF RAILWAY.

Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

No. 1.

RETURNS of the Capital Account of the said Railway, also the Revenue and Expenditure, &c.

No. 2.—Capital Account.

Authorized. Subgribed. Paid up. Interest of Interest or Dividend. Total amount of ordinary share capital					
Total amount of ordinary share capital				Paid up.	Interest U
	capital	\$ cts.	\$ ets.	\$ cts.	\$ cts.

^{*}State whether dividend is cumulative or not.

This statement must agree with the totals shown in the report of the company, a copy of which is to be transmitted also. If there are more than one issue of preference shares or bonds, state them, and the amount of each class.

If any floating debt exists it must be stated, so as to make the total agree with the published report.

No. 3.—Loans or Bonuses from Governments or Municipalities.

From what source.	Amount of Loan	Granted.	Amount of	Bonus Granted.	Amount of Sub-	Shares.	Amount of Sub-	Bonds.	Rate of Interest.	Date of Re-pay- ment.
Governments	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$ cts.	\$ cts.
Total										
Total										

No. 4.—Bonds or other Securities Negotiated by the Company.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.	\$ cts.	\$ ets.

No. 5.—Sales of Land made by the Company.

Acres sold.	Price per Acre.	Amount.
	\$ ets.	\$ cts.

No. 6.—Floating Debt.

Ī

Amo	unt.	Rate of	Interest.	Remarks.	
\$	cts.	\$	cts.		
	No	. 7.—(Charac	CTERISTICS OF ROAD, &C.	
			Owa	KED.	Miles.
*Length	of main	line fron	3	to	
do				toto	
do do		do do		to to	
do		do		to	ĺ
		40			
				SED.	!
		y from	•••••	to	f
do do				., to	ĺ
do		do		to	
			Total m	ileage worked	
7			,	_	
do do	I road l	aid with do		8	i
	f siding				1
do of	double	track (i	fany)	********************	
Weight of	f rail pe	r yard, n	nain line,	iron	Lbs.
do		do	ao	steel	լաս
do		do		iron	do do
	f engine		and shop	steel	a.
				pany	
do do o	do of first of			s owned by Company	
do	(do	¯ do	hired	
do o	f second	l class ar	nd emigra	nt cars owned by Company	
do		do	do	hired	
ďο			and expre	ess cars owned by Company	
do do	an tella	do	do fraight as	hired	
go	Carrie	go and nox	do	irs owned by Companyhired	
do	platfor	m cars o	wned by	Company	,
do		do b	iired		
do		rs owne	d by Com	pany	
do do	do	hired			
do	do	mile, m	anches	*** ***** ***** ***** ***** ***** ***** ****	
		ıgs used	to secure	joint of rail	
Number o	f grain	elevator	8	******	
†Capacity	of	do	at		
do		do			
do Number o		do road cros	ainga o+ v	which watchmen are employed	
do do		ioau cros	with	out watchmen are employed	
do	overhe		es		
Height of		do _	above re	ail level	
	i level c	rossings	of other	railways	
do do	Junctio	ns with	hranch 1	ways	
				ues	
Number of	f feet pe	r mile of	heaviest	gradient	
Gauge of	railway		*****		

^{*}If the line, or any portion of it, is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

Nο	0 4			_			~
0.	8.—ACTUAL	Cost	OF	RAILWAY	AND	ROLLING	STOCK.

Cost of land and land damages	\$ cts
Total	

shove total to show the real cash cost of construction and rolling stock.

No. 9.—Operations of the Year and Number of Miles Run.

1. Miles run by passenger trains 2. do freight trains 3. do mixed trains 4. Total miles run by trains 5. Total number of passengers carried 6. Total number of passengers carried 7. Average rate of speed of passenger trains 10. Average weight of passenger trains in motion 11. do freight trains in motion	

No. 10.—Description of Freight Carried.

	Weight in Tons.
1. Flour in barrels, No 2. Grain in bushels, No 4. Live stock, No 5. Lumber of all kinds, excepting firewood, ft 6. Manufactured goods 7. All other articles	
Total weight carried	

N_{Ω}	11_	_EARN	DOMI	OF	THE	RAILWAY.
TIO.	11	— LIAKN	INGS	Ur	THE	LUAIL WAI.

	\$	cts.
1. From passenger traffic 2. From freight traffic 3. From mails and express freight 4. From other sources		
Total		
No. 12—General Tariff of Tolls Establish Company.	HED BY	THE
		-
No. 13.—Special Rates of Tolls Establish Company.	ED BY	THE
		_
No. 14, A.—Operating Expenses—Maintenan Buildings, &c.	CE OF I	ine,
	8	_ cts.
1. Wages, &c, of labor employed on track, including sidings 2. Cost of iron rails and fastenings 3. Cost of steel rails and fastenings 4. Ballasting 5. Repairs of bridges and culverts 6. Repairs and renewals of buildings 7. Repairs of fencing 8. Clearing snow 9. Engineering superintendence		
Total	<u></u>	

No. 14, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES.

OF ENGINES.		
	\$	cts.
Wages of engineers, firemen and cleaners Cost of coal for fuel. Cost of wood for fuel. Repairs of engines and tenders. Oil tallow, waste, &c., for engines. Pumping engines. Repairs of tools and machinery. Buperintendence		
Total		
No. 14, C.—Working and Repairs of C	ČARS.	
	\$	cts
Wages and material for repairs of passenger cars do do freight cars and snow ploughs Superintendence		
No. 14, D.—OPERATING EXPENSES—GENERAL ATING CHARGES.	and Oi	PE:
	\$	c
1. Office expenses, including directors, auditors, management, 2. Station agents, clerks, porters, &c		-

Blanks are left for any other items of expenditure not included above.

No	15.—SUMMARY	OF	OPERATING	EXPENSES
110.	IJ.—BUMMARI	Or	OPERATING	LAPLNOLO

							\$	cts
B. (Cost of wo Cost of wo	rkin; orkin	fline, buildings, &c g and repairs to engines. g and repairs to cars operating expenses	••••••	••••••••••••••••••••••••••••••••••••••			
	•		otal cost of operating ra	-				
tota	The above	e stat	tement to include the full I with the published return	cost n of	t of operatin the Compan	g the ra	ilway, an	d the
	Total.	Killed. Injured.			ed, the			
	To	Killed.			occurre ured, a	ause.		
	Others.	Injured.			here it son inj	Nature of Accident or Cause		
	3 0	Killed.		<u> </u> 	lace w	of Accie		
	Employés.	Killed. Injured.	,		the py to es	Nature		
NTS.	Emp				cident e injur			_
ACCIDE	ngers.	Killed. Injured.			ach Ac at of th			
No. 16.—Accidents.	Passengers	Killed.			te of eacer	1Ce.		
No.	Gause of Accident.		ell from cars or engine umping on or off trains or engine when in motion Valking, standing, lying, sitting or being on track Valking arms or near the track, making up trains vitting arms or heads out of windows vinglision, or by trains thrown from track villsion, or by trains thrown from track virking bridges	TotalTotal	The following is a Statement of the date of each Accident, the place where it occurred, train, the cause of the Accident, the extent of the injury to each person injured, and name of such person.	Name and Place.		
			fell from cars or engine fumping on or off trains or engine when in motion furbing, standing, lying, sitting or being on track. At work on or near the track, making up trains Juting arms or heads out of windows Julian, or by trains thrown from track Striking bridges	Total	The following is a Sta train, the cause o name of such per	Date.	 	

No.	17.—NAMES	AND	RES	SIDEN	CES	of	DIRECTORS	AND
	Off	ICERS	OF	THE	Cor	MPA	NY.	

	Names	of Directors.		R	esidence.	
		President Secretary and Tre General Manager Engineer Superintendent				
~~ DE	he following:— 7., c. 24, so	ng is the officient.	ial name	and a	ddress	of the
		SCHEDUL	E TWO.			
			Railwa	w of C	nada	
R _{ETUI}	RN of Traff and	ic for the week the correspond	ending	•	•	18 ,
Date.	Passengers.	Freight and Live	Stock.	Mails and ndries.	Total.	Miles Open.
18				••• •••••		
	Increase Decrease.		••••••			·
_		e Traffic from		·······	.18	•
Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Tota	1. Mi	les Open.

42 V., c. 9, sch. 2.

18

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., c. 9 44 V., c. 24 46 V., c. 24	ss. 67, 68 and 69 (parts). The whole except sub-s. 14, part of sub-s. 20 and sub-s. 37 of s. 9, and ss. 59, 86, 87, 88, 89, and 90, part of s. 92 and 102. The whole except s. 5. The whole except s. 5.	sub-s. 14, part of sub-s. 20 of s. 9, ss. 59, 92 (part) and 102. s. 5.	ss. 86, 87, 88, 89 and 90.	Indian Act. Criminal Law.

CHAPTER 106.

An Act respecting the sale of Railway Passenger Tickets.

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

- Parliament of Canada, or to which "The Railway Act" of agents for applies, and the Minister of Railways and Canals, as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as it or he chooses, as agents for the sale of passenger tickets to passengers or persons who desire to travel by the railway of the company employing such agent, or by any Government railway, as the case may be.

 V., c. 41, s. 1.
- The Minister of Railways and Canals, or company Certificate of employing any such agent, shall give him a certificate of appointment. Minister of Railways and Canals, or the corporate seal of the company appointing him, and such agent shall keep the Tobe same framed or exhibited in some conspicuous part of his exhibited. Office or place of business, where it can be seen and read by those resorting to the office. 45 V., c. 41, s. 2.
- ness in Canada shall, before issuing tickets over any Gov-railway company doing busi- As to agents of foreign rangent railway line, or other Canadian railway line, be duly panies. authorized for such purpose by the Minister of Railways and Canals, or by the company, as the case may be, over whose line he desires to issue tickets, in the same manner shall have and exhibit, in like manner, a certificate from the foreign company he represents. 45 V., c. 41, s. 3, part.
- of Such agent and the date of the sale written or stamped date to be plainly upon it, and every person who fraudulently alters, ticket. offence against this Act. 45 V., c. 41, s. 3, part.
- agent of any company from procuring from the duly authorized Authorized ized agent of any other company, a ticket for a passenger to tickets from he has sold a ticket to travel over the line or any part each other.

thereof for which he is the authorized agent, so as to enable such passenger to travel to the point or junction from which he has previously secured his ticket. 45 V., c. 41, s. 4.

Act not to affect station agents.

6. Nothing in this Act contained respecting the appointment of agents for the sale of tickets shall prevent the station agents of the Minister of Railways and Canals of company, at their stations, and in their ticket offices at such stations, from selling tickets to passengers about to enter upon and travel by railway from the said stations. 45 V., c. 41, s. 7.

No tickets to be sold with-

7. No person, except those authorized as above mentioned, out authority shall sell or offer for sale any railway passenger ticket, or pass, ticket, certificate or other instrument, enabling any person or purporting to entitle any person to travel on any one railway, or more than one railway, or on any part of one railway, or parts of several railways to which this Act applies. 45 V., c. 41, s. 5, part.

Penalty for violation of this Act.

8. Every person guilty of an offence against this Act shall, upon summary conviction thereof before any justice of the peace, be liable to a penalty not exceeding fifty dollars and not less than twenty dollars and costs, or to imprisonment for a term not exceeding ninety days and not less than ten days, or to both penalty and imprisonment, in the discretion of the justice. 45 V., c. 41, s. 5, part.

Redemption of unused ticket or part of ticket.

9. The Minister of Railways and Canals, with respect to any Government railway and every railway company subject to the jurisdiction of the Parliament of Canada, of to which "The Railway Act" applies, as the case may be, shall repay to every holder of a ticket over any Govern ment railway line or other Canadian railway line, as the case may be, the cost of his ticket, if unused in whole or in part, for less the ordinary and regular fare for the distance for which such ticket has been used:

When to be redeemed.

2. Such repayment shall be made at any station or office the of the railway or company between and including points covered by the ticket:

Time limited.

3. The claim for such redemption shall be made within irty days from the arrival and the thirty days from the expiration of the time for which ticket was issued in account to the time for which ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the ticket was issued in account to the time for which the time for the time for which the time for which the time for the time for which t ticket was issued, in accordance with the conditions thereon:

No sale in any other manner.

4. The sale by any person of the unused portion of any text otherwise than by the ticket otherwise than by the presentation of the same for redemption as provided for redemption, as provided for in this section, is an offence against this Act, and shall be redemption, as provided for in this section, is an offence and shall be redemption. against this Act, and shall be punishable as herein Provided. 45 V o 41 a 0 45 V., c. 41, s. 9. vided.

10. Every passenger who presents a single journey ticket Right of stopupon a train within the time for which the conditions ping over may be demanded. printed upon such ticket and the date shows such ticket to be good for use, may apply to the conductor of such train to have the privilege of stopping over granted, and the time for which the ticket is valid extended, which shall be conceded on tickets purchased at railway ticket offices in Canada, from one place in Canada to another, or from a place in Canada to a place in the United States; but no such passenger shall be entitled to have such time extended for more than two days for every fifty miles of distance to be travelled in Canada. 45 V., c. 41, s. 10.

Every complaint respecting an offence against this Procedure. Act shall be prosecuted under the provisions of the "Act respecting summary proceedings before Justices of the Peace." 45 V., c. 41, s. 6.

The examination or deposition of any complainant Examination, or Witness, taken or heard under oath in the presence of evidence in the person accused, on the hearing of any complaint for any case of appeal. offence against this Act, may, if the person charged, or his counsel or agent, has had the opportunity of cross-examining such complainant or witness, whether he has done so front, be used in evidence on the hearing of any appeal the any decision of the justice of the peace before whom the trial was had, if the person whose examination or deposition is so used is out of the jurisdiction of the court which the appeal is made, and if the said examination or deposition has been reduced to writing and has been signed by the person whose examination or deposition it purports to be:

2. The said examination or deposition may be read and Proof of such examination, taken as evidence on the hearing of such appeal, upon the examination, products evidence on the hearing of such appeal, upon the examination, production of the certificate of the justice of the peace forth. Whom the trial was had, under his hand, setting forth that the said examination or deposition which is offered in evidence, was taken before him on the hearing of the complaint which forms the subject matter of the said appeal. 45 V., c. 41, s. 8. Re-drafted.

Proposed to be Consolidated.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
45 V., c. 41	The whole except s. 11.	s. 11.		

CHAPTER 107.

An Act respecting Dominion Day.

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

Dominion day a holiday.

- 1. Throughout Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of "Dominion Day." 42 V., c. 47, s. 1.
- Provision if it falls on a Sunday.

2. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the same name. 42 V., c. 47, s. 2.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., c. 47	ss. 1 and 2.		s. 3 s. 4	Interpretation. Bills and Notes.

CHAPTER 108.

An Act respecting Oaths of Allegiance.

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

Oath of allegiance to be administered to and taken by every persoribed. Son in Canada, who, either of his own accord or in compliance with any lawful requirement made on him, or in obedience to the directions of any Act or law in force in Canada, save and except "The Brivish North America Act, 1867," desires to take an oath of allegiance, that is to say:

"I. A. B., do sincerely promise and swear that I will be The form. "Victoria (or reigning Sovereign for the time being) as lawful "Ireland, and of the United Kingdom of Great Britain and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatsoever, which shall be made against utmost endeavor to disclose and make known to Her Maciesty, Her Heirs or Successors, all treasons or traitorous "Her or any of them; and all this I do swear without any "equivocation, mental evasion or secret reservation. So help the God."

And all justices of the peace and other officers lawfully who may adapthorized, either by virtue of their office or special comthesion from the Crown for that purpose, may administer Canada; of allegiance under this Act in any part of Pointed to any civil office in Canada, or for any mayor or claration or any person admitted, called or received as a barrister, advocate, notary public, attorney, solicitor or proctor, to make other oath than the oath aforesaid, and also such oath for due exercise of his profession or calling as is required by to be taken.

Within what must be taken.

2. The oath of allegiance hereinbefore set forth, together time the oaths with the oath of office or oath for the due exercise of any profession or calling, shall be taken within the period and in the manner, and subject to the disabilities and penalties for the omission thereof, by law provided with respect such oaths, in all such cases respectively. 31 V., c. 36, s. 4.

Affirmation of allegiance may be sub-stituted for oath.

3. All persons allowed by law to affirm instead of making oath in civil cases, in any part of Canada, shall be received to take an affirmation of allegiance in the like terms, mutatis mutatis tandis, as the said oath of allegiance; and such affirmation of allegiance, taken before the proper officer, shall in cases be accepted from such persons in lieu of such oath, and shall as to small of shall as to such affirmants have the like effect as the said oath of allegiance; and all justices of the peace and other officers, lawfully authorized either by virtue of their officers or by special commission from the Crown for that purpose, may administer the affirmation of allegiance in any part of Canada. 31 V., c. 36, s. 5.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
31 V., c. 36	ss. 3, 4 and 5		Remainder of Act.	An Act respecting Public Officers.

CHAPTER 109.

An Act respecting Naturalization and Aliens.

HER Majesty, by and with the advice and consent of the follows:—

SHORT TITLE.

This Act may be cited as "The Naturalization Act." Short title. 7, c. 13, s. 3.

INTERPRETATION.

- In this Act, unless the context otherwise requires:— Interpretation.
- being an infant, lunatic, idiot, or married woman;
- Her Majesty" means any ambassador, minister or chargé diplomatic service of "Officer in d'afaires, or secretary of legation, or any person appointed H. M." of legation, to execute any duty imposed upon an officer in the diplomatic service of Her Majesty by the Act passed by Naturalization Act, 1870;"
- Her Majesty" means and includes consul-general, consul, vice of H. M." being discharging the duties of consul-general, consul, vice-consul or consular agent;
- case of a person allowed by law to affirm in judicial cases;
- (e) The expression "county" includes a union of counties "County."

 Judicial district or other judicial division;
 - (f) The expression "alien" includes a statutory alien; "Alien."
- born British subject who has become an alien under this Act or Acts in that behalf;
- foreign country referred to is a republic. 44 V., c. 13, s. 1, part.

RIGHTS OF PROPERTY OF ALIENS.

Aliens may hold and transmit property of any kind.

Not to vote on it.

To have only rights expressly given.

3. Real and personal property of any description may taken, acquired, held and disposed of by an alien in the same manner, in all respects, as by a natural-born British subject and a title to real and personal property of any description may be derived through, from, or in succession to an alies in the same manner in all respects as through, from, or is succession to a natural-born British subject; but nothing it this section shall qualify an alien for any office, or for any municipal, parliamentary, or other franchise; nor shall and thing therein entitle an alien to any right or privilege British subject, except such rights and privileges in respect of property as are hereby expressly conferred upon him:

Act not to affect certain dispositions.

2. The provisions of this section shall not affect any establishment in the rest in most area. or interest in real or personal property to which any personal property to which are personal p has or may become entitled, either mediately or immediately in possession or expectancy, in pursuance of any disposition made before the fourth day of July, one thousand eigh hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before the said date: nor shall the person dying before the As to owning date; nor shall the provisions of this section qualify ships. alien to be the owner of a British ship. 44 V., c. 13, s. 4.

ships.

The Act 44 V., c. 13, was brought into force by Order in Council on 4th 1883.

REPATRIATION.

Declaration of alienage in cases within convention with a foreign state.

4. Whenever Her Majesty has entered into a convention ith any foreign state in the state of the with any foreign state to the effect that the subjects of that state who are networked. who are naturalized as British subjects may divest the selves of their status as British subjects may divest the selves of their status as British subjects, and whenever Majesty, by Order in Connect and whenever services are serviced services. Majesty, by Order in Council, passed under the third settion of the Act named and passed under the third settion of the Act named and passed under the third settion of the Act named and passed under the third settion of the Act named and passed under the third settion of the Act named and passed under the third setting the third setti tion of the Act passed by the Parliament of the Kingdom, known as "7" are arrived to the United Kingdom, known as "7" are arrived to the United Kingdom. Kingdom, known as "The Naturalization Act, 1870," Her declared that such converting declared that such convention has been entered into by Majestv—from Council, any person originally a subject of the state referred to in such order referred to in such order, who has been naturalized a British subject within G a British subject within Canada, may, within such limit of time as is prescribed in the of time as is prescribed in the convention, make a declaration of alienage and from the convention, make a making Effect of such declaration.

Effect of such declaration.

Such declaration. such declaration, such person shall, within Canada, regarded as an alien, and as a subject of the state to which he originally belonged as affirm 44 V., c. 13, s. 5.

5. Any such declaration of alienage may be made before you of the persons following the made before the persons following the persons followed the persons any of the persons following, that is to say:

Before whom such declaration may be made.

(a) If the declarant is in the United Kingdom, in the Pance of any justice of the many sence of any justice of the peace;

- (b) If elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, or of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose;
- out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty. 44 V., c. 13, s. 6.
- thi. Any person who, by reason of his having been born Declaration of allenage within the dominions of Her Majesty, is a natural-born subpersons being person who, also, at the time of his birth became, under the H. M.'s sublaw of the dominions of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty, is a natural-born subpersons being her who, also, at the time of his birth became, under the H. M.'s sublaw of the dominion of Her Majesty her who, also, at the time of his birth became, under the her who had been dominion of the his birth became, and the her who had been dominion of the her who had been dominion of the his birth became the her who had been dominion of the her who had law of any foreign state, a subject of such state, and is jects by birth, still such state, and is jects by birth, still such state, and is jects by birth, still such state, and is jects of a etill such subject, may, if of full age, and not under any dis-jects of a ability, make a declaration of alienage in manner aforesaid, foreign state by the law the foreign state and from the subject of such declaration of alienage, thereof. and from and after the making of such declaration of alienage, thereof. such person shall, within Canada, cease to be a British subject.

2 Any person who is born out of Her Majesty's dominions Declaration of a fath person who is born out of Her Majesty's dominions Declaration of a fath person who is born out of Her Majesty's dominions Declaration of a fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of Her Majesty's dominions Declaration of the fath person who is born out of the fath person who of a father being a British subject, may, if of full age, and the child of a hot had been a British subject, may allerage British subnot lather being a British subject, may, it of full age, and the cond of alienage British subject.

In manner any disability, make a declaration of alienage British subject. in manner any disability, make a declaration of anemago ject. declaration aforesaid, and from and after the making of such ject. declaration shall, within Canada, cease to be a British subject 44 V., с. 13, s. 7.

EXPATRIATION.

any time after the fourth day of July, one thousand eight British subhundred and eighty-three, when in any foreign state and ject natural-and eighty-three, when in any foreign state and ject natural-auch state any disability, voluntarily become naturalized in foreign state. such state, shall, from and after the time of his so having become state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed, within Canada naturalized in such foreign state, be deemed, within Canada, to have ceased to be a British subject, and shall be regarded as an alien: but when—

de thonson and sighty-three, voluntarily remain a one thousand eight hundred and eighty-three, voluntarily subject may remain a remaining a British subject that a foreign state and yet is desirous of British subject time. remaining a British subject within Canada, he may, at any in Canada. time within two years after the said last mentioned date, make a declaration two years after the said last mentioned by the subject, a declaration two years after the said last menuonen and and and a British subject, and upon that he is desirous of remaining a British subject, declaration, hereinafter referred to as a Declaration and its effect aratic made and upon his declaration such declaration, hereinafter referred to as a pecuaiation taking the of British nationality, being made, and upon his and its effect. taking the of British nationality, being made, and are to be and oath of allegiance, the declarant shall be deemed. British subject within to be and to have been continually a British subject within Canada, with this qualification, that he shall not, when Except when naturalized its of the foreign state in which he has been such foreign state. naturalized, be deemed, within Canada, to be a British state.

subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect:

Where and before whom such declaration may be made.

- 2. Such declaration of British nationality may be made, and the oath of allegiance be taken, before any of the persons following, that is to say:—
- (a) If the declarant is in the United Kingdom, in the presence of a justice of the peace;
- (b) If elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal juris diction, or of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial of other legal purpose;
- (c) If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty. 44 V., c. 13, s. 9.

NATURALIZATION.

Alien subject to certain conditions may take oaths and apply for certificate as a British subject.

S. Any alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as is allowed by order or regulation of Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of any of the Provinces of Canada or of two or more of such Governments, for a term of less than three years, and intends, when naturalized, either to reside in Canada or to serve under the Government of Canada or of the Government of one of the Provinces of Canada, or two or more of such Governments, may take and Canada, or two or more of such Governments, may take and allegiance in the form A in the schedule to this Advance of the like effect, and apply for a certificate in the form B in said schedule. 44 V., c. 13, s. 10.

Where and before whom such oaths may be taken.

9. Every such oath shall be taken and subscribed by such alien, and may be administered to him before any of the following persons, that is to say:—a judge of a dmir of record in Canada, a commissioner authorized to admir ister oaths in any court of record in Canada, a commissioner authorized by the Governor General to take oaths authorized by the Governor General to take oaths district this Act, a justice of the peace of the county or where the alien resides, a notary public, a stipendary magistrate, or a police magistrate. 44 V., c. 13, s. 11.

Evidence of residence

10. The alien shall adduce, in support of such applications such evidence of his residence or service, and intentions

reside or serve, as the person before whom he takes the oaths or service aform. aforesaid requires; and such person, on being satisfied With such evidence, and that the alien is of good character, shall grant to such alien a certificate in the form B in the schedule to this Act, or to the like effect. 44 V., c. 13, s. 12.

11. Such certificate shall be presented,—

Presentation of certificate.

In Ontario, to the court of general sessions of the peace of In Ontario. the county within the jurisdiction of which the alien sitting, or to the court of assize and nisi prius during its sitting in such county;

In Quebec, to the circuit court in and for the circuit within In Quebec. the jurisdiction of which the alien resides;

In Nova Scotia, to the supreme court, during its sittings In Nova in the county within the jurisdiction of which the alien Scotia. resides, or to the county court of such county;

In New Brunswick, to the supreme court or the court of In New Brunswick. assize and nisi prius during its sittings in the county wick. Within the jurisdiction of which the alien resides, or to the county court of such county;

In British Columbia, to the supreme court of British Col- In British the invital during its sittings, in the electoral district within Columbia. the jurisdiction of which the alien resides, or to the court of accidental and the state of accident accident and the state of accident and the stat of Jurisdiction of which the alien resides, of the district and nisi prius during its sittings in such electoral district; district, or to the county court of such electoral district;

In Manitoba, to the court of Queen's Bench during its In Manitoba. sittings in the courty within the jurisdiction of which the alien and nisi prius during alien resides, or to the court of assize and nisi prius during its site: its sittings in such county, or to the county court of such

In Prince Edward Island, to the supreme court of judica- In Prince ture during its sittings in the county within which the Island. alien resides, or to the court of assize and nisi prius during its sittings in such county, or to the county court of such

Such presentation shall be made in open court, on the first Tobe in open court, and thereupon day of some general sitting of such court; and thereupon such court; and the court; and the same to be openly read in court; and, if a shall cause the same to be openly read in such and, if during such sitting, the facts mentioned in such record if not record if not made to the not controverted, or any other valid objection invalidated. made to the naturalization of such alien, such court, on the last day of such sitting, shall direct that such certificate shall he can such sitting, shall direct that such certificate shall be filed of record in the court. 44 V., c. 13, s. 13.

In the North-West Territories and in the District of In N. W. T. Keewatin, such certificate shall be presented to such autho- watin.

rities or persons as are prescribed by order or regulation of the Governor in Council, and thereupon such authority of person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record, in such way as is prescribed by such order or regulation. V., c. 13, s. 14.

Certificate of

13. The alien shall, after the filing of such certificate, be naturalization entitled, under the seal of the court, if such certificate has been presented to a court, to a certificate of naturalization in the form C in the schedule to this Act, or to the like effect; and if the certificate has been presented to an author rity or person, as prescribed by order or regulation of the Governor in Council, the alien shall be entitled to receive from such authority or person, a certificate of naturalization authenticated as is prescribed by such order or regulation 44 V., c. 13, s. 15.

From an authority duly empowered by the Governor in Council.

If certificate of naturalization is on account of service.

14. The certificate granted to an alien who applies for naturalization on account of service under the Government of Canada or of any Province or of any two or more of such Governments, as hereinbefore provided, shall be filed of cord in the office of the Secretary of State of Canada; and thereupon the Governor in Council may authorize the issue of a certificate of naturalization to such alien, in the form D in the schedule to this Act. 44 V., c. 13, s. 16.

Rights of alien so naturalized.

Exception when he is

15. An alien to whom a certificate of naturalization is granted shall, within Canada, be entitled to all political and other rights powers other rights, powers and privileges, and be subject to obligations to which and obligations, to which a natural-born British subject is titled or subject with a titled or subject within Canada, with this qualification, the he shall not when within a subject within Canada. he shall not, when within the limits of the foreign state of which he was a subject name of the state of the state. which he was a subject previously to obtaining his certificate of naturalization has a subject previously to obtaining his carties. state of which cate of naturalization, be deemed to be a British subject unless he has coased to be unless he has ceased to be a subject of that state in pursuance of the laws thereof ance of the laws thereof, or in pursuance of a treaty of convention to that effect. vention to that effect. 44 V., c. 13, s. 17.

16. A special certificate of naturalization may, in manner oresaid, be granted to any

Certificate of naturalization where nationality is doubtful.

subject.

aforesaid, be granted to any person with respect to nationality as a British nationality, as a British subject, a doubt exists, and certificate may specify that the certificate may specify that the grant thereof is made for purpose of quieting doubts purpose of quieting doubts as to the right of such person be deemed a British subject.

Effect thereof. be deemed a British subject; and the grant of such specificate shall not be deemed as certificate shall not be deemed to be any admission that person to whom it was greated person to whom it was granted was not previously a subject; and such special and s subject; and such special certificate may be in the in the schedule to this Act. in the schedule to this Act, or to the like effect. 13, s. 18.

An alien naturalized previously to the fourth day of As to aliens July, one thousand eight hundred and eighty-three, may apply naturalized before 4th for a certificate of naturalization under this Act, and such July, 1883. certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized. 44 V., c. 13, s. 19.

A statutory alien may, upon the same terms and sub- As to British lect to the same conditions as are required in the case of an subject by birth who has alien applying for a certificate of naturalization, apply to become an the proper court or authority or person in that behalf for a alien. Certificate, hereinafter referred to as a "certificate of re-demission admission." admission to British nationality," re-admitting him to the within Castatus of a British subject within Canada; and such certifinada. cate may be in the form F in the schedule to this Act, or to the like effect. 44 V., c. 13, s. 20.

A statutory alien, to whom a certificate of re-admis- Rights of statutory sion to British nationality within Canada has been granted, alien re-admission but mitted with shall, from the date of the certificate of re-admission, but mitted within to in respect of any previous transaction, resume his position as a Date of the Canada. tion as a British subject within Canada—with this qualification, that within the limits of the foreign state of which he became a subject, he shall not be deemed to be a British of that within Canada, unless he has ceased to be a subject of that within Canada, unless he has considered that foreign state according to the laws thereof, or in that effect. 44 V., Durstance of a treaty or convention to that effect. 44 V., c. 18, s. 23.

When any foreign state has, before or after Provision in handred case of certain handred case of certains the When any foreign state has, before or after rivision in and fourth day of July, one thousand eight hundred case of certain convention by Majesty three, entered into a convention with Her H. M. with a majesty of the state who have foreign state. Majesty-three, entered into a convention with ner name been been been to the effect that the subjects of that state who have foreign state. been naturalized as British subjects may divest themselves naturalized as British subjects may divest themwhen of their status as subjects of such foreign state, and when such convention, or the laws of such foreign state, require than three years or a require a residence in Canada of more than three years or a service a residence in Canada of more than three years or a Retrice under the Government of Canada, or of any of the Province under the Government of Such Governments, Province under the Government of Canada, or or or or, of more of Such Governments, of more of Canada, or of two or more of such Governments, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign How alien subjects divesting themselves of such foreign state, subject of such foreign state, such state subjects divesting themselves of their status as such foreign state, subject of who desires to divest himself of his status as such subject, may obtain the part of the status as such subject, may obtain the status as such subject of such status as such subject, may obtain the status as such subject of such status as such subject, may obtain the status as such subject of such status as such subject of such status as such subject, may obtain the status as such subject of such subject of such subject of subject of subject of subject of such subject of su may desires to divest himself of his status as such subject, may obtain he has resided or served the length of time required by such tion. convention, or by the laws of the foreign state, instead of taking the convention, or by the laws of the foreign state, instead of taking the convention of taking the oath showing three years' residence or service, take an action of the length of take an oath showing residence or service for the length of time records showing residence or service for the laws of the time required by such convention, or by the laws of the

foreign state; and the certificate of naturalization granted to the alien under the foregoing provisions hereof shall state the period of residence or service sworn to:

What the certificate shall show

2. Such certificate of naturalization shall likewise state the period of residence or service sworn to, and the state and its effect. ment in such certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever. 44 V., c. 13, s. 24.

As to aliens in such case of convention who have become entitled to privileges of British birth in Canada.

21. An alien, who, either before or after the fourth day of July, one thousand eight hundred and eighty-three has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign state with which vention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign state, may take the oath of residence or service showing residence or service for the length of time required by such convention or by the laws of the foreign state, and apply for a certificate, or a second certificate, as the case may be, of naturalization under this Act. 44 V., c. 13, s. 25:

STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

Married woman.

22. A married woman shall, within Canada, be deemed to be a subject of the state of which her husband is, for the time being, a subject. 44 V., c. 13, s. 26.

Widow being a British subject by birth who has become an alien by marriage.

23. A widow, who is a natural-born British subject, and who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, of such at any time decided by of the consequence of may, as such, at any time during widowhood, obtain a certificate of re-admission to British nationality, within Canada, as here inhefore provided. inbefore provided. 44 V., c. 13, s. 27.

Children of British subjects who have become aliens.

a British subject, or the mother, being a British subject and a widow, becomes alien in pursuance of the alien in pursuance of this Act, every child of such father or mother who desired in or mother who, during infancy, has become resident in the country where the fell has country where the father or mother is naturalized and has according to the laws of such country, become naturalized therein, shall within Canada and beautiful according to the laws of such country, become naturalized of therein, shall, within Canada, be deemed to be a subject of the state of which the father the state of which the father or mother has become a subject, and not a Resident ject, and not a British subject. 44 V., c. 13, s. 28.

nationality.

25. If the father, or the mother being a widow, has obtained certificate of readmission. anens who have been re- a certificate of re-admission to British nationality during admitted to British nationality.

Canada, every child of such father or mother who, father nationality. infancy, has become resident within Canada with such father

or mother, shall be deemed to have resumed the position of a British subject within Canada, to all intents. 44 V., c. 13,

If the father, or the mother being a widow, has obtained If the a certificate of naturalization within Canada, every child of parents have such father or mother who, during infancy, has become resi-tificates of dent father or mother who, during infancy, has become resi-tificates of naturalizadent with such father or mother within Canada, shall, naturaliza-with: within Canada, be deemed to be a naturalized British subject. 44 V., c. 13, s. 30.

Nothing in this Act contained shall deprive any Act not to married woman of any estate or interest in real or personal affect acpured woman of any estate or interest in real or personal quired rights day of the fourth of married women. day of July, one thousand eight hundred and eighty-three, women. or affect such estate or interest to her prejudice. 44 V., c. 13, s. 31.

REGULATIONS.

- The Governor in Council may, from time to time, Regulations by Governor in Council as respecting the following matters: make regulations respecting the following matters:—
- (a) The form and registration of declarations of British Declaration. nationality;
- (b) The form and registration of certificates of naturaliza-Registration. tion in Canada;
- (c) The form and registration of certificates of re-admis-Re-admission. sion to British nationality within Canada;
 - (d) The form and registration of declarations of alienage; Alienage.
- tion or safe keeping, or of being produced as evidence of any of evidence out of certificates made in pursuance of this Act, of this Act. out of Canada, or of any copies of such declarations or certificate contained in any certificates; also, of copies of entries contained in any register; also, of copies of entries contained in any register kept out of Canada in pursuance of or for the pur-Pose of Carrying the provisions of this Act into effect;
- (f) With the consent of the Treasury Board, the imposition rees on registration author-tration. and application of fees in respect of any registration author-tration. ized by this Act to be made, and in respect of the making of by this Act to be made, and in respect of the manage by this Act to be made, and in respect of the manage by this Act: by this Act to be made or granted by this Act;
- (g) The persons by whom the oaths may be administered Oaths. ander this Act;

Subscription of oaths.

(h) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested;

Registration.

(i) The registration of such oaths;

Copies.

(j) The persons by whom certified copies of such oaths may be given;

Transmission of oaths, &c., taken out of Canada.

(k) The transmission to Canada, for the purpose of registration or safe keeping, or of being produced as evidence, of any oaths taken in pursuance of this Act out of Canada, or of any copies of such oaths; also, of copies of entries of such oaths contained in any register kept out of Canada, in pursuance of this Act;

Proof.

(1) The proof, in any legal proceeding, of such oaths;

Fees.

(m) With the consent of the Treasury Board, the imposition and application of fees in respect of the administration of registration of any such oath. 44 V., c. 13, s. 32, part.

Presumption as to regulations. 29. Any regulation made by the Governor in Council under this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted here. 44 V., c. 13, s. 32, part.

EVIDENCE.

Proof of declarations. Act may be proved in any legal proceeding, by the production of the original declaration, or of any copy thereof the certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person author. Queen's Privy Council for Canada, or by any person author ized by regulation of the Governor in Council to give certified copies of such declaration; and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned. 44 V., c. 13, s. 33.

Proof of certificates. S1. A certificate of naturalization, or of re-admission by the production of the original certificate, or of any clerk of the Queen's Privy Council for Canada, or Council person authorized by regulation of the Governor in to give certified copies of such certificate; and the statement of the period of residence or service in a certificate or service in all courts and places whatsoever.

31. A certificate of proceedings by the clerk or acting the production of the original proceedings to give certified to be a true copy by the clerk or acting the period of the Governor in the statement of the period of residence or service in a certificate or service in all courts and places whatsoever.

44 V., c. 18.

- 82. Entries in any register authorized to be made in Proof of pursuance of this Act may be proved by such copies and entries of registration. certified in such manner as is directed by regulation of the Governor in Council, by the clerk or acting clerk of the Queen's Privy Council for Canada, or by the Secretary of State; and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register. 44 V., c 13, s. 35.
- 83. A copy of any certificate of naturalization may be Registration registered in the land registry office of any county or of certificate in land regisdistrict or registration division within Canada, and a copy try office. of such registry, certified by the registrar or other proper person in that behalf, shall be sufficient evidence of the natural. naturalization of the person mentioned therein, in all courts and places whatsoever. 44 V., c. 13, s. 21.

GENERAL PROVISIONS.

The Governor in Council may, from time to time, Commissionappoint commissioners to take and administer oaths under istering this Act. 44 V., c. 13, s. 44.

If any British subject has, in pursuance of this Act, As to acts become an alien, he shall not thereby be discharged from naturalization. any liability in respect of any acts done before the date of tion. his so becoming an alien. 44 V., c. 13, s. 37.

The clerk of the court by which the certificate of Fee on issue naturalization is issued shall, for all services and filings in of certificate by a court. connection with such certificate, be entitled to receive, from the new works and no the person naturalized, the sum of twenty-five cents, and no more; and no further or other fee shall be payable for or in respect of such certificate:

2. The registrar shall, for recording a certificate of natural. And to reation 1 registrar for ization, be entitled to receive from the person producing the recording it. same for registry, the sum of fifty cents, and a further sum of two registry, the sum of fifty cents, and certified copy of of twenty-five cents for every search and certified copy of the same, and no more. 44 V., c. 13, s. 22.

Every person who, being by birth an alien, had, on As to aliens before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on As to aliens to be before the person who, being by birth an alien, had, on the person who, being by birth an alien, had, on the person who, being by birth an alien, had, on the person who aliens the person who, being by birth an alien, had, on the person who, being by birth an alien, had, on the person who, being by birth an alien, had, on the person who aliens the person who, being by birth an alien, had, on the person who aliens the person who alien or before the fourth day of July, one thousand eight hundred naturalized in and eighty-three, become entitled to the privileges of British Canada beinth, with: birth, within any part of Canada, by virtue of any general fore 4th July, Canada beor special Act of naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this A., shall hereafter be entitled under this Act. 44 this Act conferred on persons naturalized under this Act. 44 V., c. 13, s. 38.

Act not to affect Act of U.C., 54 Geo. 3, c. 9.

38. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," or the Act of the Legislature of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered forty-four and intituled "An Act respecting forfeited estates in Upper Canada," or any proceedings had under the said Acts. 44 V., c. 13, s. 39.

Nor certain Acts of Province of Canada.

4-5 V., c. 7.

39. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, chaptered seven, intituled 'An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of natural-born British subjects," or the first, second or third sections of the Act of the said Legislature, passed in the twelfth year of 12 V., c. 197. Her Majesty's reign, chapter one hundred and ninety-seven, intituled "An Act to repeal a certain Act therein mentioned and Nor the rights to make better provision for the naturalization of Aliens, of those impair or affect the naturalization of Aliens, and impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or the by such person or by any other person by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by 44 V., c. 13, and enjoyed by such persons respectively.

of those naturalized under them.

naturalized before January, 1868, under the law of any Province of Canada.

s. 40.

40. Every person who, being by birth an alien, did, priof the first day of Tame As to persons 40. Every person who, being by birth an alien, alu, rentified to be to the first day of January, one thousand eight hundred and re sixty-eight, take the oaths of residence and allegiance required by the large quired by the laws respecting naturalization then in force in that one of the D in that one of the Provinces now forming the Dominion be Canada, in which he then resided, shall, within Canada, admitted to all the mile. admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by ther Act; and the certificate of the judge, magistrate, or had, person before when person before whom such oaths were taken and subscribed, shall be evidence of him leaves to be such as the subscribed subscribed. shall be evidence of his having taken them; or he may take and subscribe the cathering taken them; and subscribe the oath in the form G in the schedule to ad. Act before some index Act before some judge, justice, or person authorized to this minister the oaths of resident minister the oaths of residence and allegiance under v. c. Act, in the county or district Act, in the county or district in which he resides. 44 V, c. 13, s. 41. 13, s. 41.

Aliens who had their settled abode in certain Provinces, on certain named days, to be British sub-

41. All aliens who had their settled place of abode in either the late Provinces of Head of of the late Provinces of Upper Canada or Lower Canada, or in Nova Sastis Canada, or in Nova Scotia or New Brunswick, on or before the first day of July one the the first day of July, one thousand eight hundred and sixty seven. or in Ruport's I and a seven of the seven seven, or in Rupert's Land or the North-West Territories on before the fifteenth day of Table before the fifteenth day of July, one thousand eight hundred July, one thousand eight hundred and seventy-three, and who are still residents in Canada, shall be deemed, ad-Judged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural-born subjects of Her Majesty, but no such person, being a male, shall be entitled to the benefit of this Act, Unless he takes the oaths of allegiance in the form this A of residence in the form H, in the schedule to this Act, before some justice of the peace or other person authorized to administer oaths under this Act. 44 V., c.

shall be filed of record, as follows:—If the person making shall be filed them record, as follows:—If the person making shall be filed them record. them resides in the Province of Ontario, with the clerk of of record. the peace of the county in which he resides; if he resides in the clark of the circuit in the Province of Quebec, with the clerk of the circuit court of the circuit within which he resides; if he resides in North of the Supreme in Nova Scotia, with the prothonotary of the Supreme Court ; and if he resides in New Brunswick, with the clerk of the ; and if he resides in New Brunswick, with the clerk of the Supreme Court; if he resides in British Columbia, With 11 Columbia; with the clerk of the Supreme Court of British Columbia; if he clerk of the Supreme Court of British Columbia; if he resides in Prince Edward Island, with the clerk of the Spresides in Manitoba, the Supreme Court of Judicature; if he resides in Manitoba, with the with the clerk of the court of Queen's Bench, or with the clerk of the court of Queen's Bench, or with the sides; if he county court of the county in which District if he resides in the North-West Territories or in the District of Keewatin, with such person or authority as is prescribed Keewatin, with such person of authority Council by order or regulation of the Governor in

Upon the oath being so filed, the person making it Effect of the hard and of the privi-filing; fe certificate shall be entitled to the benefit of this Act and of the privi- filing; fee for payment of British birth within Canada, and shall also, upon and its effect. payment of a fee of twenty-five cents, be entitled to a certicate from the oaths have been ficate from the person with whom the oaths have been thed in the person with whom the oaths have been fled from the person with whom the oaths have effect. In the form I in the schedule to this Act, or to the like effect; and the form I in the schedule to this Aci, or we facie evid the production of such certificate shall be primâ facie evidence of his naturalization under this Act, and that he is evidence of his naturalization under this Act, and British sull to and enjoys all the rights and privileges of a British subject. 44 V., c. 13, s. 43.

No alien shall be naturalized within Canada, except Naturalization to be under this under the provisions of this Act. 44 V., c. 13, s. 46. under this Act only.

PENALTY FOR FALSE SWEARING.

any false affirmation under this Act, shall, on conviction for false

swearing or affirming.

Proviso: Certain rights saved.

thereof, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of other persons, in respect of any property or estate derived from or held under him, shall not thereby be prejudiced, unless such persons were cognizant of the false swearing or the making of a false affirmation at the time the title by which they claim to hold under him was created. 44 V., c. 13, s. 45, part.

SCHEDULE.

Α.

Oath of Residence.

I, A. B., do swear (or, being a person allowed by law to affirm in judicial cases, do affirm) that, in the period of years preceding this date I have resided three (or five, as the case may be) years in the Dominion of Canada with intent to settle therein, without having been, during such three years (or five years, as the case may be) a stated resident in any foreign country. So help me God.

Sworn before me at on the day of

A. B.

THE NATURALIZATION ACT.

Oath of Service.

I, A. B., do swear (or, being a person allowed by law to firm in judicial cases do an affirm in judicial cases, do affirm) that, in the period of years preceding this date, I have been in the service of pro-Government of Canada for a fill of the service pro-Government of Canada (or of the Government of the vince of , in Canada, or, as the case may be) for the s, and I intend term of three years, and I intend, when naturalized, to reside in Canada (or to serve under the in Canada (or to serve under the Government of as the case may be).

Sworn before me at on the day of

A. B.

THE NATURALIZATION ACT.

Oath of Allegiance.

I, A. B., do sincerely promise and swear (or, being a person allowed by law to affirm in judicial cases, do affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada, dependent on and belonging to the said Kingdom, and that will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear (or affirm) Without any equivocation, mental evasion or secret reservation. So help me God.

Sworn before me at day of this

A. B.

B.

THE NATURALIZATION ACT.

Certificate.

I, C. D. (name and description of the person before whom the ouths have been taken), do certify that A. B., an alien, on the the day of substitute and allegiance (or service (or affirmations) of residence and allegiance (or authorized by the day of Service and allegiance, as the case may be), authorized by the eighth section of "The Naturalization Act," and therein of section of "The Ivaturation 1200, of or affirmed) to a residence in Canada (or service, &c.), that the said A. B., within the period of cedim a resident Years; that I have reason to believe, and do believe, ceding the said A. B., within the period of three the said day, has been a resident within Canada for three the said day, has been in the (three or five, as the case may be) years (or has been in the service of the said day, has been a resident with the service or five, as the case may be) years (or has been in the service or five, as the case may be) years (or has be) years (or has be) years (or has be) years (or ha service or five, as the case may be) years (or has the Government of Canada for three years; or, as the case of the Government of Canada for three years; or, as the case may be), that the said A. B. is a person of good character may be) character, and that there exists, to my knowledge, no reason why the character and that there exists, to my knowledge all the rights and why the said A. B. should not be granted all the rights and capacities of a natural-born British subject.

 $\mathfrak{D}_{\mathrm{ated}}$ at

, the

day of

If the above certificate is applied for by a person, with respect to whose nationality a doubt exists, and who desires a special certificate of naturalization under section sixteen, add the following:—

"I further certify that the said A. B. has doubts as to his nationality as a British subject, and desires a special certificate of naturalization under section sixteen of said Act."

If the above certificate is applied for by a person previously a natural-born British subject, but who became an alien by naturalization, an appropriate statement to that effect should be inserted in the certificate.

C.

THE NATURALIZATION ACT.

Certificate of Naturalization.

Dominion of Canada, Province of .

In the (name of Court):

Whereas, A. B., of, &c. (describing him as formerly of such a place, in such a foreign country, and now of such a place in Canada and additional and a such a place in Canada and a such a place in Canada and a such a place in a such a place in a pl Canada, and adding his occupation or addition), has complied, with the several requirements of "The Naturalization Act," and has duly resided in Canada for the period of (three of five, as the case may be) years. And whereas the certificate granted to the said A. B., under the tenth section of the said Act, has been duly read in open court, and thereupon, by order of the said court, has been filed of record in the same, pursuant to the said Act (¶). This is, therefore, how certify to all whom it may concern, that under and by virtue of the said Act, A. B. has become naturalized as all British subject (§) and is, within Canada, entitled to all political and other in the subject is political and other rights, powers and privileges, and is subject to all obligation subject to all obligations to which a natural-born British subject is antitled subject is entitled or subject within Canada, with this qualification that he will be within Canada, with the of qualification, that he shall not, when within the limits of the foreign state of the limits of the l the foreign state of which he was a subject (or citizen), previous to the date hereof, be deemed to be a British subject unless to be subject, unless he has ceased to be a subject (or citizen) of that state in pursuance that state, in pursuance of the laws thereof or in pursuance of a treaty or convention of a treaty or convention to that effect.

Given under the seal of the said court, this day of , one thousand eight hundred and

E. F. Judge, Clerk (or other proper officer of the Court.) West

This form may be altered so as to apply to the North-West Territories or District of Keewatin. D.

THE NATURALIZATION ACT.

Certificate of Naturalization to a person after service under Government.

Whereas A.B., of (describing him, and adding his occupation or addition), has complied with the several requirements of "The Naturalization Act," and has been in the service of the Government of Canada (or, as the case may be) for a term of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends, when naturalism of not less than three years, and intends in the graph of not less than three years. alized, to reside in Canada (or, to serve under the Govern-, as the case may be); and whereas the certificate granted to the said A. B., under the tenth section of the said Act, has been duly filed of record in the office of Her Majesty's Secretary of State of Canada, pursuant to the said Act., and whereas the Governor in Council has duly authorized the issue of this certificate of naturalization: This is, therefore, to certify to all whom it may concern that under and by virtue of the said Act, the said A. B. has become naturalized as a British subject and is, within Canada, entitional and privientitled as a British subject and 16, which and privileges, and is subject to all obligations to which a naturalborn British subject is entitled or subject within Canada, with in the with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject (or citizen) of the foreign state of which he was a subject to the deemed to be a British citizen) previous to the date hereof, be deemed to be a British subject unless he has ceased to be a subject (or citizen) of that state in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under my hand, this

day of

Secretary of State of Canada. .

E.

THE NATURALIZATION ACT.

Special Certificate of Naturalization to a person with respect

Follow form C down to the sign ¶—then add: And Whereas the said A. B. alleges that he is a person with respect to whose nationality as a British subject a doubt exists. exists, and this certificate is issued for the purpose of quieting such this certificate is issued for the said A.B. thereing such doubts, and the application of the said A.B. there-for and the application of the said A.B. therefor such doubts, and the application of the same and the issuing thereof shall not be deemed to be any admission that the said A. B. was not heretofore a British subject—(then continue the rest of form C to the end).

Form D to be altered in a similar way when necessary.

F.

THE NATURALIZATION ACT.

Certificate of re-admission to British Nationality.

Formal part, as in form C.

Whereas A.B., of (describing him. as in form C), who alleges that he was a natural-born British subject, and that he became an alien by being naturalized as a subject of has complied with the several require citizen) of ments of "The Naturalization Act," and has duly resided in Canada for the period of three (or five, as the case may p years; and whereas the certificate granted to the said A. B. under the tenth section of the said Act, has been duly read in open court, and thereupon, by order of the said court, has been filed of record in the same, pursuant to the said Act. This is, therefore, to certify to all whom it may concern that under and by virtue of the said Act the said A. B., from the date of this certificate, but not in respect of any previous transaction, is re-admitted to the status of a British subject (then follow form C from the sign \ to the end).

Form D to be altered in a similar way when necessary.

Where the applicant is a widow, the form shall be modified accordingly and recite that she became an alien by marriage with her late husband, L. M., a subject (or citizen) of

G.

THE NATURALIZATION ACT.

I, A. B., of day of , one thousand eight hundred and , in the (county, &c.), of , in the (county, &c.), of , in the (county, &c.), of , in the magistrate or other person, naming him) the oaths (or affirms tions) of residence and allegiance required by the laws respecting the naturalization of aliens then in force in the said Province. So help me God.

A. B.

Sworn to before me at the day of , 18 .

H.

THE NATURALIZATION ACT.

I, A. B., of , do swear (or affirm) that I had a settled place of abode in (Upper Canada, Lower Canada, Nova Scotia or New Brunswick, as the case may be), on the first day of July, A.D. 1867 (or in Rupert's Land or the North-West Territories, on the fifteenth day of July, A.D. 1870), (or in British Columbia, on the twentieth day of July, A.D. 1871), (or in Prince Edward Island, on the first day of therein; and I have continuously since resided in the Dominion of Canada. So help me God.

A. B.

I.

THE NATURALIZATION ACT.

I hereby certify that A. B., of , has filed with the as (clerk of the peace, , or as the case may be) oath (or affirmation) of which the following is a copy:—

(Copy the Oath or Affirmation.)

This certificate is issued pursuant to the forty-second section it may concern that

44 V., c. 13, Sch. (Follow Form C.)

				•
Proposed to be Consolidated.		Left for Repeal.	To be Consolidated elsewnere.	To be Consolidated with.
44 V., c. 13	All but ss. 2, 8 and 36 and part of s. 45.	ss. 2, 36 and s. 45, part.	s. 8	Procedure.

CHAPTER 110.

An Act respecting inquiries concerning Public Matters.

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

Governor in Council may confer on commissioners appointed to make inquiry as to public matter, power to examine on oath, &c.

1. Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any part of the public business thereof, and such inquiry is not regulated by any special law, the Governor in Council may, by the commission in the case, confer upon the commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any witnesses, and of requiring them to give evidence on oath, orally or in writing, or on solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. 38 V., c. 38, s. 1, part.

Power to commissioners to compel attendance of witnesses.

Proviso.

2. Such commissioner or commissioners shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. 31 V., c. 38, s. 1, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 38	Part of s. 1	Part of s. 1.		

CHAPTER III.

An Act respecting the making of certain investigations under oath.

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

The minister presiding over any department of the Commissioner civil the minister presiding over any department of the community service of Canada, may appoint at any time, under may be appointed to authority of the Governor in Council, a commake investing mission. missioner or commissioners, to investigate and report upon gation. the state and management of the business, or any part of the business in the inside or outside business, of such department, either in the inside or outside service, service thereof, and the conduct of any person in such service, and the conduct of any person in such service, duties 43 V. c. 12, so far as the same relates to his official duties. 43 V., c. 12, $^{8.}$ 1, $p_{art.}$

Such commissioner or commissioners may, for the pur- Powers of Poses of the investigation, enter into and remain within any sioner. Public office or institution and shall have access to every part in papers. documents, Part thereof, and may examine all papers, documents, vond thereof, and may examine all papers, documents, vonchers, records and books of every kind belonging thereto; and may summon before him or them any person, and require him to give evidence on oath, orally or in writing, or on solem to give evidence on oath, orally or affirm in civil solemn to give evidence on oath, orally or in wilding, matter affirmation, if he is entitled to affirm in civil matters, and any such commissioner may administer such oath or affirmation. 43 V., c. 12, s. 1, part.

Any such commissioner or commissioners may, under May issue subpœna or other request subpœna or other request subpœna or other request subpœna. his or their hand or hands, issue a subpœna or other request subpœna or summons. or summons, requiring and commanding any person therein, named to appear at the time and place mentioned therein, and the appear at the time and place mentioned therein, and then appear at the time and place mentioned knowled and there to testify to all matters within his knowledge, relative to the subject matter of such investigation, and to bring with him and produce any document, book, and to bring with him and produce any control paper, which he has in his possession, or under his control paper, which he has in his possession, or under his control, or paper, which he has in his possession, or unatterly relative to any such matter as aforesaid; and any such new part of Canada by such person may be summoned from any part of Canada by virtue of may be summoned from any part of Canada by Virtue of such subpæna, request or summons:

- 2. Reasonable travelling expenses shall be paid to any per-Expenses. son so summoned at the time of service of the subpæna, request or summoned at the time summons. 43 V., c. 12, s. 2.
- hose evid reason of the distance at which any person, Evidence may hose evid reason of the distance at which any person, Evidence may be taken by the place where his commission. whose evidence is desired, resides from the place where his commission. attendance is desired, resides from the place is required, or for any other cause, the commis-

Power for that purpose. sioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them; and such officer or person, being first sworn before some justice of the peace faithfully to execute the duty intrusted to him by such commission, shall, with regard to such evidence, have the same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpæna or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book, or paper. 43 V., c. 12, s. 3.

Penalty on witnesses failing to attend, &c.

5. Every person who, being required to attend in the manner hereinbefore provided, fails, without valid excuse, to attend accordingly,—or being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same,—or who refuses to be sworn of to affirm, as the case may be, or to answer any proper question not to him has been appropriately to him has been appropriatel tion put to him by a commissioner, or other person as afore said, shall, on summary conviction before any police of stipendiary magistrate or judge of a superior or county court having inviscing the state of the having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a penalty not exceeding four hundred dellarge four hundred dollars; and the judge of the superior he county court aforesaid shall, for the purposes of this Act, be a justice of the peace. 43 V., c. 12, ss. 4 and 5. Verbally amended.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
43 V., c. 12	The whole.			

CHAPTER 112.

An Act to avoid the necessity of having Public Documents Engrossed on Parchment.

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

Great Seal of Canada, or under the Privy Seal of the ments of Governor General, or any letters patent of Canada, or any portion parchment. of any such document, shall be required to be on parchment, but the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or pinted on parchment; but nothing herein contained shall validity of any such document that it was necessary to the executed, that such document or any part thereof should be on parchment. 32-33 V., c. 15.

Proposed to be Consolidated.	1	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 15	The whole.		-	

CHAPTER 113.

An Act respecting defective Letters Patent and the dis charge of securities to the Crown.

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

Defective letters patent of certain kinds, may be can-celled and

1. Whenever letters patent under the Great Seal of Can ada, other than such as grant lands, or instruments under the Privy Seel of the O the Privy Seal of the Governor General or person administering the Governor General or person administering the Governor to Governor the Governor th tering the Government of Canada, have been issued to or of the name of the issued in their the name of the wrong person, or contain any clerical error stead.

or misnomer or wrong description or misnomer or wrong description of any material fact therein, the Secretary of States therein, the Secretary of State, when authorized by the Governor in Council Governor in Council, may direct the defective letter patent or instruments to be cancelled, and a minute of such cancellation to be cancelled. cancellation to be entered in the margin of the registry of the original letters patent the original letters patent or other instruments, and correct the letters patent under the Country and control the letters patent under the Country and control to the letters patent under the Country and countr the letters patent under the Great Seal or instruments under Privy Seal, as aforesaid to be Privy Seal, as aforesaid, to be issued in their stead, which said new letters potent or include the stead, to be included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in their stead, to be said new letters potent or included in the said new lett said new letters patent or instruments shall relate back to the date of those so cancelled.

Their effect.

2. Whenever the lien created by any mortgage or other strument on any real arrange of maiest. ues to the Crown may instrument on any real or personal property to Her Majest, be discharged. has been satisfied, the Governor in Council may declare the same has been satisfied and discharged. the same has been satisfied and discharged; and a copy the Order in Council cortification. the Order in Council, certified by the Clerk of the Queen's Privy Council for Canada shall Privy Council for Canada, shall operate as a release and discharge of any claim of Health and the charge of the ch charge of any claim of Her Majesty, her successors assigns, in respect of the same assigns, in respect of the same. 38 V., c. 13, s. 2.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
38 V., c. 13	The whole.			

CHAPTER 114.

An Act respecting Joint Stock Companies.

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

SHORT TITLE.

Act." This Act may be cited as "The Companies Clauses Short title. 32-33 V., c. 12, s. 1.

INTERPRETATION.

- In this and the special Act, unless the context other-ion. Wise requires :-
- (a) The expression "the Special Act" means any Act in- "Special Act." corporating a company to which this Act applies, and with which this Act is incorporated, as hereinafter provided, and also all Acts amending such Act;
- (b) The expression "the company" means the company "Company." incorporated under the special Act;
- of the expression "the undertaking" means the whole "Undertak-company works and business of whatsoever kind, which the ing." company is authorized to undertake and carry on;
- (d) The expression "real property" or "land" includes "Real property" or "land" includes "Real property". messuages, lands, tenements and hereditaments of any "Land." tenure, and all immovable property of any kind;
- (e) The expression "shareholder" means every subscriber "shareholder" means every sub to or holder of stock in the company, and includes the personal means every subscriber er." sonal nolder of stock in the company, and moraces representatives of the shareholder. 32-33 V., c. 12,

APPLICATION OF ACT.

porated subsequent to the twenty-second day of June, Act, and to the thousand sixty-nine. by any panies. one thousand eight hundred and sixty-nine, by any panies. the Durposes of the Parliament of Canada, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except companies for the constituents of Canada extends, except companies for the Construction and working of railways, or the business

of banking and the issue of paper money, or insurance, and so far as it is applicable to the undertaking, and is expressly varied or excepted by the special Act, is incorporated with it and formal rated with it, and forms part thereof, and shall be construed therewith as forming and shall be construed. therewith as forming one Act. 32-33 V., c. 12, s. 3.

How provis-ions of this Act may be excepted from incorporation with the special Act.

4. Any of the provisions of this Act may be excepted from incorporation with the special Act; and for that purpose the shall be sufficient to shall be sufficient to provide in the special Act that the sections or sub-sections of this Act which it is proposed so to except referring to the sections of this Act which it is proposed so to except, referring to them by the numbers they bear, shall not be incorporated with the be incorporated with the special Act, and the special shall be construed and the special Act, and the special shall be construed as a special Act, and the special act. shall be construed accordingly. 32-33 V., c. 12, s. 4. Re-drafted.

GENERAL POWERS.

5. Every company incorporated under any special all he a body corporate porate powers shall be a body corporate under the name declared in the of companies. special Act, and may acquire, hold, alienate and convert any real property passesses and real property passes are real property passes and real passes and real passes and real passes and real passes are real passes and real passes and real passes are real passes and real passes and real passes are real passes and real passes and real passes are real passes and real passes and real passes are real passes and real passes and real passes are real passes and real passes and real passes are real passes are real passes and real passes are real passes and real passes are real passes are real passes and real passes are real passes and real passes are real passes and real passes are real any real property necessary or requisite for the carrying on the undertaking of such the undertaking of such company, and shall be investor with all the powers privilege. with all the powers, privileges and immunities necessary to carry into effect the intention carry into effect the intention and objects of this Act and of the special Act and which of the special Act, and which are incident to such corporation, or are expressed and which are incident to such corporation. tion, or are expressed or included in "The Interpretation Act.
32-33 V 2 19 2 2 32-33 V., c. 12, s. 5.

Powers to be subject to this Act, unless excepted.

6. All powers given by the special Act to the company all be exercised subject to the shall be exercised, subject to the provisions and restrictions contained in this Act are areas and restrictions. contained in this Act, except such as are by the special Act expressly excepted from Act expressly excepted from incorporation with it. V., c. 12, s. 6.

DIRECTORS-THEIR DUTIES AND POWERS.

Directors.

7. The affairs of the company shall be managed by the pard of not more than a state of the managed three than the state of board of not more than nine and not less than directors. 32-33 V 2 12 -

Provisional directors.

8. The persons named as such, in the special Act, shall the first or provisional direct be the first or provisional directors of the company, and shall remain in office until replaced by directors elected in their stood, and are the stood of the company and shall remain in office until replaced by directors. elected in their stead, 32-33 V., c. 12, s. 8.

Qualification of directors subsequently appointed.

9. No person shall be elected as a director unless he areholder, owning stock all a director unless he areholder. shareholder, owning stock absolutely in his own right, not in arrear in respect to not in arrear in respect of any call thereon; and the major of the directors of the company of the directors of the company so chosen shall, at all the persons resident in Canada be persons resident in Canada, and subjects of Her Major by birth or naturalization

The directors of the company shall be elected by the Election of directors; shareholders, in general meeting of the company assembled, term of office. at such times, in such manner, and for such term, not erong the times, in such manner, and for such term, not erceeding two years, as the special Act, or in default thereof, as the by-laws of the company prescribe. 32-33 V., c. 12, s. 10.

- In the absence of other provisions in that behalf, in General provisions. the special Act or the by-laws of the company—
- (a) The election of directors shall take place yearly, and all As to electhe directors then in office shall retire, but if otherwise tions. qualified they shall be eligible for re-election;
- (b) Notice of the time and place for holding general Notice of meetings of the company shall be given at least ten days meetings. previously thereto, in some newspaper published at the place in which the head office or chief place of business of the control of the contro of the company is situated, or if there is no newspaper there publical nearest thereto; published, then in the newspaper published nearest thereto;

dean all general meetings of the company, every share-Votes. holder shall general meetings of the company, every in the shall be entitled to as many votes as he owns shares in the company, and may vote by proxy;

(d) Elections of directors shall be by ballot;

Ballot.

- filled for the remainder of the term, by the directors from among the remainder of the term, by the qualified shareholders of the company;
- (f) The directors shall, from time to time, elect from President and shall officers. among themselves a president of the company; and shall officers. also appoint, and may remove at pleasure, all other officers thereof. 32-33 V., c. 12, s. 11.
- 12. If, at any time, an election of directors is not made or Failure to complete election, b does not take effect at the proper time, the company shall complete election, how remedied. not be held to be thereby dissolved; but such election may remedied. take place at any general meeting of the company, duly called for that purpose; and the retiring directors shall continue in office until their successors are elected. 32-33 V., c. 12, s. 12.

13. The directors of the company may, in all things, Powers of minister directors and may make or directors. administer the affairs of the company may, in all things, rowers cause to be the affairs of the company, and may make or directors. cause to be made for the company, any description of contract which made for the company, any description of may, tract to be made for the company, any description from time the company may, by law, enter into; and may, from time to time, make by-laws not contrary to law or to By-laws.

Act for the following purposes: the special Act or to this Act, for the following purposes:—

(a) The regulating of the allotment of stock, the making of Stock. calls the regulating of the allotment of stock, the meaning the regulation, the payment thereof, the issue and registration

of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock:

Dividends.

(b) The declaration and payment of dividends;

Directors.

(c) The number of the directors, their term of service, the amount of their stock qualification and their remuneration, if any;

Officers.

(d) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;

Meetings.

(e) The time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum at meetings of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings;

Fines.

(f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;

General business.

(g) The conduct, in all other particulars, of the affairs of the company:

Altering bylaws. Proviso: as to confirmation of by-laws.

2. The directors may, from time to time, repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or re-enactment thereof, unless it is in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall, at and from that time only, cease to have force. 32-33 V., c. 12, s. 13, part.

Re-drafted.

Evidence of by-laws.

14. A copy of any by-law of the company, under the seal, and purporting to be signed by any officer of such company, shall be received as prima facie evidence of such by-law in all courts in Canada. 32-33 V., c. 12, s. 14.

CAPITAL STOCK AND CALLS THEREON.

Stock to be personal estate.

- 15. The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are by this Act, or by the special Act or the by-laws of the company prescribed 32-33 V., c. 12, s. 15.
- Allotment of stock.

 16. If the special Act makes no other definite provision the stock of the company shall be allotted at such times

in such manner as the directors, by by-law or otherwise, Prescribe. 32-33 V., c. 12, s. 16.

The directors of the company may call in and de-Instalments thereon: ho mand from the shareholders thereof respectively, all sums thereon: how called in, &c. of money by them subscribed, at such times and places and in spell Act or this in such payments or instalments as the special Act or this Act reach payments or instalments as the special Act or this Act requires or allows, and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of another than the six per centum per annum, upon the amount of of any unpaid call, from the day appointed for payment of such call. 32-33 V., c. 12, s. 17.

the At least ten per centum upon the allotted stock Callson stock. of the company shall, by means of one or more calls, be stock. called in and made payable within one year from the incorporation and made payable within one year thereafter, at poration of the company; and for every year thereafter, at least a company; and for every year thereafter, at least a further ten per centum thereof shall, in like manner, be called the whole has been so be called in and made payable, until the whole has been so called in and made payara, called in. 32-33 V., c. 12, s. 18.

The company may enforce payment of all calls and Payment of calls; enforce payment of competent juris ment of by interest thereon, by action in any court of competent jurisment of, by action. diction; and in such action it shall not be necessary to set action. forth the special matter, but it shall be sufficient to declare that the special matter, but it shall be sufficient to declare that the special matter, but it shall be sumcient the the defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrear amount, in respect some share or more, stating respect of money to which the calls in arrear amount, the hand of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act; and a certificate under the seal of the company, and purpose: purporting to be signed by any officer of the company, to the effect, to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or call call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as primâ facie evidence thereof. 32-33 V., c. 12, s. 19.

the hyplatter such demand or notice as by the special Act Or by for-feiture of shares. or the by-laws of the company is prescribed, any call made shares. upon any share or shares is not paid within such time as by such any share or shares is not paid within such that directors in the or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the formula discretion, by resolution to that effect, reciting the formula discretion, by resolution to that effect, reciting the formula discretion. ing the facts and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes, may summarily dools and duly recorded in their minutes. marily declare forfeited any shares whereon such payment not made is not made; and such shares whereon such payperty of the; and such shares shall thereupon become the property of the company, and may be disposed of as the directors by hy.1 company, and may be disposed of as 22-23 V., c. 12, s. 20. tors by by-law or otherwise prescribe. 32-33 V., c. 12, s. 20.

No share shall be transferable, until all previous Restriction as the therapy is the transfer. calls thereon have been fully paid, or until it is declared to transfer.

forfeited for non-payment of a call or calls thereon. 32-33 V. c. 12, s. 21.

Shareholders in arrears not to vote.

22. No shareholder who is in arrear in respect of any call shall vote at any meeting of the company. V., c. 12, s. 22.

BOOKS OF THE COMPANY.

23. The company shall cause a book or books to be kept Stock book to by the secretary, or by some other officer especially charged be kept: its contents. with that duty, wherein shall be kept recorded,—

Names of shareholders.

(a) The names, alphabetically arranged, of all persons who are or have been shareholders:

Addresses.

(b) The address and calling of every such person, while such shareholder;

Number of shares.

(c) The number of shares of stock held by each shareholder;

Amounts paid and unpaid.

(d) The amounts paid in, and remaining unpaid, respect tively, on the stock of each shareholder;

Transfers.

(e) All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,

Names, &c., of directors.

(f) The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became dates at which each became or ceased to be such director. 32-33 V., c. 12, s. 23.

Powers and liability of directors as

24. The directors may allow or refuse to allow the entry in hole any such book, of any transfer of stock whereof the Whole amount has not become regards trans- amount has not been paid; and whenever entry is made in fers in certain such book of any transfers in certain such book, of any transfer of stock not fully paid up, to a person cases. who is not apparently of sufficient means, the directors shall be jointly and severally lightly the combe jointly and severally liable to the creditors of the company in the same pany, in the same manner and to the same extent as the transferring should be same extent. transferring shareholder except for such entry would have been liable. but if been liable; but if any director present when such entry is allowed does forthwith allowed does forthwith, or if any director, then absent, areof within twenty-four hours after he becomes aware thereof and is able so to do enter and is and is able so to do, enter on the minute book of the board of directors, his protest against directors, his protest against such transfer, and within eight days thereafter publishes. days thereafter publishes such protest in at least one news paper published of the second paper published at the place in which the head office of chief place of husiness of the chief place of business of the company is situated, or if there is no newspaper there are the same than a situated. is no newspaper there published, then in the newspaper published nearest thereto and published nearest thereto, such director may thereby, 22.33 not otherwise, exonerate himself a not otherwise, exonerate himself from such liability. V., c. 12, s. 24.

25. No transfer of stock, unless made by sale under Transfers execution or under the decree, order or judgment of a court after entry. of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally With the transferrer, to the company and its creditors. 32-33 V., c. 12, s. 25. Re-drafted.

26. Such books shall, during reasonable business hours Stock books to be open for of every day, except Sundays and holidays, be kept open for inspection. the inspection of shareholders and creditors of the company, and their personal representatives, at the head office or chief place of business of the company; and every shareholder, creditor or personal representative may make extracts therefrom. 32-33 V., c. 12, s. 26.

Such books shall be prima facie evidence of all facts Books to be purporting to be therein stated, in any suit or proceeding prima facie evidence. Sainst the company or against any shareholder. 32-33 , c. 12, s. 27.

who knowingly makes or assists in making any untrue entry false entries. many such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding two years. 32-33 V., c. 12,

The provision as to punishment is new.

29. Every company which neglects to keep such book or Penalty for neglect to books open for inspection as aforesaid, shall forfeit its corpolee. rate rights. 32-33 V., c. 12, s. 29.

SHAREHOLDERS.

80. Every shareholder shall, until the whole amount of Liability of his stock has been paid up, be individually liable to the credital and the creditors of the company, to an amount equal to that not paid not be sometimes of the company. paid up thereon; but shall not be liable to an action therefor by any creditor, until an execution against the company at the returned unsatisfied in at the suit of such creditor has been returned, unsatisfied in whole and such creditor has been returned, unsatisfied in Whole or in part; and the amount due on such execution shall be a part; and the amount due on such execution shall be the amount recoverable, with costs, from such shareholder. 32-33 V., c.12, s. 33.

81. The shareholders of the company shall not, as such, Limited to shall be held to shall be shareholders of the company shall not, as such, Limited to shall be held to shall be shall be shareholders. be held responsible for any act, default or liability whatso- stock.

ever, of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof. 32-33 V., c. 12, s. 34.

Trustees, &c., not personally liable.

32. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward or interdicted person or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. 82-33 V., c. 12, s. 35.

Trustees, &c., may vote as shareholders. 33. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. 32-33 V., c. 12, s. 36.

Special meetings may be called. 34. Shareholders who hold one fourth part in value of the subscribed stock of the company may, at any time, call a special meeting thereof, for the transaction of any business specified in the written requisition and notice made and given for the purpose. 32-33 V., c. 12, s. 13, part.

LIABILITY OF THE COMPANY.

Contracts, &c., when binding on company.

35. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law, or special vote or order; and the person, so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor:

Non-liability of servants.

Proviso; as to liability whatsoever to any third person therefor: bank notes. vided always, that nothing in this Act shall be construed

to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the last money, or as the note of a bank, or to engage in the last money, or as the note of a bank, or to engage in the last money, or as the note of a bank, or to engage in the last money. the business of banking or insurance. 32-33 V., c. 12, s. 31.

cution of any trust, whether express, implied or construct respect of trusts, &c. ive, in respect of any share; and the receipt of the share-trusts, &c. holder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. 32-33 V., c. 12, s. 30.

LIABILITY OF DIRECTORS.

dividend when the company is insolvent, or any dividend, directors any be not the part of the part of dividend when the company is insolvent, or any dividend, declaring any dividend the payment of which renders the company insolvent, or dividend diministry when the company insolvent, or dividend the payment of which renders the company insolvent, or dividend the payment of the company in the company of the com diminishes the capital stock thereof, they shall be jointly when the and severally liable, as well to the company as to the insolvent. debition and for all the debit of the series and for all thereafter debts of the company then existing, and for all thereafter comt contracted during their continuance in office respectively; but if any director present when such dividend is declared How it may does then absent does, be avoided. does forthwith, or if any director then absent does, be avoided. within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minutes of the board of direct and within eight days directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is publical publi published nearest thereto, such director may thereby, and not other than the such liability. 32-33 not otherwise, exonerate himself from such liability. 32-33 V., c. 12, s. 37.

No loan shall be made by the company to any share- No loans by company to any share- who loans by company to c holder; if such loan is made, all directors and other shareholders. officers of the company who make the same, or assent thereto, shall be jointly and severally liable to the company Directors for the amount of such loan,—and also to third persons to the extent of extent of such loan,—and also to time personal composition of such loan, with lawful interest, for all debts of the making of such company contracted from the time of the making of such loan to 11 contracted from the time of the making of such 29-23 V. c. 12, s. 38. loan to that of the repayment thereof. 32-33 V., c. 12, s. 38.

Severally liable upon every written contract or undertaking must be so made as to or the company on the face whereof the word "limited" show limited to the word "limited" show limited is bloom to the word "limited". or the words "limited liability" are not distinctly written liability. or printed "limited liability" are not unsumous, occurs it first after the name of the company where it first 32-33 V. c. 12, s. 39. occurs in such contract or undertaking. 32-33 V., c. 12, s. 39.

Liability of directors for wages, &c.

Proviso.

40. The directors of the company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such laborer, servant or apprentice is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. V., c. 12, s. 40.

GENERAL PROVISIONS.

Company not corporations.

41. No company shall use any of its funds in the purto purchase stock in any other corporation, unless in so far as such purchase is specially authorized by the special Act, and also by the Act creating such other corporation. 32-33 V., c. 12, s. 32.

Service of process on company.

42. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary thereof; or if the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the company. c. 12, s. 41.

A ctions between company and shareholders.

43. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, who is not himself a party to such suit, shall be incompetent as a witness therein. 32-33 V., c. 12, s. 42.

Winding up Acts to apply.

44. The company shall be subject to the provisions of any general Act for the winding up of joint stock companies. 32-33 V., c. 12, s. 44.

		· 	=	
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V ., c. 12	The whole except s. 43.	s. 43.		

CHAPTER 115.

An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

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

SHORT TITLE.

This Act may be cited as "The Companies' Act." Short title. $40~\rm{V}$, c. 43, s. 1.

INTERPRETATION.

- 2. In this Act, and in all letters patent and supplement-Interpretatry letters patent issued under it, unless the context otherwise requires:—
- (a) The expression "the company" means the company "Company." incorporated by letters patent under this Act;
- of (b) The expression "the undertaking" means the business "Undertakevery kind which the company is authorized to carry ing."
- incorporated for any of the purposes to which the powers of company." loan companies extend, as hereinafter provided;
- (d) The expression "real estate" or "land," includes mes- "Real estate." and snages, lands, tenements and hereditaments of any tenure, "Land." and all immovable property of any kind;
- (e) The expression "shareholder" means every subscriber "Share-sonal representatives of the shareholder;
- (f) The expression "manager" includes the cashier and "Manager." 40 V., c. 43, s. 2.

LETTERS PATENT.

the Great Seal, grant a charter to any number of persons, formed for cernot less than five, who petition therefor, constituting such may be incorpresed, and others who thereafter become shareholders in letters patent company thereby created, a body corporate and politic,

Exception.

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 the business of banking and the issue of paper money, or the business of insurance. 40 V., c. 43, s. 3.

Notice to be given, and what it shall contain.

4. The applicants for such letters patent shall give at least one month's previous notice, in the Canada Gazette, of their intention to apply for the same, stating therein,—

Name.

(a) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable;

Purposes.

- (b) The purposes for which its incorporation is sought;
- (c) The place within Canada which is to be its chief place Chief place of business. of business;

Capital.

(d) The proposed amount of its capital stock—which, in the case of a loan company, shall not be less than one hundred thousand and the dred thousand dollars;

Shares.

(e) The number of shares and the amount of each share;

Names. &c.. of applicants.

(f) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than form more than fifteen and not less than three of their number, who are to be the first or provisional directors of the company, and the majority of whom shall be residents of Canada. 40 V., c. 43, s. 4.

Petition for letters patent.

5. At any time, not more than one month after the the publication of such notice, the applicants may petition the Governor in Council, through the Secretary of State, for the issue of such letters patent:

What it shall. contain.

2. Such petition shall state the facts set forth in the notice amount of stack the the amount of stock taken by each applicant, the amount paid in upon the stock of t paid in upon the stock of each applicant, and the manner in which the same has been applicant, and the manner in which the same has been paid in, and is held for the company: pany:

3. The aggregate of the stock so taken shall be at least e one half of the total are a constant. the one half of the total amount of the proposed capital stock of the company. A certain amount of stock must be taken.

And a certain amount paid up thereon.

4. The aggregate so paid in thereon shall, if the company not a loan company has a loan company is not a loan company, be at least ten per cent. of the stock so taken: if the company so taken; if the company is a loan company the aggregate ⁸⁰ paid in of the stock so taken shall be at least ten per cent. thereof, and shall not be less than one hundred thousand dollars:

5. Such aggregate shall be paid into the credit of the Disposal of company, or of trustees therefor, and shall be standing at amount paid such credit in some chartered bank or banks in Canada, unless the object of the company is one requiring that it should own real estate—in which case any portion not exceeding one half of such aggregate may be taken as paid in, if it is bonâ fide invested in real estate suitable to such object, which is duly held by trustees for the company, and is of the required value, over and above all incumbrances thereon:

6. The petition may ask for the embodying in the letters Certain propatent of any provision which, under this Act, might be visions may be inserted in any by-law of the company; and such provision so letters patent. embodied shall not, unless provision to the contrary is made in the letters patent, be subject to repeal or alteration by by-law. 40 V., c. 43, s. 5.

shall establish, to the satisfaction of the Secretary of State, matters to be of of such other officer as is charged by the Governor in Council to report thereon, the sufficiency of their notice and petition, and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated company; and for that purpose, the Secretary of State, or such other proof of facts officer, shall take and keep of record any requisite evidence asserted. in Writing, by oath or affirmation or by solemn declaration. 40 V., c. 43, s. 6.

- The letters patent shall recite such of the established Facts to be averments of the notice and petition as, to the Governor in recited in Council, seems expedient. 40 V., c. 43, s. 7.
- 8. The Governor in Council may give to the company a Governor corporate name, different from that proposed by the applianother canter and a specific proposed by the applianother canter are a specific proposed. cants in their published notice, if the proposed name is objectionable tionable. 40 V., c. 43, s. 8.
- Notice of the granting of the letters patent shall be Notice of issuforthwith given by the Secretary of State, in the Canada ing letters Gazatt. Gazette, in the form A in the schedule to this Act; and therape the persons thereupon, from the date of the letters patent, the persons therei therein named, and their successors, shall be a body corporate and Politic, by the name mentioned therein; and a copy of every the company to every such notice shall forthwith be, by the company to which notice shall forthwith be, by the company to which such notice shall forthwith be, by the consistence which such notice relates, inserted on four separate occasions

in at least one newspaper in the county, city or place where the head office or chief agency is established. 40 V., c. 43, ss. 9 and 106.

SUPPLEMENTARY LETTERS PATENT.

Change of name.

Governor may change name by supplementary patent.

10. If it is made to appear, to the satisfaction of the Governor in Council, that the name of any company (whether given by the original or by supplementary letters patent, or on amalgamation) incorporated under this Act, is the same as the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, the Governor in Council may direct the issue of supplementary letters patent, reciting the former letters and letters patent, reciting the former letters and changing the name of the company some other name which shall be set forth in the supplementary letters natural to the tary letters patent. 40 V., c. 43, s. 11.

Company may obtain change of name.

11. When a company incorporated under this Act is desirous of adopting another name, the Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the company to some other name, which shall be set forth in the supplementary letters patent. s. 12.

Change not to affect rights or obligations.

12. No alteration of its name under the two sections next preceding shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued. might have been continued or commenced by or against the company under its former name. 40 V., c. 43, s. 13.

Obtaining of further powers.

Company may authorize directors to apply for extension of powers.

18. The company may, from time to time, by a resolution passed by the restaurant of tion passed by the votes of shareholders representing the least two-thirds in volume least two-thirds in value of the subscribed stock of the company, at a special result of the subscribed stock of the company, at a special general meeting called for the purpose, authorize the directors pose, authorize the directors to apply for supplementary letters patent extending the letters patent extending the powers of the company to such other purposes or objects of other purposes or objects, for which a company may incorporated under this Act or which a company intion. incorporated under this Act, as are defined in the resolution 40 V., c. 43. s. 14

Re-drafted

Application by directors.

14. The directors may, at any time within six months after the passing of any such resolution, petition Governor in Council, through the Secretary of State, for the issue of such supplementary letters patent:

2. The applicants for such supplementary letters patent Notice of application to be of the give at least one month's notice in the Canada Gazette given. of their intention to apply for the same, stating therein the purposes or objects to which it is desired to extend the powers of the company. 40 V., c. 43, s. 15.

Before such supplementary letters patent are issued, Proof to be furnished to the applicants shall establish to the satisfaction of the Secretary of Secretary of State or of such other officer as is charged by State. the Governor in Council to report thereon, the due passing of the Governor in Council to report thereon, and the suffiof the resolution authorizing the application and the sufficiency of their notice and petition; and for that purpose the Secretary of State, or such other officer, shall take and teep of record any requisite evidence in writing, by oath or rmation, or by solemn declaration. 40 V., c. 43, s. 16.

16. Upon due proof so made, the Governor in Council Grant of sup-The Upon due proof so made, the Governor in Council Grant of Supplementary grant supplementary letters patent under the Great letters patent. the objects defined in the resolution; and notice thereof objects defined in the resolution; and notice of State, in the Canada Gazette, in the form B in the schedule to this Act; and a Gazette, in the form B in the schedule to this Act, thereupon, from the date of the supplementary letters Notice of issue them. patent, the undertaking of the company shall extend to and thereof. helide the other purposes or objects set out in the supplemental the other purposes mentary letters patent as fully as if such other purposes or oh; which is the original letters patent; or objects were mentioned in the original letters patent; the copy of every such notice shall forthwith be, by the company to which the notice relates, inserted on newspaper in the four company to which the notice relates, incompany to which the notice relates are not related to the notice of county, city or place where the head office or chief agency is established. 40 V., c. 43, ss. 17 and 106.

Increase or reduction of capital, &c.

The directors of the company, other than a loan Subdivision of by law subdividing the shares. company, The directors of the company, other than a noan existing, may, at any time, make a by-law subdividing the shares. existing shares into shares of a smaller amount. 40 V.,

18. The directors of the company may, at any time after Increase of the whole taken up capital. the whole capital stock of the company may, at any time after increase and fifther capital stock of the company has been taken up capital. and fifty per cent. thereon paid in, make a by-law for increasing per cent. which at the capital stock of the company to any amount which the capital stock of the company to any the ohio. the objects of the company:

2. Such by-law shall declare the number of the shares of By-law for new law for the number in which that purpose the Nuch by-law shall declare the number of the snares of hy-raw for 100 stock, and may prescribe the manner in which that purpose. the same shall be allotted; and in default of its so doing the control of such allotment shall vest absolutely in the directors. 40 V., c. 43, s. 20.

Reduction of capital.

19. The directors of the company may, at any time, make a by-law for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company; Proviso; as to but the capital stock of a loan company shall never be reduced to less than one hundred thousand dollars:

By-law for that purpose.

panies.

2. Such by-law shall declare the number and value of the shares of the stock as so reduced, and the allotment thereof, or the manuer in which the same shall be made:

Liability to creditors not affected.

3. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain the same as if the capital had not been reduced. been reduced. 40 V., c. 43, ss. 21 and 22, part.

Such by-law to be approved by shareholders and confirmed by supplementary letters patent.

20. No by-law for increasing or reducing the capital stock of the company, or for subdividing the shares, shall have any force or all the shares, shall have any force or all the shares. have any force or effect whatsoever, until it is approved in the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the company, at special general mostification of the company, at special general mostification of the company, at second stock of the company stock of the compa special general meeting of the company duly called considering the same and of considering the same, and afterwards confirmed by supplementary letters potential. mentary letters patent. 40 V., c. 43, s. 22, part. Re-drafted.

Petition for supplemen-

21. At any time not more than six months after such notion of such had supplementary letters sanction of such by-law, the directors may petition the patent to confirm by-law. Governor in Council, through the Secretary of State, for the issue of supplementary letters. issue of supplementary letters patent to confirm the same:

By-law, &c., to be pro-duced with petition.

2. The directors shall, with such petition, produce a copy of sich by-law, under the scale of the such by-law, under the seal of the company, and signed to the president, vice-president the president, vice-president or secretary, and establish to the satisfaction of the Secretary. the satisfaction of the Secretary of State, or of such other officer as is charged by the officer as is charged by the Governor in Council to report thereon, the due passage and thereon, the due passage and approval of such by law, and the expediency and have all approval of such by law. the expediency and bond fide character of the increase of reduction of capital or arrival. reduction of capital or subdivision of shares, as the case may be, thereby provided for be, thereby provided for:

Evidence may be taken and kept by Secretary of State.

3. The Secretary of State or such officer shall, for that arrose, take and keep of the state of purpose, take and keep of record any requisite evidence in writing, by oath or efficient in writing, by oath or affirmation or by solemn declaration as above mentioned 40 W

Granting of supplementary letters

22. Upon due proof so made, the Governor in Council ay grant such supplementary last may grant such supplementary letters patent under Great Seal; and notice thereof shall be forthwith given by patent; the Secretary of State in the Canada Gazette, in the form C, —notice;—in the schedule to this Act: and thereupon, from the date of letters patent. the supplementary letters patent, the capital stock of the company shall be and remain increased or reduced, or the shares shall be subdivided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or reduced, shall become subject to the provisions of this Act, in like manner, as far as possible, as if every part thereof had been or formed part of the stock of the company originally subscribed. 40 V., c. 43, s. 24.

POWERS OF THE COMPANY.

Patent or supplementary letters patent shall be exercised, to this Act. det of supplementary letters parents parents det to the provisions and restrictions contained in this Act. 40 V., c. 43, s. 25.

Every company incorporated under this Act may General corporate for the porate powers acquire, hold, sell and convey any real estate requisite for the ers. tour on of the undertaking of such company, and shall bour all property and torthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with the powers, privileges and immunities requisite or incidental powers, privileges and immunities requisite or incidental powers. dental to the carrying on of its undertaking, as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying on of its undertaking as if it was incorporate to the carrying of the carrying of the carrying on of its undertaking as if it was incorporate to the carrying of the Porated by a special Act of Parliament, embodying the provision. visions of this Act and of the letters patent: Provided always, Proviso; as to that 11 of this Act and of the letters patent: that the exercise by loan companies of the powers conferred loan companies. by this section shall be subject to the special provisions panies. respection shall be subject to the spectral 40 V., c. 48, 8 10 Re-drafted.

CAPITAL STOCK.

The stock of the company shall be personal estate, Stock to be all subject personal subject personal and shall be transferable, in such manner, and subject estate. to all such conditions and restrictions as are prescribed by this A out conditions and restrictions as are prescribed by this Act or by the letters patent or by by-laws of the company. 40 V., c. 43, s. 34.

If the letters patent, or the supplementary letters Allotment of the stock of the stock. Patent, If the letters patent, or the supplementary returns amount company make no other definite provision, the stock of the stock. company, or any increased amount thereof, so far as it is not allow, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted at such times and in such many thereby, shall be allotted at such times and in the such many thereby, shall be allotted at such times and in the such many times are such that thereby, shall be allotted at such times and in the such times are such that the such times are such that the such times are such times and in the such times are such anch manner as the directors prescribe by by-law. 40 V., 1001

Shares to be paid in cash, subject to certain exceptions.

27. Every share in the company shall, subject to the provisions of sub-section five of section five of this Act, be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon or determined by contract duly made in writing and filed with the Secretary of State at or before the issue of such shares.

DIRECTORS.

Board of directors.

28. The affairs of the company shall be managed by a board of not more than fifteen and not less than three directors. 40 V., c. 43, s. 26.

Provisional directors.

29. The persons named as such, in the letters patent, shall be the directors of the company, until replaced by others duly appointed in their stead. 40 V., c. 43, s. 27.

Qualifications

30. No person shall be elected or appointed as a director of subsequent thereafter unless he is a shareholder, owning stock absorbiectors. lutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon; and at all times the majority of the directors of the company shall be persons resident in Canada. V., c. 43, s. 28.

Residence.

By-law for increase or decrease of number of directors.

When to be valid.

31. The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors of the direct of its directors, or may change the company's chief place of husiness in Canada and Cana of business in Canada; but no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least to a l by a vote of at least two thirds in value of the stock represented by the sharehald sented by the shareholders present at a special general meeting duly called for account ing duly called for considering the by-law; nor until a copy of such by-law; cortifications o of such by-law, certified under the seal of the company, has been dense to a life in the seal of the company. has been deposited with the Secretary of State, and has also been published in the Country of State, and has also 40 V., c. 43, s. 18. been published in the Canada Gazette.

Election of directors.

32. Directors of the company shall be elected by the archolders in concerl shareholders, in general meeting of the company assembled at some place within Canada at some place within Canada,—at such times, in such manner and for such term not areas in such times. and for such term, not exceeding two years, as the letters patent, or, in default thereof and patent, or, in default thereof, as the by-laws of the company, prescribe. 40 V., c. 43, s. 29.

Mode and times of election.

33. In the absence of other provisions in such behalf, in the letters patent or by-large scale the letters patent or by-laws of the company,—

Yearly.

(a) The election of directors shall take place yearly, and the directors then in office shall all the directors then in office shall retire, but, if other qualified, they shall be aligible for

- (b) Notice of the time and place for holding general Notice. meetings of the company shall be given at least twenty-one days previously thereto, in some newspaper published in the place where the head office or chief place of business of the company is situate, or if there is no such newspaper, then in the place nearest thereto in which a newspaper is Published;
- (c) At all general meetings of the company, every share- Votes. holder shall be entitled to give one vote for each share then held by him: such votes may be given in person or by proxy Proxies. the holder of any such proxy being himself a shareholder; but no shareholder shall be entitled, either in person or by All calls must proxy, to vote at any meeting unless he has paid all the have been calls +1. calls then payable upon all the shares held by him. All questions proposed for the consideration of the shareholders decide. shall be determined by the majority of votes—the chairman bresiding at such meeting having the casting vote in case Casting vote. of an equality of votes;
 - (d) Every election of directors shall be by ballot;

Ballot.

(e) Vacancies occurring in the board of directors may be Vacancies, how filled. filled, for the remainder of the term, by the directors from how filled. among the qualified shareholders of the company;

themselves a president and, if they see fit, a vice-president and officers. of the company; and may also appoint all other officers thereof. 40 V., c. 43, s. 30.

at any time, an election of directors is not made, Failure to or does not take effect at the proper time, the company shall how remedied. not be held to be thereby dissolved; but such election may take place at any subsequent general meeting of the company duly called for that purpose; and the retiring directors shall all controls are elected. shall continue in office until their successors are elected. 40 V., c. 43, s. 31.

POWERS OF DIRECTORS.

affairs of the company may administer the Powers and to be made company in all things, and make or cause duties of directors. to be made for the company in all things, and made which in the company, any description of contract which the company may, by law, enter into; and may, from time to the company may, by law, enter into; and may, or to the time to time, make by-laws not contrary to law, or to the letters. Act for the followletters patent of the company, or to this Act, for the following purposes :-

(a) The regulating of the allotment of stock, the making of Stock. cally The regulating of the allotment of stock, the mount of thereon, the payment thereof, the issue and registration of certification. of certificates of stock, the forfeiture of stock for non-payment, the disposate of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

Dividends.

- (b) The declaration and payment of dividends;
- (c) The number of the directors, their term of service, the Number, &c.. of directors. amount of their stock qualification, and their remuneration, if any;

Agents and officers.

(d) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration:

Meetings.

(e) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings;

Penalties.

(f) The imposition and recovery of all penalties and forfeitures which admit of regulation by by-law;

General powers.

(g) The conduct, in all other particulars, of the affairs of the company;

Confirmation of by-laws.

And the directors may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force:

Confirmation of by-laws for sale of stock

2. No by-law for the issue, allotment or sale of any portion of the national line is the nati tion of the unissued stock at any greater discount or at any below previous less premium than that which has been rate, &c. authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon profiled or acted upon until the same has been confirmed at a general meeting. 40 V., c. 43, s. 32, part. Re-drafted.

Debts to company may be deducted from dividends.

36. The directors may deduct from the dividends payable any shareholder all any shareholder all any shareholder all any shareholders. to any shareholder all such sums of money as are due to the company him to the company, on account of calls or otherwise. V., c. 43, s. 59.

Issue of bonds &c., by company.

37. The directors may, when authorized by a by-law for nat purpose passed and a surface that purpose passed and a surface that purpose passed and a surface that the surface tha that purpose, passed and approved of by the votes of share holders, representing at 1 holders, representing at least two thirds in value of the subscribed stock of the companies scribed stock of the company represented at a special general meeting duly called for any represented at a special general meeting duly called for considering the by-law,—

- (a) Borrow money upon the credit of the company and Borrowing 18sue bonds, debentures or other securities for any sums powers. borrowed, at such prices as are deemed necessary or expedient. ent; but no such debentures shall be for a less sum than one hundred dollars;
- Hypothecate or pledge the real or personal property Charging of the company to secure any sums borrowed by the com- property.

But the amount borrowed shall not, at any time, be greater Limitation of than seventy-five per cent. of the actual paid-up stock of amount to be borrowed. the company: but the limitation made by this section shall Exception. not apply to commercial paper discounted by the company. 40 V., c. 43, s. 85.

CALLS.

calls upon the shareholders in respect of all moneys unpaid on paid on the shareholders in respect to all moneys unpaid on paid on the shareholders in respect to all moneys unpaid on paid on the shares. upon the shareholders in respect of an inology their respective shares, as they think fit, at such times shares. and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow. 40 V., c. 43, s. 52.

A call shall be deemed to have been made at the Interest on calls overd time When the resolution of the directors authorizing such call when the resolution of the directors authorizing such when the resolution of the directors authorized and was passed; and if a shareholder fails to pay any call the by him, on or before the day appointed for the payment in the thereof, he shall be liable to pay interest for the same, at the reof, he shall be liable to pay interest for the the rate of six per cent. per annum, from the day appointed for payment to the time of actual payment thereof. 40 V., c. 43, s. 53.

The directors may, if they think fit, receive from Payment in advance on all or any advance on the same all or any advance on The directors may, if they think fit, receive from rayment in part of it of it is advance the same, all or any advance on share. part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for; and upon Interest may the more properties of the sums then actually called for; and upon Interest may be more properties. the moneys so paid in advance, or so much thereof as, from be allowed. time to time, exceeds the amount of the calls then made upon in time, exceeds the amount of the dayance is made, the constraint such advance is made, the company may pay interest at such rate, not exceeding eight not may pay interest at such rate, not exceeding eight per cent. per annum, as the shareholder who pays such sum in the shareholder who pays such a such that caree upon. 40 V., c. 43, sum in advance and the directors agree upon. 40 V., c. 43,

tters not demand or notice as is prescribed by the Forfeiture of the non-newment letters patent or by the by-laws of the company, any call shares for non-payment letters patent any share is not paid within such time as, by such of calls. letters patent or by the by-laws, is limited in that behalf, the direct or by the by-laws, is limited in that effect duly the directors, in their discretion, by vote to that effect duly

Proviso: liability of holders continued. recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as, by the by-laws of the company or otherwise, they prescribe; but, not-withstanding such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the company for the full amount unpaid on such shares at the time of forfeiture, less any sums which are subsequently received by the company in respect thereof. 40 V., c. 43, s. 55.

Enforcement of payment of calls by action.

What only need be alleged and proved.

Certificate to be evidence.

42. The directors may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls, and interest thereon, by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a share holder that are that so much is due by him and unpaid thereon, shall be received in all courts as primâ facie evidence thereof. c. 43, s. 56.

BOOKS OF THE COMPANY.

Book to be kept and what to contain.

43. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded,—

Copy of letters patent, by-laws, &c. (a) A copy of the letters patent incorporating the company, and of any supplementary letters patent, and of all by-laws thereof;

Names of shareholders. (b) The names, alphabetically arranged, of all persons who are or have been shareholders;

Addresses.

(c) The address and calling of every such person, while such shareholder;

Number of shares.

(d) The number of shares of stock held by each share holder;

Amounts paid, &c.

(e) The amounts paid in and remaining unpaid, respectively, on the stock of each shareholder;

- (f) The names, addresses and calling of all persons who Names, &c., are or have been directors of the company, with the several of directors. dates at which each became or ceased to be such director:
- 2. A book called the register of transfers shall be pro-Register of vided, and in such book shall be entered the particulars of transfers. every transfer of shares in the capital of the company. 40 V., c. 43, s. 36.
- 44. Such books shall, during reasonable business hours Books to be of every day, except Sundays and holidays, be kept open for spection and the inspection of shareholders and creditors of the company, taking example their personal representatives, at the head office or chief tracts thereblace. place of business of the company; and every such shareholder, creditor or personal representative may make extracts therefrom. 40 V., c. 43, s. 37.
- 45. Every director, officer or servant of the company, Penalty for who knowingly makes or assists in making any untrue entry false entries. in any such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, of to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor. 40 V., c. 43, s. 40.
- Every company which neglects to keep such book or Forfeiture for neglect. books as aforesaid, shall forfeit its corporate rights. 40 V., neglect. c. 43, s. 38.
- Such books shall be primâ facie evidence of all facts Books to be purporting to be thereby stated, in any action, suit or pro- prima facie evidence. ceding to be thereby stated, in any action, said to be the company or against any shareholder. 40 V., c. 43, s. 39.

TRANSFER OF SHARES.

- No transfer of shares, unless made by sale under Transfer of second shares valid execution, or under the decree, order or judgment of a court shares valid only after of competent jurisdiction, shall be valid for any purpose entry. Whatever, until entry thereof is duly made in the registor. register of transfers, except for the purpose of exhibiting the rights of transfers, except for the purpose of exhibiting the nights of the parties thereto towards each other, and of rendering the parties thereto towards each other, and of rendering the parties thereto towards each other, and of rendering the magnitude. dering the parties thereto towards each other, and of several, the transferee liable, in the meantime, jointly and its severally, with the transferrer, to the company and its creditors. 40 V., c. 43, s. 41.
- 49. No transfer of shares, whereof the whole amount has Liabilities of the directors as not been paid in, shall be made without the consent of the directors as director paid in, shall be made without the consent of the regards regards transfers of directors; and whenever any transfer of shares not fully paid transfers of has here in the shares in in has been made with such consent, to a person who is not shares in certain cases. apparently of sufficient means to fully pay up such shares, tain cases. the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the

How only a director may avoid liability.

same extent as the transferring shareholder, but for such transfer, would have been; but if any director present when any such transfer is allowed does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto; such director may thereby, and not otherwise, exonerate himself from such liability. 40 V., c. 43, s. 42.

Provision when shares are transmitted otherwise than by transfer.

50. Whenever the interest in any shares of the capital stock of the company is transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any shares changes by any lawful means, other than by transfer according to the provisions of this Act, and the directors of the company entertain reasonable doubts as to the legality of any claim to such shares, the company may make and file, in one of the superior courts in the Province in which the head office of Order of court the company is situated, a declaration and petition in may be obwriting, addressed to the justices of the court, setting forth the facts and the number of shares previously belonging to the person in whose name such shares stand in the books of the company, and praying for an order or judgment adjudicating and awarding the said shares to the person or persons legally entitled to the same,—by which order or judgment the company shall be guided and held fully harmless and indemnified and released an indemnified and released from every other claim to the said shares or arising in respect thereof:

tained on application.

Notice of application.

2. Notice of the intention to present such petition shall be yen to the person all the person al given to the person claiming such shares, or to the attorney of such person dail. of such person duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the plead and all other proceedings in such cases shall be said same as those observed in analogous cases before the said superior courts: Provided always, that the costs and expenses of procuring such of procuring such order or judgment shall be paid by person or parsons to all person or persons to whom such shares are declared lawfully to belong; and that to belong; and that such shares shall not be transferred in the books of the company books of the company until such costs and expenses are paid, saving the recourse of such person against any person testing his right to

Proviso; as to costs.

Restriction as to transfer.

51. No share shall be transferable until all previous calls are fully poid in 10 Y thereon are fully paid in. 40 V., c. 43, s. 44.

testing his right to such shares.

40 V., c. 43, s. 43.

shares belonging to any shareholder who is indebted to the by debtor to company. company. 40 V., c. 43, s. 45.

53. Any transfer of the shares or other interest of a Transfer by deceased shareholder, made by his personal representative, personal resentative. himself himself a shareholder, be of the same validity as if he had been a ... a shareholder, be of the same value, of the instrument of the instrument of transfer. 40 V., c. 43, s. 46.

LIABILITY OF SHAREHOLDERS.

The shareholders of the company shall not, as such, Liability be responsible for any act, default or liability of the com- limited to amount untransport. or for any engagement, claim, payment, loss, injury, paid on stock. transaction, matter or thing relating to or connected with the company, beyond the amount unpaid on their respective shares in the capital stock thereof. 40 V., c. 43, s. 48.

Every shareholder, until the whole amount of his Liability of shares has been paid up, shall be individually liable to the shareholders. creditors of the company to an amount equal to that not paid up thereon; but he shall not be liable to an action therefore, thereon; but he shall not be liable to an action the up thereon; but he shall not be nable to an execution at the suit of such credit. by any creditor until an execution at the suit of such creditor by any creditor until an execution at the survey and against the company has been returned, unsatisfied to be a such execution, in whole or in part; and the amount due on such execution, When to not an execution, when to his charge as aforesaid, accrue. not exceeding the amount unpaid on his shares, as aforesaid, accrue. shall be the amount unpaid on his shares, as all be the amount recoverable, with costs, from such a recoverable, if paid by the shareholder; and any amount so recoverable, if paid by the shareholder; and any amount so recoverable, if pulse c. 49 V., c. 43, s. 47.

56. No person, holding stock in the company as an Trustees, &c., not personally executor, administrator, tutor, curator, guardian or trustee, not personally shall her. shall be personally subject to liability as a shareholder; but the east person shall be the estate and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or interdicted person, or or intestate, or the minor, ward or interdicted person, or the northeast at the northeast fund would be, if living the person interested in such trust fund would be, if living and person interested in such trust tuna would be, and competent to act and holding such stock in his own name: and no person holding such stock as collateral the personally subject to such liability; but the personally subject to such liability; but the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be personally subject to such manner, the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be considered as holding the person pledging such stock shall be person pledging the person pledging t ing the same and shall be liable as a shareholder accordingly. 40 V., c. 43, s. 49.

meetings of the company, and may vote as a shareholder; and even of the company, are the stock may represent the and every person who pledges his stock may represent the same at all person who pledges his stock may represent the same at all person who pledges, same at all such meetings and, notwithstanding such pledge, Vote as a shareholder. 40 V., c. 43, s. 50.

Every such executor, administrator, curator, guardian But entitled track hold by him, at all to vote. or trustee shall represent the stock held by him, at all to vote.

LIABILITY OF DIRECTORS AND OFFICERS.

Liability of directors declaring a dividend when company is insolvent, &c.

may avoid

58. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or impairs the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted How directors during their continuance in office, respectively; but if any director present when such dividend is declared does forth such liability. with, or if any director then absent does, within twenty four hours after he becomes aware thereof and able so to do. enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published then in the lished, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate

No loan by company to

shareholders,

companies:

hability of directors.

59. No loan shall be made by the company to any share holder; if such loan is made, all directors and other officers of the company making the same, or in anywise assenting except by loan thereto, shall be jointly and severally liable for the amount of such loan, with interest, to the company,—and also to the creditors of the company for all debts of the company then existing, or contracted between the time of the making of such loan and that after such loan and that of the repayment thereof; but the provisions of this artistics. visions of this section shall not apply to loan companies. 40 V., c. 43, s. 68.

himself from such liability. 40 V., c. 43, s. 67.

Liability of directors for wages.

Limitation of suits, &c.

60. The directors of the company shall be jointly and verally liable to the company shall be jointly and severally liable to the clerks, laborers, servants and apprentices thereof for all delays tices thereof, for all debts not exceeding six months, wages the for service and the for service and the for service and the for service and the form of the form due for service performed for the company whilst they are such directors. are such directors respectively; but no director shall be liable to an action the company will be an extensively. liable to an action therefor, unless the company is sued therefor within one was a few more than the sue of the company is not therefor within one year after the debt becomes due, nor unless such director in a start the debt becomes due, nor unless such director is sued therefor within one year from the time when he are all the time when he ceased to be such director, nor unless are execution against the returned unsatisfied in whole or in part; and the amount unsatisfied on such or continuous in part; and the amount unsatisfied on such or continuous in part; unsatisfied on such execution shall be the amount recovery 40 V., c. 43, s. 69. able with costs from the directors.

DOMICILE—SERVICE OF PROCESS, &c.

Offices and agencies of the company in Canada.

61. The company shall, at all times, have an office in the city or town in which its chief place of business is situate which shall be the level domical which shall be the legal domicile of the company in Canada and notice of the situation of such office and of any change therein shall be published in the Canada Gazette: and the company may establish such other offices and agencies elsewhere in Canada, as it deems expedient. 40 V., c. 43, s. 60.

Any summons, notice, order or other process or docu-Service of process on the ment required to be served upon the company, may be cess on the company. served by leaving the same at the said office in the city or town in which its chief place of business is situate, with any adult person in the employ of the company, or on the president or secretary of the company, or by leaving the same at the domicile of either of them, or with any adult person of his family or in his employ; or if the company has no known office or chief place of business, and has no known office or chief place of business, and public president or secretary, the court may order such public president or secretary, the court may order such public president or secretary, the court may order such public president or secretary, the court may order such public president or secretary, the court may order such public president or secretary. publication as it deems requisite, to be made in the premises; and such publication shall be held to be due service upon the company. 40 V., c. 43, s. 61.

anthentication by the company may be signed by any pensed with pany or a large or other authorized officer of the company 40 cases. pany, and need not be under the seal of the company. 40 cases. y, c. 43, s. 62.

Notices to be served by the company upon the Service of thareholders may be served either personally or by sending notices upon members. them through the post, in registered letters, addressed to the shareholders at their places of abode as they appear on the books of the company. 40 V., c. 43, s. 63.

85. A notice or other document served by post by the Service of company on a shareholder, shall be held to be served at the post. delivered the registered letter containing it would be delivered in the registered letter companies and to prove the fact and time of service it shall be sufficient to prove that such loss time of service it shall be sufficient to prove that Such letter was properly addressed and registered, and was put interest was put in, Put into the post office, and the time when it was put in, and the post office, and the time when it was put in, and the post office, and the time when it was proof of boost time requisite for its delivery in the ordinary course of post. 40 V., c. 43, s. 64.

seal, and purporting to be signed by any officer of the by-laws. company, shall be received as against any shareholder of the company, shall be received as against any shareholder of the company as prima facie evidence of such by-law in all courts in Canada. 40 V., c. 43, s. 33.

maintained between the company and any shareholder tween company and no shareholder shall, by reason of being a shareholders. shareholder, and no shareholder shall, by reason of the conference of the shall, by reason of the shall, by the shall be sh

Mode of incorporation,

Proof of incorporation.

68. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the be set forth in company, otherwise than by mention of it under its correlation of its cor legal proceed- porate name, as incorporated by virtue of letters patent the of letters patent and supplementary letters patent, as the case may be—under this Act; and the notice in the Canada Gazette, of the issue of such letters patent or supplementary letters patent, shall be prima facie proof of all things therein contained; and on production of the letters patent or supplementary letters patent, or of any exemplification or compared to the letters patent, or of any exemplification or compared to the letters patent, or of any exemplification or compared to the letters patent, or of any exemplification or compared to the letters patent, or of any exemplification or compared to the letters patent, or of any exemplification of the letters patent. cation or copy thereof under the Great Seal, the fact of such notice shall be presumed; and except in any proceeding by saint facilities and ex ing by scire facias or otherwise for the purpose of rescinding or annulling the same the letters patent or supplementary letters patent, or any exemplification or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. 40 V., c. 43, s. 71.

PROVISIONS AS TO EXISTING COMPANIES.

Existing companies may apply for charters under this Act.

69. Any company heretofore incorporated for any pur pose or object for which letters patent may be issued under this Act, whether under a special or a general Act, and now heiner a subsisting and a special or a general Act, and now being a subsisting and valid corporation, may apply oil. letters patent under this Act, and the Governor in Council, upon proof that notice of the application has been inserted for four weeks in the C for four weeks in the Canada Gazette, may direct the issue of letters patent of letters patent incorporating the shareholders of the said company as a company under this Act; and thereupon all the rights or obligation and the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations are represented by the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations are represented by the rights of obligations and the rights of obligations are represented by the rights of obligations are represented by the rights of the rights of obligations are represented by the rights of the rights such charters. the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been desirable to the continued or commenced by or against the new company. that might have been continued or commenced by or against the old company and it is a such the old company. the old company; and it shall not be necessary in any such letters patent to set and letters patent to set out the names of the shareholders; and after the issue of the lattern and the lattern an after the issue of the letters patent the company shall be governed in all respect. governed in all respects by the provisions of this Act, except that the liability of the that the liability of the shareholders to creditors of the old company shall remain company shall remain as at the time of the issue of the letters patent 40 V 242 40 V., c. 43, s. 80. ters patent.

Subsisting companies may apply for charters with extended powers.

70. If a subsisting company applies for the issue of tters patent under this Act in applies for the issue of letters patent under this Act, the Governor in Council may, by the letters patent by the letters patent, extend the powers of the company to such other objects for all in the powers of the company to such other objects for which letters patent may be issued under this Act as the applicant. under this Act as the applicant desires and as the Governor in Council thinks fit to include: Council thinks fit to include in the letters patent, and which have been mentioned in the have been mentioned in the notice of the application the same in the Canada Comments. the same, in the Canada Gazette; and the Governor in Council may, in the said latter cil may, in the said letters patent, name the first directors of the new company. of the new company; and the letters patent may be issued to the new company by the new co to the new company by the name of the old company or by another name 40 V 2 42 another name. 40 V., c. 43, s. 81.

All the provisions of this Act in relation to the Provisions obtaining of supplementary letters patent by companies touching supplementary letters patent by companies touching supplementary letters patent by companies touching supplementary plementary plementary plementary extended the reunder shall, so far as applicable, apply and letters patent extended to apply. extend to applications for letters patent under the two sec- to apply. tions next preceding. 40 V., c. 43, s. 82.

GENERAL PROVISIONS.

72. The company may have an agency or agencies in Agencies in any city or town in the United Kingdom. 40 V., c. 43, s. 86. United Kingdom.

No dividend shall be declared which will impair the Dividend not to impair capital of the company. 40 V., c. 43, s. 58. to impair capital.

Shareholders who hold one fourth part in value of the Special general hand rail meetings. Shareholders who hold one lourth part in value of the company may, at any time, call a ral meetings. special meeting thereof for the transaction of any business specified in such written requisition and notice as they make and issue to that effect. 40 V., c. 43, s. 32, part.

Every deed which any person, lawfully empowered Acts of company's attorthat behalf by the company as its attorney, signs on pany's attorney behalf by the company as its attorney. behalf of the company, and seals with his seal, shall be binding on the company and shall have the same effect as if it if it was under the seal of the company. 40 V., c. 43, s. 65.

76. Every contract, agreement, engagement or bargain Contracts, hade, and every bill of exchange drawn, accepted or &c., when to be binding on indorsed, and every bill of exchange grawn, accepted to be officered, and every promissory note and cheque made, company. officer or indorsed on behalf of the company, by any agent, officer or indorsed on behalf of the company in general accordance officer or servant of the company, in general accordance with or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall in no case shall thall be binding upon the company; and in no case shall be binding upon the company; and in no case to be necessary to have the seal of the company affixed to any accompant bargain, bill of any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the have was made, drawn, accepted or indorsed, as the case May be, in pursuance of any by-law or special vote or order; and the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the No individual companion of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting as agent, officer or servant of the person so acting a servant of the person so acting a servant of the person so acting a servant of the person servant of company shall not be thereby subjected individually to any liability. liability whatsoever to any third person therefor: Provided Proviso: as to always whatsoever to any third person therefor: always, that nothing in this Act shall be construed to bank notes. anthorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business and v. c. 43, s. 66. business of banking or insurance. 40 V., c. 43, s. 66.

Proof of any matter which is necessary to be Proof may be by declaration, or tion or affimade Proof of any matter which is necessary by deciarable under this Act may be made by oath or affirmation, or tion or affiby solemn declaration, before any justice of the peace, or any davit. commissioner for taking affidavits, to be used in any of the courts in any of the Provinces of Canada, or any notary

public, who are hereby authorized and empowered to admin, ister oaths and receive affidavits and declarations for that purpose. 40 V., c. 43, s. 76.

Certain informalities not to invalidate

78. The provisions of this Act relating to matters preliminary to the issue of the letters patent or supplementary letters patent letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent or supplementary letters patent. 40 V., c. 43, s. 77.

Word "limited" to be inserted after name of company on all notices, &c.

79. The company shall keep painted or affixed, its name, with the word "limited" after the name, on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name, with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such company and in all lills such company, and in all bills of parcels, invoices and receipts of the company:

Penalty for violation of preceding section.

2. Every company which does not keep painted or affixed, its name, with the word "limited" after it, in manner directed by this Act, shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed:

Penalty on director permitting violation.

3. Every director and manager of the company, who knowingly and wilfully authorizes or permits such default, shall be lighted to the life. shall be liable to the like penalty:

Penalty on directors or officers using or authorizing use of seal without "limited" on it.

4. Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be any seal purporting to be a seal of the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward "its and the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, with the said ward to be a seal of the company, whereon its name, whereon its name, whereon its name, whereon its name, which is not the company of t name, with the said word "limited" after it, is not so graven as aforesaid or all graven as aforesaid, or who issues or authorizes the issue any notice advertisement any notice, advertisement or other official publication of such company or who signs and the company or who signs and the company or who signs are the company of company, or who signs or authorizes to be signed on behalf of such company any bill of such company and such company any bill of such company any bill of such company and such such company any bill of exchange, promissory note, indorsement, cheque order for a such company and such as a such company and such company a ment, cheque, order for money or goods, or who issues or sto thorizes to be issued any bill of parcels, invoice or receipt of the company wherein its results of parcels, invoice or receipt of the company wherein its results of parcels, invoice or receipt of the company wherein its results of parcels, invoice or receipt of the company wherein its results of the company where the company wherein its results of the company wherein its results of the company wherein its results of the company where the company whe the company, wherein its name, with the said word after it, is not mentioned in the said word after it. it, is not mentioned in manner aforesaid, shall incur penalty of two hundred dell penalty of two hundred dollars, and shall also be person ally liable to the holder of any such bill of exchange, pro-Liability in miss and for the addition. missory note, cheque, or order for money or goods, for the addition. amount thereof, unless the same is duly paid by the com-Pany. 40 V., c. 43, ss. 78 and 79.

80. Every prospectus of the company, and every notice Prospectus, inviting persons to subscribe for shares in the company, certain shall be persons to subscribe for shares in the company, certain shall specify the dates and the names of the persons to any contracts contacts the promoters, entered in contract entered into by the company or the promoters, entered into directors or trustees thereof, before the issue of such pros- or be deemed pectus. Dectus or trustees thereoi, before the issue of such production by the fraudulent. direct or notice, whether subject to adoption by the fraudulent. directors or the company or otherwise; and every prospecthe or notice which does not specify the same shall, with respect to any person who takes shares in the company on the fair. the faith of such prospectus or notice, and who has not had notice of such prospectus or notice, and who has not had notice of such contract, be deemed fraudulent on the part of the promoters, directors and officers of the company who knowingly issue such prospectus or notice. 40 V., c. 43,

The company shall not be bound to see to the Company not implied or con- to be liable The company shall not be bound to see to the company metallicition of any trust, whether express, implied or contobe liable in respect of the trusts. structive, in respect of any share; and the receipt of the trusts. shareholder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company, shall be a valid and binding discharge for any dividend or money payable in respect of such trust has such share, and whether or not notice of such trust has been share, and whether or not notice of such that bound given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. 40 V., c. 43, s. 51.

Every director of the company, and his heirs, execu- Directors intors and administrators, and estate and effects, respectively, in suits, &c., may, with the consent of the company, given at any general against the meeting and at all times, be company. meeting thereof, from time to time, and at all times, be company. indemnified and saved harmless out of the funds of the company, from and against all costs, charges and expenses whatsoever which he sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecution of any act, deed, prosecuted against him, for or in respect of any act, deed, matter against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or all thing whatsoever, made, done or permitted by him, in or thing whatsoever, made, done or permitted by and, from about the execution of the duties of his office; and also Except by their own n about the execution of the duties of his office; and also Except by their own n from and against all other costs, charges and expenses which their own neghe sustains or incurs, in or about, or in relation to the affairs default. thereof, except such costs, charges or expenses as are occasioned by the state of t sioned by his own wilful neglect or default. 40 V., c. 43,

The charter of the company shall be forfeited by Forfeiture of the company shall be forfeited by Forfeiture of the company charter for non-user. non-user during three consecutive years, or if the company charter for is granted on into actual operation within three years after it is granted. 40 V., c. 43, s. 72.

Fees on letters patent, &c., to be fixed by Governor in Council.

establish, alter and regulate the tariff of the fees to be paid on application for letters patent and supplementary letters patent under this Act, may designate the department of departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and registration in respect thereof, and all other matters requisite for carrying out the objects of this Act:

Amount of fees may be varied.

2. The amount of the fees may be varied according to the nature of the company, the amount of the capital stock and other particulars as the Governor in Council thinks fit:

Must be paid before action is taken. 3. No steps shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor are duly paid 40 V., c. 43, s. 74.

Full statement of affairs at each meeting for elections.

S5. The directors of every company shall lay before its shareholders a full printed statement of the affairs and financial position of the company at or before each general meeting of the company for the election of directors, 40 V., c. 43, s. 87.

LOAN COMPANIES.

Sections relating to loan companies.

86. The following sections of this Act apply to loan companies only. 40 V., c. 43, Sub-title relating to loan companies.

Shares.

87. The capital stock of every loan company shall be divided into shares of one hundred dollars each. 40 V. c. 43, s. 88.

Powers and business of the company.

88. Every loan company may, from time to time,

Making loans, and on what securities. (a) Lend and advance money, by way of loan or other wise, for such periods as it deems expedient, on the security of real estate, or on the public securities of Canada, or of any of the Provinces thereof, or on the security of debenary of any municipal or other corporation, issued under or in pursuance of any statutory authority, and upon such terms, and conditions as to the company seem satisfactory or expedient;

Acquisition and sale of securities.

(b) Acquire, by purchase or otherwise, any security upon which it is authorized to lend or advance money, and re-sell the same as it deems advisable:

Enforcing rapayment.

(c) Do all acts that are necessary for advancing such such of money, and for receiving and obtaining repayment the accruit and for compelling the payment of all interest accruit

from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment;

(d) Give receipts, acquittances and discharges, either, Execution of absolutely and wholly or partially, and execute such deeds, deeds and discharges. assignments or other instruments as are necessary for carrying any such purchase or re-sale into effect:

And for every and any of the foregoing purposes, and for Capital may every and any of the foregoing purposes, and for be employed referred any other purpose in this Act mentioned or for such purposes. referred to, the company may lay out and apply the capital poses. and property, for the time being, of the company, or any part thereof, or any of the moneys authorized to be hereafter raised. raised or received by the company in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the company requisite or expedient to be done or exercised in relation thereto. 40 V., c. 43, s. 89.

The company may act as an agency association Company with interest and on behalf of others who intrust it agents and with means agency association company with means and on behalf of others who intrust it agents and agency association company with means agency association. with money for that purpose, and may, either in the name lend money, of the money for that purpose, and may, either in the name lend money either on the course behalf of the money for that purpose, and may, either in the name either on their to any company or of such others, lend and advance money own behalf or the any company or of such others, lend and advance money own behalf or to any person upon such securities as are mentioned in the asagents for to any others. next preceding section, or to any body corporate, or to any others. municipal or other authority, or to any board or body of trustees or commissioners, upon such terms and upon such Security as to the company appear satisfactory, and may purchase and acquire any securities on which they are suthorized and acquire any securities on which they are authorized to advance money, and again re-sell the same:

2. The conditions and terms of such loans and advances, Enforcement and of such purchases and re-sales, may be enforced by the company for its benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and or corporation for whom such made; and lent and advanced, or such purchase and re-sale made; and the company shall have the same power in respect of such loans are conferred upon loans, advances, purchases and sales as are conferred upon it in sales and sales made it in respect of loans, advances, purchases and sales made from its own capital:

- the Principal or the payment of the interest, or both, of anteed, monocontains may be guarany moneys intrusted to the company for investment:
- 4. The company may, for every or any of the foregoing General property for powership purposes, lay out and employ the capital and property, for such purposes. the time being, of the company, or any part of the moneys anthorized to be raised by the company in addition to its

capital for the time being, or any moneys so intrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the directors of the company for the time being requisite or expedient to be done in regard thereto:

Money of anteed, to be deemed borrowed.

5. All moneys of which the repayment of the principal of ment is guar-ment is guar-enteed to be the purposes of the the purposes of this Act, be deemed to be money borrowed by the company. 40 V., c. 43, s. 90.

Borrowing powers of com-

bentures, bonds, &c.

90. The directors may, from time to time, with the consent of the shareholders, obtained at any general meeting, bore security to be row money on behalf of the company, at such rates of interest given by it. as are lawful under this Act, and upon such terms as they, May issue de- from time to time, think proper; and the directors may, for bentures. that purpose, execute any debentures, mortgages, bonds of other instruments, under the seal of the company, for sums of not less that one hundred dollars or twenty pounds ster ling each, or may assign, transfer or deposit, by way of equitable mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the company, and either with or without power of sale or other special provisions, as the directors deem expedient. 40 V., c. 43, s. 91.

Company may receive moneys on deposit.

91. The directors may, from time to time, with the content of the classic states of the content sent of the shareholders obtained at any general meeting, receive money on behalf of the company on deposit for such periods and at such and a such and a such and a such a periods and at such rates of interest as are agreed upon; and money so received on deposit shall, for the purposes of this Act be deemed to be To be deemed this Act, be deemed to be money borrowed by the company. 40 V., c. 43, s. 92.

\$100,000 to be paid up before borrowing.

92. The company shall not borrow money unless at least took one hundred thousand dollars of its subscribed capital stock has been paid up:

20 per cent to be paid up before borowing.

2. The company shall not borrow money unless at least been twenty per cent. of its subscribed capital stock has been paid up: paid up:

Amount borrowed by deposit limited.

- 3. If the company borrows money by way of deposits under the next preceding section, the aggregate amount of the sums so horrowed by the sums so borrowed, by way of deposit, shall not at any time, whether the same time, whether the company borrows solely by way of deposit or also in other deposit or also in other ways, exceed the aggregate amount of its paid up capital and of its of its paid up capital, and of its other cash actually in hand or deposited by it is or deposited by it in any chartered bank or banks in Canada:
- 4. If the company borrows money solely on debenture other securities and by securities pany borrows or other securities, and by guarantee as hereinbefore authorized

and not by way of deposit, under the next preceding section, solely on dethal not at bentures, &c. the aggregate amount of the sums so borrowed shall not, at bentures, &c. any time, exceed four times the amount of its paid up and unimpaired capital, or the amount of its subscribed capital, at the option of the company:

5. If the company borrows money both by way of if it borrows in both way debentures or other securities, or by guarantee, as aforesaid, in both ways. and also by way of deposit, the aggregate amount of money so borrowed shall not, at any time, exceed the amount of the principal moneys remaining unpaid on securities then held by the company, nor shall it exceed double the amount of the of the then actually paid up and unimpaired capital of the Proviso; as to commend the cash in hand. company; but the amount of cash then actually in the cash in hand. hands of the company, or deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount. amount of the liabilities which the company has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section:

6. In the event of any company now incorporated, Proviso; as to availing itself of the provisions of this Act for the purpose now incorporated. of enlarging its powers to borrow money by debentures, porated. hothing herein contained shall be construed as affecting or thany wise impairing the right of the holders of debenthree issued by such company. 40 V., c. 43, s. 93.

The company shall not use any of its funds in the Not to purpurchase of stock in any other incorporated company. chase stock in other company. chase stock in other company. 40 V., c. 43, s. 94.

The company may hold such real estate as is Power to hold such real estate as is Power to hold such real estate. necessary for the transaction of its business, not exceeding real estate. in yearly for the transaction of its business, not real and value the sum of ten thousand dollars, or such real estate as, being mortgaged or hypothecated to it, is acquired; as, being mortgaged or hypothecated to at, is acquired by it for the protection of its investments,—and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: but the company shall sell any real estate actions to such estate in the same of the same Quired in satisfaction of any debt within seven years after not held for than 1. thas been so acquired, otherwise it shall revert to the preown use. Pious been so acquired, otherwise it snamewers to such that owner, or to his heirs or assigns. 40 V., c. 43, s. 95.

may charge such commission to the lender or borrower, or commission. both charge such commission to the lender of both, upon the moneys invested, as is agreed upon, or as to be a such commission to the lender of both. is reasonable in that behalf. 40 V., c. 43, s. 96.

exact any rate of interest or discount that may be lawfully recover. incorporated individuals, or, in the Province of Quebec, by incorporated companies under like circumstances, and may also record also receive an annual payment on any loan by way of a

sinking fund for the gradual extinction of such loan, upon such terms and in such manner as are regulated by the Proviso; as to by-laws of the company: Provided always, that no fine of fines. penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan. 40 V., c. 43, s. 97.

Register of securities.

97. A register of all securities held by the company shall be kept; and within fourteen days after the taking of any security, an entry or memorandum specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. 40 V., c. 43, s. 98.

Company may unite with any other like company.

98. The company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered toon a like purpose or with those of any building, savings or loan company or society heretofore or hereafter incorporated of chartered or more thanks. chartered, or may purchase and acquire the assets of any such company or society, and may enter into all contracts and agreements therewith necessary to such union, amalgamation consolidation and agreements. 40 V., c. 43, mation, consolidation, purchase or acquisition. s. 99.

Agreement for such union to provide.

99. The directors of the company, and of any other such company or society, may enter into a joint agreement under the corporate social after the corporate so how made, company or society, may enter into a joint agreement the sac, and what the corporate seal of each of the said corporations, to provide union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the company of the assets of any other and assets of any other such company or society, prescribing the terms and conditions the terms and conditions thereof, the mode of carrying the same into effect the name of the into effect, the name of the new corporation, the number of the directors and other are the directors and other officers thereof, and who shall be the first directors and other officers thereof, be the first directors and officers thereof, the manner of converting the conital at a long the conital at a l verting the capital stock of each of the said corporations into that of the new corporations into that of the new corporation, with such other details as they deem necessary to and they deem necessary to perfect such new organization, and the union, amalgametics and the union, amalgamation and consolidation of the said corporations, and the subsequent porations, and the subsequent management and working thereof, or the terms and working thereof, or the terms and mode of payment for the assets of any other such company or any other such company or society purchased or acquired by the company. 40 V 2 42 122

Approval of shareholders.

100. Such agreement shall be submitted to the shared holders of each of the said corporations at a meeting thereof to be held separately for the to be held separately, for the purpose of taking the into consideration:

2. Notice of the time and place of such meetings, and e objects thereof shall be a such meetings, and such purpose. the objects thereof, shall be given by written or printed notices, addressed to each shareholder of the said corporations respectively, at his last known post office address or place respectively, at his last known post office in a newsplace of residence, and also by a general notice in a newspaper published at the chief place of business of such corporations respectively, once a week, for six successive

3. At such meetings of shareholders such agreement shall Proceedings of shareholders such agreement shall Proceedings at meeting. be considered, and a vote by ballot shall be taken for the at meeting. adoption or rejection of the same—each share entitling the holder thereof to one vote in person or by proxy; and if twothirds of the votes of all the shareholders of such corporations are one that fact shall be given for the adoption of such agreement, that fact shall be certified upon the agreement by the secretary of each of such such agreement by the secretary of each of such corporations, under the corporate seal thereof:

4. If the agreement is so adopted at the respective And if the earlier than agreement meetings of the shareholders of each of the said corpora-agreement is adopted. tions, the agreement so adopted and the said certificates there. thereon shall be filed in the office of the Secretary of State; and the said agreement shall, from thenceforth, be taken and deemed to be the agreement and act of union, amai, and deemed to be the agreement and corporations, or analgamation and consolidation of the said corporations, or the the agreement and deed of purchase and acquisition by the company of the assets of such company so selling, as the case may be:

6. A copy of such agreement so filed, and of the certificates Copy of agreement to be the recopy of such agreement so filed, and of the certificates copy of a of short properly certified, shall be evidence of the existence evidence. of such property control :

6. Due proof of the foregoing facts shall be laid before the Letters patent Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and, if deemed expedient by the Governor in Council, and it is a constant of the council and t ernor in Council, and, if deemed expedient by thereof Council, letters patent shall be issued and notice pany. thereof duly published by the Secretary of State in the Canada Gazette. 40 V., c. 43, s. 101.

pon the completion and perfection of the said agree- Effect of the agreement when next when next when next ment and act of consolidation, as provided in the next when perpreceding section, the several corporations or societies, parties feeted. thereto, shall be deemed and taken to be consolidated, and form in the said agreement to form one corporation, by the name in the said agreement provided and shall possess all the provided, with a common seal, and shall possess all the rights. rights, privileges and franchises of each of such corporations. Privileges and 40 V., c. 43, s. 102.

Oregand Upon the consummation of such consolidation as Business and rights of both companies aforesaid, all and singular the business, property, real and rights of both companies personal, and all rights and incidents appurtenant thereto, vested in new shool, and all rights and incidents appurtenant and company. all stock, mortgages or other securities, subscriptions and company. other debts due on whatever account, and other things in action had been account, and other things in the country or either of them, action belonging to such corporations or either of them,

Proviso: saving rights of third parties.

shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such corporations. by such consolidation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall share or be affected to abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. 40 V., c. 43, s. 103.

Annual statement to Minister of

103. The company shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General a state Receiver General a statement in duplicate, to the thirty-first day of December in the day of December in the statement in duplicate, to the thirty-first day of December in the statement in duplicate, to the thirty-first day of December in the statement in the s what it must day of December inclusive of the previous year, verified by show. the oath of the president or vice-president and the manager, setting out the capital stock of the company, and the proportion thereof paid up, the assets and liabilities of the company, the amount and nature of the investments made by the company, both on its own behalf and on behalf of others, and the average are the company. and the average rate of interest derived therefrom—distinguishing the electric first and the average rate of interest derived therefrom—distinguishing the electric first and the average rate of interest derived therefrom—distinguishing the electric first and the average rate of interest derived therefrom—distinguishing the electric first and the average rate of interest derived therefrom—distinguishing the electric first and the average rate of interest derived therefore and the electric first and the average rate of interest derived therefore and the electric first and the average rate of interest derived therefore and the electric first and the electric fi guishing the classes of securities, and also the extent and value of the landar half is value of the lands held by it, and such other details as the nature and artest and such other details as the nature and extent of the business of the company at the Minister of Finance and the Minister of Finance and Receiver General requires, and in such form and with in such form and with such details as he, from time to time, Proviso; as to requires and prescribes; but the company shall, in no case private mather be bound to disclared. be bound to disclose the name or private affairs of person who has dealer person who has dealings with it. 40 V., c. 43, s. 104.

ters.

SCHEDULE.

FORM A.

Public notice is hereby given that under "The Companies of letters patent have been a part of Act" letters patent have been issued under the Great Seal of Canada, bearing data the incorporating [here state names, address and calling of each corporator named in the lattern corporator named in the letters patent], for the purpose of [hete state the undertaking of the Communication of th state the undertaking of the Company, as set forth in the part of patent, by the name of there are patent], by the name of [here state the name of the Company in the letters patent] with a total dollars divided into dollars.

shares of

Dated at the office of the Secretary of State of Canada, this day of

40 V., c. 43, sch.

A.B., Secretary.

FORM B.

Public notice is hereby given, that under "The Companies' the Great Seal of Canada, bearing date the day of , whereby the undertaking of other purposes or objects mentioned in the supplementary letters

Dated at the office of the Secretary of State of Canada, this day of

40 V., c. 43, sch.

A.B., Secretary.

FORM C.

Public notice is hereby given, that under "The Companies' the Great Seal of Canada, bearing date the

capital stock of [here state the name of the Company] is indollars to dollars.

Dated at the office of the Secretary of State of Canada, this day of

40 V., c. 43, sch.

A.B., Secretary.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
V., c. 43	The whole except ss. 73, 75, 105 and 107.	ss. 73, 75 and 105.	s. 107	AnAct respect- ing loans in Canada by British com- panies.

CHAPTER 116.

An Act respecting Banks and Banking.

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

Short title.

1. This Act may be cited as "The Bank Act." 46 V, c. 20, s. 1.

Interpretation.

- 2. In this Act, unless the context otherwise requires:
- "Goods, wares and merchandise."
- (a) The expression "goods, wares and merchandise" includes in addition to the things usually understood thereby, timber, deals, boards, staves, saw-logs and other lumber, petroleum, crude oil, and all agricultural produce and other articles of commerce;

"Warehouse receipt."

(b) The expression "warehouse receipt" means any receipt given by any person, firm or corporation for any goods, wares or merchandise in his or their actual, visible and continued possession, as bailee or bailees, in good faith, and not as of his or their own property, and includes receipts from any person who is the keeper of any harbor, cove, pond, wharf, yard, warehouse, shed, storehouse, tannery, mill or other place in Canada, for goods, wares or merchandise in the place or in one or more of the places so kept by him, whether such person is engaged in other business or not, and includes also specifications of timber;

"Bill of lading."

(c) The expression "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an obligation to transport the same from the place where they were received to some other place, whether by land or water, or partly by land and partly by water, and by any mode of carriage whatever;

"Ship" or "shipment."

(d) The expression "ship" or "shipment" means the derivery of any article, for transport as aforesaid; 43 V., c. 22, s. 7, part.

"The Bank."

(e) The expression "the bank" means any bank to which this Act applies.

To what banks the Act applies.

3. The provisions of this Act apply to every bank in corporated during the session of the Parliament of Canada held in the forty-third year of Her Majesty's reign or there after, or hereafter, whether this Act is specially mentioned in

its Act of incorporation or not, as well as to all banks, (except where otherwise expressly mentioned) whose charters where otherwise expressly mentioned but not ters or Acts of incorporation are hereby continued, but not to any other, unless extended to it under the special pro-Visions hereinafter made. 34 V., c. 5, s. 2;—43 V., c. 22, s. 1.

The charters or Acts of incorporation of the several Charters contained to 1st banks enumerated in the schedule A to this Act and any July, 1891. Acts amending them are hereby continued and shall, subject to 41 to the provisions of this Act, as to their incorporation, the amount of capital stock, the amount of each share of such stock, and the chief place of business of each respectivel. ively, remain in force until the first day of July, in the year one thousand eight hundred and ninety-one, subject to the right of any such bank to increase its capital stock in the manner hereinafter provided; and as to other particulars. lars this Act shall form and be the charter of each of the said banks, until the said first day of July, one thousand eight hundred and ninety-one, and the provisions hereof shall applied and ninety-one, and the provisions hereof shall apply to each of them respectively: Provided always, that the said charters or Acts of incorporation are only hereby conforieiture.

Proviso; as to forfeiture. tinued in force in so far as they or any of them are not forteited or void under the terms thereof or of this Act or any other Act passed or to be passed in that behalf, by non-performance of the conditions of such charters or Acts of incorporate or otherwise. 34 V., poration respectively, or by insolvency or otherwise. e.5,8.1;—43 V., c. 22, s. 11.

The Words "or Act of incorporation" in line 11 are omitted at the suggestate Parliamentary Committee.

CAPITAL STOCK.

the amount of each share, the name of the bank, and the for in special place with the situate shall be declared Act. blace where its chief office is to be situate, shall be declared Act. the Act of incorporation of every such bank. 34 V., c.

6. No bank hereafter incorporated, unless it is otherwise Conditions to provided by its Act of incorporated, unless it is otherwise conductors commence the business of banking until five hundred business by and one hand fide subscribed new banks. and one hundred thousand dollars have been bona fide paid up, not hundred thousand dollars have been bona fide paid a up, nor until it has obtained from the Treasury Board a certificate to that effect:

2. Such certificate shall be granted by the Treasury Board When certifi-When it is proved to the satisfaction of such board that such cate may be amount. amounts of capital have been bonû fide subscribed and paid respectively:

8 If at least two hundred thousand dollars of the A certain sum been paid to be paid up subscribed capital of such bank have not been paid to be paid up before a paid to be paid up to be paid to be paid up to be paid to be paid up up before it commences business, such further amount as is years.

required to complete the said sum shall be called in and Not more than paid up within two years thereafter; and it shall not \$200,000 need necessary it. \$200,000 need necessary that more than two hundred thousand dollars of be paid up. the stock of any bank, whether incorporated before or after the passing of this Act, shall be paid up within any limited period from the date of its incorporation. 34 V., c. 5, s. 7.

Increase of capital.

7. The capital stock of the bank may be increased, from time to time, by the shareholders at any annual general meeting, or at any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders determine, and shall be decided by be decided by the majority of the votes of the shareholders. present at such meeting in person, or represented by proxy. 34 V., c. 5, s. 5.

How stock shall be allot-

8. Any of the original unsubscribed capital stock, or the increased stock of the bank, shall, when the directors so determine, be allotted to the then shareholders of the bank pro rata, and at such rate as is fixed by the directors, but no fraction of a share shall be so allotted; and any of such allotted stock which is not taken up by the shareholder to whom such allotment has been made, within three months from the time from the time when notice of the allotment was mailed to his address, may be opened for subscription to the public, in such manner and on such terms as the directors prescribe. 34 V., c. 5, s. 6.

INTERNAL REGULATIONS.

By-laws may be made.

9. The shareholders in the bank may regulate, by by-law, and the following matters incident to the management administration of the administration of the affairs of the bank, that is to say five the number of the directors, which shall not be less than their and not more than their and not more than ten, and the quorum thereof; their qualification the most at a court of the quorum thereof; qualification; the method of filling up vacancies in the board of directors when are the of directors whenever the same occur during each year, case the time and proceedings for the the time and proceedings for the election of directors, in case of a failure of any slatting of a failure of any election on the day appointed for it; the remuneration of the president remuneration of the president, vice-president and other directions; and the closing of the tors; and the closing of the transfer book during a certain time, not exceeding 6th time, not exceeding fifteen days, before the payment of each semi-annual dividend

Election. Qualification of director.

2. The directors shall be elected annually by the share olders, and shall be aliced annually by holders, and shall be eligible for re-election: Provided, that no director shall hold leave the no director shall hold less than three thousand dollars of the stock of the bonk when the the stock of the bank, when the paid-up capital thereof is one million dollars or loss and one million dollars or less, or less than four thousand dollars of stock when the said and the s of stock when the paid-up capital thereof is over that million and does not carry in the capital thereof is over that million and does not exceed three millions, or less five thousand dollars of the millions. five thousand dollars of stock when the paid-up capital thereof exceeds three millions: Provided also, that the Proviso: as force directors shall to banks en foregoing provisions of this section, touching directors, shall to banks en not company to banks en commandite. not apply to a bank en commandite, which shall in these matters be governed by the provisions of its charter:

3. The shareholders (or if the bank is en commandite, the Discounts to directors. principal partners) may also regulate, by by-law, the amount directors. of discounts or loans which may be made to directors (or if the bank is en commandite, to the principal partners), either loints. share or severally, or to any one firm or person, or to any shareholder or to corporations:

4. Provided, that until it is otherwise prescribed by by- Certain bylaw under this section, the by-laws of the bank, on any tinued. matter which may be regulated by by-law under this section, shall remain in force, except as to any provision fixing all states at an amount less than that the qualification of directors at an amount less than that hereby prescribed; and no person shall be elected or continue to be a director unless he possesses the number as are shares hereby required, or such greater number as are required hereby required, or such greater names. See the such and by any by-law in that behalf. 34 V., c. 5, ss. 28 and 30, part.

Every shareholder in the bank shall, on all occasions votes on shares. Which the votes of the shareholders are taken, have one shares. vote for each share held by him for at least thirty days before the time of meeting: shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy, and no manager, cashier, bank clerk or other by had no manager, casnier, pank of the bank shall vote either in person or by proxy, or hold a proxy for that purpose:

2. All questions proposed for the consideration of the Majority to shareholders shall be determined by the majority of their determine. votes; the chairman elected to preside at any such meeting of the chairman elected to preside at any such meeting of the shareholders shall vote as a shareholder only, unless there; there is a tie, in which case, except as to the election of a Casting vote. director, he shall have a casting vote:

3. If two or more persons are joint holders of shares, any As to joint he of shares of holders of shares. One of such joint holders may be empowered, by letter of shares. attorney from the other joint holder or holders, or a majority them of them, to represent the said shares, and vote accordingly:

ten +1 all cases when the votes of the shareholders are Ballo taken, the voting shall be by ballot. 34 V., c. 5, s. 27.

The directors of the bank, or any four of them,—any special general the shareholders of the meeting number not less than twenty-five of the shareholders of the meetings, bank, who are together proprietors of at least one tenth of the baid by themselves or by the paid-up capital stock of the bank, by themselves or by their proxies,—may, at any time call a special general meeting

of the shareholders, to be held at their usual place of meeting ing, upon giving six weeks' previous public notice, specificing in such notice at the contract of the contract ing in such notice the object of such meeting:

Removal of president, director, &c.

2. If the object of any such special general meeting is to consider the proposed removal of the president or vice-president dent, or of a director of the bank, for mal-administration other specified and apparently just cause, and if a majority of the votes of the shareholders at such meeting are given for

New election. such removal, a director to replace him shall be elected the appointed in the manner provided in the by-laws of the bank, or if there are no by-laws providing therefor, then by the shareholders at such meeting; and if it is the president or vice-president who is a resident and or vice-president who is removed, his office shall be filled up by the directors in the by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. c. 5, s. 29.

12. The stock, property, affairs and concerns of the bank

Board of directors.

shall be managed by a board of directors, the number of whom shall be fired as whom shall be fixed as herein provided, who shall choose from among the master. from among themselves a president and vice-president; the directors shall be noted in directors shall be natural-born or naturalized subjects after Majosty and chall have Her Majesty, and shall be elected on such day in each year as is appointed by the characteristics. as is appointed by the charter or by any by-law of the bank, and at such time of the and at such time of the day and at such place where the head office of the bank is situate, as a majority of the directors for the time being and at such place where for the time being appoint; and public notice shall be given by the directors by many the directors by the d by the directors, by publishing the same for at least four weeks in a newspaper and living the same for at least said weeks in a newspaper published at the place where the said head office is situate. head office is situate, previous to the time of holding such election; and the classical states and the classical states are the such election. election; and the election shall be held and made by such of the shareholders of the of the shareholders of the bank as have paid all calls made by the directors and as all sales made of the shareholders of the bank as have paid all calls made by the directors and as all sales made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the shareholders of the bank as have paid all calls made of the bank as have paid all by the directors and as attend for the purpose in person of are represented by

Notice of election.

Ballot. Proxies.

2. All elections of directors shall be by ballot; and the broxies shall be bell be bell by ballot; said proxies shall be held and voted upon only by share holders then present: holders then present:

are represented by proxy:

Who shall be directors.

3. The persons, to the number fixed by by-law, as here before provided when inbefore provided, who have the greatest number of votes at any election shall be discussed. at any election, shall be directors:

Provision in case of equality of votes.

4. If it happens at any election that two or more persons we an equal number of real have an equal number of votes, and the election or non-election of one or more of such tion of one or more of such persons as a director or director depends on such consists. depends on such equality, then the directors who have greater number or the mine. greater number, or the majority of them, shall determine which of the said persons as which of the said persons so having an equal number of yotes shall be the director of them, shall determ of which of the said persons so having an equal number of yotes shall be the director of them. votes shall be the director or directors, so as to complete the full number: and the conditions of the same than the conditions of the con the full number; and the said directors, as soon as may after the said election, shall proceed in like manner to elect, Election of president, & by ballot, two of their number to be president and vice-president, &c. President respectively:

5. If a vacancy occurs in the board of directors, such vacancies, laws 1 shall be filled in the manner provided by the bylaws; but the non-filling of the vacancy shall not vitiate the acts of a quorum of the remaining directors; and if the vacancy so created is in the office of the president or vicepresident, the directors, at the first meeting after completion of 11. of their number, shall, from among themselves, elect a president dent or vice-president, who shall continue in office for the remainder of the year. 34 V., c. 5, s. 30.

No shareholder in any bank to which the three sec- In certain cases calls tions next preceding apply shall vote, either in person or by must be paid proxy, on any question proposed for the consideration of the before voting. shareholders of the bank at any meeting of such shareholders, of the charabolders of on in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 40 V., c. 44, s. 1.

No appointment of a proxy to vote at any meeting of Renewal of the shareholders of the bank shall be valid for that purpose, proxies. thless it has been made or renewed in writing within the three years next preceding the time of such meeting. v. c. 22, s. 12, part.

han If an election of directors is not made on any day Provision in when it should be made, the corporation shall not for that case of failure of election. Cause be deemed to be dissolved, but an election of directors may take place on any other day in such manner as is pro-Vided by the by-laws made by the shareholders in that behalf; and the directors then in office shall so remain until a new election is made. 34 V., c. 5, s. 31.

16. At all meetings of the directors not less than three Quorum, &c. shall constitute a quorum for the transaction of business; and at or in his absence the and at such meetings the president, or in his absence the rice president, or in the absence of both of them, one of the direct shall preside; directors present, chosen to act pro tempore, shall preside; and the present that the present the state of the president pro tempore so and the president, vice-president or president pro tempore so Casting vote, president, vice-president or president an equal president, vice-president or president protein divisions, shall vote as a director, and if there is an equal division vote. 34 division on any question, shall also have a casting vote. 34 V., c. 5, s. 32.

The directors for the time being, or a majority of General powers of mot repug-powers of mot repug-powers of mot repug-powers of motors. them, The directors for the time being, or a majority of General nant to the make by-laws and regulations (not repug-powers of directors. nant to the provisions of this Act or the laws of Canada) touching the management and disposition of the stock, property, estate and effects of the bank, and touching the duties and conduct of the officers, clerks and servants

by-laws in force.

employed therein, and all such other matters as appertain Proviso; as to to the business of a bank: Provided always, that by-laws in by-laws of the business of a bank: by-laws of the bank lawfully made before the fourteenth day of April, one thousand eight hundred and seventy-one, and now in force, in respect to any matter respecting which the directors may make by-laws under this section (including any by-laws for establishing a guarantee fund for the employees of the bank) shall remain in force until they are repealed or altered by others made under this Act. c. 5, s. 33, part.

Appointment of officers, &c.

18. The directors may appoint as many officers, clerks and servants for carrying on the business of the bank, and with such salaries and allowances as they consider necessary —and they may also appoint a director or directors for any branch of the bank:

Security to be given.

2. Before permitting any cashier, officer, clerk or servant of the bank to enter upon the duties of his office, the directors shall recovered to the directors shall recovered to the directors of the dir tors shall require him to give bond or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 34 V., c. 5, s. 33, part.

SHARES AND CALLS.

Subscription and transfer of stock in United Kingdom.

19. Books of subscription may be opened, and shares of the capital stock may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the head office of the honer and for the honer and hon of the bank; and for that purpose the directors may, from time to time, determine the proportion of the shares which shall be so transferable in the United Kingdom, and make such rules and regulations, and prescribe such forms, and appoint such agents, as they deem necessary. 34 V., c. 5, s. 17.

Payment of shares.

20. The shares of the capital stock shall be paid in by such instalments, and at such times and places as the directors appoint and tors appoint, and executors, administrators and curators paying the instalments upon the shares of deceased share holders shall be indeed to be a share shall be indeed to be a share of deceased share the shares of deceased shares and the shares of deceased shares are the shares of deceased shares and the shares of deceased shares are the shares are holders shall be indemnified for paying the same: Provided always that no share all like in paying the same is the same is the share always that no share all like in paying the same is t always, that no share shall be held to be lawfully subscribed for. unless a sum constitution of the for, unless a sum equal to at least ten per centum on the amount subscribed for amount subscribed for is actually paid at the time of c. within thirty days after the time of subscribing.

Proviso; ten per cent. pay-able on subscription.

5, s. 18.

Calls on shares.

21. The directors may make such calls of money from the several shareholders for the several shareholde the several shareholders for the time being, upon the subscribed for by them. subscribed for by them, respectively, as they find necessary

2. Such calls shall be made at intervals of not less than Time of calls thirty days, and upon notice to be given at least thirty and notice. days prior to the day on which such call shall be payable; and no such call shall exceed ten per cent. of each share Limitation. subscribed. 34 V., c. 5, s. 34, part.

The directors may, in the corporate name of the Recovery of calls. bank, sue for, recover and get in all such calls, or cause and calls. declare such shares to be forfeited to the bank, in case of non-payment of any such call:

2. An action may be brought to recover any money due Recovery by on any such call; and it shall not be necessary to set forth suit. the special matter in the declaration, but it shall be sufficient believed of one share or cient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the bank, and is indebted to the bank for a call or calls upon such share or shares, in the sum to which the call or calls anount, as the case may be, stating the amount and humber of such calls, whereby an action has accrued to the bank to bank to recover the same from such defendant by virtue of this Act; and to entitle the directors to recover in such What only action; and to entitle the directors to recover in such What only action it; and to entitle the directors to recover in such What only action it; and to entitle the directors to recover in such What only action it. action it shall be sufficient to prove by any one witness (a need be proved. shareholder being competent) that the defendant, at the of making any such call, was a shareholder in the of making any such call, was a snareholder of shares alleged, and to produce the by-law or beauty of shares alleged, and to prove resolution of the directors making such call, and to prove Notice thereof, given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the directors or any other matter whatsoerer. 34 V., c. 5, s. 34, part.

Provided always, that if any shareholder refuses or Forfeiture of the shares for neglects to pay any instalment upon his shares of the shares for non-payment apital store pay any instalment upon his shares of the non-payment capital stock at the time appointed by such call, as afore of calls. said stock at the time appointed by such carry, the hard shareholder shall incur a forfeiture to the use of the bank of a sum of money equal to ten per cent. on the without of such shares; and the directors of the bank may, Sale in such without any previous formality, other than thirty days' case. public notice of their intention so to do, sell at public auction the said shares as shall, tion the said shares, or so many of the said shares as shall, after day after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remaining the reasonable expenses of the smount of forthe remainder of the said shares and the amount of for-leithree feitures incurred upon the whole; and the president or And transfer. vice president, manager or cashier of the bank, shall execute the transfer, manager or cashier of the bank, shall execute the president, manager or cashier of the bank, shall be transfer to the purchaser of the shares so sold; and transfer to the purchaser of the shares so sold; and transfer to the purchaser of the shares so sold; in law as ser, when accepted, shall be as valid and effectual in law as if the same had been executed by the original holder of it the same had been executed by the directors, holder of the shares thereby transferred; but the directors, Proviso. or the shares thereby transferred; but the standing shareholders, at a general meeting may, notwithstanding shareholders, at a general meeting may, 100 anything in this section contained, remit either in

whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or the bank may enforce the payment of any call or calls by suit instead of declaring the shares forfeited. 34 V., c. 5, s. 35.

ANNUAL STATEMENT.

Statement to be laid before annual meeting.

24. At every annual meeting of the shareholders for the election of directors, the out-going directors shall submit a clear and full statement of the affairs of the bank, containing on the one part,—

Liabilities.

The amount of the capital stock paid in, the amount of notes of the bank in circulation, the net profits made, the balances due to other banks and institutions, and the cash deposited in the bank, distinguishing deposits bearing interest from those not bearing interest; and on the other part,—

Assets.

The amount of the current coin, the gold and silver bullion, and the Dominion notes in the vaults of the bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the bank, and the amount of debts owing to the bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities,

What statement shall show. Exhibiting on the one hand the liabilities of, or the debts due by the bank, and on the other hand, the assets and resources thereof: and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors the amount of reserved profits at the time of declaring the said dividend, and the amount of debts due to the bank said dividend, with an estimate of the loss which will probably accrue thereon. 34 V., c. 5, s. 36.

INSPECTION BY DIRECTORS.

Inspection of books, &c.

25. The books, correspondence and funds of the directors, but no shareholder who is not a director shall be allowed to inspect the account of any person dealing with the bank. 34 V., c. 5, s. 37.

DIVIDENDS.

Dividends.

26. The directors of the bank shall declare half-yearly dividends of so much of the profits of the bank as to majority of them seems advisable, and not inconsistent with the provisions of the two sections of this Act with following; and they shall give at least thirty days' published

notice of the payment of such dividends previously to the date fixed for such payment. 34 V., c. 5, s. 38.

No dividend or bonus shall ever be declared so as Dividend not to impair to impair the paid up capital; if any dividend or bonus capital. is so declared or made payable, the directors who knowingly and wilfully concur therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the bank; and if any part of the paid-up capital is lost, the Capital lost to direct, and if any part of the paid-up capital is lost, the be made up. directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equivalent to such loss; and such loss (and the calls, if the hand be mentioned in the next return made by the bank to the Minister of Finance and Receiver General: Provided, that in any case in which the capital has been impaired. paired as aforesaid, all net profits shall be applied to make good such loss. 34 V., c. 5, s. 10.

No division of profits, either by way of dividends or Dividend bonus, or both combined, or in any other way, exceeding limited unless the rate of eight per cent. per annum, shall be made by the tain reserve. bank unless, after making the same, it has a rest or reserved fund contest, after making the same, of its paid-up capital; find equal to at least twenty per cent. of its paid-up capital; and all bad and doubtful debts shall be deducted before the amount of such rest is calculated. 34 V., c. 5, s. 11.

TRANSFER AND TRANSMISSION OF SHARES.

The shares of the capital stock shall be personal Shares and transfer transfer thereof. The shares of the capital stock shall be personal shares of the capital stock shall be assignable and transferable at the chief thereof. place of business of the bank or at any of its branches which the directors appoint for that purpose, and according to such form as the directors prescribe; but no assignment or transfer shall as the directors prescribe; but no assignment of the valid unless it is made and registered and accepted by the valid unless it is made and registered and accepted to the valid unless it is made and accepted to the valid unless it is acc by the valid unless it is made and registered and need books person to whom the transfer is made, in a book or books person to whom the transfer is made, in a book or books person to whom the transfer is made, in a person kept by the directors for that purpose, nor unless the person making the same has, if required by the bank, preriously making the same has, if required by the bank, which discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate; and that the such person, valued at the then current rate; and that the such person, valued at the then current rate; and the such person, valued at the then current rate; and the such person is the such person of the such ho fractional part of a share, or less than a whole share, hall he could be share, and he can be shall be share, and shall be shared by shall be assignable or transferable. 42 V., c. 45, s. 1, part.

le books of all transfers of shares registered each day in List of transfers be kept the books of the bank, showing the parties to such transfers to be kept. and the number of shares transferred in each case, shall be made up at the end of each day and kept at the chief place of business of the bank for the inspection of its shareholders. 34 V., c. 5, s. 20.

When any share of the capital stock has been sold Sale of shares under a write any share of the capital stock has been sold Sale of shares under execution. When any share of the capital stock has writ of execution, the officer by whom the writ was tion.

executed shall, within thirty days after the sale, leave with the cashier; manager or other officer of the bank, an attested copy of the writ, with the certificate of such officer indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts and liabilities of the holder of the share to the bank, and all liens existing in favor of the bank thereon, have been discharged as herein provided), the president, vice-president, manager of cashier of the bank shall execute the transfer of the share sold to the march. sold to the purchaser; and such transfer when duly accepted, shall be, to all intents and purposes, as valid and effectual in law as if it had been executed by the holder of the said share. 42 V a 45 7 3 share. 42 V., c. 45, s. 1, part.

Transmission of shares otherwise than by transfer, how authenticated.

32. If the interest in any share in the capital stock becomes transmitted in consequence of the death, bank ruptey or insolvence ruptcy, or insolvency of any shareholder, or in consequence of the marriage of of the marriage of a female shareholder, or by any other lawful manns then be a start of the lawful manns the lawful means than by a transfer according to the provisions of this Act such transfer according to the provisions of this Act, such transmission shall be authenticated by declaration in a such declaration in writing, as hereinafter mentioned, or in such other manner as the little and other manner as the directors of the bank require; and every such declaration of the bank require; in every such declaration shall distinctly state the manner in which and the necessity state the manner is which and the person to whom such shares have been transmitted and about transmitted, and shall be made and signed by such person and the person making the p and the person making and signing such declaration acknowledge the come by acknowledge the same before a judge of a court of records or before the mayor proved or before the mayor, provost or chief magistrate of a city, town, borough or other town, borough or other place, or before a notary public where the same is made and a public where the same is made and a public where the same is made and a public where the same is made and signed; and every declaration so signed and selections of the same is made and signed; so signed and acknowledged shall be left with the cashier, manager or other after manager or other officer or agent of the bank, who shall thereupon enter the name of the bank, who shall thereupon enter the name of the bank, who shall be left with the cash and the shall be left with the shall be left with the shall be left with the cash and the shall be left with the cash and the shall be left with the cash and the shall be left with the shall be left wi thereupon enter the name of the person entitled under such transmission in the received transmission has been so and transmission has been so authenticated no person claiming by virtue of any such transmission has been so authenticated no person claiming transmission has been so authenticated no person claim transmission has been so authenticated no by virtue of any such transmission shall be entitled participate in the profit participate in the profits of the bank, or to vote in respect of any such share of the country bank, or to vote in respect of any such share of the country bank, or to vote in respect to the country bank. of any such share of the capital stock: Provided this and that every such declaration and instrument as, by this and the next following section and instrument as, by the next following section and instrument as the next following section and the next fol the next following section of this Act, are required to perfect the transmission of a characteristic and instrument as, by this feet the next following section of this Act, are required to perfect the transmission of a characteristic and the section of the the section o the transmission of a share in the bank which is made in any other country than the bank which is made in the bank which i any other country than Canada, or any other shall colony in North America colony in North America or in the United Kingdom, vice be further authenticated be further authenticated by the British consul or pritish consul, or other the according consul, or other the accredited representative of the Government in the country Government in the country where the declaration is made or shall be made directly be a declaration of the bridge o or shall be made directly before such British consul vice-consul or other according vice-consul or other accredited representative; and privided also, that the directors ther evidence vided also, that the directors, cashier or other officer of the bank may required. of the bank may require corroborative evidence of any alleged in any such declaration alleged in any such declaration. 34 V., c. 5, s. 21.

Proviso ; as to declaration made out of Canada, &c.

33. If the transmission of any share of the capital stock Transmission by marriage has taken place by virtue of the marriage of a female share-by marriage holder, the declaration shall be accompanied by a copy of shareholder. the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and shall be made and signed by such female shareholder and her husband; and they may include therein a declaration to the effect that the share transmitted is the separate property, and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the bank and the persons making the same, until the said persons see fit to revoke it by a written notice to that effect to the bank; but the omission of a statement in any such declaration that the Wife making the same is duly authorized by her husband to make the same is duly authorized by action. 84 V., c. 5, s. 22.

If the transmission has taken place by virtue of any Transmission by decease. testamentary instrument, or by intestacy, the probate of the by decease. will, or the letters of administration, or act of curatorship or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the bank, who shall, thereupon, enter the name of the person entitled under such transmission in the register of shareholders. 34 V., c. 5, s. 23.

85. If the transmission of any share of the capital stock Further provision of any shareholder, provision and the capital stock further provision of any shareholder. has taken place by virtue of the decease of any shareholder, provision in such case. the production to the directors and the deposit with them of any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate granted shareholder, or of letters of administration of the prohated by any court in Canada having power to grant such prohate by any court or authorprobate or letters of administration, or by any court or authority in E. Pritish colony, or of any ity in England, Wales, Ireland or any British colony, or of any testamond dative expede in Scottestament dative, expede in Scot-land or any British colony, or testament dative, expede in Scotland or, if the deceased shareholder died out of Her Majesty's domin; or, if the deceased shareholder died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his will or of any authenticated copy of the probate of his will or letters of the document letters of administration of his property, or other document of like administration of his property, and authority having of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend and authority to the directors for paying any dividend, or for transferring or authorizing the transfer of any share or for transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of letters of administration, or other such document as afore-88id. 34 V., c. 5, s. 24.

Whenever the interest in any share of the capital Provision in case of doubt stock is transmitted by the death of any shareholder or case of doubt as to person entitled.

otherwise, or whenever the ownership of or legal right of possession in any such share changes by any lawful means other than by transfer according to the provisions of this Act, and the directors of the bank entertain reasonable doubts as to the legality of any claim to and upon such share, the bank may make and file in one of the superior courts in the Province in which the head office of the bank is situated, a declaration and petition in writing, addressed to the instinct of the to the justices of the court, setting forth the facts and the number of shares previously belonging to the person in whose name grack at the person in the person whose name such shares stand in the books of the bank, and praying for an order or judgment declaring to whom the said shares belong,—by which order or judgment the bank shall be guided and held fully harmless and indemnified and released for fied and released from every other claim to the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the person claiming such share, or to the attorney of such person duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the lish his right to the several shares referred to in such petition, and the several shares referred to in such petition, and the several shares referred to in such petition. tion; and the times to plead and all other proceedings in such cases shall be the same as those observed in analogous Proviso: as to cases before the said superior courts: Provided also, that the costs. costs and expenses of procuring such order or judgment shall be paid by the person be paid by the person to whom the said shares are declared lawfully to below the lawfully to belong, and that such shares shall not ing transferred until such costs and expenses are paid, saving the recourse of such person against any person contesting his right. 34 V., c. 5, s. 25.

Proviso: notice to be given.

Bank not bound to see to trusts.

37. The bank shall not be bound to see to the execution any trust whather the second to see to the execution to of any trust, whether expressed, implied or constructive, to which any share of its stock is subject; and the receipt of the person in where a receipt of the person in whose name any such share stands in the books of the books. books of the bank, or, if it stands in the name of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the received at the same of more per sons than one the same of more per sons that the same of more per sons that the same of more per sons than one the same of more per sons that the same of more per sons than one the same of more per sons than one t sons than one, the receipt of one of such persons shall be a sufficient discharge to the beat of sufficient discharge to the bank for any dividend or anless other sum of money parallel other sum of money payable in respect of such share, hank i express notice to the contrary has been given to the bank; and the bank shall not be been given to the tion of and the bank shall not be bound to see to the application of the money paid upon such a see to the application of the money paid upon such receipt, whether given by one of such persons or all of them. such persons or all of them. 34 V., c. 5, s. 26.

Executors and trustees not personally liable.

38. No person holding stock in the bank as executed liministrator quardian are took in the bank as administrator, guardian or trustee, of or for any person named in the books of the bank named in the books of the bank as being so represented by him, shall be personally such as him, shall be personally subject to any liability as a liable holder, but the estate and find holder, but the estate and funds in his hands shall be interior in like manner and to the in like manner and to the same extent as the testator, 14 be tate, ward or person interest. tate, ward or person interested in such trust fund would if living and competent to be a living and com if living and competent to hold the stock in his own and and if the trust is for a living and if the trust is for a living person, such person shall

himself be liable as a shareholder; but if such testator, Exception. intestate, ward or person so represented, is not so named in the books of the bank, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock, as if 1 as if he held it in his own name as owner thereof. 43 V., c. 22, s. 2.

OBLIGATIONS AND POWERS OF THE BANK.

39. The bank shall always hold, as nearly as practicable, Part of one half of its cash reserves in Dominion notes, and the propertion of such reserves held in Dominion notes shall never notes. be less than forty per cent. thereof; and every bank holding at any time a less amount of its cash reserves in Dominion Penalty for notes than is prescribed by this section, shall incur a pennot holding due proportime it wo hundred and fifty dollars for each and every tion of Dominion notes. time it appears, by the monthly statement hereinafter men-minion notes. tioned or otherwise, that such violation of this section has $\mathbf{o}_{\mathbf{ceurred}}$:

2. The Minister of Finance and Receiver General shall Supply of make such arrangements as are necessary for insuring the notes. delivery of Dominion notes to any bank, in exchange for an equipment of Dominion notes to any bank, in exchange for an Dominion notes to any pairs, in Dominion notes to any pairs, i Montreal, Halifax, St. John (N.B.), Winnipeg, Charlotte-town and Victoria, respectively. 34 V., c. 5, ss. 14 and 16; 43 V., c. 22, s. 3;—46 V., c. 20, s. 4.

10. The amount of notes of the bank intended for cir-Amount and denomination, issued by the bank and outstanding at any time, of bank notes.

Shall nove. shall never exceed the amount of its unimpaired paid-up capital. capital: and no such note for a sum less than five dollars, or for a sum less than five dollars shall or for any sum which is not a multiple of five dollars shall be issued. be issued or re-issued by the bank, and all notes for a less sum than five dollars, or which are not such multiple as aforesaid, heretofore issued, shall be called in and cancelled as soon as practicable:

2. If it appears by the monthly statement hereinafter Penalties on entioned appears by the monthly statement of its banks having the statement of its banks have been statement of its banks having the statement of its banks have been statement o mentioned, made by the bank, that the amount of its excess of notes in all its appears by the bank, that the amount of its excess of excess of the bank, that the amount of its excess of the bank, that the amount of its excess of the bank is a which such circulation. notes in circulation has, during the month to which such circulation. statement relates, exceeded the amount authorized by this section section, such bank shall incur a penalty of one hundred dollars, if the amount of such excess of circulation is not over twenty of one thousand over twenty thousand dollars—a penalty of one thousand dollars if dollars, if such excess is over twenty thousand and not over one hands one hundred thousand dollars—a penalty of five thousand dollars. dollars, if such excess is over one hundred thousand dollars, and not and not over two hundred thousand dollars—and a penalty of ten +h over two hundred thousand dollars—wor two hundred of ten thousand dollars, if such excess is over two hundred thousand dollars, if such excess is over two hundred thousand dollars, if such excess is over two hundred thousand dollars, if such excess is over two hundred thousand dollars. 46 V., c. 20, s. 3.

Redemption of notes.

41. The bank shall always receive in payment its own notes at par at any of its offices and whether they are made payable there or not; but shall not be bound to redeen them in specie or Dominion notes at any place other than that at which they are made payable:

Payable at chief place of business.

2. The chief place of business of the bank shall always be one of the places at which its notes shall be made payable. 34 V., c. 5, s. 9.

Payments in Dominion notes.

42. The bank, when making any payment, shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof not exceeding sixty dollars as such person requests, in Dominion notes for one, two, or four dollars each, at the option of the receiver.

22, s. 12, part;—46 V., c. 20, s. 5.

Bonds, notes, &c., how and by whom to be signed.

43. The bonds, obligations and bills obligatory or of credit of the bank under its corporate seal and signed by the prosident or vice-president and countersigned by a cashier of assistant cashier which assistant cashier, which are made payable to any person, shall be assistant. shall be assignable by indorsement thereon; and bills of notes of the bank and bills of the bank and bills of the bank and bills. notes of the bank signed by the president, vice-president cashier or other officer appointed by the directors of the bank to sign the same, promising the payment of money to any person or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on it in like many as on it in like manner and with the like force and effect at they would be upon any private person, if issued by him in his private or natural his private or natural capacity, and shall be assignable in like manner as if there is like manner as if they were so issued by a private person in his natural conscience. his natural capacity: Provided always, that the directors of the bank may from the b the bank may, from time to time, authorize or depute any cashier assistant cashier assistant cashier, assistant cashier or officer of the bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and denocit of the discount and deposit of the bank, to sign the bills of the bank intended for country bank intended for general circulation, and payable to order or to hearer on domand and all I or to bearer on demand. 34 V., c. 5, s. 55.

Proviso: power may be deputed to officer.

14. All bank notes and bills of the bank whereon name of any person intrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if such notes and bills had been subscribed in proper handwriting of the person intrusted or authorized the bank to sign the same respectively, and shall be bank to sign the meaning of all laws and status whatever, and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever 34 V., c. 5. s. 56

Notes may be signed by machinery.

45. The bank shall not, either directly or indirectly, lend Certain busimoney or make advances upon the security, mortgage or ness may not by the hank hypothecation of any lands or tenements, or of any ships or by the bank. other vessels, or upon the security or pledge of any share of the capital stock of the bank, or of any goods, wares or shall not seemed as authorized in this Act; and the bank shall not, either directly or indirectly, deal in the buying and sall, either directly or indirectly, deal in the buying and selling or bartering of goods, wares or merchandise, or engage or be engaged in any trade whatsoever, except as a dealer in gold and silver bullion, bills of exchange, discounting of ing of promissory notes and negotiable securities, and in such in promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking. ing; and the bank shall not, either directly or indirectly, purch purchase or deal in any share of the capital stock of the bank, except when it is necessary to realize upon any such share held by the bank as security for any pre-existing and matured debt:

2. Every bank which violates any provision of this section Penalty for contravenshall incur a penalty not exceeding five hundred dollars. contravention. 34 V neur a penalty not exceeding nive number 1, c. 5, s. 40;—38 V., c 17, s. 1;—46 V., c. 20, s. 9, part.

die. The bank may open branches and agencies and offices Branches and die of the bank may open branches and agencies and offices Branches and agencies. The bank may open branches and agencies and omces agencies. place and deposit, and may transact business at any place or places in Canada. 34 V., c. 5, s. 4.

The bank may acquire and hold real and immovable Real estate for occupation and the manager tion. property for its actual use and occupation and the managetion. ment of its business, and may sell or dispose of the same, and sequing the same purposes. acquire other property in its stead for the same purposes. 34 V., c. 5, s. 39.

48. The bank may take, hold and dispose of mortgages Mortgages as additional by way and hypothèques upon real or personal property, by way additional of additional security for debts contracted to the bank in the course of its business; and the rights, powers and privile course of its business; privileges which the bank is hereby declared to have or to have had in respect of real property mortgaged to it, shall be held and in respect of real property mortgaged to 11, shall which is mortgaged or hypothecated to it. 34 V., c.

The bank may purchase any lands or real property Purchase of property Purchase of land under or under execution, & offered for sale under execution, or in insolvency, or under execution, &c. the order or decree of a court, as belonging to any debtor to the bank, or exposed to sale by the bank under a power of sale of the bank under a power of the bank under th sale given to it for that purpose, in cases in which, under similar to it for that purpose, in cases in which, under similar circumstances, an individual could so purchase, without circumstances, and individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchase, and may acquire a title thereto as any individual purchase, and may acquire a title thereof sale, in purchasing at sheriff's sale, or under a power of sale, in like circumstances, could do, and may take, have,

34 V., c. 5, s. 49; hold and dispose of the same at pleasure. -43 V., c. 22, s. 5.

Absolute title may be acquired.

50. The bank may acquire and hold an absolute title of or to land mortgaged to it as security for a debt due of owing to it, either by obtaining a release of the equity redemption in the mortgaged property, or by procuring to foreclosure, or by other means whereby, as between individuals an agricultural state of the stat viduals, an equity of redemption can, by law, be barred, and may purchase and acquire any prior mortgage or charge of Proviso; sale such land: Provided always, that no bank shall hold and of property so real or immercial of property so real or immovable property howsoever acquired, except acquired. such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof:

Penalty for contraven-

tion.

2. Every bank which violates any provision of this section shall income any provision of this section. 34 V., c. 5, s. 43; —43 V., c. 22, s. 6; —46 V., c. 20, s. part.

Title to lands so acquired; power of sale, &c.

51. Nothing in any charter, Act or law shall be construed ever having provented as ever having prevented or as preventing the bank from acquiring and halding acquiring and holding an absolute title to and in any or mortgaged lands what mortgaged lands, whatever the value thereof may be, of from exercising or acting manufacture to and in any be, of the property from exercising or acting upon any power of sale contained in any mortgage given to in any mortgage given to it or held by it, authorizing of enabling it to sall or save to enabling it to sell or convey away any lands so mortgaged 34 V. c. 5 s. 44 34 V., c. 5, s. 44.

As to advances for building · ships.

52. Every bank advancing money in aid of the building of any ship or vessel, shall have the same right of acquiring and holding security and holding security upon such ship or vessel, while building and when completed ing and when completed, either by way of mortgage, hypothèque. hypothecation hypothèque, hypothecation, privilege or lien thereon, or proventase or transfer thereof chase or transfer thereof, as individuals have in the ince wherein such abin and individuals have in the ince wherein such ship or vessel is being built, and for that purpose may avail itself of purpose may avail itself of all such rights and means of obtaining and enforcing and obtaining and enforcing such security, and shall be subject to all such obligations limitations are to all such obligations, limitations and conditions as by the law of such Provided to by the law of such Province, conferred or imposed upon individuals making such adventure. 35 V., c. 8, s. 7. individuals making such advances.

This section is made to apply to the whole of Canada.

Interpretation of "Agent."

53. In this section the expression "agent" means and person intrusted with the possession of goods, wares who merchandise, or to whom merchandise, or to whom the same are consigned, or consigned, conget's is possessed of any bill of land is possessed of any bill of lading, warehouse, wharfingers or cove-keeper's receipt or and a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned, or was a second or coverage of the same are consigned. or cove-keeper's receipt or order for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares and merchandisc hill a second for the delivery of good wares are second for the second for the delivery of good wares and merchandisc hill a second for the second f wares and merchandise, bill of inspection of pot or pearshes, or any other document ashes, or any other document used in the course of business as proof of the possession as proof of the possession or control of goods, wares merchandise, or authorizing and merchandise, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document, to transfer or receive goods, wares and merchandise thereby represented; and such person shall be deemed the possessor of such goods, wares and merchandise or bill of ladinaria receipt or lading, Warehouse, wharfinger's or cove-keeper's receipt or order for the delivery of goods, wares and merchandise, bill of inspection of pot or pearl ashes or other document as aforesaid, as Well if the same are held by any person for him or subject to his control as if he is in actual possession thereof: 43 V., c. 22, sch. A.

This definition is new, and has been drafted to cover the interpretation of agent," as set forth in 43 V, c. 22, s. 7 and schedule A.—Amended as suggested by the Parliamentary Committee.

2. The bank may acquire and hold any warehouse re-Warehouse receipts ma ceipt or bill of lading as collateral security for the payment be taken as the collateral security for the payment be take of any debt incurred in its favor in the course of its banking collateral busing debt incurred in its favor in the course of its banking so security. business; and the warehouse receipt or bill of lading so security. acquired shall vest in the bank, from the date of the acquior on thereof, all the right and title of the previous holder or owner thereof, all the right and title of the previous warms thereof, or of the person from whom such goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly, if the warehouse receipt or bill of lading is made directly. rectly in favor of the bank instead of to the previous holder or owner of such goods, wares and merchandise:

d. If the previous holder of such warehouse receipt or When prebill of lading is the agent of the owner of the goods, is an agent. Wares and merchandise mentioned therein, the bank shall be vested with all the right and title of the owner thereof, if the right to have the same re-transferred to him, if the debt, as security for which they are held by the bank,

4. The bank shall not acquire or hold any warehouse re- When such that the bank shall not acquire or hold any warehouse re- When such that the control of any hill be acquired. ceipt or bill of lading, to secure the payment of any bill, be acquired. tote or debt, unless such bill, note or debt is negotiated or contract the payment of the the pay contracted at the time of the acquisition thereof by the bank, or upon the promise that such warehouse receipt or bill of 1 upon the promise that such warehouse receipt or bill of lading would be transferred to the bank, but such bill, note or debt may be renewed or the time for the payment thereof extended, without affecting such security:

The bank may, on shipment of any goods, wares and Exchange of warehouse receipt, receipt for merchandise, for which it holds a warehouse receipt, receipt for bill of lading bill of lading surrender such receipt and receive a bill of lading in exchange therefor; or on the receipt of any goods, and vice versa. wares and merchandise for which it holds a bill of lading, it may mark a merchandise for which it holds a bill of lading, it may surrender such bill of lading, store such goods, wares surrender such bill of lading, store such goods, wares surrender such bill of lading, store such good, therefor; or may ship them or part of them, and take a nother bill such another bill such as the another bill of lading therefor:

Penalty for contravention;

6. Every bank which violates any provision of this section, shall incur a penalty not exceeding five hundred dollars:

And for making false statement.

7. Every one is guilty of a misdemeanor and liable to imprisonment for a term not exceeding two years, who wilfully makes any false statement in any such receipt, acknowledgment or certificate as is in this section mentioned 34 V., c. 5, ss. 65, part, and 67, part;—43 V., c. 22, s. 7, part;—46 V., c. 20, s. 9, part.

Re-drafted.

When warehouseman, &c., is also the owner. by water, or by both, curer or packer of meat, tanner, dealer in wool or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise and merchandise mentioned is such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned therein, shall be as valid and effectual as if such owner, and the person making such warehouse receipt or bill of lading, were different persons.

Sale of goods on non-payment of debt. debt secured by a warehouse receipt or bill of lading, the bank may sell the goods, wares and merchandise mentioned therein, or so much thereof as will suffice to pay such with interest and expenses, returning the overplus, if any, to the person from whom such warehouse receipt or bill of lading, or the goods, wares and merchandise mentioned therein, as the case may be, were acquired; but such power of sale shall be subject to the provisions hereinafter made.

As to goods manufactured from articles pledged.

56. If any miller, maltster, or packer or curer of porking grants a warehouse receipt for any cereal grains or which are manufactured into flour or malt, pork, bacon or hams, respectively, while held thereunder, such warehouse receipt shall vest in any bank which is or becomes the law red article, which such bank acquired, under such manufactured article, which such bank acquired, under such warehouse receipt, and so manufactured; and the bank shall continue to ceipt, and so manufactured; and the bank shall continue to hold the same and all such right and title, for the purposes and upon the same conditions as those which it previously held such material. 43 V., c. 22, s. part.

All advances made on the security of any bill of Prior claim lading or warehouse receipt, shall give to the bank making of the bank snok over unpaid such advances a claim for the repayment of such advances vendor. on the goods, wares and merchandise therein mentioned, or into Which they have been converted, prior to and by preference over the claim of any unpaid vendor. 43 V., c. 22, 8. 7, part.

No sale without the consent in writing of the owner Notice to be of any timber, boards, deals, staves, saw logs or other lumber, shall be made under this Act until notice of the time pledged. and place of such sale has been given by a registered letter, mailed in the post office to the last known address of the blad in the post office to the last known address of the sale thereof: pledger thereof, at least thirty days prior to the sale thereof; and no goods, wares or merchandise, other than timber, boards, deals, staves, saw logs or other lumber, shall be sold by the bank under this Act without the consent of the owner, until notice of the time and place of sale has been last 1 by a registered letter, mailed in the post office to the last known address of the pledger thereof, at least ten days prior, to the sale thereof:

2. Every such sale of any article mentioned in this Sale by auction after no ection, without the consent of the owner, shall be made tion after nopublic auction, after a notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where the sale is to be made; and if such sale is in the Province of Quebec, then at least one of such newspapers shall be a hewspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 43 V., c. 22, s. 7, part.

the security of its own stock, but shall have a privileged on the bank to have lien, for any debt or liability for any debt to the bank, on the bank to have shares any debt or liability for any debt or person liable, for everdue shares and unpaid dividends of the debtor or person liable, for overdue and may decline to allow any transfer of the shares of such debts. debtor or person until such debt is paid; and if such debt is not not person until such debt is paid; and if such shares, after not paid when due the bank may sell such shares, after notice has been given to the holder thereof of the intention of the has been given to the holder thereof of the intention of the bank to sell the same, by mailing such notice in the post office to the last known address of such holder, at least thirty days prior to such sale; and upon such sale being Transfer in made in the sale in t made, the president, vice-president, manager or cashier shall case of sale. execute a transfer of such shares to the purchaser thereof in the manager of such shares to the purchaser shall the usual transfer of such shares to the purchaser which transfer shall vest in or to such shares Vest in such purchaser all the rights in or to such shares which which were possessed by the holder thereof, with the same oblique. obligation of warranty on his part as if he were the vendor thereof in the bank or by the thereof, but without any warranty from the bank or by the officer of the bank executing such transfer:

Penalty for contravention.

2. Every bank which violates any provision of this section shall incur a penalty not exceeding five hundred dollars. 43 V., c. 22, s. 8, part;—46 V., c. 20, s. 9, part.

Provision as to collateral security.

60. Nothing in this Act contained shall prevent the bank from acquiring and holding, as collateral security for any advance made by the bank, or debt due to the bank, or is any credit or liability incurred by the bank to or on behalf of any person (and either at the time of the making of such advance, or the contracting of such debt, or the opening of such credit, or the incurring of such liability), Dominion, provincial, British or foreign public securities, or the stock, bonds or debentures of municipal or other corporations, except banks:

How collateral security may be dealt with.

be varied.

2. Such stock, bonds, debentures or securities may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold and conveyed in like manner and subject to the same restrictions as are herein provided in respect of stock of the bank on which it has acquired a lien under this Act; but the right to so deal Provision may with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended, then by an agreement made at the time of such extension. 43 V., c. 22, s. 8, part.

No penalty for usury.

61. The bank shall not be liable to incur any penalty of forfeiture for usury; and may stipulate for, take, reserve on exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recover able by the bank; and the bank may allow any rate of interest whatever What interest interest whatever upon money deposited with it. c. 5, s. 52.

lowed. No instrument to be void on

may be al-

ground of usurv.

62. No promissory note, bill of exchange or other negotiable security, discounted by or indorsed or otherwise assigned to the bank and the bank assigned to the bank as a second to the bank as assigned to the bank, shall be held to be void, usurious or tainted by pour or tainted by usury, as regards such bank or any maker, drawer, acceptor, indorser or indorsee thereof, or any other party thereto or house or indorsee thereof, or arty party thereto, or bond fide holder thereof, nor shall any party thereto he subject it thereto be subject to any penalty or forfeiture, by reason of any rete of interest of inte of any rate of interest taken, stipulated or received hill such hank on or with such bank, on or with respect to such promissory note, of exchange or other respect to such promissory note, of exchange, or other negotiable security, or paid or allowed by any party thereto to by any party thereto to another in compensation for, or in consideration of the result consideration of the rate of interest taken or to be taken thereon by such bank. thereon by such bank; but no party thereto, other than the bank, shall be entitled to recover or liable to pay more than the lawful rate of interest in the Province where the suit is brought, nor shall the bank be entitled to recover a higher rate than seven per cent. per annum; and no innocent holder Asto innocent of or nocent holders. of or party to any promissory note, bill of exchange or other holders. negotiable security, shall in any case be deprived of any penalty remedy against any party thereto, or liable to any penalty or forfeiture, by reason of any usury or offence against the laws of any such Province, respecting interest, committed in respect respect of such note, bill or negotiable security, without the complicity or consent of such innocent holder or party. 35

This section is made to apply to the whole of Canada.

63. The bank may, in discounting at any of its places of Collection lain. business, branches, agencies or offices of discount and deposit and de posit, any note, bill or other negotiable security or paper payable. payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive or retain, in addition to the discount, any amount not exceeding the following rates per centum, according to the time to the time it has to run, on the amount of such note, bill or other to defray the expenses other negotiable security or paper, to defray the expenses attending the collection thereof, that is to say:—under thirty days, one eighth of one per cent.—thirty days or over, but under sixty days, one-fourth of one per cent.—sixty days and over, but under ninety days, three eighths of one per cent. 34 cent over, but under ninety days, three eight of one per cent. 34 V. c. 5, s. 53.

The bank may, in discounting any note, bill or other Agency fees. negotiable security or paper, bond fide payable at any place in Canal in Canada, different from that at which it is discounted, and other its different from that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, agencies or offices of discount and agencies or offices of discount thereon, receive and retain in addition to the discount the and receive and retain in addition to the armone sum not exceeding one half of one per centum on the amount thereof, to defray the expense of agency and charge the expense of agency and charges in collecting the same. 34 V., c. 5, s. 54.

65. The bank may receive deposits from any person Deposits may homeon bank may receive deposits from any person be received from persons Whomsoever, whatever is his age, status or condition in life, from persons and what to enter into unable to and whether such person is qualified by law to enter into unable to ordinary. ordinary contracts or not; and, from time to time, may repay contract. any or all of the principal thereof, and may pay the whole or any part of the principal thereof, and may pay the sauthorite of the interest thereon to such person, without the anthority, aid, assistance or intervention of any person or hefore such repayment the official being required, unless before such repayment the money so deposited in and repaid by the bank is lawfully claimed as the property of some other person,—in which case it may be paid to the depositor with the consent of the claimant claimant be paid to the depositor with the consent of the deposi-tor: Property to the claimant with the consent of the depositor: Provided always, that if the person making any

Proviso: amount limited. such deposit, could not, under the law of the Province where the deposit is made, deposit and withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not at any time exceed the sum of five hundred dollars:

Bank not bound to see to trusts in relation to such deposits.

2. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, is which any deposit made under the authority of this section is subject; and except only in the case of a lawful claim, by some other person before repayment, the receipt of the person in whose name any such deposit stands, or if it stands in name of two persons the receipt of one, and if in the names of more than two persons the receipt of a majority of such persons, shall be a sufficient discharge to all concerned the newmont of the payment of any money payable in respect of such, is posit, notwithstanding any trust to which such deposit he then subject, and whether or not the bank sought to be charged with and charged with such trust (and with whom the deposit, he been made), had notice thereof; and the bank shall not she bound to see to the application of the money paid upon such 35 V., c. 8, ss. 3 and 4.

This section is made to apply to the whole of Canada.

RETURNS BY THE BANK.

Monthly returns to Government.

Minister of Finance and Receiver General in the form set forth in schedule B to this Act, and shall be made up and sent in within the first twenty days of each month, and shall exhibit the condition of the bank on the last juridical day of the month next preceding; and such juridical day of the month next preceding; and such monthly returns shall be signed by the chief accountant and by the president, or vice-president, or the director (or, if the bank is en commandite, the principal partner) then acting as president, and by the manager, cashier or other principal officer of the bank at its chief place of business:

Penalty for not making up monthly returns in due time. 2. Every bank which neglects to make up or to send in as aforesaid any monthly return required by this section this Act within the time thereby limited shall incur the penalty of fifty dollars for each and every day after the expiration of the time hereby limited during which expiration of the time hereby limited during return; the bank neglects so to make up or send in such return and the date upon which it appears by the Post office and the date upon the envelope or wrapper encloses the such return for transmission to the Minister of Finance and Receiver General, that the same was deposited in the Post Office, shall be taken primâ facie, for the purposes of this section, to be the date upon which such return made up or sent in. 34 V., c. 5, s. 13;—43 V., c. 22, s. 19 part;—46 V., c. 20, s. 7.

67. In addition to the returns specified in the next pre-Special ceding section, the Minister of Finance and Receiver General returns may be called for. may call for special returns from any particular bank, whenever, in his judgment, the same are necessary to afford a full and complete knowledge of its condition. 43 V., c. 22, s. 4,

68. Certified lists of the shareholders (or of the principal Transmission partners, if the bank is en commandite), with their additions of certified lists of shareand residences, and the number of shares they respectively holders to hold hold, and the value at par of the said shares, shall be transmitted. mitted every year to the Minister of Finance and Receiver General very year to the Minister of Finance and Receiver General, before the day appointed for the opening of the session of Parliament, and shall be by him laid before Parliament ment within fifteen days after the opening of the then next session; and such transmission shall be made by the delivered; and such transmission shall be made by the delivered. ery of such lists at the Department of Finance, or by registered Post-letter, posted at such time that, in the ordinary Course of the post, it may be delivered at the Department of Finance before the day appointed for the opening of the

2. Every bank which neglects to transmit to the Minister of Penalty for this neglect to Rinance and Receiver General the lists mentioned in this neglect to transmit such transmit such inches and receiver General the lists mentioned in this respect to transmit such transmit such inches a pen-lists. section, within the time limited thereby, shall incur a pen-lists. alty of fifty dollars for each and every day during which neglect continues. 46 V., c. 20, s. 2.

The annual returns required by this Act shall, be Annual The annual returns required by this Act shan, be annual next up to the thirty-first day of December, in the year returns. next up to the thirty-first day of December, ... 20, s. 12. Preceding each session of Parliament. 46 V., c. 20,

INSOLVENCY.

In the event of the property and assets of the bank Liability of share-shared derivatives the share-shared of being insufficient to pay its debts and liabilities, the share-shareholders in case of the bank shall be liable for the deficiency so far insufficiency that cool is that and in the bank shall be so liable to an amount, of assets. as that each shareholder shall be so liable to an amount, of assets. over and above any amount not paid up on his shares, equal to the amount of such shares. 34 V., c. 5, s. 58, part.

liabilities as they accrue, in specie or Dominion notes, shall, for 90 days to constitute the bank insolvent insolvency. if it continues as they accrue, in specie or Dominion now, and continues for ninety days, constitute the bank insolvent insolvency. and continues for ninety days, constitute the bank so far area a forfeiture of its charter or Act of incorporation, of notes and other bankso far as regards the issue or re-issue of notes and other banking operations; and the charter or Act of incorporation shall remain and the charter or Act of enabling the direcremain in force only for the purpose of enabling the directors or all the calls mentioned tors or other lawful authority to make the calls mentioned in the name lawful authority to make the calls mentioned in the next following section of this Act and to wind up its

Calls in such cases.

72. If any suspension of payment in full in specie of Dominion notes, of all or any of the notes or other liabilities of the bank continues for six months, and if no proceedings are taken under any general or special Act for the winding up of the bank, the directors shall make calls on such share holders, to the amount they deem necessary to pay all the debts and liabilities of the bank, without waiting for the collection of any debts due to it or the sale of any of its assets or property:

How such calls shall be made and enforced.

2. Such calls shall be made at intervals of thirty days and upon notice to be given thirty days at least prior to the day on which such call shall be payable, and any number of such calls may be made by one resolution; any such call shall not exceed twenty per cent. on each share; and payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced; and the first of such calls may be made within ten days after the expiration of the said six months:

The words in italics in lines 3 and 4 are inserted at the suggestion of the Parliamentary Committee.

Refusal to make calls under this section a misdemeanor. 3. Every director who refuses to make or enforce, or to concur in making or enforcing any call under this section, is guilty of a misdemeanor, and liable to imprisonment be any term not exceeding two years, and shall further personally responsible for any damages suffered by such default. 34 V., c. 5, s. 58, part, and ss. 63 and 67, part.

Calls under winding-up Act. 73. In the event of proceedings being taken under any general or special winding-up Act, in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such general or special winding up Act.

New. The words "by the lawful authority and" are omitted in line 3 at the suggestion of the Parliamentary Committee.

Forfeiture for non-payment.

74. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the bank,—such call and any further call thereafter being nevertheless recoverable from him as if such forfeiture had been incurred. 34 V., c. 5, s. 58, part.

Liability of directors not diminished.

75. Nothing in the five sections next preceding contained shall be construed to alter or diminish the additional bilities of the directors as hereinbefore mentioned declared. 34 V., c. 5, s. 58, part.

As to banks en commandite.

76. If the bank is en commandite and the principal part ners are personally liable, then, in case of any such suspension, their liability shall at once accrue and may be enforced against such principal partners, without waiting for sale or discussion of the property or assets of the bank, other preliminary proceedings whatsoever, and the provision

respecting calls shall not apply to such bank. 34 V., c. 5, 8. 58, part.

Persons who, having been shareholders in the bank, Liability of shareholders have only transferred their shares or any of them to others, who have or registered their shares or any of them to others, who have the commencement of the suspension of payment by the bank of the commencement of the suspension of payment by the bank, shall be liable to all calls on such shares, as if they had not transferred them, saving their recourse against those to whom they were transferred. 34 V., c. 5, s. 59, part.

78. If the bank is en commandite, the liability of the Liability if principal partners and of the commanditaires shall continue commandite. for such time after their ceasing to be such as is provided in the of the provisions with the charter of the bank, and the foregoing provisions with respect to the transfer of shares or calls shall not apply to such bank. 34 V., c. 5, s. 59, part.

79. The payment of the notes issued by the bank and Notes to be then. The payment of the notes issued by the bank and first charge intended for circulation, then outstanding, shall be the first on assets. charge upon the assets of the bank in case of its insolvency. 48 V., c. 22, s. 12, part.

OFFENCES AND PENALTIES.

Every one is guilty of a misdemeanor and liable President, &c., giving undue to imprisonment for a term not exceeding two years preference to partner the president, vice-president, director, principal any creditor, guilty of a misdemeanor other officer of misdemeanor misdemeanor and hable residence. part, being the president, vice-president, director, principal any creditor, the ren commandite, manager, cashier or other officer of misdemeanor and creditor. the bank, wilfully gives or concurs in giving any creditor of the bank, wilfully gives or concurs in giving and other bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor or by changing the nature of his claim or otherwise howsoever, and shall further be responsible for all damages sustained by any by any person in consequence of such preference. 34 V., c. 5, 88. 61 and 67, part. $R_{e-d_{rafted}}$.

The making of any wilfully false or deceptive state-Making false statement in returns. &c., ment in any account, statement, return, report or other returns, &c., document respecting the affairs of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, respecting the affairs of the bank is, unless it a misdement, respecting the affairs of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, report of the bank is, unless it a misdement, return, return, report of the bank is, unless it a misdement, return, r amounts to a higher offence, a misdemeanor punishable by meanor, &c. imprisonment for a term not exceeding two years; and every president, vice-president, director, principal partner comment of the en commandite, vice-president, director, principal pank bank mandite, auditor, manager, cashier or other officer of the bank, who prepares, signs, approves or concurs in such Statement, who prepares, signs, approves or concurs ... With int, return, report or document, or uses the same with intent, return, report or document, or uses to have to deceive or mislead any person, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such person; Person in consequence thereof. 34 V., c. 5, ss. 62 and 67, part.

Every person, firm or company assuming or using Unauthorized title of "1" person, firm or company " "banking house," use of title the title of "bank." "banking company assuming or using one using the logical bank." banking company," "banking house," use of title

a misdemeanor.

"Bank," &c., "banking association" or "banking institution," without a misadding to the said designation the words "not incorporated," or without being authorized so to do by this Act, or by some other Act in force in that behalf, is guilty of a misde meanor and shall incur a penalty not exceeding one thousand dollars. 43 V., c. 22, s. 10;—46 V., c. 20, s. 8.

The penalty is an addition, and "one thousand" is substituted for "five hundred" in line penult. at the suggestion of the Parliamentary Committee.

Penalty for unauthorized issue of notes for circulation.

83. Every person or corporation, except a chartered bank, who issues or re-issues, makes, draws or indorses any bill, bond, note, cheque or other instrument, intended to circurate of the company of the compan late as money, or to be used as a substitute for money, for any amount whatsoever, shall incur a penalty of four hundred dollars, which shall be recoverable with costs, in any court the of competent jurisdiction, by any person who sues for the same; and a moiety of such penalty shall belong to the person suing for the same. son suing for the same, and the other moiety to Her Majesty for the public uses of Canada: Re-drafted.

What shall be deemed such

notes. .

2. The intention to pass any such instrument as money shall be presumed, if it is made for the payment of a less sum than twenty dellars sum than twenty dollars, and is payable either in form at in fact to the bearer thereof, or at sight, or on demand, or at less than thirty down thereof less than thirty days thereafter, or is over due, or is in any for calculated or designed for calculated or designed for circulation, or as a substitute for money: unless and incirculation. money; unless such instrument is a cheque on some chartered hank paid by the such instrument is a cheque on some creditions. tered bank, paid by the maker directly to his immediate creditor or a promise and a manifest of the state of itor, or a promissory note, bill of exchange, bond or other undertaking for the undertaking, for the payment of money paid or delivered by the maker thereof to his by the maker thereof to his immediate creditor, and is not designed to circulate as a substitute of money paid or deliver to the payment of money payment of money payment of the pay designed to circulate as a substitute for money. s. 68, part.

NOTICES.

How notices shall be given.

84. The several public notices by this Act required to be ven, shall be given by advertised to the given, shall be given by advertisement in one or more of newspapers published at the column and newspapers published at the place where the head office of the bank is situate and in the G s. 69.

FUTURE LEGISLATION.

Bank subject to any general Act.

85. The bank shall always be subject to any general covisions respecting banks provisions respecting banks which Parliament necessary in the public interest. 34 V., c. 5, s. 71.

SPECIAL PROVISIONS AS TO CERTAIN BANKS.

How certain Banks may

86. This Act shall not apply to any bank in exist of at the commencement of the ence at the commencement of the session of the Parlia

of Canada held in the forty-third year of Her Majesty's reign, come under this Act this Act. which is not mentioned in schedule A to this Act this Act. (except the Bank of British North America, La Banque du Peuple and the Bank of British Columbia, to the extent hereiness inafter mentioned), unless the directors of such bank, by special resolution, apply to the Treasury Board, to have the provisions of this Act extended to such bank, nor unless the Treasury Board allows such application; and upon publication in the Canada Gazette of such resolution, and of the minute of the Treasury Board thereon, allowing such application, such bank shall come under the provisions of this Act. 34 V., c. 5, s. 73;—43 V., c. 22, ss. 1 and 11.

The Bank of British North America, which, by the What sections terms of its present charter, is subject to the general laws of to Bank of Canal Of its present charter, is subject to the general laws of to Bank of the present charter, is subject to the general laws of the l Canada with respect to banks and banking, shall not issue B. N A. or re-issue in Canada, any note for a less sum than five dollars, or for any sum not being a multiple of five dollars; and any such note of the said bank outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the second, fourteenth, thirty-ninth, forty-first, forty-second, forty-fourth, fifty-second, fifty-third, fifty-second, fift figy-nrst, forty-second, forty-sourch, jury-second, fifty-eighth, fifty-fifth, fifty-sixth, fifty-second, sixty-third, figureth, fifty-fifth, fifty-sixtn, nity-seventh, sixty-third, sixty-first, sixty-second, sixty-third, sixty-seventh, sixtysixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-fight, sixty-fifth, sixty-sixth, sixty-seventh, sixty-fifth, sixty-sixth, sixty-seventh, sixty-fifth, sixty-sixth, sixty-seventh, sixty-sixth, sixty-sixth, sixty-seventh, sixty-sixth, sixty-sixth, sixty-seventh, sixty-sixth, sixty-seventh, sixty-sixth, sixty-seventh, sixty-s eighth, sixty-fifth, sixty-sixth, sixty-sixth, eighty-first, eight, sixty-ninth, seventy-ninth, eightieth, eighty-first, the sixty-ninth, seventy-ninth, eighty-fourth and eighty-fifth sections of this Act shall pply to the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the other sections of the said bank; and those contained in the said bank; and those contained in the other sections of the said bank; and those contained in the said bank; and the sai V_{1.0.20}; to the said bank; and those contained in the said bank; and V, c. 20, ss. 1 and 12, part.

It is suggested that section 52 (which is added above) should be made to the Bank of British North America.

All the provisions of this Act, except those contained in What provi-thirteen three, four, five, six, seven, eight, ten, eleven, twelve, apply to La thirteen, four, five, six, seven, eight, ten, eieven, twerve, apply to be twenty-four, fourteen, fifteen, sixteen, seventeen, eighteen, Banque du Peuple. Three, twenty-four, twenty-five, seventy-four, seventy-five, one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-two, seventy-three, seventy-four, seventy-five, seventy-fiv seventy-six, seventy-seven, seventy-eight, eighty-six, eighty-seven, seventy-eight, eighty-six, seventy-seven, seventy-eight, eighty-six, eighty-seven, seventy-eight, eighty-seven, seventy-six, seventy-seven, seventy-eight, eighty six, declard eighty-nine, and so much of section nine as is declared not to apply to the banks en commandite, shall apply to La Route to apply to the banks en commandite, shall apply to La Banque du Peuple: Provided, that wherever the word Proviso: as to direct which apply to directors. directors." is used in any of the sections which apply to directors. the said bank, it shall be read and construed as meaning the principle. the principal partners or members of the corporation of the said said bank; and so much of the Act incorporating the said Inconsistent enactments repealed. bank; and so much of the Act incorporating the said enactments enactments sistent will any Act amending or continuing it as is incon-repealed. sistent with any section of this Act applying to the said bank, or which makes any provision in any matter provided for by +1 which makes any provision in any matter provided for by the said sections, other than such as is hereby made, is hereby repealed. 34 V., c. 5, s. 75.

What provisions shall

89. The provisions contained in the second, twenty seventh, twenty-eighth, thirty-ninth, fortieth, forty-firsh Bank of B. C. forty-second, forty-fourth, forty-fifth, forty-seventh, fortyeighth, forty-ninth, fiftieth, fifty-first, fifty-third, fifty-fourth fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth seventh, sixty-seventh, sixty-eighth, sixty-eig ninth, seventy-ninth, eightieth, eighty-first, eighty-fourth and eighty-fifth sections of this Act shall apply to the Bank of British Columbia:

Chief seat of business.

2. The chief seat of business of the said bank shall, for the purposes of the several portions of this Act hereby made applicable to the said bank, be the office of the bank at Victoria in the Province of the bank at the province of the bank at the victoria in the Province of the bank at the bank at the province of the bank at the province of the bank at the province of the bank at the bank at the province of the bank at the Victoria, in the Province of British Columbia. 48-49 V., c. 83, ss. 1, 2, 3 and 4.

SCHEDULE A.

BANKS WHOSE CHARTERS ARE CONTINUED BY THIS ACT.

- 1. The Bank of Montreal.
- 2. The Quebec Bank.
- 3. La Banque du Peuple.
- 4. The Consolidated Bank.
- 5. Molsons Bank.
- 6. The Bank of Toronto.
- 7. The Ontario Bank.
- 8. The Eastern Townships Bank.
- 9. La Banque Nationale.
- 10. La Banque Jacques Cartier.
- 11. The Merchants' Bank of Canada.
- 12. The Union Bank of Lower Canada. 13. The Canadian Bank of Commerce.
- 14. The Mechanics' Bank.
- 15. The Dominion Bank.
- 16. The Merchants' Bank of Halifax.
- 17. The Bank of Nova Scotia.
- 18. The Bank of Yarmouth.
- 19. The Bank of Liverpool.
- 20. The Exchange Bank of Canada.
- 21. La Banque Ville Marie.
- 22. The Standard Bank of Canada.
- 23. The Bank of Hamilton.
- 24. The Halifax Banking Company.
- 25. The Maritime Bank of the Dominion of Canada.
- 26. The Federal Bank of Canada.
- 27. La Banque d'Hochelaga.
- 28. The Stadacona Bank.
- 29. The Imperial Bank of Canada.

Chap. 116.	·
32. The 33. The 34. The 35. The 36. The 37. La	Pictou Bank. Banque de St. Hyacinthe. Bank of Ottawa. Bank of New Brunswick. Exchange Bank of Yarmouth. Union Bank of Halifax. People's Bank of Halifax. Banque de St. Jean. Commercial Bank of Windsor.—43 V., c. 22 3;—44 V., c. 9;—48-49 V, c. 84, s. 1.
'n	SCHEDULE B.
Capit Capit Capit Amor Rate	of the liabilities and assets of the day of , A.D., 18 al authorized
	LIABILITIES.
3. D	otes in circulation\$ ominion Government deposits Dayable on demand Ominion Government deposits Dayable after notice or on a fixed

execution of Dominion Government contracts and for insurance. companies 5. Provincial Government deposits Payable on demand..... 6. Provincial Government deposits Payable after notice or on a fixed day 7. Other deposits payable on de-

mand.... 8. Other deposits payable after no-9. Loans from or deposits made by other banks in Canada, secured... 10. Loans from or deposits made by other banks in Canada, unse-

Due to other banks in Canada.... Due to agencies of the bank or to other banks or agencies in foreign countries....

13. Due to agencies of the bank, or to other banks or agencies in the
other banks or agencies in the
United Kingdom
United Kingdom14. Liabilities not included under
foregoing heads
\$
ASSETS.
1. Specie\$
2. Dominion notes
3. Notes of and cheques on other
banks4. Balances due from other banks in
Canada
5. Balances due from agencies of the
bank or from other banks or
agencies in foreign countries
6. Balances due from agencies of the
bank or from other banks or
agencies in the United Kingdom.
agencies in the United Kingdom. 7. Dominion Government deben-
tures or stocks
8. Provincial, British or foreign or
colonial public securities other
than Canadian
9. Loans to the Government of
Canada
11. Loans, discounts, or advances for
which stock hands or deben-
which stock, bonds or deben- tures of municipal or other cor- porations, or Dominion, Provin-
porations, or Dominion, Provin-
cial, British or foreign or
colonial public securities other
than Canadian, are held as col-
lateral securities
12. Loans, discounts or advances on
current account to municipal
corporations
13. Loans, discounts or advances on
current account to other corpora-
tions
other banks, secured
15. Loans to or deposits made in
other banks, unsecured
16. Other current loans, discounts
16. Other current loans, discounts and advances to the public
17. Notes and bills discounted over-
due and not specially secured

- 18. Other overdue debts not specially secured.....
- 19. Notes and bills discounted overdue and other overdue debts secured, by mortgage or other deed, on real estate or by deposit of or lien on stock, or by other securities.....
- 20. Real estate, the property of the bank (other than the bank premises)....
- 21. Mortgages on real estate sold by the bank.....
- 22. Bank premises.....
- 23. Other assets not included under the foregoing heads.....

\$

Aggregate amount of loans to and liabilities, direct or that seregate amount of loans to and harms, in which they or any of them have any interest, \$

Average amount of specie held during the month, \$

Average amount of Dominion Notes held during the nonth, \$

declare that the above return has been prepared under bank directions and is correct according to the books of the

E. F.,

Chief Accountant.

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct, and shews truly and clearly the financial position of the bank; and we further declare that the bank has never, at any time during the period to which the said has never at any time during the period to which the said return relates, held less than forty per cent. of its cash reserves in Dominion notes. this

day of

A. B., President. 48 V., c. 22, s. 4, part;—46 V., c. 20, s. 6. C. D., General Manager.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
34 V., c. 5	The whole except ss. 15, 60, 64, 65 (part), 66, 68	77.	ss. 60, 64, 65 (part), 66.	Criminal Law.
38 V., c. 17 40 V., c. 44	The whole.		s. 8	An Act respecting Bills of Exchange and Promissory
42 V., c. 45 43 V., c. 22 44 V., c. 9 46 V., c. 20 48-49 V., c. 83.	The whole. The whole, except ss. 10 and 11.		s. 11	An Act respecting Bills of Exchange and Promissory

CHAPTER 117.

An Act respecting Government Savings Banks.

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

INTERPRETATION.

In this Act, unless the context otherwise requires :— Interpretation.

Pinance and Receiver General:

(b) The expression "agent" includes Assistant Receiver "Agent." General. 34 V., c. 6, s. 1, part.

ESTABLISHMENT OF SAVINGS BANKS.

The Governor in Council may, from time to time, ap-Assistant Receivers General may at each of the cities of Toronto, Montreal, Halifax, St. General may the Provinces of Brit- be appointed John at each of the cities of Toronto, Montreal, Halliax, Di. General may ish Columbia, Prince Edward Island and Manitoba, and any places.

Toyinga Line Province Canada, a person Province Which shall hereafter form part of Canada, a person who shall hereafter form part of General; and the Who shall be called an Assistant Receiver General; and the Government be called an Assistant Receiver General; and the Governor in Council may also establish a savings bank at Savings each of the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said be established by the said cities and at any place in each of the said by the said cities and at any place in each of the said by the said cities and at any place in each of the said by the said cities and at any place in each of the said by the said cities and at any place in each of the said by the said cities and the said cit Provinces, and in any Province which shall hereafter form at such part of Canada,—of which savings banks respectively, the of Canada,—of which savings panks respectively established, shall have the savings banks are respectively established, shall have the savings the management:

Ler places. The Governor in Council may also establish, in any And at other places. other places in the Provinces of Nova Scotia and New places. Bruns Wick, branch savings banks, and may appoint persons as apant c, branch savings banks, and may appoint persons as agents for the management thereof. 34 V., c. 6, s. 1, part, and 8. 18, part. Partially re-drafted.

DEPOSITS AND DUTIES OF OFFICERS.

time made in that behalf by the Treasury Board, with the be received. approval of the Governor in Council, receive deposits of

money on account of the minister, and shall repay the same with interest to the depositor as hereinafter provided: Re-drafted.

Deposits with collectors of Customs in N.B.

2. Such of the collectors of customs, in the Province of New Brunswick as are authorized to receive deposits money as savings, shall continue to receive the same until other savings bank agents are appointed in their stead respectively, and shall be subject to all the provisions of this Act as such agents, and any moneys received by such collectors before collectors before the coming into force of this Act shall his dealt with by them as moneys received by them under this 34 V., c. 6, s. 1, part.

Inspectors may be appointed.

4. The Governor in Council may also appoint an inspection tor or inspectors, to inspect, investigate and report upon this business which arises. business which arises in carrying out the provisions of this Act—to which incentions of the A Act,—to which inspectors the agents appointed to receive deposits and all other persons who are employed under this Act shall afford all positions. Act shall afford all needful facilities for such inspection and investigation and the line of the line investigation; and the duties and powers of such inspec-tors shall be such as a such inspection. tors shall be such as are assigned to them under the regular tions made under this Act. 34 V., c. 6, s. 14.

Their duties.

5. Every agent, officer, clerk and servant employed under is Act, who is introduced and Security to be this Act, who is intrusted with and has the custody of any given. moneys or valuable securities, shall, before entering upon the duties of his office are the duties of his office or employment, give such security the faithful discharge of 11 the faithful discharge of the same, and for the due account ing for all such months. ing for all such moneys, as is required of him Treasury Board; and shall also take an oath or affirmation before a justice of the real before a justice of the peace, faithfully to perform his said duties; which oath or offirmation taken. duties; which oath or affirmation any justice of the peace is hereby authorized to administration any justice of the peace is

And oath

2. Such oath or affirmation shall be in the form following, in words to the same of the sa Form of oath. or in words to the same effect, that is to say:—

hereby authorized to administer:

being duly sworn, swear, (or do solemnly affirm) that so long as I am employed assisting to carry out the provider as I am employed. assisting to carry out the provisions of the Act intituled Act respecting Government Street Street Act intituled act of the Act intituled act of t Act respecting Government Savings Banks," I will perform faithfully and to the best of will perform that are faithfully and to the best of my ability the duties that are assigned to me

And I have signed,

this Sworn (or affirmed) at , before me, A. B., day of . 18 Justice of the Peace for the 34 V., c. 6, s. 11.

Every agent appointed to receive deposits may receive From whom deposits may deposits from any person, whatever is his status or condeposits may be received
tion in the deposits may be received
by law and to whom dition in life, and whether such person is qualified by law and to whom to an implie, and whether such person is qualified by law and to whom the control of the payments to enter into ordinary contracts or not; and, from time to payments time, may pay any or all of the principal thereof and made.

Person, without the authority, aid, assistance or intervention of any of any person or official being required, notwithstanding that it, usage or custom to the contrary: Provided always, Proviso: limit that it. that if the person who makes any such deposit could not, in a certain under the person who makes any such deposit could not, case. under the laws of the Province where the deposit is made, deposit and withdraw money in and from a bank, in such case the total amount of deposits to be received from such person shall not exceed the sum of five hundred dollars. 84 V., c. 6, s. 7.

Every depositor, on making his first deposit, shall Depositor to give his addeclare his name, residence and occupation; but the pergive his adgive his adthall employed in the receipt or payment of such deposits dening the disclose the name of any depositor, or the amount deposited or withdrawn, except to the minister or to such of his officers as are appointed to assist in carrying into operation the provisions of this Act. 34 V., c. 6, s. 3.

Every such deposit received by such agent shall be Deposits how the bar har for made, entered that the time, in a book to be kept by him for and proved. that purpose, and, at the same time, shall be entered by him in a purpose, and the same time, shall be entered by him in a pass book to be furnished to the depositor; and the entry in such pass book to be furnished to the depositor, and the agent pass book, attested by the signature or initials of the agent pass book, attested by the signature or clerk, agent who receives the deposit, or of his deputy or clerk, hall be evidence of the claim of such depositor to the repayment the evidence of the claim of such appositor to the claim of such appositor on such agent or his thereof, with interest thereon, upon there of the hours by such depositor on such agent or his such deposits Are now office hours by such depositor on such agonic are now in office, at the office or place where such deposits following, that is to are payable, subject to the provisions following, that is to

(a) Every agent shall report to the minister, at such times Report to and in such forms as are prescribed by the regulations minister. under this Act, all deposits received by him;

(b) At such times as are prescribed by the regulations made Periodical under this Act, but not at less intervals than the beginning its effect as the each the second secon of each calendar month, the officer appointed thereto by the to deposit ministration and the address accounts. minister shall send, by mail, to each depositor, to the address accounts. given by him, a notice stating the amount deposited by him last sent to him, since the statement of the same kind then last sent to him, if any at his credit; and the if any, and the total amount then at his credit; and the amount mentioned in such notice, and no more, shall be the amount mentioned in such notice, and no more the liable. up to the the amount for which the Crown shall be liable, up to the last depositor, within last deposit therein mentioned, unless the depositor, within thirty deposit therein mentioned, unless the depositor, within thirty days after the receipt of such notice, notifies the min-

ister, in such manner as is prescribed by the regulations then in force, that there is some error and what error, in such notice,—in which case the amount shall be ascertained, and the depositor shall be notified accordingly. 34 V., c. 6, s. 2.

Disposal of deposits and payment of withdrawals. 9. Every agent shall, at such times as are prescribed by the regulations then in force, pay in to the account of the minister at such bank as is prescribed by the minister, all moneys received on deposit, and he shall pay all moneys which are withdrawn in such manner as by the said regulations is prescribed:

Detailed account to be furnished to the minister.

2. Every agent shall also, at such times as are prescribed transmit to the minister, in such form as is prescribed by the minister, a detailed account of the business of his office during the time that has elapsed since the transmission of his next preceding account. 34 V., c. 6, s. 4.

Interest on deposits.

deposits shall be at such rate, not less than four per centum per annum, as the Governor in Council, from time to time, prescribes; but such interest shall not be calculated on any sum less than one dollar, or on any sum other than a dollar or the multiple of a dollar. 34 V., c. 6, s. 5.

Interest added yearly to capital.

11. On the thirtieth day of June in every year the interest accrued on deposits shall be added to and become part of the principal money. 34 V., c. 6, s. 6.

Officers of Government not bound to see to trusts.

12. No officer of the Government of Canada shall be bound to see to the execution of any trust, expressed, implied or constructive, to which any deposit made under the authority and the authority and the made under the authority and au made under the authority of this Act is subject; and the receipt of the parameters o receipt of the person in whose name any such deposit stands or, if it stands in the new angles of the person, stands, or, if it stands in the name of more than one person, the receipt of one and the re the receipt of any one of such persons shall be a sufficient discharge to all persons charge to all persons concerned for the payment of any money payable in respect of such deposit, notwithstanding ther trust to which such deposit is then subject, and whether or not the agent sought to be or not the agent sought to be charged with such trust, had with whom the deposit with whom the deposit was made, or his successor, the notice thereof; and no Agent or any other officer of the Government shall be beautiful. Government shall be bound to see to the application of the money paid upon such reaction of the 34 V., c. 6, s. 8. money paid upon such receipt.

Certain payments valid. 13. Every payment made in good faith to any person who appears primâ facie, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act, to be entitled to any deposit of interest, shall be valid and shall discharge the Crown the agent with whom the deposit has been made, and

snccessors and all who might otherwise be liable, from all or any further claim by any person whomsoever for such deposit or interest. 34 V., c. 6, s. 9.

14. All moneys deposited under this Act shall form part Deposits to of the Consolidated Revenue Fund of Canada, and all form part of Con. Rev., and interest paid to depositors, and all expenses Fund, &c. this red in maintaining the savings banks established under this Act, shall be paid out of the Consolidated Revenue Fund of Canada. 34 V., c. 6, s. 22, part.

REGULATIONS.

15. The Governor in Council may make regulations for Governor in Council may prescribing the mode of keeping, examining, inspecting, make regulations to covering the mode of keeping, examining, inspecting, make regulations and the check in the mode of keeping inspecting the mode of keeping inspecting the covering t checking and reporting on the accounts of depositors, and of tions for cer-withd. withdrawing deposits and interest, and the issuing of de-Posit certificates, and also respecting the payment or transmission thereof in case of infancy, death, bankruptcy, marriage or other change in the circumstances of any depositor, and for prescribing how and in what manner any such payment. Prescribing how and in what manner any such payment. ment or transmission shall be made, and what declaration, documents or other evidence shall be necessary and sufficient cient in proof of the same, and also respecting the duties and in proof of the same, and also respecting one powers of inspectors appointed under this Act, and all of Council deems inpowers of inspectors appointed under this council deems in-cident matters which the Governor in Council deems inedental to the carrying of this Act into effect:

- 2. All regulations so made shall be binding on the To be bindpersons interested in the subject matter thereof, to the same ingestent extent and as fully, to all intents and purposes, as if such regulations, regulations formed part of this Act; and such regulations, Publication. and all amendments thereof, shall be published in such way the Governor in Council directs, and any copy of such re-Edlations published as aforesaid shall be evidence thereof:
- 8. Copies of all such regulations shall be laid before Copies to be laid before laid before laid before parliament. both Houses of Parliament, by the minister, within fourteen Parliament. days after the commencement of the session held next follow: 34 V., c. 6, s. 10. following the making of such regulations. 34 V., c. 6, s. 10.

RETURNS.

inister at the canada Gazette a ments by the minister. minister shall prepare and insert in the Canada Gazette a minister. statement of all moneys received or deposited and withdrawn during the total amount on during the preceding month, and of the total amount on deposit the preceding month, and the rate of deposit at the preceding month, and of the total amount interest at the end of the preceding month, and the rate of interest payable on the same. 34 V., c. 6, s. 23.

denositate account of the expenses incurred, of the amount Accounts to denositate account due be laid before the total amount due belaid before parliament. of deposits received and paid, and of the total amount due be laid before Parliament. at the close of the financial year, to all depositors, under this Act, shall be laid before both Houses of Parliament by the minister, within ten days after the commencement of the next following session thereof. 34 V., c. 6, s. 22, part.

Note — The provision in section 22 of the original Act, as to post office savings banks, is omitted as covered by s. 77 of the Post Office Act.

INCREASE OF PUBLIC DEBT.

Provison if public debt if increased by deposits beyond amount authorized.

18. If, at the end of any month, by reason of the amount of deposits in the savings banks established under this acle and in the Post Office Savings Bank, and the issue and sale of the five per control of the five per co of the five per cent. Dominion Stock and any other public security the investment of security, the issue and sale of which is authorized by aid Consolidated Revenue and Audit Act," or by any of the par causes, the amount of the public debt authorized by par liament is exceeded, the minister shall report such excess to the Treasure B. to the Treasury Board, who shall thereupon direct him to purchase, to the extent of such excess, debentures of the Dominion of Canada already issued, or debentures of the late Province of Canada, or of either of the Provinces of Nova Scotia or Nova Provinces of Nova Scotia or Nova Provinces of N Scotia or New Brunswick, issued before the first day of July, one thousand eight hundred and sixty-seven, and such debentures shall the seven and seven and seven are seven as the s bentures shall then be cancelled, or may be held in reserve until there is sutherity until there is authority to reissue them. 34 V., c. 6, s. 21.

OFFENCES AND PENALTIES.

Punishment of agents, &c, committing certain offences.

said, and every officer, clerk or servant employed under the provisions of this Act, who defaces, alters, erases or, in sooks manner or way whatsoever, changes the effect of the books of account that are kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose,—and every such agent, officer, clerk or servant purpose, appropriates or embezzles any bond, oblive who secretes, appropriates or embezzles any bond, or to moneys or effects intrusted to him or in his custody, or to which he has obtained access as such agent, officer, clerk or which he has obtained access as such agent, officer, clerk or which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property belongs, is guilty of felony and liable to imprisonment for life. 34 V., c. 6, s. 12, part.

Punishment of persons falsely pretending to be owners of deposits. 20. Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under the Act, or of the interest upon such deposit, or of any pand such deposit or interest, and who is not such owner, such who demands or claims from the agent with whom deposit has been made, or from any other person employed under this Act, the payment of such deposit or interest, he of any portion thereof, as the case may be, and whether

does or does not thereby obtain any such deposit or interest, or any part thereof, is guilty of a misdemeanor and shall be punishable accordingly. 34 V., c. 6, s. 13, part.

21. The capital represented by deposits in the savings As to certain deposits in banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since the first day of July, one thousand eight hundred and sixty-seven, shall not be charged against those Provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to to a suspense ledger, and if any deposit or withdrawal is made in any such account, it shall be removed from the suspense ledger, and the capital represented by such account and the interest accrued since the first day of July, one thousand eight hundred and sixty-seven, shall be charged against Nova Scotia or New Brunswick, as the case may be. 84 V., c. 6, s. 17.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with,			
[€] V., c. 6	All, except parts of ss. 12,13 and 22, and ss. 15, 16, 19, 20 and 24.	Parts of ss. 12, 13 and 22, and ss. 15, 16, 19 and 20.	s. 24	An Act respecting returns by certain persons and corporations receiving moneys on deposit at interest.			

CHAPTER 118.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts follows :--

Interpretation. "The bank."

1. In this Act, unless the context otherwise requires, the expression "the bank" means any savings bank to which this Act applies.

New.

CHARTERS CONTINUED.

Charters continued subject to certain conditions.

2. The charters of the several savings banks to which charters were granted by the Governor General in accordance with the Act passed by the Towns of the Control of with the Act passed by the Parliament of Canada in the thirty fourth wear of Handan Mariane and the man of the fourth year of Her Majesty's reign, chapter seven, to all of which this Act and in the which the chapter seven, to all of which this Act and in the which the chapter seven, to all of which this Act and in the which the chapter seven, to all of which the chapter seven, the chapter seven seve which this Act applies, are hereby continued and remain in force until the Continued and some remain in force until the first day of July in the year one thousand eight hundred. thousand eight hundred and ninety-one, except in so far as they or any of them they or any of them are or become forfeited or void under the terms thereof crefit. the terms thereof, or of this Act, or of any other Acts heretor fore or hereafter passed relating to the said savings banks, by non-performance of the conditions of such charters respectively or by includes 44 V., c. 8, ss. 1 tively, or by insolvency or otherwise. and 5.

INTERNAL REGULATIONS.

Notice of meetings.

3. Public notice shall be given by the directors of the large of the holding of course in the directors of the holding of the holding of the directors of the holding of the holding of the directors of the holding of bank of the holding of annual or other meetings, by publishing the same for at least f lishing the same for at least four weeks in a newspaper and the place where the book are the place where the head office of the bank is situate; such if such head office is in the place where the head office of the bank is situate; such if such head office is in the Province of Quebec, h land notice shall be given both in the province of Quebec, h land notice shall be given both in the English and French guages. 44 V c 8 c 2 guages. 44 V., c. 8, s. 3.

Qualification and election of directors.

4. The qualification of a director shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the holding of venty-five shares of stocks and the shall be the shall b twenty-five shares of stock; and the directors shall be elected annually at a general most annually at a general meeting of the shareholders, shall be eligible for re-place.

Votes on shares.

2. Each shareholder shall, on every occasion on which e votes of the shareholder. the votes of the shareholders are taken, have one vote the each share held by him for at least the shareholders. each share held by him for at least three months before time of voting:

- 3. Shareholders may vote by proxy, but no person but a Proxy. shareholder shall vote or act as such proxy:
- 4. No cashier, bank clerk or other officer of the bank shall Officer not to Vote either in person or by proxy, or hold a proxy for that vote. purpose:
- 5. Every director of the bank who becomes openly and Director becoming notoriously insolvent, or assigns his estate and effects for becoming the home. the benefit of his creditors, or absents himself, without the consents of his creditors, or absents himself, without the consent of his creditors, or absents minimum, the the board, for twelve consecutive months from the board, for twelve consecutive months from the board of any felony. the meetings of the directors, or is convicted of any felony, shall thereupon, ipso facto, cease to be a director, and the vacan Vacancy so created shall forthwith be filled up in the manner provided by the charter. 34 V., c. 7, ss. 7 and 27.

No failure to elect directors of the bank shall operate Failure to any No failure to elect directors of the bank snall operate range we failure to elect directors; but in case of such tors, how thereast elect, the required election shall be made as soon remedied. thereafter as possible, at a special meeting of the shareholders, which the directors are hereby authorized to call to the contract of for that purpose; and until such subsequent election takes place, the official acts of the directors holding office shall be Valid. 34 V., c. 7, s. 26.

CALLS.

The directors may call up the stock subscribed for Calls on stock. and The directors may call up the stock subscribed for stock.

Made of stock whenever made at intervals of not less than three months, whenever it is intervals of not less than three months, whenever it is, in their opinion, necessary or expedient to make such calls. calls; and all stock when paid up shall be invested in the manner hereinafter provided as to the investment of moneys deposited that the limitation of the amount with the bank: Provided, that the limitation of Proviso. the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the finds of the bank to meet the claims of depositors and other liability. labilities hereinafter provided for. 34 V., c. 7, s. 9;—36 V., c. 72, s. 1, part. Re-drafted.

The amount of every such call, if not paid when due, Recovery of calls by action and promay be recovered with interest by the directors, in the name tion and proof the hand proof the hand proof in such case. of the bank, in any court having jurisdiction to the amount; in such case. and in any action for the recovery thereof, it shall be sufficient to recovery thereof, it shall be sufficient to recovery thereof, it shall be sufficient to recovery thereof. Reient to allege and prove the charter, and that the calls were madellege and prove the charter, and that the defendant is the Were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, of a share or shares in respect of which the amountaing without alleging or proving any other matter or cosnizant for the bank, and the evidence of any officer of the bank, and the bank of the proved, shall be sufcognizant of any fact required to be proved, shall be sufficient proof any fact required to be proved, purporting ficient proof thereof; and any copy of the charter, purporting

to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall prima facie evidence of the charter and of the contents thereof. 34 V., c. 7, s. 10.

LIABILITY OF SHAREHOLDERS.

Liability of shareholders in case of deficiency of assets. S. The shareholders of the bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each share holder shall be liable to an amount equal to the amount, if holder shall be liable to an amount equal to the amount, any, not paid up, of his shares, and no more; and the directors may and shall make calls on the stock not paid up to the full amount not paid up, or to such less amount as they deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the bank, or the sale of any of its assets or property:

Calls in such case.

Intervals and 2. Such calls shall be made at intervals of thirty days and upon notice to be given thirty days at least prior to the day on which the call is payable:

Amount and enforcement.

3. No such call shall exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock:

First call.

4. The first of such calls shall be made within ten days after such deficiency is ascertained:

Effect of failure to pay.

5. Failure, on the part of any shareholder liable to such call, to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the bank; but such call and any further call thereafter shall nevertheless be recoverable from him as if no such forfeiture had been incurred.

Liability of director failing to make such call. 6. Every director who refuses to make or enforce, or is concur in making or enforcing any call under this section, is guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default: and every liquidator or other officer or person appointed to wind up the affairs of the bank, in case of its insolvency, calls have the powers of the directors with respect to such 34 V., c. 7, s. 11 and s. 12, part.

Liability after transfer in a certain case.

9. Persons who, having been shareholders in the bank have only transferred their shares or any of them to other or registered the transfer thereof, within one month beto the commencement of the failure of the bank to meet the claims of its depositors on demand, shall be liable to on such shares under the next preceding section, as if

had not transferred them, saving their recourse against those to whom they were transferred. 34 V., c. 7, s. 12,

DIVIDENDS.

dividends of so much of the profits of the bank as to the of. majority of them seems advisable, and as is not inconsistent. tent with the provisions of this Act, and they shall give Public notice of the payment of such dividends at least thirty days previously, in the manner herein provided, as to notices of meetings. 44 V., c. 8, s. 4.

TRANSFER OF SHARES AND DEPOSITS.

- The shares in the bank shall be personal property Transfer of and shall be transferable in the manner provided by the shares. by laws and regulations made as prescribed by the charter; and the transferee shall have the rights and shall be subject to the liabilities of the original holder:
- 2. No share shall be divided, and if any share is held by Joint holders by of shares. several persons jointly, one of them shall be appointed by of shares. letter of attorney by the others to vote thereon, to receive dividends and to do all things that require to be done in respect thereof; and such letter of attorney shall be lodged with the bank. 34 V., c. 7, s. 13.

ecom If the interest in any deposit or share in the bank Transmission of shares or becomes transmitted in consequence of the death or deposits transmitted in consequence of the death or deposits insolvency of any depositor or shareholder, or in consequence otherwise than by tr of the marriage of a female depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by than by transfer men the books of the lawful means than by a transfer upon the books of the bank, or by deed served upon the bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in Declaration which declaration shall distinctly state the manner in Declaration which which and the person to whom such deposit or share has in such case. been transmitted, and shall be, by such person, made and signal transmitted, and shall be, by the person signed; and every such declaration shall be, by the person makin; and every such declaration shall be, by the person making and every such declaration snam be, by single or justice and signing the same, sworn to before a judge or productive magnistrate of a city, justice of a court of record or chief magistrate of a city, town, borough or other place, or before a notary public, where all one of the place and every such declarations. Where the same is made and signed; and every such declaration ration, so signed and sworn to, shall be left with the manager signed and sworn to, shall be left with the manager or other officer or agent of the bank, who shall therenger or other officer or agent of the bank, who shall thereupon other officer or agent of the pank, which deposit on enter the name of the person, so entitled to such deposit on as proprietor deposit or share under such transmission, as proprietor thereos: thereof, in the books of the bank; and until such transmission; is the books of the bank; and until such transmission; is the books of the bank; and until such transmission; is the books of the bank; and until such transmission. sion is so authenticated, no person claiming by virtue of any such transition and the such deposit such transmission, shall be entitled to receive such deposit

or share, or any part thereof, or any interest or dividend thereon:

How authenticated elsewhere than in a British possession.

2. Every such declaration and instrument as by this and the next following section of this Act are required to perfect the transmission of a deposit or share in the bank, made in any other country than Canada or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British consul or vice-consul, or other accredited representative of the British Government in the country where the declaration is made, or shall be made directly before such British consul or vice-consul or other accredited representative:

3. Nothing in this Act contained shall prevent the directors manager of the contained shall prevent the directors. dence may be tors, manager or other officer or agent of the bank from required. requiring corroborative evidence of any facts alleged in any such declaration:

Payment to discharge the bank.

4. If payment is made to any depositor of any deposit of any interest in of any interest thereon, or of any dividend on any share, after transmission thereof by any of the means mentioned in this section but here in this section, but before such declaration is made and authenticated as aforacid authenticated as aforesaid, such payment shall be valid and shall discharge the based of the bas 34 V., c. 7, s. 28. shall discharge the bank. 13. If the transmission of any deposit or share is by

Transmission by marriage.

virtue of the marriage of a female depositor, the declaration shall be accompanied by shall be accompanied by a copy of the register of the marriage and shall declare the identity of the wife with holder of such density holder of such deposit or share; and if the transmission has taken place beauty has taken place by virtue of any testamentary instrument or by intestacy or by the By testament-ary instruor by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder. ment. depositor or shareholder, the probate of the will, or, if it is notarial, an authentic compatible of the will, or, amin. notarial, an authentic copy thereof, or the letters of adminstration or act of tutorals. stration or act of tutorship, or curatorship, or authentic certificates of hirth as the certificates of hirthead as the certificates of birth, as the case may be, shall, together with such declaration be produced. such declaration, be produced and left with the manager of other officer or agent of the left with the manager of other officer or agent of the bank, who shall thereupon in the name of the person out it. the name of the person entitled under such transmission in the books of the bank.

DEPOSITS AND LOANS.

Bank may receive deposits and pay interest.

14. The bank may receive deposits of money for the enefit of persons deposition the benefit of persons depositing the same, and may invest the same as hereinafter provided the same as hereinafter provided, and may invest the revenues and profits derived formula to much revenues and profits derived from the investment of so much thereof as is not required to thereof as is not required to meet ordinary demands by the depositors and, out of such depositors and, out of such accumulation, may allow such pay to the depositors thereof such rate of interest on such deposits as is, from time to time, fixed by the Governor in Connect per annum. Council, not being more than five per cent. per annum. 84 V., c. 7, s. 14;—44 V., c. 8, s. 2.

Every depositor, on making his first deposit in the Depositor to bank, shall disclose and declare his name, residence, quality and address. and occupation. 34 V., c. 7, s. 15.

hata. The bank may receive deposits from any person, Deposits by Whatever is his status or condition of life, and whether such minors, &c. person is qualified by law to enter into ordinary contracts or not law qualified by law to enter into ordinary contracts or not; and the bank may pay the principal or any part thereor; and the bank may pay the principal or any part thereof, and the bank may pay the principal of the interest thereof, and the whole or any part of the interest thereon, and the whole or any part of the state of the such person, without the authority, aid, assistance of official being required: ance or intervention of any person or official being required: Provided always, that if the person making any deposit in Proviso. the hand always, that if the person making any deposit in Province where the the bank is not, by the laws of the Province where the bank is not, by the laws of the Frovince name bank is established, authorized so to do, the total amount of deposit pot exceed the sum of deposits made by such person shall not exceed the sum of two thousand dollars. 34 V., c. 7, s. 16.

Any payment of interest or dividend, or of the whole Certain payments in good faith to any person feith valid or any payment of interest or dividend, or of the whole whole who payment of any deposit, made in good faith to any person faith valid. who appears prima facie to be entitled to such interest, dividend prima facie to be entitled to such interest, dividend or deposit, by the production of a declaration in mentioned in support writing and of the documents herein mentioned in support thereof, shall be valid; and the discharge of such person shall be valid; and the discharge or such any first, sufficient, and shall discharge the bank from all or any further claim by any person for such interest, dividend or deposit. 34 V., c. 7, s. 31.

the man bank shall always hold at least twenty per cent. Amount to be invested in property of the man bank shall always hold at least twenty per cent. Amount to be the man bank shall always hold at least twenty per cent. Amount to be the man bank shall always hold at least twenty per cent. Amount to be the man bank shall always hold at least twenty per cent. of the bank shall always hold at least twenty per cent. Amount to deposite moneys deposited with it in Dominion securities, or invested in Dominion Dominion 26 V c 72 s. 1. part. securities, & deposits in chartered banks, on call. 36 V., c. 72, s. 1, part. securities, &c.

The bank may, subject to the provisions in the next Investment of deposited deposited deposited. The bank may, subject to the provisions in the next investment therewith section contained, invest any moneys deposited deposits.

Any of the D any of the Provinces of Canada, or in any municipal debenthres, or in the manner provided in the two sections next following, or in the manner provided in the two sections to hold g, and not otherwise; but the bank may continue hold g, and not otherwise; but the bank may continue to hold g, and not otherwise; to hold any stock of any now existing chartered bank, held by it before it received its charter, and may sell and dispose of such stock. 34 V., c. 7, s. 17;—36 V., c. 72, s. 1, part.

The bank may also loan such moneys, upon the per-Loans on cer-Sonal security of individuals, or to any corporate bodies, if tain securities. collateral security of individuals, or to any corporate preceding securities of the nature mentioned in the next securities of the nature mentioned in the next securities. preceding securities of the nature mentioned in stock of section, or British or foreign public securities, or canada, or stock in any instock of some chartered bank in Canada, or stock in any incorporated building society, or bonds or debentures, or stock of any incommendation or company, are taken in of any incorporated institution or company, are taken in

addition to such personal or corporate security, with authority to sell such securities if the loan is not paid. V., c. 7, s. 18, part;—36 V., c. 72, s. 1, part.

No loans on

21. The bank shall not make any loan, directly or in real property. directly, upon the security of real property, or with any refer ence to the security of real property; but nothing herein contained shall prevent the bank from taking security upon real property in addition to such collateral securities, subsecurities, quently to the making of the loan and subsidiary to security originally taken therefor. 34 V., c. 7, s. 18, part.

Enforcement of payment of loans made on collateral security.

22. If the bank makes any loan under the two sections next preceding, upon personal securities with collateral security, other than real property, for the repayment thereof and if the repayment is not made within thirty days after such loan becomes due or payable, the bank may sell the collateral security, after notice to the borrower or person de positing such collateral positing such collateral security, by addressing and mailing to his last known place of residence, a letter containing such notice:

Further provision in case of nonply ment.

2. Such sale may be so made, whatever is the nature of such collateral securities, whether consisting of stocks, bonds dehants bonds, debentures or negotiable paper; and the president or vice-president or vice-president, manager, cashier or other officer of the bank thereunts bank, thereunto authorized by the directors, may transfer and convey any convey any and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer h conveyance or transfer, but without any warranty from the bank, or from any officer thereof:

How far bank shall be accountable.

3. The bank shall only be bound to account to the person debted to it in the indebted to it in the amount of such loan, for the actual per proceeds of the sale of such loan. proceeds of the sale of such collateral securities, after deduction of all costs and observed the tion of all costs and charges thereon:

Other recourse not affected.

4. Nothing herein contained shall prevent the bank from llecting or realizing such all his prevent the bank there collecting or realizing such debt, or any balance due there on, out of such collectoral security. on, out of such collateral securities, in any way which been agreed on with the borrows. been agreed on with the borrower depositing the same, or in any other lawful way that the any other lawful way that the directors deem for the interest of the bank. 34 V 0.7 5 10 Re-drafted.

Purchase of property mortgaged to the bank.

23. The bank may purchase any lands or real property fered for sale under accounts. offered for sale under execution at the suit of the bank, to exposed to sale by the bank are exposed to sale by the bank under a power of sale given it for that purpose in coarse it for that purpose, in cases in which, under similar care stances, an individual contains stances, an individual could so purchase, without any striction as to the value of striction as to the value of the lands which it may so chase, and may acquire a still it chase, and may acquire a title thereto as any individual purchasing at sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dis-Pose of the same at pleasure. 34 V., c. 7, s. 20.

The bank may acquire and hold an absolute title in Absolute title may be acor to land mortgaged to it as security for a debt due or quired. owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or man, an equity of redemption can, by law, be barred, or man, and are considered or charge on may purchase and acquire any prior mortgage or charge on such land. 34 V., c. 7, s. 21.

Nothing in any Act or law shall be construed as As to power of sale, &c. having prevented or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged lands, Whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. 34 V., c. 7, s. 22.

Nothing herein contained shall prevent the bank from Deposits on Nothing herein contained shall prevent the pank from call in charges the money in any of the chartered banks carrying call in chartered banks. the general business of banking in the same place as the be and such money shall be so deposited on call, and shall be subject to withdrawal at any time without notice, and either With or without interest. 34 V., c. 7, s. 24.

GENERAL PROVISIONS.

The directors of the bank shall continue to distribute Distribution to charitable to charitable institutions yearly, as heretofore, the interest institutions. accruing on the amounts invested for that purpose:

2. The principal of the Poor fund of the City and District Poor Fund at Montreal. Savings Bank of Montreal, which has been ascertained and Montreal. settled at one hundred and eighty thousand dollars, shall continued to the said bank in decontinue invested and shall be held by the said bank in de-benture invested and shall be held by the said bank in debentures of the cities of Toronto, Ottawa, Kingston, St. Catharines of the cities of Toronto, Ottawa, American States and Hull, and of the town of Bowmanville, with power to change the investment of the same or of any part the approval and perpart thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise:

8. The principal of the Charity fund of La Caisse d'Econ-Charity Fund of La Caisse d'Econ-Charity Fund Onie de Principal of the Charity fund of La Caisse a Boon at Quebec. tained Notre Dame de Quebec, which has been ascer- at Quebec. tained and settled at eighty-three thousand dollars, shall continued settled at eighty-three thousand by the said bank in continue invested and shall be held by the said bank in debent invested and shall be held by the said bank in debentures of the city of Quebec,—with power to change the inverted and shall be held by the same change the investment of the same or of any part thereof, from time

to time, with the approval and permission of the Treasury Board, but not otherwise. 34 V., c. 7, s. 25, part;—36 V., c. 72, ss. 3 and 4.

Bank notes not to be issued. 28. The bank shall not issue any bank note, or note intended to circulate as money or as a substitute for money, or be deemed a bank within the meaning of "The Bank Act." 34 V., c. 7, s. 35.

Bank not bound to see to trusts.

29. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit or share therein is subject; and the receipt of the person in whose name any such deposit of share stands in the books of the bank, or if it stands in the name of more persons than one, the receipt of one of the persons shall be a sufficient discharge to the bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit of share, unless express notice to the contrary has been given to the bank, or such deposit is made upon express conditions as to the second distinct and the second ditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions. by such conditions, notwithstanding any trust to which such deposit is then subject, and whether or not the bank has had notice of such trust; and the bank shall not be bound to see to the application of the money paid on such receipt, whether given have receipt, whether given by one of such persons or by all of them 34 V 2 7 7 22 them. 34 V., c. 7, s. 30.

RETURNS.

Monthly returns to be made to the Minister of Finance.

Minister of Finance and Receiver General, and shall be made up within the first ten days of each month, and shall be within the condition of the bank on the last juridical day of the month next preceding; and such monthly returns of the month next preceding; and such monthly returns shall be signed by the president or vice-president, or director then acting as president and by the manager, cashier or other principal officer of the bank at its chief place cashier or other principal officer of the bank at its chief place of business, and shall be published in the Canada Gazette; of business, and shall be instead of any periodical returns ule to this Act, and shall be instead of any periodical returns if any, required by the charter of the bank, except certified lists of shareholders. 36 V., c. 72, s. 2, part.

Annual lists of shareholders for Parliament. 31. The bank shall furnish, annually, to the Minister of Finance and Receiver General, to be laid before Parliament within fifteen days after the opening of each session, certified lists of the shareholders, with their additions and hold dences, and the number of shares they respectively and the amounts paid up thereon. 44 V. c. 8, s. 6.

OFFENCES AND PENALTIES.

82. Every officer, clerk or servant who is employed Punishment of officers elters of officers under the provisions of this Act, and who defaces, alters, committing erases erases, or in any manner or way whatsoever, changes the certain effect, or in any manner or way whatsoever, changes the certain effect of the books of account kept under the provisions of offences. this Act, or any entry in the said books of account, for any franching of the books of account, for any fraudulent purpose,—and every such officer, clerk or servant who secretes, appropriates or embezzles any bond, obligation, bill or entered to the secretes of the secretes appropriate or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects introduced or to which he has intrusted to him, or in his custody, or to which he has obtained obtained access as such agent, officer, clerk or servant, to whome whomsoever the said property belongs, is guilty of felony, and and are the said property belongs is published to imprisonment and, on conviction thereof, shall be liable to imprisonment for life conviction thereof, shall be liable to imprisonment for life Provided always, that nothing herein contained, Proviso. nor the Provided always, that nothing notes.

Provided always, that nothing notes.

Provided always, that nothing notes.

Provided always, that nothing notes. prevent, lessen or impair any remedy which Her Majesty, or the lessen or impair any remedy which Her Majesty, or the Minister of Finance and Receiver General, or any other other person, would otherwise have against any other person whatsoever. 34 V., c. 7, s. 32.

Every person who, with intent to defraud, falsely Punishment for falsely made under this for falsely pretending pretends to be the owner of any deposit made under this pretending to the control of the control act, or of the interest upon such deposit, and who is not own deposits. with owner, and who demands or claims from the bank with owner, and who demands or claims have employed by the which such deposit has been made, or from any person of such deposit or employed under this Act, the payment of such deposit or interact whether of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit deposit or interest, is guilty of a misdemeanor, and shall be punishable accordingly. 34 V., c. 7, s. 33, part.

The making of any wilfully false or deceptive state- And for makent in the making of any wilfully false or deceptive state- and for making any or in any ment in any account, return, report or other document ingfalse statement in any account, return, report or other document ment in any account, &c. respecting the affairs of the bank is, unless it amounts to a account, &c. higher offence, a misdemeanor; and every one who is a president, vice-president, director, auditor, cashier, or other officer of vice-president, director, auditor, cashier, or other signs. officer of the bank, and who prepares, signs, approves or concerns of the bank, and who prepares, signs, approves or document, or concurs of the bank, and who prepares, signs, appro-backs in such statement, return, report or document, or backs the uses the same with intent to deceive or mislead any person, shall he same with intent to deceive or mislead any person, shall be held to have wilfully made such false statement, and shall damages sustained and shall further be responsible for all damages sustained by such further be responsible for all damages sustained by such person in consequence thereof. 34 V., c. 7, s. 34.

SUHEDULE.

SUHEDULE.

of the amount of liabilities and assets of the (name 18). of the bank) on the CAPITAL STOCK, \$ ÚAPITAL PAID UP. \$

LIABILITIES.

cts.

1. Dominion Government deposits, payable on

				\$ 0.
		ent deposits,	payable or	1
 3. Other dej 4. Dominion notice 5. Provincia notice 6. Other dej fixed of 7. Special P 8. Liabilitie 	or on a fixed or on a fixed or on a fixed or on a fixed posits, payaday	ole on demannt deposits, per d	payable afte payable afte ice or on id Trust e foregoins	r r a
		ASSETS.		
 Provincia Loans for rities: Loans for latera Loans for tures, collate Cash in labanks Special Iments Investments Other as 	al or municies which Dome are held as or which band security which others as authorized as authorized as authorized as authorized and or in decorporation sets, not include the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the corporation in the corporation is the corporation in the cor	pal securitie inion or Provolet stocks are er stocks, bored by law, eposit on call or Charity For the stock made of the bank luded under the stock made of the stock made of the bank luded under the stock made of the stock made of the bank luded under the stock made of the stock mad	s	
We declare books of the l knowledge an (Place) this	nd belief.	egoing returnat it is correct	n is made to the box. A. B., Preside C. D., Cashie	8 .
36 V., c. 72, s	. 2, part.			
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidate with.
,	Fhe whole except ss. 1, 2, 3, 4, 5, 6, 8, 23 and 36, and parts of ss. 25 and 33. The whole exc-pt s. 5.	ss. 1, 2, 3, 4, 5, 6, 8, 23 and 36, and parts of 25 and 33. s. 5.		
44 V., c. 8	The whole.			

CHAPTER 119.

An Act respecting Bills of Exchange and Fromissory Notes.

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

1. Every bill of exchange or promissory note which is On what days made payable at a month, or months, from and after the shall mature. date payable at a month, or months, from the same and thereof, shall become due and payable on the same payable numbered day of the month in which it is made payable the day on which it is dated, unless there is no such day in the day on which it is dated, unless there is no such day in the day on which it is dated, unless there is no the the month in which it is made payable, in which case it shall, month in which it is made payable, in which case it with the addition, in all cases, of the days of grace allowed 35 V., c. 10, s. 1.

Whenever the last day of grace, in respect of the Whenlastday payment of a bill of exchange or a promissory note, falls on of grace is a legal to the bill of exchange or a promissory note, falls on of grace is a non-juridical legal holiday or non-juridical day in the Province where day. any such bill or note is payable, then the day next following not being a legal holiday or non-juridical day in such hot being a legal holiday or non-juridical and holiday or non-juridical and holiday of grace as to such bill or Note. 35 V., c. 8, s. 8, part;—42 V., c. 47, s. 4.

In all matters relating to bills of exchange and pro- Non-juridical missory notes, the following and no other shall be observed days. legal holidays or non-juridical days, that is to say:—

Quebec. In all the Provinces of Canada, except the Province of Elsewhere than in Quebec.

Sundays; New Year's Day; Good Friday; Easter Monday; Christmas Day;

The birthday (or the day fixed by proclamation for the blehrot: Sovereign; celebration of the birthday) of the reigning Sovereign;

The first day of July (Dominion Day), and if that day is Sunday of July as the same Sunday, then the second day of July as the same holiday;

Any day appointed by proclamation for a public holiday, or for a general fast, or a general thanksgiving throughout Canada; and the day next following New Year's Day and Christmas Day, when those days respectively fall Sunday;

In Quebec.

(b) And in the Province of Quebec the said days, and so also-

The Epiphany; The Annunciation; The Ascension: Corpus Christi; St. Peter and St. Paul's Day; All Saints' Day; Conception Day;

(c) And also, in any one of the Provinces of Canada, and proclamation day appointed by proclamation of the Lieutenant Governor of such Province, for a public holiday, or for a fast or thanks giving within the server of W giving within the same. 35 V., c. 8, s. 8, part; -42 V., 64 47, s. 3;—46 V., c. 20, s. 11.

Acceptance to be in writing on the bill.

4. No acceptance of any bill of exchange shall be sufficent to bind or charge cient to bind or charge any person, unless such acceptance is in writing on the ball is in writing on the bill, or if there is more than one part of such hill then on a such hill then one are the such acceptant. of such bill, then on one of the said parts. c. 42, s. 7;—C. S. L. C., c. 64, s. 5;—28 V. (N. S.), c. 10, s. 5;
R. S. N. R. c. 116, a. 4; a. 37 J. 7; R. S. N. B., c. 116, s. 4;—27 V. (P. E. I.), c. 6, s. 2.

In N. B and P. E. I. this provision is restricted to inland bills.

What notice of protest or dishonor shall be sufficient.

5. Notice of the protest or dishonor of any bill of exchange promissory note payable in a significant of the protest or dishonor of any bill of exchange promissory note payable in a significant of the protest or dishonor of any bill of exchange promissory note payable in a significant of the protest or dishonor of any bill of exchange promissory note and the province provin or promissory note payable in Canada shall be sufficiently given, if it is addressed in the sufficient of the sufficient given, if it is addressed, in due time, to any party to such bill or note entitled to such bill or note entitled to such notice, at the place at under such bill or note is detection. such bill or note is dated, unless any such party has, place, his signature on such bill his signature, on such bill or note, designated another place.

—and in such letter accessions. —and in such latter case such notice shall be sufficiently given if addressed to him given if addressed to him, in due time, at such other place and such notices so addressed to him, in due time, at such other place and such notices so addressed to him, in due time, at such other place and such notices so addressed to him, in due time, at such other place and such notices so addressed to him, in due time, at such other place and such notices are addressed to him, in due time, at such other place and such notices are addressed to him, in due time, at such other place and such notices are addressed to him, in due time, at such other place and such notices are addressed to him, in due time, at such other place and such notices are addressed to him, and the such notices are addressed to him, and the such other place and such notices are addressed to him, and the such other place and such notices are addressed to him, and the such notices are addressed to him, and the such notices are addressed to him. and such notices so addressed shall be sufficient, although the place of residence of another the place of residence of such party is other than either of such before mentioned place. such before mentioned places. 37 V., c. 47, s. 1.

Damages on bills payable in Canada or Newfoundland.

6. No damages shall be recoverable in any action, suit proceeding, brought in upon any bill of exchange drawn upon any person any place in Canada or in the Two person and person any place in Canada or in the Two persons are personal and the person are personal and the person are personal and the person are personal and the personal and the personal are personal and the personal are personal and the personal and the personal are personal and the personal are personal and the personal and the personal are persona any place in Canada or in the Island of Newfoundland against any party thereto create a against any party thereto, except for the amount for which such bill of exchange is drawn for the amount for mounts such bill of exchange is drawn, and for such further amount as arise from the noting and are as arise from the noting and protest of such bill of exchange and interest thereon and are and interest thereon, and exchange and re-exchange thereon.

And on bills payable elsewhere.

2. No damages shall be recoverable in any action, suit proceeding, brought in action, suit or proceeding, brought in any Province of Canada

upon any bill of exchange drawn upon any person at any place not being in Canada or in the Island of Newfoundland against any party thereto, except for the amount for which for which such bill of exchange is drawn, and for two and one half per cent. thereon, and for such further amounts as arise from the noting and protest of such bill of exchange, and: and interest thereon, and exchange and re-exchange thereon. 38 V., c. 19, ss. 1 and 2.

7. All bills of exchange and promissory notes drawn or Protest of non-acceptance of the contraction of the c made at any place in the Province of Nova Scotia, for the or unpaid sum of forty dollars and upwards, upon or in favor of any bills or notes person or persons in the said Province, may, on default of Scotia. the acceptance or payment thereof, be protested by a notary public; and such protest shall, in any action on such bill or not; and such protest shall, in any action and dishonor. or note, be prima facie evidence of presentation and dishonor, and also of service of notice of such presentation and dishonor as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice. 42 V., c. 46, s. 1.

at any place in the Province of Prince Edward Island, for land.

And in Prince the Royal Scientific and the Province of Prince Edward Island, for land. the sum of forty dollars and upwards, may, on default of the acceptance or payment thereof, be protested by a notary public; and such protest shall, in any action on such bill protest; and such protest shall, in any action and dishonor, note, be prima facie evidence of presentation and dishonor, and also of service of notice of such presentation and dishounder, as stated in such protest; for which protest there thall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice. 46 V., c. 22, s. 2.

In the Province of Prince Edward Island, if any per-General ac-place accepts a bill of exchange, payable at the office or ceptance of a bill in P.E.I. place accepts a bill of exchange, payable at the control of business of any bank or other place, without ther expression in his acceptance, such acceptance hall be deemed and taken to be, to all intents and purposes, a general acceptance of such bill; but if the ac-Qualified ceptor; is a general acceptance of such bill; but if the acceptance o ceptor, in his acceptance, expresses that he accepts the bill acceptance. payable at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office or place of business of any bank, or other at the office of business of any bank, or other at the office of business of any bank at the office of business of business of any bank at the office of business of business of any bank at the office of business other place only, and not otherwise or elsewhere, such acceptance only, and not otherwise to be to all intents ceptance only, and not otherwise or elsewhere, such and not otherwise or elsewhere, such and intents and not otherwise of such bill; and the and purposes, a qualified acceptance of such bill; and the acceptance of such bill; unless acceptor shall not be liable to pay the said bill, unless payment has been first duly demanded at such office or place of lace of lace. 27 V. (P. place of business in such bank or other place. 27 V. (P. E. I.), c. 6, s. 1.

When any promissory note or bill of exchange is Notarial pro-ayable of New Brunswick, test of note or bill evidence payable at any promissory note or bill of exchange is rotating promised by the start of the Province of New Brunswick, test of note or whether the province of the said Province, in N.B. whether the same is drawn in or out of the said Province, in N.B. a notarial protest of the presentment and dishonor of such

promissory note or bill of exchange shall be received in all courts in the said P in all courts in the said Province as evidence of the fact of presentment and dishonor stated in such protest, like manner as in case of a protest of non-payment of foreign bill of exchange. 22 V. (N.B.), c. 22, s. 4.

No officer of a bank to act as notary.

11. No clerk, teller or agent of any bank shall act as notary in the protesting of any bill or promissory note, par able at the bank, or at any of the agencies of the bank, which he is ampleted. which he is employed. C. S. C., c. 57, s. 3.

Note.—This section originally applicable to the former Province of Canada, is extended to the whole Dominion only, is extended to the whole Dominion.

its face.

12. Every bill of exchange or promissory note, the consideration of which consists a patent right to have cer- eration of which consists, in whole or in part, of the purchase tain words on money of a patent right, or of a partial interest, limited geo-its face. Graphically or of a partial interest, limited geographically or otherwise, in a patent right, shall have written or printed prominently and legibly across the fact thereof before the comment with the fore the comment with the fact the comment with the fact the thereof, before the same is issued, the words "given for antent right" patent right." 47 V., c. 38, s. 1.

Transferee to take instrument subject to right of defence.

13. The indorsee or other transferee of any such instrament having the words aforesaid so printed or Written thereon shall take the thereon, shall take the same subject to any defence or hick off in respect of the whole or any part thereof, which would have existed between the would have existed between the original parties. 38, s. 2.

Penalty for uttering such instrument not so marked.

14. Every one who issues, sells or transfers, by indorse ment or delivery, any such instrument not having the word "given for a patent might" given for a patent right" printed or written in manuforesaid across the face the confidence of the con aforesaid across the face thereof, knowing the consideration of such instrument to have seen in the consideration of such instrument to have seen in the consideration of such instrument to have seen in the consideration of such instrument to have seen in the consideration of such instrument to have seen in the consideration of such instruments and the consideration of such instruments and the consideration of such instruments are consideration. of such instrument to have consisted, in whole or in part, of the purchase money of a natural state of the purchase of the pur the purchase money of a patent right, or of a partial interesting limited geographically and the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right, or of a partial interesting the purchase money of a patent right. limited geographically or otherwise, in a patent right, guilty of a misdemeanor control in a patent right, guilty of a misdemeanor, and liable to imprisonment for any term not exceeding and liable to imprison fine for any term not exceeding one year, or to such not exceeding two hundred dellar. not exceeding two hundred dollars, as the court thinks fit 47 V., c. 38. s. 3.

Provisions applicable to Ontario.

15. Sections sixteen to twenty-six, both inclusive, spply the Province of Optorio and to the Province of Ontario only.

General acceptance and promise.

16. If any person accepts a bill of exchange, payable bank, or at any other partial a bank, or at any other particular place, without not expression in his acceptance expression in his acceptance, or makes a promissory payable at a bank or of acceptance. further expression in that respect, such acceptance such promise shall be decreased. such promise shall be deemed and taken to be a general acceptance and a general acceptance

Qualified acceptance and promise.

2. If the acceptor expresses, in his acceptance, that he pts the bill payable of a large cepts the bill payable at a bank, or at any other partice. place only and not otherwise or elsewhere, or if the maker of a promissory note expresses in the body of the note that he promissory note expresses in the body of the promises to pay at a bank, or at any other particular place of the pay at a bank, or at any other particular place. place only and not otherwise or elsewhere, then such acceptant and not otherwise or elsewhere, then such acceptant to be a ceptance or promise shall be deemed and taken to be a qualified acceptance or promise, and the acceptor or maker shall not be liable to pay the bill or note, unless payment has been first duly demanded at such bank or other place. C. S. U. C., c. 42, ss. 5 and 6.

No bill of exchange or promissory note, although Bill or note not void for given for a usurious consideration, or upon a usurious conusury in certract, shall be void in the hands of an indorsee (or if a note tain cases. transferable by delivery, in the hands of a person who acquired in the Quired the same as bearer), for valuable consideration, unless such indorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that any such consideration for the same, actual knowledge that such bill of exchange or promissory note was originally given to given for a usurious consideration or upon a usurious contract. C. S. U. C., c. 42, s. 8.

No bill of exchange shall be presented for acceptance No present-No bill of exchange snam be presented any non-juridical day. C. S. U. C., c. 42, s. 19.

ment on nonjuridicaldays.

If any promissory note payable only at some place in Damages and le II. If any promissory note payable only at some place in Damages and interest in the United States of America, or in some one of the Provinces, allowed in Ontario and Districts of Canada other than the Provinces of certain cases upon distance of the Provinces of Canada other than the Provinces of certain cases upon distance of the Provinces of Canada other than the Provinces Ontario and Quebec, or in the Island of Newfoundland, and upon dishort other. not otherwise or elsewhere, is made or negotiated within the notes. Province of Ontario, and is protested for non-payment, the hold... holder shall, in addition to the principal sum mentioned in the part of four per cent. upon the note, recover damages at the rate of four per cent. upon anch principal sum, and also interest thereon at the rate of per centum per annum, to be reckoned from the day of the date of the protest, and such aggregate amount, together with +1 note and all charges with the expenses of protesting the note, and all charges and the expenses of protesting the note, and an all postages incurred thereon, shall be paid to the holder at the current rate of exchange of the day when the protest is produced and repayment demanded, that is to say: the holder of any such note, returned under protest, may demand or indorsers thereof so demand and recover from the maker or indorsers thereof so much current money of Canada as shall then be equal to the purchase of a bill of exchange of the like amount drawn date or sight, together drawn on the same place at the same date or sight, together with the same place at the same date or sight, together with the same place at the same date or signe, with the damages and interest above mentioned, and also the area and all charges and the expense of protesting the note, and all charges and postage. postages incurred thereon. C. S. U. C., c. 42, s. 11.

When the holder of a protested bill or note, returned How rate of exchange for non-payment, notifies the drawer, maker or indorser of exchange the diel payment, notifies the drawer notice thereof, in ascertain the dishonor thereof, in person, or delivers notice thereof, in ascertained. Writing, to an adult person at his or their counting house or

dwelling house, and they disagree about the then rate of exchange for commercial bills, the holder and the drawer, maker or indorser so notified, or any of them, may apply to the president or, in his absence, to the secretary of any board of trade or chamber of commerce in the city or town, in which the holder of such protested bill or note, or his agent, resides, or in the city or town nearest to the residence of such holder or agent, in which there is a board of trade or chamber of commerce, and obtain from such president or secretary a certificate in writing under his hand, stating the said rate of exchange; and the rate stated in such certificate shall be final and conclusive as to the then rate of exchange, and shall regulate the sum to be paid accordingly. C. S. U. C., c. 42, s. 12.

Inland bills and notes to bear interest. 21. Every bill, draft and order drawn by any person in the Province of Ontario on any person in either of the Provinces of Ontario or Quebec, and every promissory note made or negotiated in the Province of Ontario, if protested for non-payment, shall be subject to interest from the date of the protest, or if interest is therein expressed as payable from a particular period, then from such period to the time of payment; and in case of protest, the expense of noting and protesting, and the postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest. C. S. U. C., c. 42, s. 13.

Protest may be made on day of dishonor. promissory notes, for dishonor, either by non-acceptance or non-payment, may be made on the day of such dishonor, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon. C. S. U. C., c. 42, s. 15.

How notice of protest may be served.

parties to the bill or note, and such notice shall be deemed to have been duly served, for all purposes, upon the person to whom the same is addressed, if it is deposited in the post office nearest to the place of making presentment such bill or note, at any time during the day whereon such protest has been made, or the next juridical day then following. C. S. U. C., c. 42, s. 16.

Form of protest and notice.

24. Every such protest and notice may be according to the the forms set forth in schedule A to this Act, or to the like effect. C. S. U. C., c. 42, s. 21, part.

Notary's fees in Ontario.

25. The fees to be taken by notaries public, for the services hereinafter mentioned, shall be as follow, and no more, that is to say:—for the protest of any bill, draft, note or order, fifty cents; for every notice, twenty-five cents; for postage, the amount actually expended. C. S. U. C., c. 42, s. 22;—C. S. C., c. 57, s. 1.

in the fifteenth year of the reign of King George the Third, pecting small intituled "A year of the reign of King George the Third, pecting small notes not in intituled "An Act to restrain the negotiation of Promissory force in Notes and Inland Bills of Exchange, under a limited sum, Ontario. within that part of Great Britain called England," and the Act of the said Parliament, passed in the seventeenth year of his said Majesty's reign, intituled "An Act for further restraint Notes and Inland restraining the negotiation of Promissory Notes and Inland Bills of Exchange, under a limited sum, within that part of Great Britain called England," which are inapplicable to the Province of Ontario, shall not extend to or be in force +1 force therein, nor shall the said Acts make void any bills, notes a remark to make notes, drafts or orders, which have been or may be made or uttered therein. C. S. U. C., c. 42, s. 1.

The following sections of this Act apply to the Pro applicable to Outper. vince of Quebec only.

28. The several fees and charges mentioned in schedule Notary's fees to the notary of bills in Quebec. R to this Act, relating to the protesting and noting of bills in Quebec. and notes in the Province of Quebec, together with the Postage at any post office, postages pre-paid upon notices deposited at any post office, may have pre-paid upon notices deposited at any post office, may be claimed from the holder of the bill or note by the notary or justice of the peace performing such duties, and shall be recovered from such parties thereto as are liable for the harmonic forms of the harmonic forms of the harmonic forms of the forms of the harmonic the payment of the same. C. S. L. C., c. 64, s. 21.

The several notings, protests, notices thereof, and Forms in Quebec. The several notings, protests, notices thereof, and Quebec. forms of notices hereinbefore mentioned, shall be in the Quebec. forms set forth in the said schedule. C. S. L. C., c. 64, s. 22.

Every person who represents himself to be a notary Penalty if or institute of Quebec, and unqualified person not Mor or justice of the peace in the Province of Quebec, and person notes are acts are of the peace in the Province of a bill or or protests. who acts as such in and about the protesting of a bill or or protests botary for and about the noting of a bill, not being such bills or notes. Notary for or justice in the Province of Quebec, is guilty of misdom or justice in the Province of Quebec, is guilty of a misdemeanor, and liable to imprisonment for a term not exceed: exceeding six months. C. S. L. C., c. 64, s. 23.

be found in the collection of Statutes not consolidated.

SCHEDULE A.

 $0_{
m n~this}$ thousand eight hundred and , in the year one nexed, I, , at the request , holder of the bill of exchange hereunto anof Ontario duly appointed, did exhibit the said bill same is payable, and speaking to him, did demand payment of the said answered of the said bill; to which demand he answered

; Wherefore, I, the said notary, at the request

aforesaid, have protested, and do hereby solemnly protests as well against all the parties to the said bill as against all other persons all other persons whom it may concern, for all interest damages, costs, charges, expenses and other losses suffered or to be suffered for the suffe or to be suffered for want of payment of the said bill. afterwards, on the day and year mentioned in the margin, I, the said notary public, did serve due notice, according of law, of the said presentment, non-payment and protest of the said bill non the the said bill, upon the several parties thereto, by depositing in Han Maioria. , being the ing, in Her Majesty's post office at nearest post office to the place of the said presentment, letters containing such notices, one of which letters addressed to each of the said parties, severally; the superscription and address of which letters are respectively copied below, as follows, that is to say:

(Here insert the directions of the letters.)

In testimony whereof, I have hereunto set my hand and fixed my soal of all the hereunto set my hand and affixed my seal of office, the day and year first above written.

(Signature)

L. S.

FORM OF NOTICE TO PARTIES.

To Mr.

(date.)

SIR,

day Take notice that a bill of exchange, dated on the date accepted by , payable (three months) after the by thereof, at the bank of , in (Toronto), and indorsed by A.B., C.D., E.F., &c., was this day process. , drawn by A.B., C.D., E.F., &c., was this day presented by me for payment at the said bank and the ment at the said bank, and that payment thereof was to fused, and that , the holder of the said bill, looks to you for payment thereof. Also, take notice that the same bill was this day protested to bill was this day protested by me for non-payment.

Your obedient servant,

Notary Public.

Notary rubben now The above forms may be changed to suit protests for non-acceptance or ment of bills, or non-payment of notes. payment of bills, or non-payment of notes. U.S. U.C., c. 42, s. 21, part.

SCHEDULE B.

TARIFF OF FEES AND CHARGES IN THE PROVINCE OF QUEBBO

For presenting and noting for non-acceptance any bill Copy of the same when required by the holder.....

For noting and protesting for non-payment any bill of exchange or promissory note, draft or order, and		
of non-payment any bill		
of exchange or promissory note, draft or order, and putting the same are record.		
For the same on record	1	00
Porting the same on record	_	
note with duplicate copy of any protest for non- acceptance or non-payment, with cortificate of sor-		
acceptance or non-payment, with certificate of service and copy of notice served upon the drawer		
Vice and come c	1	
	_	- ^
Or evan	U	50
For every notice, including the service and recording addition of the same, to an indorser or drawer, in		
copy of the same, to an indorser or drawer, in		
C. S. C., c. 57, s. 2:—C. S. L. C. c. 64 sch	0	50
C. S. C., c. 57, s. 2;—C. S. L. C., c. 64, sch.		
, , ,		

FORM A.

NOTING FOR NON-ACCEPTANCE.

(Copy of Bill and Indorsements.)

 $o_{n \text{ the}}$ the request of 18, the above bill was, by me, at R.F. request of , presented to accept the drawee, personally (or, at his residence, office or situation of village) of ,) usual place of business in the city (town or village) of "The and I received for answer, " bill is therefore noted for non-acceptance. "; The said

A. B., Not. Pub.

18

 $D_{ue \text{ notice of the above was by me served upon }}$ { A. B., } C. D., }

drawer, indorser, personally, on the (or, at his residence, office or usual place of business in (or, by depos day of and notice, directed to him, at (or, by depositing post office in this city (town or village), on the , in Her Majesty's , and prepaying the postage thereon.)

A. B., Not. Pub.

18 .

FORM B.

PROTEST FOR NON-ACCEPTANCE OR FOR NON-PAYMENT OF A BILL PAYABLE GENERALLY.

(Copy of Bill and Indorsements.)

A.B., notary public for the Province of Quebec, dwelling at

in the Province of Quebec, at the request of , did exhibit the original bill of exchange, whereof a true \ drawee copy is above written, unto E.F., the acceptor, personally (or, at his residence, office or usual place of business in), and, speaking to himself (or his Wife, business in his clerk, or his servant, &c.), did demand { acceptance } payment he she answered, " thereof; unto which demand Wherefore I, the said notary, at the request aforesaid, and by these we protested and by these have protested, and by these presents do protest against the acceptor, drawer and indorsers (or, drawer and indorsers) of the said bill, and other parties thereto or therein concerned, for all exchange, re-exchange, and all costs, of damages and interest, present and to come, for want of (acceptance) of the said bill. l payment

All of which I attest by my signature.
(Protested in duplicate.)

A. B., Not. Pub.

FORM C.

PROTEST FOR NON-ACCEPTANCE OR FOR NON-PAYMENT OF BILL PAYABLE AT A STATED PLACE.

(Copy of Bill and Indorsements.)

On this day of , in the year 18 , at A. B., notary public for the Province of Quebec, dwelling at , in the Province of Quebec, at the request , in the Province of Quebec, at the request of , did exhibit the original bill of exchange, whereof a true copy is above written, unto E. F., the { drawee | acceptor } thereof, at , being the stated place where the said bill is payable, and there, speaking to , acceptance | of the said bill; unto which demand he answered, "

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the acceptor, drawer and indorsers (or drawer and indorsers) of the said bill, and all other parties thereto or therein conterned, for all exchange, re-exchange, and all costs, damages and interest, present and to come, for want of { acceptance } acceptance } of the said bill.

All which I attest by my signature.

(Protested in duplicate.)

A. B., Pub.

FORM D.

PROTEST FOR NON-PAYMENT OF A BILL NOTED, BUT NOT PROTESTED FOR NON-ACCEPTANCE.

If the protest is made by the same notary who noted the bill, it should immediately follow the act of noting and memorandum of some distributions and afterwards. of service thereof, beginning with the words "and afterwards, on, &c.," continuing as in the last preceding form, but introducing the continuing as in the last preceding form, but introducing the continuing as in the last preceding form, but introducing the continuing as in the last preceding form, but introducing the continuing the con ducing between the words "did exhibit," the word "again;" and, in a parenthesis, between the words "written" and "unto," the words ("and which bill was by me duly noted for non-last.") acceptance on the day of

But if the protest is not made by the same notary, then it should follow a copy of the original bill and indorsements and noting marked on the bill—and then in the protest introduce, in a parenthesis, between the words "written" and "unto," the by ("and which bill was on the day of last. noted for non-acceptance, as appears by his note thereof marked on the said bill.")

FORM E.

 p_{ROTEST} for non-payment of a note payable generally.

(Copy of Note and Indorsements.)

 $o_{n \text{ this}}$ AB, notary public for the Province of Quebec, dwelling hom: copy is above written, unto , did exhibit the original promissory note, whereof promisor, personally (or, at his residence, office or usual), and speakplace of business, in ing to himself (or his wife, his clerk, or his servant, &c.), (he) did demand payment thereof; unto which demand { he } she } answered, "

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the promise and all other parties promisor and indorsers of the said note, and all other parties thereto and indorsers of the said note, and all other parties thereto or therein concerned, for all costs, damages and interest terest, present and to come, for want of payment of the said

All which I attest by my signature.

(Protested in duplicate.)

A. B., Not. Pub.

FORM F.

PROTEST FOR NON-PAYMENT OF A NOTE PAYABLE AT STATED PLACE.

(Copy of Note and Indorsements.)

in the year 18 On this day of I, A.B., notary public for the Province of Quebec, dwelling , in the Province of Quebec, at the request of , did exhibit the original promissory note, whereof a true copy is above written, unto , being the stated place where the promisor, at the said note is payable, and there, speaking to did demand payment of the said note, unto which demand he answered " he answered. "

Wherefore I, the said notary, at the request aforesaid, and be all the request aforesaid, and be all the request aforesaid. have protested, and by these presents do protest against the promisor and independent of the p the promisor and indorsers of the said note, and all or parties thereto or thorain parties thereto or therein concerned, for all costs, damages and interest present and and interest, present and to come, for want of payment of the said note the said note.

All which I attest by my signature.

(Protested in duplicate.)

A. B., Pub.

FORM G.

NOTARIAL NOTICE OF A NOTING, OR OF A PROTEST FOR NOW ACCEPTANCE. OR OF A PROTEST FOR NOW OF ACCEPTANCE, OR OF A PROTEST FOR NON-PAYMENT OF A BILL.

(Place and date of Noting or of Protest.)

1st.

To P. Q. (the drawer.)

at

Sir,

days , dated at Your bill of exchange for \$, upon E. F., in favor of C. D., payable the was this day, at the request of after { non-acceptance. } non-payment. by me for

A. B., Pub

```
(Place and date of Noting or of Protest.)
```

2nd.

To C. D. (indorser), or F. G.)

at. Sir,

Mr. P. Q.'s bill of exchange for \$, dated at , upon E. F., in your favor (or in favor of C. D.), p_{ayable} days after { sight, date, } and by you indorsed, was this day, at the request of , duly protested by me for non-acceptance. non-payment.

> A. B., Not. Pub.

FORM H.

MOTARIAL NOTICE OF PROTEST FOR NON-PAYMENT OF A NOTE.

(Place and date of Protest.)

To

8ir, at

Mr. P. Q.'s promissory note for \$, dated at , payable $\left\{ \begin{array}{l} days \\ months \\ on --- \end{array} \right\}$ after date to , the

or order, and indorsed by you, was this day, at the request of payment. , duly protested by me for non-

Not. Pub.

FORM I.

NOTARIAL SERVICE OF NOTICE OF A PROTEST FOR NON-ACCEPT-ANCE OR NON-PAYMENT OF A BILL, OR OF NON-PAYMENT OF A NOTE (to be subjoined to the Protest.)

And afterwards, I, the aforesaid protesting notary public, serve ibed by law, of the did afterwards, I, the aforesaid protesting notes, serve due notice in the form prescribed by law, of the

thereby foregoing pro- { non-acceptance } of the { bill note } P. Q., } the personally, on drawer indorsers protested upon $\{ \overset{\bullet}{C}, \overset{\bullet}{D}, \}$ (or, at his residence, office, of the day of usual place of business in , on the ; or, by depositing such notice, directed to day of $\mathbf{said} \; \left\{ \begin{matrix} \mathrm{P.} \; \mathrm{Q.,} \\ \mathrm{C.} \; \mathrm{D.,} \end{matrix} \right\}$, in Her Majesty's post office day of in this city (town or village), on the , and prepaying the postage thereon).

In testimony whereof, I have, on the last mentioned day and year, at aforesaid, signed these presents.

A. B., Not. Pub.

FORM J.

PROTEST BY A JUSTICE OF THE PEACE (WHERE THERE IS NO NOTARY) FOR NON-ACCEPTANCE OF A BILL, OR NON-PAY. MENT OF A BILL OR NOTE.

(Copy of Bill or Note and Indorsements.)

, in the year 18, I, N. O., one of Her Majesty's justices of the peace for the district of , in the Province of Quebec, dwelling district of), in the said district, (there being no practising notary public resident at or nest the said village, or any other legal cause), did, at the request of holder in the said district, well known unto me, exhibit whereof a true copy is the original written unto P. Q., the acceptor thereof, personally (or, (promisor)) and speaking to himself (his wife, his clerk of at his residence, office or usual place of business in acceptance thereof, unto his servant, &c.), did demand } payment which demand $\begin{cases} he \\ she \end{cases}$ answered,

Wherefore I, the said justice of the peace, at the request aforesaid, have protested, and by these presents do protest against the drawer and indorsers acceptor, drawer and indorsers of the said

\begin{cases} \begin{cases} \begin{cases} \bar{and} & \text{all} & \text{other parties thereto} & \text{and therein concerned, for all exchange, re-exchange, and all costs,} \\ \begin{cases} \ar{acceptance} & \text{and interest, present and to come, for want of} \\ \begin{cases} \ar{acceptance} & \text{payment} & \text{of the said} & \begin{cases} \b

of the said (the witness) and by my hand and seal.

(Protested in duplicate.)

^{C.} S. L. C., c. 64, sch.

(Signature of the witness.)
(Signature and seal of the J. P.)

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
47 V, c. 22 47 V, c. 38 C. 8. U, C. 57 C. 8. U, C. 42 C. 8 L. C., c. 64 28 V. (N.S.), c.10	s. 1. The whole except s. 3 The whole. s 3(part) and s. 4. The whole except s. 1. The whole. ss. 1, 2 and 3 The whole except ss. 2, 3, 4, 9, 10, 14, 17, 18, 20, and 23 to 36,	s. 1. ss. 4 and 5. ss. 2. 3, 4, 9, 10, 17, 18 and 20.		
		<u> </u>	<u> </u>	

CHAPTER 120.

An Act respecting Insurance.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Insurance Act." 40 V. c. 42, s. 1, part.

INTERPRETATION.

Interpretatien.

2. In this Act, unless the context otherwise requires:

"Minister."

(a) The expression "Minister," means the Minister of Figure and Received Control nance and Receiver General;

"Superintendent."

(b) The expression "Superintendent" means the Superintendent of Insurance : dent of Insurance;

"Company."

(c) The expression "company" means and includes any corporation or any society or association, incorporated unincorporated or any portraining unincorporated, or any partnership carrying on the business of insurance.

"Canadian company."

(d) The expression "Canadian company" means a company incorporated in Canadian company" means pany incorporated in Canada, for the purpose of carrying of the business of insurance in C the business of insurance in Canada, and which has its head office therein

"Agent."

(e) The expression "agent" means the chief agent of the mpany in Canada named agent of the company in Canada, named as such in the power of attorned hereinafter referred to be whether hereinafter referred to, by whatever name he is designated;

" Chief Agency."

(f) The expression "chief agency" means the principal office or place of business of the company in Canada;

"Inland Marine Insurance."

(g) The expression "inland marine insurance" means marine surance in respect to subject to insurance in respect to subjects of insurance at risk upon helow inland waters of Canada, except the river St. Lawrence the harbor of Queher. the harbor of Quebec;

Amended in accordance with the suggestion of the Parliamentary Committee

"Canadian policy.

(h) The expression "Canadian policy" or "policy in the parliamentary of ada," as regards life insurance, means a policy issued by an company licensed under this Annual policy issued in the company licensed under this Annual policy issued in the company licensed under this Annual policy is sued in the company licensed under this Annual policy is sued in the company licensed under this Annual policy is sued in the company licensed under this annual policy is sued by an annual policy is sued company licensed under this Act to transact the business life insurance in Canada in C life insurance in Canada, in favor of any person or person or resident in Canada at the time when the person of th resident in Canada at the time when such policy was issue and "Policy holder in Canada" and "Policy holder in Canada" means any such person aforesaid;

(i) The expression "Canadian policy" or "policy in Canada," The same. as regards fire and inland marine insurance, means a policy of insurance on any property within Canada issued by any company licensed under this Act to transact the business of fire or inland and a superior of the part and a superior of the superio inland marine insurance. 38 V., c. 20, s. 1, part, and s. 3, part; 40 V., c. 42, s. 1, part.

Amended in accordance with the suggestion of the Parliamentary Committee.

APPLICATION OF ACT.

3. The provisions of this Act shall not apply—

(a) To any company transacting, in Canada, ocean marine Act shall not apply. insurance exclusively; or—

To what companies this

- (b) To any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or—
- the legistary company incorporated by an Act of the legislature of the late Province of Canada, or by an Act of the legislature of any Province now forming part of Canada which of the D the business of insurance wholly within the limits of that Province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such Province; but any such company carrying the business of life insurance may, by leave of the Governor in Council, avail itself of the provisions of this Act, and, if it is Act shall thereafter if it so avails itself, the provisions of this Act shall thereafter apply to it and such company shall have the power of transecting its and such company shall have the power c. 20 sits business of insurance throughout Canada. 38 V., c. 20, 81 ts business of insurance throughout Canada.

 Red. 2, part, and 3 part;—40 V., c. 42, s. 2, part, and s. 28. Redrafted. Amended in accordance with the suggestion of the Parliamentary Committee.

LICENSES.

No company shall, except as hereinafter provided, accept What company rish marine insurnies only may any risk or issue any policy of fire or inland marine insurnasactlife, fire or inland marine insurnasactlife, fire or inland ance or policy of life insurance, or grant any annuity on a fire or inland marine marine marine or life or life insurance. life or policy of life insurance, or grant any annuity on a me of life for lives, or receive any premium, or transact any business marine insurance business in Canada.—or prose-business in of life, fire or inland marine insurance, in Canada,—or prosebusiness in Canada. cute or inland marine insurance, in Canada,—or proceeding, either at law Canada. Or in againtain any suit, action or proceeding, either at law Canada. or in equity, or file any claim in insolvency relating to such business, Without first obtaining a license from the minister care. 38 V. c. 20, s. 2, part, to carry on such business in Canada. 38 V., c. 20, s. 2, part, and 8.3;—40 V., c. 42, s. 2, part.

The license shall be in such form as is, from time to time, therminal cense shall be in such form as is, from time to time, determined by the minister, and shall specify the business Form and to be comed by the minister, and shall expire on the duration of license. to be carried on by the minister, and shall specify the business rom and thirty-first d on by the company; and it shall expire on the duration of license. thirty-first day of March in each year, but shall be renewable from very day of March in each year, but shall be renewable from year to year. 38 V., c. 20, s. 4;—40 V., c. 42, s. 3.

License to issue on certain conditions.

6. The Minister, as soon as the company applying for the same has deposited in his hands the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall issue such license as aforesaid.

V., c. 20, s. 5;—40 V., c. 42, s. 4.

The words "upon the report of the superintendent" are omitted in line 4 st the suggestion of the Parliamentary Committee.

DEPOSITS TO BE MADE BEFORE THE ISSUE OF LICENSE.

Deposit of securities with the Minister.

7. Every company carrying on the business of the insurance, and every Canadian company carrying on business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the minister, in such securities as are hereinafter mentioned, the sum of fifty thousand dollars; and every company incorporated out of Canada, carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the minister, in such securities as are hereinafter mentioned, minister, in such securities as are hereinafter mentioned, the sum of one hundred thousand dollars. 38 V., c. 20, s. 6, part;—40 V., c. 42, s. 5, part.

Nature of securities.

S. All such deposits may be made by any company in securities of the Dominion of Canada, or in securities issued by any of the Provinces of Canada; and by any company incorporated in the United Kingdom in securities of the United Kingdom; and by any company incorporated in the United States, in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited:

The words "by the Treasury Board" are omitted in lines 7 and 8 at the suggestion of the Parliamentary Committee.

Valuation of other securities.

Valuation of

securities.

2. If any securities other than those above mentioned are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board directs:

If the value declines, further deposit. 3. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the minister may notify the company to make a further deposit, so that the market value of all the securities deposited by the company act to be equal to the amount which it is required by this further deposit; and on failure by the company to make such further deposit within sixty days after being called upon so to do, the minister may withdraw its ligence.

Penalty for failure.

The last sentence, which applied to life insurance only, is made applicable to fire and inland marine insurance.

Company may deposit further security. 4. Any company licensed under this Act may, at any time, deposit in the hands of the minister any further sums of money or securities beyond the sum herein required to deposited; and any such further sums of money, or securities

therefor, so deposited in the hands of the minister, shall be How to be held 1. held by him and be dealt with according to the provisions dealt with. of this Act in respect to the original sum required to be deposited by such company, and as if the same had been part of such additional part of such original deposit, and no part of such additional denocity when the concition of the Government deposit, and no part of the Government of the Withdrawn, unless with the sanction of the Traceury Roard. Governor in Council, on the report of the Treasury Board. 38 V., c. 20, s. 6, part, and s. 7;—40 V., c. 42, s. 5, part, and s. 6.

The words "the report of" in line 2 from the end are substituted for the mentary Committee mentary Committee.

14 it appears from the annual statements, or from an Any deficiexamination of the affairs and condition of any company ency of secutiving on the business of fire or inland marine insurance, made good that the that the re-insurance value of all its risks outstanding in by fire and inland marine its associated with other liabilities in Canada, exceeds companies. its assets in Canada, including the deposit in the hands of the minthe minister, the company shall be notified by the minister to the company shall be notified by the company shall be notified by the minister to the company shall be not the company shall be no ister to make good the deficiency; and on its failure so to Penalty for do, with do, within sixty days after being so notified, he shall withdraw default. its license. 38 V., c. 20, s. 8.

10. If it appears from the annual statements, or from an Any deficiexamination, as provided for by this Act, of the affairs and ency of secu-condition, as provided for by this Act, of the affairs and ency of secu-ity to be conditions, as provided for by this Act, of the analysis of life made good incorporate of any company carrying on the business of life made good by life companies. insurance, that its liabilities to policy-holders in Canada, by life company matured claims, and the full reserve or re-insurance value for outstanding policies, as hereinafter de-scribed, after deducting any claim the company has against such policies, exceed its assets in Canada, including the days the company shall tha deposit in the hands of the minister, the company shall be called be called upon by the minister to make good the deficiency; and on its failure so to do within sixty days, he shall with- Penalty for defa draw its license:

2. If such company is incorporated elsewhere than within As to company incorporated elsewhere the company incorporated elsewhere elsewhere elsewhere the company incorporated elsewhere elsewhe Canada, the assets in Canada as aforesaid shall be taken to rated elseconsist of all deposits which the company has made with where than in the minist all deposits which the company has made with where than in Canada. the minister under the foregoing provisions of this Act, and Canada. of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canal in Canada, appointed by the company and approved by the

The trust deed shall first be approved of by the minister, Assets vested the trust deed shall first be approved of by the minister, Assets vested the trust deed shall first be approved of by the minister, Assets vested the trust deed shall first be approved of by the minister, Assets vested the trust deed shall first be approved of by the minister, Assets vested the trust deed shall first be approved of by the minister. and the trust deed shall first be approved of by the manner trustees may deal with such assets in any manner trustees may deal with such assets as that thousand the trustees may deal with such assets the southeast the trustees may deal with such assets the southeast the trustees may deal with such assets the southeast the trustees may deal with such assets the southeast trustees are the southeast trustees as the southeast trustees are the southeast tr that the value of the assets held by them shall not fall below the value of the assets new the value required by this section:

4. In the case of any such company, which gave written Proviso; as to the to the case of any such company, which gave which gave notice to the case of any such company, which gave written rioviso, in the very minister before the thirty-first day of March, which gave which gave and seventy-eight, notice before in the to the minister before the thirty-first day or maion, which gave year one thousand eight hundred and seventy-eight, notice before

31st March, 1878.

of its intention to avail itself of the proviso contained in section seven of "The Consolidated Insurance Act, 1877," the foregoing requirements of this section shall not apply to policies issued previously to that date; and the deposit of such company which was in the hands of the minister, on the twenty eighth day of April, in the year one thousand eight shall be dealt hundred and seventy-seven, regard to such policies, in conformity with the fourth and fifth sections of an Act passed by the Parliament of Canada in the thirty-fourth year of her Majesty's reign intituled "An Act to amend the Act respecting Insurance ranges" and when the Act respecting Insurance Release of sur- panies;" and whenever the full liability under such policies plus securities falls below the plus securities falls below the amount so held by the minister, he to such com-

pany.

with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advised to shall be released and the difference as he deems advised to shall be released and the difference as he deems advised to shall be released and the difference as he deems advised to shall be released and the difference as he deems advised to shall be released and the difference as he deems advised to shall be released and the difference as he deems advised to shall be released to shall shall be released and handed over to the company, and on from time to time on, from time to time, until the total deposit with the nin ister is reduced to the ister is reduced to the amount of fifty thousand dollars required by this Act. 40 V., c. 42, s. 7.

Interest on securitieswhen to be payable to company.

11. So long as any company's deposit is unimpaired, and e conditions of this Act the conditions of this Act are satisfied, and no notice of the final judgment against the company, or order made by proper court in that had been all the company of the beautiful that had been all the company of the beautiful that had been all the company of the beautiful that had been all the company of the beautiful that had been all the company of the beautiful that had been all the company of proper court in that behalf for the winding up of the min pany or the distribution of the pany or the distribution of its assets, is served upon the minister, the interest upon ister, the interest upon the securities forming the deposit shall be handed over to the comments forming the deposit shall be handed over to the comments. shall be handed over to the company as it falls due. c. 20, s. 9;—40 V., c. 42, s. 8.

DOCUMENTS TO BE FILED.

Certain documents to be filed.

12. Every company shall, before the issue of a license to file in the Department of II. it, file in the Department of Finance.—

Copy of Charter.

(a) A copy of the charter, Act of incorporation, or articles association of the company of association of the company, certified by the proper officer in charge of the original there of

Power of attorney to agent in Canada.

(b) A power of attorney from the company to its agent in ada, under the seal of the company to its agent and Canada, under the seal of the company, if it has a seal, and signed by the president and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the day oath or affirmation as to the due execution thereof the official positions in the the official positions in the company held by the officer signing such power of attorney is signing such power of attorney shall be sworn to or affirmed by some person cognizers of the sworn to or affirmed by some person cognizers. by some person cognizant of the facts necessary in the behalf; and—

Statement of affairs of company.

(c) A statement, in such form as is required by inister, of the condition minister, of the condition and affairs of such companion the thirty-first day of December 1 on the thirty-first day of December then next preceding up to the usual believe up to the usual balancing day of the company; if such

is not more than twelve months before the filing of the statement. 38 V., c. 20, s. 10, part;—40 V., c. 42, s. 9, part.

13. Such power of attorney shall declare at what place in What the power of a power of a Canada the head office, or chief agency of such company is, torney shall or is to be established,—and shall expressly authorize such contain. attorney to receive service of process in all suits and process. ceedings against such company in any Province of Canada, in respect of any liabilities incurred by the company therein, and also to receive from the minister and the superintendent, all notices which the law requires to be given, or which it is the is thought advisable to give,—and shall declare that service Provision to of process for or in respect of such liabilities, and receipt be made for such notices, at such office or chief agency, or personally process. on or by such attorney at the place where such head office or chief by such attorney at the place where such head office or the agency is established, shall be legal and binding on the company to all intents and purposes whatsoever. V, c. 20, s. 10, part;—40 V., c. 42, s. 9, part.

Whenever any such company changes its chief agent If changes are made in or chief agency in Canada, such company shall file a chief agency. hower of attorney, as hereinbefore mentioned, containing any such change or changes in such respect, and containing a sum change or changes in such respect, and notices as here declaration as to service of process and notices herein before mentioned; and every company shall, at the Declaration of time of time of making the annual statement hereinafter provided for, no change to be made in the annual statement have been made in the annual state. declare that no change or amendment has been made in the annual statecharter, Act of incorporation or articles of association of the ment. company, and that no change has been made in the chief agency or chief agent, without such amendment or change having been duly notified to the superintendent. 38 V., c. 20, s. 10, part;—40 V., c. 42, s. 9, part.

oreso: Duplicates of all such documents, duly verified as Duplicates of oreso: Duplicates of all such documents, duly verined as such docu-courts, in the office of one of the superior ments to be contis in the Province in which the head office or chief agency filed in court. of the company is situated—or if the chief agency is in the prothonotary of the the Province of Quebec, with the prothonotary of the Superior such chief agency is Superior Court of the district wherein such chief agency is establication of the district wherein such chief agency is a stability of the district wherein such chief agency is consistent of the district wherein agency established. 38 V., c. 20, s. 10, part;—40 V., c. 42, s. 9, part.

SERVICE OF COMPANIES WITH PROCESS.

After such power of attorney and certified copies are Service of profiled as aforesaid, any process in any suit or proceeding against pany. any such company, in respect of any liabilities incurred in any province of Canada, may be validly served on the company at its chief agency; and such service shall be deemed be service shall be deemed or be very constant. to be service on the company: 38 V., c. 20, s. 11, part;— 40 V, c. 42, s. 10.

2. If such power of attorney becomes invalid or ineffective Constructive from any reason whatsoever, or if other service canlog reason what white canlog reason what white canlog reason what wha not be effected, the court or a judge may order construction tive service of any process or proceeding to be made, by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper, and such publication shall be held to be due service upon the company of such process or proceeding. New.

NOTICE OF LICENSE.

Company to

17. Every company on first obtaining such license shall give notice of forthwith give due notice thereof in the Canada Gazette, and license. in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the stablished agency is established. continue the publication thereof for the space of four weeks:

And of ceasing business.

2. The like notice shall be given, for the space of three lander months. calendar months, when a company ceases, or gives notice that it intends to that it intends to cease, to carry on business in Canada 38 V 2 20 2 12 40 7 38 V., c. 20, s. 12;—40 V., c. 42, s. 11.

PUBLICATION OF LICENSED COMPANIES.

Notices by minister of companies licensed.

18. The minister shall cause to be published quarterly in the Canada Gazette a list of the companies licensed under this Act, with the amount of deposits made by each company; and upon any pany; and upon any new company being licensed, or upon the license of any the license of any company being withdrawn in the terval between two such areas withdrawn in the interval between two such areas and the such areas areas areas and the such areas a terval between two such quarterly statements, he shall publish a notice thereof in the G 38 V., c. 20, s. 13;—40 V., c. 42, s. 12. four weeks.

ANNUAL RETURNS BY COMPANIES.

Statement to be prepared yearly and sent to Minister of Finance.

19. The president, vice-president, or managing director, and the secretary of the secretary and the secretary or manager of every Canadian company licensed under this Act about licensed under this Act, shall prepare annually, under their own oath. and cause to be own oath, and cause to be deposited at the Department of Finance. a statement of the of Finance, a statement of the condition and affairs of such company at the usual belance. company at the usual balancing day of the company in the preceding year—which states. What it must preceding year—which statement shall exhibit the assets and show. liabilities of the company liabilities of the company, and its income and expenditure during the previous year. during the previous year, and such other information is deemed necessary by the

Form of

2. In the case of companies carrying on the business of einsurance, such statement life insurance, such statement shall be deposited as arithmetical on the first day of Tana deposit by life said on the first day of January in each year or companies. three months thereafter and the deposited as withing the said on the first day of January in each year or companies. three months thereafter, and shall be made in the form and manner set forth in the manner set forth in the form A in the schedule to Act:

3. In the case of companies carrying on the business of And by fire fire or inland marine insurance, such statement shall be and marine companies. Year as aforesaid on the first day of February in each year, or Within one month thereafter, and shall be made in the form and manner set forth in the form B in the schedule

- 4. Such statements shall be sworn to before some person To be sworn to. duly authorized to administer oaths in any legal proceeding, to. in the form C in the schedule to this Act:
- 5. The minister may, from time to time, make such Minister may changes in the form of such statements as seem to him statement. best adapted to elicit from the companies a true exhibit of their days to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enn. enumerated. 38 V., c. 20, s. 20;—40 V., c. 42, ss. 20 and 27.

Every company incorporated elsewhere than in Can-Yearly state-ments by com ada, and at present licensed or hereafter licensed under this ments by company and every company which is subject to the porated elseprovisions of this Act, shall make annual statements Canada. of its of this Act, shall make annual statement condition and affairs under the oath of its chief agent, and shall furnish the same to the minister at the of make as Canadian companies; and the form and manner of making of such statements shall, as to the Canada business of such statements shall, as to the Canada business of such company, be the same (so far as applicable) st is required of Canadian companies,—and as to its general business, shall be in such form and to such date as such companies, shall be in such form and to such date as such company is required by law to furnish to the Government of the company is required by law to furnish to the Government of the country in which its head office is situate, in a separate school. chedule attached. The blank forms of the statements of Blank forms. the Canada business shall be furnished in duplicate by the beart of the canada business shall be furnished in duplicate by the canada business shall be canada business shall be canada business shall be canada business shall be cana Department of Finance. 38 V., c. 20, s. 21;—40 V., c. 42, s. 21.

PENALTIES AND FORFEITURES.

the the twery company which violates any provision of either Penalty for the two next present the two next present presents as the present present the two next presents as the present present the two next presents as the present the p of the two sections next preceding shall incur a penalty of two next prefive hundred dollars for each violation, and an additional penceding sections. alty of one hundred dollars for each violation, and an additional pen-any such hundred dollars for each month during which tions. any such company neglects to make such publication or to file affidavits and statements as are therein required:

2. If such penalties are not paid, the minister, with Withdrawal of license for the concurrence of the Treasury Board, may order the of license for non-payment icense of the Treasury Board or withdrawn, as of penalty. license of the Treasury Board, may order is deemed such company to be suspended or withdrawn, as of penalty. is deemed expedient. 38 V., c. 20, s. 22;—40 V., c. 42, s. 22.

or who collects any premium (except only on policies of life policy in contrance is any premium (except only on policies of life policy in contrance is any premium (except only on policies of life policy in contrance is any premium (except only on policies of life policy in contrance is any premium (except only on policies of life policy in contrance). insurance issued to persons not resident in Canada at the travention of 1061

time of issue) or transacts any business of insurance on behalf of any life, fire or inland marine insurance company, without such license as aforestill help the such license as a forestill such license as aforesaid, shall be liable to a penalty of exceeding one thousand dollars for each such violation this Act and in default of this Act, and in default of payment for one month, to prisonment for a term prisonment for a term not exceeding six months:

How enforced and applied.

2. Such penalty shall be recoverable in any court of content inviscious and formation of content inviscous and content invitation and petent jurisdiction on information filed in the name of the Attorney Ganaral of G. Attorney General of Canada, and a moiety of such penalty, when recovered, shall belong to Her Majesty, and the other mojety thereof to the information of the informat moiety thereof to the informer. 38 V., c. 20, s. 14;—40 V., c. 42. s. 13.

The words "and not less than fifty dollars" in sub-section 1 and the provision recovery before justices of the peace in sub-section 1. as to recovery before justices of the peace in sub-s. 2 are omitted at the suggestion of the Parliamentary Committee.

As to duration of charters of companies incorporated by special Act and not obtaining a license under this Act.

23. Unless otherwise provided in the special Act incorrating any incorr porating any insurance company, passed by the Parliament of Canada after the transfer of the parliament of Canada after the transfer of the province of the pr of Canada after the twenty-eighth day of April, one thousand eight hundred and and are sand eight hundred and seventy-seven, or hereafter to be passed such special Act and live seven and seventy-seven. passed, such special Act and all Acts amending the same shall expire and coses to be in a shall expire and cease to be in force at the expiration of two years from the passing the years from the passing thereof, unless within such years the company license from the minister under the provisions of this Act. company thereby incorporated 40 V., c. 42, s. 26.

SUPERINTENDENT AND HIS DUTIES.

Superintendent of Insu-

24. The Governor in Council may appoint an officer, to be called the superintendent of insurance, who shall act under the instructions of the rance; appointment, &c. under the instructions of the minister, and shall examine all and report to the minister, from time to time, upon the matters connected with inmatters connected with insurance, as carried on by the several companies licensed. several companies licensed to do business in Canada, or required by this Act to make required by this Act to make returns of their affairs:

Salary.

2. Such superintendent may be appointed at a salary not ceeding four thousand dellar exceeding four thousand dollars per annum:

Officers and clerks.

3. The Governor in Council may, from time to time, point such officers and shall appoint such officers and clerks under the superintendent are necessary for the purposes. are necessary for the purposes of this Act:

Duties of superintendent.

superintendent shall keep a record of the cuments required to a required t several documents required to be filed by each companing the superior courts of Contract o in the superior courts of Canada, under this Act; shall,—

(a) Enter in a book, under the heading of each company, Entry of the securities deposited on its account with the minister, securities deposited. naming in detail the several securities, their par value, and Value at which they are received as deposit;

the each case, before the issue of any new license, Report before or the renewal of any license, make a report to the min-license. ister that the requirements of the law have been complied with, and that from the statement of the affairs of the accept its liabilities: the company it is in a condition to meet its liabilities;

(c) Keep a record of the licenses as they are issued;

Record of

(d) Visit the head office of each company in Canada, Inspection of at least once in every year, and examine carefully the state-affairs. ments of the condition and affairs of each company, as required under this Act, and report thereon to the minister as to all matters requiring his attention and decision;

(e) Prepare for the minister, from the said statements, Report to an annual report, showing the full particulars of each Finance, for analysis of each Parliament. company's business, together with an analysis of each Parliament. branch of insurance, with each company's name, giving items of insurance, with each company's name, giving items classified from the statements made by each company:

to the superintendent, after a careful examination Provision if superintendent, after a careful examination Provision if superintendent consider into the superintendent, after a careful examination superinten-pany license and affairs and business of any com-dent considers in Canada from the further pany the condition and affairs and business of any com- dent constant annual or other statements furnished by such company to sary. the minister or ther statements furnished by such compensation of the statements furnished by such compensation into the affairs of expedient to make a further examination into the affairs of the company and so reports to the minister, the minister office of the discretion, instruct the superintendent to visit the office of such company, to thoroughly inspect and examine all: into all its affairs, and to make all such further inquiries as are all its affairs, and to make all such turiner inquities the cessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions:

6. The officers or agents of such company shall cause Books to be open to inspection. their he officers or agents of such company shall cause books to be open for the inspection of the superintention. deat, books to be open for the inspection of the superintential in their otherwise facilitate such examination so far as at that purpose the superintential in their otherwise facilitate such examination so far as a superintential in their other superintential in the superintentia it is and shall otherwise facilitate such examination.

dent man power; and for that purpose the superintendent may examine under oath the officers or agents of such company examine under oarm relative to its business:

tendent shall be entered in a book kept for that purpose, report. with notes and memoranda showing the condition of each company after such investigation; and a special report shall be communicated in writing to the minister, stating the superintendent's opinion as to its standing and financial

position, and all other matters desirable to be made known to the minister:

Special re-

Proceedings thereon.

8. If it appears to the superintendent that the assets of company ap. any company are insufficient to justify its continuance in pears unsafe. husiness and are the arms of the continuance in the continuan business under the requirements of sections seven, eight, not and ten, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the minister; and if the minister, after full consideration of the real and if the minister, after full consideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the real and if the minister is a sideration of the minister is a siderati sideration of the report, and after a reasonable time has given to the company to given to the company to be heard by him, and upon ake further inquiry and investigation as he sees proper to make reports to the Governor in Council that he agrees with the superintendent in the superintendent in the opinion so expressed in his report the Governor in Council the Governor in Council may, if he also concurs in such

of license.

Suspension or opinion, suspend or cancel the license of such company, and such company shall, during such suspension of cellation he hold to be a light to b cellation, be held to be unlicensed:

Penalty for carrying on husiness in such case.

9. Every person who, after notification of the suspent sion or cancelling of such license in the Canada Gazette delivers any policy of delivers any policy of insurance, collects any premium transacts any business of insurance, collects any premium transacts any business of insurance, collects any premium of transacts any business of insurance, collects any premium of transacts any business of insurance, collects any premium of transacts any business of insurance, collects any premium of transacts and transacts are collected and transacts and transacts and transacts are collected and transacts and transacts and transacts are collected and transacts and transacts are collected and transact are collected and transa transacts any business of insurance, on behalf of such company shall be liable to the company, shall be liable to the penalties provided for in the twenty-second section of this A twenty-second section of this Act:

Valuation of Canadian policies every five years.

10. Once in every five years, or oftener, at the discretion of the minister. tion of the minister, the superintendent shall himself value, or procure to be released. value, or procure to be valued under his supervision, the Canadian policies of life income. Canadian policies of life insurance of all companies licensed under this Act to transact the life insurance of all companies licensed in the life insurance of all companies licensed in the life insurance in the life insu Canada; and such valuation shall be based on the mortality table of the Institute of Astronomy table of the Institute of Actuaries of Great Britain, and on rate of interest of formand rate of interest at four and one half per centum per annum except in the case of honne and in th except in the case of bonus additions or profits accrued or declared before the twenty sight. clared before the twenty-eighth day of April, one thousand eight hundred and savonty care eight hundred and seventy-seven, and then valued on basis of a rate of interest other. basis of a rate of interest other than that above mentioned which, in any such valued on the state of the sta which, in any such valuation, shall continue to be valued on such other basis

Examination of affairs of a company out of Canada.

11. The minister may, from time to time, instruct the perintendent to visit the superintendent to visit the head office of any pany licensed under this head pany licensed under this Act and incorporated elsewhere than in Canada, and to assure than in Canada, and to examine into the general conditions and affairs of such company. and affairs of such company; and if such company forms to permit such examination to permit such examination, or refuses to give any information necessary for such parts. tion necessary for such purpose, in its possession or contricts license shall be with decreased in its possession or contricts license shall be with decreased in its possession.

Payments by companies towards ex

12. Every company now licensed; and every compare this had a severy company to the second company to the secon hereafter licensed under this Act, and every company trees. acting of the life insurance business under the thirty-first section penses of of the proportion office of su of this Act, shall annually contribute a sum in proportion office of superintendent. to the gross premiums received by it in Canada during the previous premiums received by it in control of the office of the view year, towards defraying the expenses of the office of the superintendent,—which sum shall be paid upon the demand of the superintendent:

The words "and if such sum is not so paid, the minister may withdraw its license,, are omitted at the end, at the suggestion of the Parliamentary Committee.

13. The sum to be contributed annually by companies Contribution by fire and carrying on the business of fire or inland marine insurance marine comin respect exclusively of such business carried on by them shall panies limited. not exceed in all eight thousand dollars:

14. The superintendent, or any officer or clerk under him, Superintendent not, directly or indirectly, be interested as a chareholder interested in any company. in any insurance company doing business in Canada, or li- any company. censed under this Act:

The minister shall lay the superintendent's annual Annual report for Parliareport before Parliament within thirty days after the comment.

The minister shall lay the superintendents and for raining the superintendents and superintendents are superintendents and superintendents and superintendents are superintendents and superintendents and superintendents and superintendents are superintendents. 10 V., c. 42, s. 24. Re-drafted.

PROVISIONS RELATING TO LIFE INSURANCE.

The provisions of sections twenty-six to forty-two Provisions applicable to life plicable to life provisions and to provisions applicable to life plicable to l inclusive apply only to life insurance companies and to companies. other insurance companies carrying on life and other insurance business of ance, in so far as relates to the life insurance business of companies.

Conditions on Policies.

impairing the effect of any policy of life insurance issued full on the after the general policy of life insurance issued full on the state of the s after the first day of January, one thousand eight hundred policy, to be and eight hundred policy, to be business within and eighty-six, by any company doing business within Canada Canada under the authority of the Parliament of Canada hall he under the authority of the Parliament of Canada shall be good or valid unless such condition, stipulation or provise: good or valid unless such condition, stipulation or back of the policy. provise is set out in full on the face or back of the policy. 48.49 V., c. 49, s. 7.

upon it any condition providing that such policy or certification.

Cate shall be conditioned application. cate shall be avoided by reason of any statement contained in the avoided by reason of any statement contained in the application therefor being untrue, unless such condition is limited to cases in which such statement is material to the contract. 48-49 V., c. 49, s. 8.

Forfeiture and Renewal of Licenses.

Withdrawal of license for non-payment of claims.

28. Whenever satisfactory proof has been furnished to the minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remain ing unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge made to the agent of such company, the minister may withdraw the license of such company. 40 V., c. 42, s. 14, part.

Renewal if claim is satisfied.

29. Such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judg ments upon or against the company are paid and satisfied. 40 V., c. 42, s. 14, part.

Renewal · of license.

30. When the license of a company carrying on the business of life insurance has been withdrawn by the minister under any of the foregoing sections of this Act, such license may be renewed if, within thirty days after such with drawal, such company complies with the requirements of this Act to the satisfactory this Act to the satisfaction of the minister. 40 V., c. 42, s. 14, part.

Companies Ceasing to do Business and Release of Deposits.

Provision for case of certain companies which have ceased business, after notice to minister.

31. In the case of any company which, previously to the yenty-eighth day of A. twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, was licensed to transact the business of life incomes. ness of life insurance in Canada, and which ceased to transact such business of life insurance in Canada, and which ceased to transact such business of life insurance in Canada, and which ceased to transact such business of life insurance in Canada, and which ceased to transact such business of life insurance in Canada, and which ceased to transact such business of life insurance in Canada, and which ceased to transact such as the contract of transact such business before the thirty-first day of March, one thousand sight a one thousand eight hundred and seventy-eight, having the before that date given written notice to that effect to the minister the prominent of the p minister, the premiums due or to become due on Policies actually issued before the actually issued before the last mentioned date, may continue to be collected and the last mentioned date, may continue to be collected, and the claims arising thereon may be paid, and all business arrangements are supported, and all business appertaining thereto may be transacted, and all proceedings are all p and all proceedings appertaining thereto, either at law or in equity, may be continued: in equity, may be continued or commenced and prosecuted; and the deposit at prosecuted in the deposit at the dep and the deposit at present in the hands of the minister shall be dealt with under the large shall be dealt with under the law as it existed previously to the first mentioned data as it existed previously assed. first mentioned date, as if this Act had not been passed. 40 V. c 42 s 17 40 V., c 42, s. 17.

case.

32. When any company licensed under this Act desires discontinue business are likely and the continue business are likely to discontinue business and to have its assets in Canada released, and gives written and to have its assets in control of the released, and gives written notice to that effect to the minister it may with the consent of the it may, with the consent of the policy holders, procure transfer of its outstanding transfer of its outstanding policies in Canada to some company or companies licenses in Canada to some companies licenses license company or companies licensed under this Act in Canada

Powers and proceedings of company ceasing business.

or may obtain the surrender of the policies, as far as is practically.

- 2. The trustees may employ any portion of the assets Use of assets estad : vested in them for the purpose of effecting such transfer or in such case. 8 urrender:
- 3. The company shall file with the minister a list of Lists of policy all Canadian policy holders whose policies have been so filed. transferred or have been surrendered, and also a list of those which have not been transferred or surrendered:
- 4. The company shall, at the same time, publish in the Notice to be Canada Gazette a notice that it will apply to the minister published. for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling calling upon its Canadian policy holders opposing such release to file their opposition with the minister on or before the day so named:

5. After that day, upon the application for release being Action theremade, if the minister, with the concurrence of the Treasury minister as to Board, if the minister, with the concurrence of the licanal minister of the assets held by asset effected, is satisfied that such transfer or surrender has been dispussed the transfer of the assets held by assets or securities. the trustees, or securities held by the minister, shall be retained, sufficient in amount to cover the full equitable net Nurender value of such policies (including bonus additions and accer value of such policies (including bonus additions) and accrued profits), as have not been transferred or surrendered, or in respect to which opposition has been filed, and many or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be roll over to the company: be released and transferred or paid over to the company:

6. The Portion retained shall be tendered in the manner Tenders to policy holders are rate. hereinafter described to the aforesaid policy holders pro rata, policy holders. according to the aforesaid values of their respective policies; and on the aforesaid values of their respective poncies, policies shall thereby be deemed to be cancelled: but if Policy holders tender is refused by any policy holder, the amount so tenders.

shall continue in force and such policy holder shall not be shall continue in force, and such policy holder shall not be barred for the company and the policy holder shall not be sither in law or in equity, barred from any recourse he has, either in law or in equity, against the company to compel the fulfilment of its contract under such policy:

7. The surrender values above mentioned shall be deter-Surrender values, ho the basis stated in the determined the surrender values above mentioned shall be deter-surrender to the superintendent on the basis stated in the determined. twenty fourth superintendent on the basis stated ...
section of this Act, and he shall collect section of this Act, and he rate from the company the expenses of such valuation at the rate of the company the expenses of such valuation at the pay the cents for each policy or bonus addition, and shall hand Pay the cents for each policy or bonus addition, and over the same to the minister before the latter shall hand over the same securities:

Special arrangements may be made.

8. Nothing herein contained shall prevent any policy holder from making special arrangements with the company whereby his policy may be continued in force; and, on proof being given of such arrangements with the compared being given of such arrangements with the compared whereby his policy may be continued in force; and, on proof being given of such arrangements with the compared with the being given of such arrangement, such policy may be omitted or removed from the characteristics. or removed from the above mentioned lists of policies, in. this Act shall thereafter not apply in respect of such policy. 40 V., c. 42, s. 18.

How the tender shall be made.

33. The tender referred to in the next preceding section shall be made in the following manner:—

List and notice to be published in Canada Gazette.

(a) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in the Canada Gazette for at least think. Gazette for at least thirty days previously to the day named in such notice. in such notice:

And in other papers.

(b) The company shall also cause the said list and notice be published in and to be published in such newspapers in Canada and for such length of time of the length of time as the minister determines;

(c) A notice in the form E in the schedule to this Act, of the like effect shall be policy holder to the like effect, shall be sent by mail (postpaid or franked) from the office of the from the office of the superintendent to each of is policy holders named in the said list, whose address known to him and such named said list, whose address known to him and such name and such known to him, and such notice shall be deposited in some post office in Canada at least 1 post office in Canada at least thirty days previously to that day named therein which it is day named therein, which shall be the same day as named in the list and named named in the list and notice above mentioned;

Policy holders not signifying the acceptance deemed to have refused.

(d) Any policy holder who does not signify in writing to superintendent his acceptance of the amount ered, on or before the tendered, on or before the day named in the said notice shall be deemed to have refer any named in the said inster shall be deemed to have refused the same; but the minister may, at any time prior to the may, at any time prior to the payment over to the company of the amount so refused allof the amount so refused, allow any policy holder to signify his acceptance of such amount. his acceptance of such amount,—which acceptance, so allowed, shall have the same offset ed, shall have the same effect as if made on or before the day named in the said notice. 40 V., c. 42, s. 19. named in the said notice.

How reserve for covering liabilities to Canadian policy holders shall be calculated.

34. In computing or estimating the reserve notice ry to be held in order to sary to be held in order to cover its liability to of the holders in Canada, each company may employ any of the standard tables of mortality. standard tables of mortality as used by it in the constitution of its tables and any of tables any of tables and any of tables and any of tables and any of tables tion of its tables, and any rate of interest not exceeding four and one half per continu four and one half per centum per annum; but if it appears to the superintendent that to the superintendent that such reserve falls below computed on the basis of the superintendent that such reserve falls below to the basis of the superintendent that such reserve falls below to the basis of the superintendent that such reserve falls below to the basis of the superintendent that such reserve falls below to the superintendent that such reserves the superintendent the superintendent that such reserves the superin computed on the basis stated in the twenty-fourth section of this Act, he shall report of this Act, he shall report the same to the minister, or to may thereupon direct the may thereupon direct the superintendent to compute, procure to be computed under the superintendent to compute procure to be computed under the superintendent to compute procure to be computed under the superintendent to compute the superintenden procure to be computed under his supervision, the reservition on the basis therein mentions. on the basis therein mentioned, and the amount so puted, if it differs materially puted, if it differs materially from the return made by the

Minister may order re-computation.

company, may be substituted in the annual statement of assets and liabilities; and in such case the company shall furnish to the superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the superintendent an amount at the rate of three cents for each policy or bonus addition so Costs. computed, which amount he shall pay over to the minister:

2. Any company instead of itself computing or estimating Company may requi the reserve above mentioned, may require the same to be computed companied to the computer that it is the computer to the computer that it is the computer to computed by the superintendent on the basis stated in the by superintendent. twenty-fourth section of this Act, on payment of a like tendent. amount as is mentioned in the next preceding sub-section:

3. Provided always, that in the case of any bonus addi-Proviso; as to tions or other profits on the policies of any company, tions or profits on the policies of any company, tions or profits accrued or declared before the twenty-eighth day of April, one on policies. thousand eight hundred and seventy-seven, and which have been heretofore valued on the basis of a rate of interest other than that above mentioned, such company may compute or have the same computed on such other basis: and provided also, that in the case of any company And during which has heretofore based its computation or estimate of to companies its resource. its reserve necessary to cover its liability to policy holders having here-tions or other profits in the last proviso mentioned) on a serve on 5 late of interpretations. Tate of interest of five per centum per annum, the basis of per cent. interest of five per centum per annum, the basis of terest. computation or estimates mentioned in the twenty-fourth equipmentation or estimates mentioned in the committee the section, shall not apply until the twentyeighth day of April, one thousand eight hundred and sometimes, but such company may, until such date, htte of such reserve, or have the same computed, at a the of interest not exceeding five per centum per annum. 10 V., c. 42, s. 23.

Mutual or Assessment Insurance Companies.

85. No company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual cass of 1:0 company shall carry on within Canada any busi- No mutual case of 1:0 company shall carry on within Canada any busi- No mutual case of 1:0 company shall carry on within Canada any busi- No mutual case of 1:0 company shall carry on the death of 1:0 company shall carry on the 1:0 company shall ca ness of life insurance by promising to pay, on the death of business to be member of the company shall carry on within Canada any pusino member insurance by promising to pay, on the death of business to be company solely from the transacted in a member of such company, a sum of money solely from the transacted in proceed. proceeds of such company, a sum of money solely from the contravention the dassessments, or dues collected or to be collected, contravention the contravention of this without being Act. from the members thereof for that purpose, without being Act. licensed or registered under this Act, except that in the case of any contract entered into, or any certificate of membership bership or policy of insurance issued before the twentieth day of Tollow of insurance issued and eighty-five, day of July, one thousand eight hundred and eighty-five, by any company carrying on such business, assessments may be mad company carrying on such business, and all business be made and collected, and claims paid, and all business connect any penalty being connected therewith transacted without any penalty being incurred. incurred therewith transacted without 48-49 V., c. 49, s. 9, part, and s. 10.

ansacts 1 company incorporated within Canada, which Certain companies may conditionally transacts business of the nature described in the next pre-

be exempted from the operation of the foregoing provis-ions of this Act.

ceding section may, at the discretion of the minister, on report of the superintendent, approved by the Treasury Board, be exempted from the operation of the foregoing provisions of this Act, except those of sections twenty-six and twenty-seven, and from the operation of sections one hundred and six, one hundred and seven and one hundred and eight of "The Winding-up Act," and be permitted to transact the business of life insurance on the conditions specified in the five sections next following. 48-49 V., c. 49, s 2.

Conditions of such exemption. As to attested returns.

37. Companies to be so exempted shall register their titles or corporate names in the office of the superintendent; they shall also make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the minister, and the superintendent shall include such returns in his annual report; and any failure to make such returns, when called for by the superintendent, shall subject such company, and any officer thereof, to the penalty mentioned in the twenty-first section:

Penalty for non-compliance therewith.

Yearly renew. al of registration.

2. The registration of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from be renewable from year to year, in the discretion of the 48-49 V., c. 49, ss. 3 and 4.

Application of this section.

38. The provisions of this section apply to corporations for or associations incorporated elsewhere than in Canada for the purpose of committee that in Canada for the purpose of carrying on the business of life insurance upon the co-operative or assessment plan:

License may he issued on deposit of \$50,000.

2. Any such corporation or association may be licensed by the minister under the provisions of this Act, to transact business in Canada upon depositing with him to thousand dollars, and thereafter shall have the right to transact business so long as it continues to pay its losses to the full limit named in its the full limit named in its certificates or policies, and the complied with all the complied with all the requirements of this Act and of the superintendent of insuperintendent of insurance:

sits may be

required.

Duration of

license.

3. In addition to such deposit of fifty thousand dollars, Further depothe minister, upon the report of the superintendent, approved by the Tracerry P. proved by the Treasury Board, may, from time to time require such other and a such other as require such other and further deposit as is recommended in such report and so appropriate the such reports and so appropriate the such reports and so appropriate the such reports and su in such report and so approved, to be made by such min panies or denosited with panies or deposited with trustees to be named by the minister upon such trustees as a second suc ister upon such trusts as are determined by the Governor in Council: in Council:

Death claims to be a first charge.

4. Death claims shall be a first charge on all moneys alized from assessments and realized from assessments, and no deduction shall be made from any such death plains. from any such death claims on any account whatsoever:

- 5. No portion of any moneys received from assessments Application of moneys. for death claims shall be used for any expense whatever, of moneys. and every notice of any assessment shall truly specify the cause and purpose thereof:
- 6. Every application, policy and certificate, issued or used Notice to be by any such company in Canada, shall have printed there-policy, &c. on, in a conspicuous place, in different colored ink and in good sized type, the following words:—
- "This association is not required by law to maintain the reserve which is required of ordinary life insurance com-
- 7. Every certificate and policy shall contain a promise to Promise to pay the whole amount therein mentioned out of the death certain funds fund of the association and out of any moneys realized from to be contained in the association and out of any moneys realized from to be contained in the second every such tained every s assessments to be made for that purpose, and every such tained in policy, &c. association shall be bound, forthwith and from time to time, to make assessments to an amount adequate with its other available funds to pay all obligations created under any such able funds to pay all obligations or abatement: ench certificate or policy without deduction or abatement:

8. The condition embodied in the next preceding sub-In every The condition embodied in the next preceding sub-in every policy or certificate issued in Canada. or delivered by any such company to any person insured in

9. In every policy issued by a company licensed in Clause requiradance with this section in favor of a resident of Cane of in policies in favor of the clause requirates and a clause with this section in favor of a resident or indorsed residents in ada, a clause shall be either embodied therein or indorsed residents in thereon to enforce the Canada. thereon, to the effect that a suit or action to enforce the Canada. obligation of such policy may be validly brought in any court of competent jurisdiction in the Province wherein the policy 1 competent jurisdiction in the Province wherein the policy holder resides or last resided before his decease. 48-49 V, c. 49, ss. 5 and 11

The provisions contained in sub-sections four, five, Certain provisions of section shall also section 38 to Rix, seven and eight of the next preceding section shall also section 38 to apply to any company not being such a company, society apply to company company not refer for the section forty-two of this companies of the c or association as is referred to in section forty-two of this companies not referred. Act, incorporated in Canada and carrying on the business to in section of life in a canada and carrying on the business to in section as is referred to in section of life in a canada and carrying or assessment plan. of life insurance upon the co-operative or assessment plan. 42 48 49 V., c. 49, s. 6.

The words "assessment system" shall be printed Certain words to be a large to be a self-words and every appli- printed on in large words "assessment system" shall be plant words of cation for the head of every policy and every appliprinted on the head of every circular and advertorms. cation for the same, and also in every circular and adverforms.

Legent the same, and also in every circular and adverforms. tisement issued or used in Canada in connection with the siness of the provisions of the five business of a company to which any of the provisions of the five sections next preceding apply. 48-49 V., c. 49, s. 9, part.

Punishment of certain offences against this Act.

- 41. Every director, manager, agent or other officer of such company as is hereinbefore lastly mentioned, which carries on business without being licensed or registered and—
- (b.) Every person who transacts any business of insurance on behalf of any such company which so carries business without being licensed or registered; and—
- (c.) Every such company which neglects to print the words "assessment system" as provided by the next proceeding species is a species in the species in the species is a species in the species in the species is a species in the species in the species in the species is a species in the species in the species in the species in the species is a species in the species i ceding section; and—
- (d.) Every director, manager, agent or other officer of such company, and every other person who transacts business behalf of any such behalf of any such company, and who circulates or used any application policy any application, policy, certificate, circular or advertisement on which the words "account of the words to the state of t on which the words "assessment system" are not printed as hereinbefore and its as hereinbefore provided,—

Penalty.

Shall be liable to the penalty mentioned in the twenty second section of this Act. 48-49 ∇ ., c. 49, s. 9, part. Re-drafted.

Certain societies exempted.

42. Nothing in this Act contained shall apply to any society or association of persons for fraternal, benevolent industrial or religious and industrial or religious purposes, among which purposes the insurance of the liver o the insurance of the lives of the members thereof exclusively: or to any association of the members thereof exclusively: ively; or to any association for the purpose of life insurance, formed in connection ance, formed in connection with such society or organizes tion and exclusively from it. tion and exclusively from its members, and which insures the lives of such members and the lives of such members exclusively:

But such societies may avail themselves of the foregoing provisions.

2. Any society or association which is declared by this ction to be exempt from the country that section to be exempt from the application of this Act, avail nevertheless apply to the nevertheless apply to the minister to be allowed to avail itself of the provisions of the arms. itself of the provisions of the seven sections next preceding and upon such application. and upon such application being assented to, such society or association shall accept to or association shall cease to be so exempt by virtue of this section. 48-49 V a 40 a 12 48-49 V., c. 49, s. 12.

PROVISIONS RELATING TO FIRE AND INLAND MARINE INSURANCE.

panies.

43. The provisions of sections forty-four to forty-seven applicable to fire and inclusive, apply only to fire and inland marine insurance companies, and to other inclusive. companies, and to other insurance companies carrying fire and other insurance companies carrying fire and other insurance or inland marine and other insurance, in so far as relates to the companies carrying rance, in so far as relates to the companies carrying insurance companies carrying insurance companies carrying insurance. rance, in so far as relates to the fire or inland marine rance business of such court New.

Forfeiture and Renewal of Licenses.

44. Whenever any company fails to make the deposits Licenses forunder this Act at the time required, or whenever written feited by fail-notice has been served on the minister of any undisputed deposit or claim claim arising from loss insured against in Canada remaining non-payment of claims. depaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge, the license of such company shall ipso facto be null and weight as V., c. and void, and shall be deemed to be withdrawn. 38 V., c. ²⁰, s. 15, part.

Such license may be renewed, and the company may Renewal on contain the company may renewal on the compan again transact business, if, within sixty days after notice to certain conditions. the minister of the failure of the company to pay any undiscontinuous final judgment undisputed claim, or the amount of any final judgment provided in the next preceding section, undisputed claims relating the company in claims or final judgments upon or against the company in Canada are paid and satisfied. 38 V., c. 20, s. 15, part.

 $c_{ompanies}$ Ceasing to do Business and Release of Deposits.

When any company has ceased to transact business Duty of company ceasing Canada, and has given written notice to that effect to the pany ceasing business. ninister, it shall insure, on behalf of its Canadian policy holders, all its outstanding risks, in some company or companies licensed in Canada, or obtain the surrender of the ball not be delivered to the the Policies; and its securities shall not be delivered to the company until the same is done to the satisfaction of the

2. Upon making application for its securities, the com- Conditions on which denosits may be Pany Shall file with the minister a list of all Canadian policy which deposits may be listed or who have not released. holders who have not been so re-insured or who have not released. publish who have not been so re-insured of who publish their policies; and it shall, at the same time, publish in the Canada Gazette a notice that it has applied to the min the Canada Gazette a notice that it has applied day, not in the Canada Gazette a notice that it has a certain day, not in the minister for the release of its securities on a certain day, not less than three months after the date of the notice, and call: and calling upon its Canadian policy holders opposing such release to file their opposition with the minister on or before the day so named; and after that day, if the minister, with company hence of the Treasury Board, is satisfied that the company has ample assets to meet its liabilities to Canadian being helper to be released to it by policy holders, all the securities may be released to it by the Governor in Council, or a sufficient amount of them or respectively to cover the value of all risks outstanding or respecting which opposition has been filed, and the remainder may be released; and thereafter, from time to time, as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid:

Company may make payments, after license has been withdrawn, liable in certain cases ..

3. When a company has ceased to transact business has Canada after the notice hereby required, and its license in consequence because it is consequenced. in consequence been withdrawn, such company may, never theless now the least theless, pay the losses arising upon policies not re-insured as a surrendered as a surrende surrendered, as if such license had not been withdrawn. 38 V., c. 20, s. 18.

Fire Policies.

Duration of fire policies.

47. No fire policy shall be issued for or extend over longer period than three years. 38 V., c. 20, s. 19.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

No company except those permission.

48. No company shall issue any policy other than a life, reprinted marine in the control of the fire or inland marine insurance policy, or receive any premium in respect thereto or translations. transact busi- in respect thereto, or transact any business of insurance others. than life, fire or inland marine insurance, without permission obtained from the marine insurance, without permission of the marine insurance, without permission obtained from the marine insurance in the marine in the marine in the marine insurance in the marine sion obtained from the minister, who, with the approval of the Governor in Court is the Governor in Court in Court is the Governor in Court in Court in Court in Court in C the Governor in Council, shall determine in each that swhether such participated whether such participated and such as the s whether such permission shall be granted, and whether slicense is proper or recommendations. license is proper or necessary to be issued, and whether and what deposit shall 1 and what deposit shall be required to be made with the mir ister, and the sections of the ister, and the sections of this Act which shall apply to such company: pany:

Amended in accordance with the suggestion of the Parliamentary Committee

sion.

2. The minister may require annual statements under the of such business in anal statements. respects com- oath of such business, in such form and manner as he deems panies receive expedient. may revoke the panies receive expedient, may revoke the permission or license granted if he sees cause the permission or license granted if he sees cause the permission or license granted if he sees cause therefor, and may grant to the superintendent the same powers with the same powers with regard to such company as are conferred on him by this Asia and company as are conferred on him by this Asia and the company as are not ferred on him by this Act with regard to other insurance companies and may require the surface of the company as are the company as a compan companies, and may require such company to contribute towards the expenses of the company to towards the expenses of the office of the superintendent such sum as he deems equitable:

Penalty for contravention.

3. Every company which transacts any such business ithout obtaining such paradictions. without obtaining such permission or license, or after such permission or license is reversed. permission or license is revoked, or which neglects or refuses to make the statements record to make the statements required,—and every person delivers any policy of insurance. delivers any policy of insurance, or collects any premium on behalf of such companion, or collects any premium the on behalf of such company, shall respectively incur the penalties mentioned in the penalties mentioned in the twenty-first and twenty-second sections of this Act.

Amended in accordance with the suggestion of the Parliamentary Committee

Ocean marine companies exempted.

4. This section shall not apply to companies carrying of Canada ocean marine incompanies carrying of in Canada ocean marine insurance business exclusively. 40 V., c. 42, s. 25

SCHEDULE.

FORM A.

DETAILS OF YEARLY STATEMENT-LIFE INSURANCE.

A list of the stockholders, with the amount subscribed stockholder, and the residence of each stockholder.

Property or Assets held by the company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the company.

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate.

The amount of loans secured by bonds or stocks or other collaterals.

The amount of loans, as above, on which interest has not been paid within one year previous to such statement, with a schedule thereof.

The amount of loans made in cash to policy holders on the company's policies assigned as collaterals.

Premium notes, loans or liens on policies in force, the thereon.

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agents' ledger balances.

Other Assets.

Interest due and accrued.

Rents due and accrued.

Due from other companies for losses or claims on policies of the company re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those re-insured.

Premium obligations in excess of net values of their policies.

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus of other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the company.

Income.

Amount of cash premiums received, less re-insurance-Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including re-converted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Net amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, note assets at date.

Expenditure.

Total amount actually paid for losses and matured en $d_{ownents.}$

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash surrender values, including re-converted additions applied in payment of premiums.

Dividends paid to policy holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of dividends to policy holders.

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials.

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year.

 $N_{e_{\overline{W}}}$ policies and changes.

Policies terminated, and the manner of termination.

Number and amount of policies in force at date of statement.

Re-insurances. 40 V., c. 42, sch. A.

FORM B.

DETAILS OF ANNUAL STATEMENTS—FIRE AND INLAND MARINE

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each The Property or Assets held by the Company, specifying,

The value (as nearly as may be) of the real estate held by such company;

The amount of cash on hand and deposited in banks the the credit of the company—specifying in what banks the same are deposited, with amounts separately;

The amount of cash in the hands of agents;

The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate, in separate schedules;

The amount of loans on which interest has not been paid within one year previous to such statement, with schedule thereof;

The amounts due the company for which judgments have been obtained;

The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stock owned by the company absorbutely;

The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value;

The amount of assessments on stock and premium notes, paid and unpaid;

The amount of interest actually due and unpaid; also the amount of interest accrued and unpaid;

The amount of premium notes on hand on which policies are issued, with amount paid thereon; also, bills receive able held by the company and considered good, the amounts of each class separately, and the amounts on each class over due;

The amount of all other property belonging to the company, with a detail thereof.

The Liabilities of the Company, specifying,

The amount of losses due and yet unpaid;

Amount of losses adjusted, but not due;

Amount of losses incurred during the year, including the claimed, not yet adjusted, and of those reported to amounts of each class separately, carrying out the totals in one sum;

Amount of claims for losses resisted by the company, distinguishing those in suit;

Amount of dividends declared and due, and remaining unpaid;

Amount of dividends declared, but not yet due;

Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest Paid therefor;

The amount of unearned fire premiums;

Amount of unearned inland marine premiums;

Amount received for marine (ocean) premiums, not marked

Amount of all other claims against the company, with detailed statement thereof;

Aggregate amount of all unpaid losses, claims and liabil-whatsoever, except capital stock.

Income of the Company, specifying,-

Amount of cash premiums received, less re-insurance;

Amount of notes received for premiums, less re-insurance;

Amount of interest money received;

Amount of income received from all other sources.

Expenditure of the Company, specifying,—

Amount paid for losses which occurred prior to the which losses were estimated in the last statement at \$;

Amount paid for losses which occurred during the year, educting savings and salvage;

Total amount actually paid during the year for losses in branch, in separate columns;

Amount and rate of dividends paid during the year;

Amount of expenses paid during the year, including commissions and fees to agents and officers of the company;

Amount of all other payments and expenditures, with details thereof.

Miscellaneous.

Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately—deducting amount of re-insurance effected thereon in each branch separately;

And amount of risks in force at end of the year reeach branch of the company's business, deducting the insurance; and showing at foot, in separate columns, the net amount of risks then in force. 38 V., c. 20, s. 20.

FORM C.

Form of Declaration to accompany the Statement.

Province of County of

President, and

Signatures.

Secretary of
Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company and that on the

last all the above described assets were from absolute property of the said company, free and clear that any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explans the foregoing statement, with the schedules and explans to she reunto annexed and by them subscribed, are a full tions hereunto annexed and by them subscribed, are a and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day according to the last, and for the year ending on that day according to the

last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

day of

FORM D.

In the matter of the (here insert name of the company). Notice is hereby given that the Minister of Finance has, pursuant to the thirty-second and thirty-third sections of "The Insurance Act," directed assets to be a cover the full be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said thirty-second section; and the assets so retained are hereby tendered to the aforesaid policy holders pro ratu according to the aforesaid values of their respective policies. A list of such policy holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the

the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

List of policy-holders and amounts tendered:

Name.		Amount and number	Amount
	known.	of policies.	tendered.
Data	·	!	

A.D. 18 . Ottawa this

day of

(Signed)

Minister of Finance, Canada.

 $(\hat{\mathbf{Signed}})$

Superintendent of Insurance.

40 V., c 42, sch. B.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE, DEPARTMENT OF FINANCE,

OTTAWA,

18

In the matter of the (here insert the name of the company.)

You are hereby notified that the Minister of Finance has, "The Insurance Act," pursuant to the thirty-second section of "The Insurance Act," directed directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said thirty-second section. The assets so retained are tendered to the aforesaid policy holders pro rata according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A. D., 18, you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c., (Signed),

	Superintendent of Insurance.				
Name.	Number and Amount of Policy.			Amount Tendered.	
40 V., c. 42,	sch. C.		<u>-</u>		
		(===
Proposed to be Consolidated.	Part Consolidated	Left for Repeal		To be ensolidated lsewhere.	To be Consolidated with.
	The whole except ss. 16, 17 and				Winding-up Act.
40 V., c. 42	The whole except ss 15, 16, 29 and 30.	ss. 29 and 30	ss	15 and 16	Winding-up Act.
48-49 V., c. 49	The whole except s. 1.	s 1.		:	`

CHAPTER 121.

An Act respecting Loans in Canada by British companies.

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

Any institution or corporation duly incorporated under Certain British companies is companies to the ish companies to the companies of the companies to the companies of the com the laws of the Parliament of the United Kingdom, for the ish companies may be the Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from licensed by Secret lending money, may, on receiving a license from license lending money, may, on receiving a license from license lending money, may, on receiving money the Secretary of State of Canada, authorizing it to carry on State to carry of State of Canada, authorizing business. business within Canada, transact any loaning business, on Canada.

Their power of any description whatsoever, within Canada, in its corpoin Canada. Their powers. and hold except the business of banking,—and may take and hold hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the Recurity of which it lends its money, at any rate of interest not exceeding the rate permissible on such securities by the Acts incorporating similar companies in the several Provinces of Canal form a charge on real of Canada, and whether the said bonds form a charge on real estate within Canada or not,—and may also hold such mort gages in its corporate name, and may sell and transfer the same, and hold and convey the title to real estate acquired as mortgagees or chargees: Provided, that such Proviso: real estate so acquired estate acquired to be corporation shall sell or dispose of the real estate so acquired estate acquired to be shall sell or dispose of the mortgage on such sold within within five years from the time when the mortgage on such sold within a least estate years from the time when the terms of the certain time. real estate becomes due and payable under the terms of the certain time. instrument creating such mortgage. 87 V., c. 49, s. 1.

Every company which obtains such license as aforesaid Formalities to be observed in the office of the to be observed. Every company which obtains such license as aforesaid Formation Problem commencing business, file in the office of the to be observed by licensed by l provincial Secretary of each Province in which the company corporation by no box by no by proposes to do business, a certified copy of the charter, Act of before commencing its a power of association of such company,—and business a power of manager of such in Canada. also a power of attorney to the agent or manager of such in Canada. company, in such Province, signed by the president or it has been a such province, signed by the president or it has been as to be a such province and verified as to managing director and secretary thereof, and verified as to its and director and secretary thereof, and vermental agent or manager of the principal agent or by the oath of any manager of such company in Canada, or by the oath of any person company in Canada, or by the oath of any person cognizant of the facts necessary for its verification:

2. Such power of attorney shall expressly authorize such What power or mover of attorney shall expressly authorize such of attorney shall contain agent or manager, as far as respects business done by such of attorney shall contain.

Description to accept process agent or manager, as far as respects business uone in all or manager within such Province, to accept process points and spits are specifically spits. in all or manager within such Province, to accept province saids and proceedings against such company, in such the such company in such company Province, for any liabilities incurred by such company therein. therein, and shall declare that service of process on such

agent or manager for such liabilities shall be legal had binding on such company to all the binding on such company to all intents and purposes rend soever, and shall waive all decreases soever, and shall waive all claims of error by reason of service. 37 V. c. 40 s. 9

Service of process in corporation, and proceedings thereon.

3. After such certified copy of the charter, Act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter, act of incorporation or articles of account of the charter of the poration or articles of association, and such power of attorney are filed as aforesaid any prosuits against poration or articles of association, and such power of atturnous such licensed are filed as aforesaid, any process in any suit, action of processing and such power of atturnous such licensed are filed as aforesaid, any process in any suit, action of atturnous such licensed are filed as aforesaid, any process in any suit, action of atturnous such power of atturnous such powe ceeding against such company, for any liability incurred any Province. may be sowned. any Province, may be served upon such manager or agent the same manner as process is the same manner as process is served upon the proper a soft of any company incorporate. of any company incorporated in such Province; and proceedings may be had thereof proceedings may be had thereupon to judgment and execution, in the same manner or tion, in the same manner as in proceedings in any civil suit or action in such Province

Publication of business in any place.

4. Every company which obtains such license as aforesaid all forthwith give due notice as a foresaid. shall forthwith give due notice thereof in the Candle Gazette, and in at least one name thereof in the having ceased Gazette, and in at least one newspaper in the county, on business in or place where the primary or place where the principal manager or agent of such company transacts the business if company transacts the business thereof, and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the principal manager or agent of same and shall continue the principal manager or agent of same and shall continue the principal manager or agent of same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the publication thereof for the same and shall continue the same and shall co the publication thereof for the space of one calendar month, and the like notice shall be and the like notice shall be given when such company ceases, or gives notice that it ceases, to carry on business within the Province 27 V 2 40

by Secretary of State.

5. The Secretary of State may, if he sees fit, issue such cense as aforesaid on boing from the sees fit, issue of the which licenses shall be issued license as aforesaid, on being furnished with evidence of the by Secretary due incorporation of the due incorporation of the company, applying for such license under the laws of the Parliament applying for such incorporation. under the laws of the Parliament of the United Kingdom
—which evidence shall be a served. —which evidence shall be a certified copy of the charter, of incorporation or articles of —and on being furnished with a power of attorney from such company to the person company company to the person appointed as the principal agent or manager of such company or manager of such company within Canada, under the seal of such company and signed by the president or managing director and secretary thereof director and secretary thereof, and verified by the oath of attesting witness. attesting witness, expressly authorizing such agent manager to apply for such line

Fee for license.

2. The fee to be paid by such company, on the issuing of ach license, shall be twenty dollars. 37 V., c. 49, s. 5. 'Or of any foreign state," omitted in lines 4 and 5, in conformity with section of such license, shall be twenty dollars.

Corporations licensed to make returns as if incorporated under Companies' Act.

6. Every corporation or institution authorized under the ovisions of this Act to land authorized. provisions of this Act to lend and invest money in Canada shall, by its agent or managed in Canada shall, by its agent or managed in the canada shall, by its agent or managed in the canada shall, by its agent or managed in the canada shall, by its agent or managed in the canada shall, and the canada shall shall be canada shall shall shall be canada shall shall be canada shall shall be canada shall shall shall shall be canada shall s shall, by its agent or manager in Canada, make returns the Minister of Finance and D the Minister of Finance and Receiver General of all the business done by it in Canada. business done by it in Canada, at the same time and bear same manner as if such corporation same manner as if such corporation or institution had been some manner as a loan comparation of institution of incorporated as a loan company under the provisions of Companies' Act." 40 V c 48 c 107

Proposed to be Consolidated.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidaæd with.		
37 V ; c. 49 40 V ; c. 43	The whole. s. 107		Remainder	The Companies' Act.		

CHAPTER 122.

An Act respecting returns by certain persons and corre porations receiving moneys on deposit at interest.

ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts follows:-

Every person receiving returns, &c.

1. Every person, corporation or institution, except charred banks received at tered banks, receiving money in small sums, on deposit at interest as savings shall be in deposit bound interest as savings, shall be bound to make such returns to make to such deposits, and the investment thereof, as the Governor in Council from time to the in Council, from time to time, requires, and to register in the Minister of Finance and Branch and to register in the Minister of Finance and Receiver General, and notify in such manner as the Games such manner as the Governor in Council directs, the name of the institution and the council directs, the name of the institution, and that of the officer or person on whom process may be saved in process may be served in any suit or proceeding; and every wilful refusal or proceeding. wilful refusal or neglect to obey any such Order in Council shall be a misdemeanor. shall be a misdemeanor. 34 V., c. 6, s. 24.

Penalty for default.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
34 V., c. 6	s. 24		Remainder	Act respecting Government Savings Banks.

CHAPTER 123.

An Act respecting Interest.

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

t cept as otherwise provided by this or by any other Any person not excepted Act of the Parliament of Canada, any person may stipulate may agree for for, allow and exact, on any contract or agreement whatso- and receive ever and exact, on any contract or agreed upon. any rate of interest. ever, any rate of interest or discount which is agreed upon. any rate of interest. C. S. C., c. 58, s. 3;—38 V., c. 18, s. 1.

Whenever interest is payable by the agreement of Six per cent. Parties or by law, and no rate is fixed by such agreement or if there is no law, the rate of interest shall be six per centum per other provision.

2. In the Province of British Columbia the jury or the What rate the Province of British Columbia the Jury of the man be may be may be allowed in the Province of British Columbia the Jury of the may be may be allowed in the province of British Columbia the Jury of the may be allowed in the province of British Columbia the Jury of the may be allowed in the province of British Columbia the Jury of the may be allowed in the province of British Columbia the Jury of the maximum may be allowed in the province of British Columbia the Jury of the maximum may be allowed in the province of British Columbia the Jury of the maximum may be allowed in the province of British Columbia the Jury of the maximum may be allowed in the province of British Columbia the Jury of the maximum may be allowed in the province of British Columbia the Jury of the British Columbia the Jury of the hay allow such rate of interest as is proved to be just and B.C. resonable, and if no rate is so proved such rate not exceedin sonable, and if no rate is so proved such late as 50 ne per centum per mensem as appears just. C. S. C., c. 53, s. 8;—36 V., c. 71, s. 1;—R. S. B. C., c. 71, s. 2.

INTEREST ON MONEYS SECURED ON MORTGAGE.

Whenever any principal money or interest secured by No interest re-coverable in cases Whenever any principal money or interest secured by recoverable in coverable in certain cases which the pay-unless the hents of principal money and interest are blended, or on mortgage contains a subject to the contains a contain any plan which involves an allowance of interest on stipu-certain statelated repayments, no interest whatever shall be chargeable, ment. payable or recoverable, on any part of the principal money the amount of the principal th the amount of such principal money and the rate of interest charges. chargeable thereon, calculated yearly or half-yearly, not in Vance. 43 V., c. 42, s. 1.

Whenever the rate of interest shown in such state- No rate re-Ment is less than the rate of interest which would be coverable beyond that the peakless than the rate of interest which would be seven than the rate of interest which would be seven that the provision calculation or shown in such chargeable by virtue of any other provision, calculation or shown in such stipulation of shown in such statement. stipulation by virtue of any other provision, calculation of shown in the charge in the mortgage, no greater rate of interest shall statement on the principal be chargeable, payable or recoverable, on the principal shown in such statement. money advanced, than the rate shown in such statement. 43 V., c. 42, s. 2.

No fine allowed on payments in arrear.

5. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal of interest scanned has interest secured by mortgage of real estate, which the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear, Proviso; as to but nothing in this section contained shall have the effect interest on of prohibition of prohibiting a contract for the payment of interest on arrears of interest arrears o arrears of interest or principal at any rate not greater than the rate payable on arrival and arrears of interest or principal at any rate not greater. the rate payable on principal money not in arrear.

arrears of interest.

6. If any sum is paid on account of any interest, fine of Overcharge covered back. penalty not chargeable, payable or recoverable under three sections not recoverable under ad

three sections next preceding, such sums may be recovered back or deducted from back, or deducted from any other interest, fine or penalty chargeable payable and the chargeable payable payable and the chargeable payable chargeable, payable or recoverable on the principal. c. 42, s. 4.

c. 42, s. 3.

No further interest payable after five vears on certain conditions.

7. Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage never have gage, payable till a time more than five years after the date of the mortgage, the mortgage that it is of the mortgage, then, if at any time after the expiration to such five years such five years, any person liable to pay or entitled redeem the mortgage tenders or pays to the person entitled to receive the money the amount of the person entitled to receive the money the amount of the person entitled to receive the money the amount of the person entitled to receive the money the amount of the person entitled to receive the money the amount of the person entitled to pay or entitled to pa to receive the money the amount due for principal money and interest to the and interest to the time of payment, as calculated under the four sections next preceding, together with three months further interest in light of months. further interest in lieu of notice, no further interest shall be chargeable payable pa chargeable, payable or recoverable at any time thereafter on the principal money or interest sharper. on the principal money or interest due under the mortgage. 43 V., c. 42, s. 5.

Application of five sections next preceding.

8. The provisions of the five sections next preceding shall apply to manage sections. only apply to moneys secured by mortgage on real estate executed after the first document. executed after the first day of July, in the year one thousand eight hundred and eight. eight hundred and eighty.

ONTARIO AND QUEBEC.

Ontario and Quebec.

9. The two sections next following apply to the Provinces of Ontario and Quebec.

No higher rate than six per cent. to be taken by any corporation.

10. Except as otherwise provided by this or any other or law no corporation Act or law, no corporation or company or association of persons, not being a bank, authorized by law before the sixteenth day of August and Aug the sixteenth day of August, one thousand eight hundred and fifty-eight to land or hand and fifty-eight, to lend or borrow money, shall, upon contract, take directly or indirectly or indir contract, take directly or indirectly, for loan of any moneys wares, merchandise or all wares, merchandise or other commodities whatsoever, above the value of six dollars for the the value of six dollars for the advance or forbearance of one hundred dollars for a week hundred dollars for a year, and so after that rate for a greater or less sum or value or for a or less sum or value, or for a longer or shorter time:

2. Provided that any insurance company, incorporated by Proviso; as et of the Canada, or of to certain Act of the legislature of the late Province of Canada, or of to certain insurance either of the legislature of the late Province of Canada, companies either of the legislature of the late Province of Canada, companies. or by of the late Provinces of Upper or of Lower Canada, companies. or by charter from Her Majesty, or by an Act of the Parliament of ment of the United Kingdom, and any corporation constituted for the United Kingdom, and any corporation on the ted for religious, charitable or educational purposes, in the proving religious, charitable or educational purposes, in the Provinces of Ontario or Quebec, authorized by law to lend or company and exact, on any borrow money, may stipulate for, allow and exact, on any contract contract or agreement whatsoever, any rate of interest or discount or agreement whatsoever, any rate of interest or discount which is agreed upon, not exceeding eight per centum which is agreed upon, not exceeding eight per seed eight per seed upon, not exceeding eight per seed eig centum per annum. C. S. C., c. 58, ss. 6 and 9, part;—C. S. U. C. 24 — 36 V. c. 70. U.C., c. 43, s. 4, part;—23 V. (Can.), c. 34;—36 V., c. 70.

All bonds, bills, promissory notes, contracts and assur- Contracts are wielding of the proances All bonds, bills, promissory notes, contracts and assur-void if fore-visions whatsoever made or executed in violation of the progoing proging provisions are Visions of the section next preceding, whereupon or visions are authorized greater interest is reserved and taken than violated. void by this or any other Act or law, shall be void; and every corporation, company and association of persons, and every corporation, company and association money, not being a bank, authorized to lend or borrow directly or indirectly, takes, money as aforesaid, which, directly or indirectly, takes, accepts as aforesaid, which, directly or indirectly, as and receives a higher rate of interest, shall incur Penalty. a penalty equal to treble the value of the moneys, wares, merchandise, or other commodities lent or bargained for:

of Such penalty may be recovered by action in any court Recovery and belong to Holland jurisdiction, and one moiety thereof shall application of other to Holland application of Canada, and the belong to Her Majesty for the public uses of Canada, and the moister Majesty for the public uses of Canada, and the companies of the same. C. S. C., other to Her Majesty for the public uses of Canaua, and c. 58, 8. 9 To the person who sues for the same. C. S. C., c. 58, moiety to the person who sues 101. S. 9, part;—C. S. U. C., c. 43, s. 4, part.

NOVA SCOTIA.

Nova Scotia. of Nova Scotia, but shall not extend to any hypothecation or the interpretation of the state of apreement in writing entered into for money advanced upon the bottom of a ship or vessel, her cargo or freight. R. S. N. 8. (2nd 8.), c. 82, s. 3;—36 V., c. 71, s. 4.

any rate of interest not exceeding seven per centum per stipulated for.

The seven per centum per stipulated for. annum, for the loan or forbearance of money to be secured in the loan or forbearance of money to be secured any person may stipulate on real estate or chattels real; and any person may stipulate And ten per cent. in certain cases. in witing for or chattels real; and any person may stipulate And the person that each in certain cases.

Second exceeding for or may receive in advance any rate of interest tain cases. Not exing for or chattels real, and exceeding for or may receive in advance any rate of the sonal ty for the per centum per annum, whenever the money consists only of persecurity for the per centum per annum, whenever to be proposed to be persons to be whom for the personal responsibility of the person or of others. 36 V., c. 71, s. 2.

whom forbearance is given, or of others. 36 V., c. 71, s. 2. hich there is given, or or or or the there is a treet to be deducted. which there is, directly or indirectly, taken or reserved a deducted. ate of there is, directly or indirectly, taken or reserved interest exceeding that authorized in the next pre-

ceding section, the defendant may, the same being dall pleaded, as in other cases pleaded, as in other cases, prove such excessive interest, and it shall be deducted from the it shall be deducted from the amount due on such contraction 36 V., c. 71, s. 2

As to contracts entered into previous to 23rd May, 1873.

15. No person shall, upon any contract or security, made entered into given or telestal and any or entered into, given or taken before the twenty-third taken of May, one thousand aight in the contract or security, day of May, one thousand eight hundred and seventy-three, above directly or indirectly for the directly or indirectly, for the loan of moneys or goods, above the rate of six per centum news or goods, above the rate of six per centum news or goods. the rate of six per centum per annum, and every such cost tract and security where the security was a security where the security where the security where the security where the security was a security where the security where the security was a security where the security was a security with the security where the security was a secu tract and security whereby a greater rate of interest of reserved shall be word. reserved shall be void; and every person who takes receives, upon any such contract person who takes receives, upon any such contract person who takes of ta receives, upon any such contract or security, a greater rate, shall incur a penalty equal to the security of t shall incur a penalty equal to treble the value of the moneys or goods in such contract or goods in such contract or security contracted for secured; but no presention secured; but no prosecution for any such penalty shall be commenced except within commenced except within twelve months from the commission of the offence RS NS COMMENTS COMME sion of the offence. R. S. N. S. (2nd S.), c. 82, ss. 1 and 6; 36 V., c. 71. s 6

Limitation of time.

Penalty.

Banks exempted.

16. Nothing in the three sections next preceding shall oply to any chartered bank. apply to any chartered bank.

As to contracts respecting grain and live stock.

17. Any person may contract for the loan or hire ain or live stock when he had been stock w grain or live stock, upon halves or otherwise, upon the lender taking upon himself all lender taking upon himself all risk of such stock; but if appears that the same or otherwise, upon himself all risk of such stock; but if appears that the same or otherwise, upon himself all risk of such stock; but if appears that the same or otherwise, upon halves or otherwise, but if the same of appears that the same, or any part thereof, perished or he she lost through the wilful many part thereof, perished he she lost through the wilful neglect of the borrower, he nake good to the lender the make good to the lender the full value thereof. (2nd S.), c. 82, s. 2.

NEW BRUNSWICK.

New Brunswick.

- 18. The five sections next following apply to the Pronce of New Brunswick with vince of New Brunswick with respect to,-
 - (a) Banks which are not subject to "The Bank Act;"
- (b) Other incorporated companies, but subject to ecial provision in any other special provision in any other Act; and-
- (c) Contracts made between the thirteenth day of April 18, and e year one thousand eight the thirteenth day of April 18, and the property of t the year one thousand eight hundred and fifty-nine, the eighth day of April in the the eighth day of April, in the year one thousand eight dred and seventy-five

Not more than six per cent. to be taken.

19. No person shall, directly or indirectly, receive on significant for the loan of any manufacture. contract for the loan of any money or goods, more than dollars for the forbearance of the contract for the contract f dollars for the loan of any money or goods, more than dollars for the forbearance of one hundred dollars year, and after that rate for year, and after that rate for a greater or lesser sum, longer or shorter time. longer or shorter time. 22 V. (N.B.), c. 21, s. 2, part.

No deed or contract for payment of any money Contracts not loaned, or for the forbearance of any thing undertaken, void. upon or for the forbearance of any many research by which more than such rate of interest is research thereof. 22 V. reserved or received, shall be void by reason thereof. 22 V. (N.B.), c. 21, s. 2, part.

In any action brought on any contract whatsoever, Excessive inin which there is, directly or indirectly, taken or reserved a deducted. rate of interest exceeding six per centum per annum, the defendant, or his attorney, may, under the general issue, with notice of defence as in other cases, prove such excessive interest interest, and it shall be deducted from the amount due on such contract. 22 V. (N.B.), c. 21, s. 3.

Every bank not subject to "The Bank Act," which, Penalty if apon any such deed or contract, receives or reserves, by bank takes more than takes are such deed or contract, receives of any money lawful rate means of any loan, bargain, exchange or transfer of any money lawful rate goods, or by any deceitful means, for the forbearing or giving, or by any deceitful means, for the forbearing or goods, giving day of payment beyond a year, of its money or goods, hore than six dollars for one hundred dollars for one year, and after that rate for a greater or lesser sum and longer or horter that rate for a greater or lesser sum and some of the bines. The shall incur a penalty equal to the value of the bines. principal sum or goods so loaned, bargained, exchanged of transcriptions of transcri transferred, and all interest and other profits accruing therefrom; and all interest and other proms accounts in any; and such penalty may be recovered by action Recovery and any in which the offence application. in any court of record in the county in which the offence application. was court of record in the county in which within twelve mmitted,—which action shall be brought within twelve months from the time of such offence and not afterwards. wards; and one moiety of such penalty shall belong to Her to the public uses of Canada, and the other moiety 22 V. (N.B.), c. 21, s. 4. to the public uses of Canada, and the other interests of the person who sues for the same. 22 V. (N.B.), c. 21, s. 4.

Nothing in the four sections next preceding shall Certain mat-Nothing in the four sections next preceding snall certain made to bottomry bonds or contracts on the bottom ters excepted. of any to bottomry bonds or contracts on the behalfing vessel, damages on protested bills allowed by law, penalties incurred for the non-fulfilment of any contract, if and on Littles are mutually binding, and contracts for the penalties are mutually binding, and contracts to parties of any grain, cattle, or live stock, let out as the lives acres in the stock of casualties upon parties agree, if the lender takes the risk of casualties upon himself himself, in which case the borrower shall not avail himself any law wilful neglect, or any of any loss suffered through his wilful neglect, or any buntann suffered through his wilful neglect, or any Voluntary damage which is committed by him. 22 V. N.B.), c. 21, s. 6.

The following provisions apply to the Province of Prince Edward Island Prince Edward Island.

25. No person shall recover, in any court, more than six What rate of centum enterest may be recovered. per centum per annum interest on any account, contract or interest may be recovered. agreement, per annum interest on any account, con-log unless it appears to the court that a higher

rate of interest was agreed to in writing between the parties. 31 V. (P.E.I.), c. 8, s. 2.

Certain rights and liabilities not affected.

26. Nothing herein shall prejudice or affect the rights of remedies of any person, or diminish or alter the liabilities of any person, in respect of any act done previously to the fifteenth day of April, in the year one thousand eight hundred and seventy, and if interest was payable at that date upon any contract, express or implied, for the payment of the legal or current rate of interest or upon any debt or sum of money by any rule of law, the same shall be recoverable as if the provisions of the next preceding section had not been enacted. 31 V. (P.E.I.), c. 8, ss. 3 and 4.

Proposed to be Consolidated.	Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
		ss. 1, 2, 4, 5 and 7.		
	s. 4. ss 1, 2, 3 and 6	ss. 4 and 5.		
	ss. 2, 3, 4 and 6	ss I and 5.		,
23 V. (Can), c.	s 2 The whole.	ss. 1 and 3.		
31 V. (P.E I.), c.	ss 2, 3 and 4	ss land 5.		
36 V., c. 70	The whole. The whole except	8.5.		
	s. 5. The whole except	ļ		
43 V., c. 42	8 4.			
,				

CHAPTER 124.

respecting Pawnbrokers.

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

In this Act, unless the context otherwise requires, the Interpretaexpression " pawnbroker " means any person who lawfully "Pawnbroker." exercises the trade of receiving or taking, by way of pawn, broker." pledge or exchange, any goods for the repayment of money lent the lent thereon. C. S. C., c. 61, s. 6;—1 R. S. N. B., c. 17, s. 3,

Every pawnbroker may take the following rates above Rates which the principal sum advanced, before he is obliged to re-deliver may be taken. the goods pawned, that is to say, for every pledge upon . which is pawned, that is to say, for every pledge upon . which there has been lent not exceeding fifty cents, the the sain a cent for any time not exceeding one month, and the sain a cent for any time not exceeding the current the same for every month afterwards, including the current month. month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the dollars not expired; and so on progressively and dollars of fifty cents up to twenty dollars. C. S. C., c. 61, s. 10;—1 R. S. N. B., c. 17, s. 4, part. The words "of five-sixths" are omitted in line 5 at the suggestion of the amentary Committee.

When the sum lent exceeds twenty dollars, the pawn- When sum toker mount after the lent exceed broker may take upon all beyond that amount after the sum lent exceeds the of five take upon all beyond that amount after the second the second that amount after the second that amount after tate of five cents for every four dollars by the month, and on in C. S. C., c. 61, on the cents for every four dollars by the month, and in proportion for any fractional sum. C. S. C., c. 61, 8.11;—1 R.S. N. B., c. 17, s. 4, part.

4. Such sums respectively shall be in lieu of and taken Rates to cover full and charges for warehouse room. Warehouse Towns respectively shall be in lieu of and taken names warehouse warehouse arehouse are a second and second are a Warehouse room. C. S. C., c. 61, s. 12;—1 R. S. N. B., c. 17, s.

The person entitled to and applying for the redemption Time when goods person entitled to and applying from the end of the which pleds of The person entitled to and applying for the redemption Time when first month, within fourteen days from the end of the and terms on which pledges may redeem such may be refirst month after the same were pledged, may redeem such may be regoods upon after the same were pledged, may redeem such and and a half. Paying the rate or profit payable for one month deemed. and a half; but if redeemed after the expiration of the first fourteen days, and before the end of the second month, the pawnbroker may take a rate or profit of the whole second month; and the like regulation and restriction shall is place; and the like regulation application take place in every subsequent month wherein application made for every subsequent month wherein application C. S. C., c. 61, s. 13. is made in every subsequent month wherein applications and for redeeming goods pawned. C.S.C., c. 61, s. 13.

Pawnbroker taking un-lawful rate.

6. Every pawnbroker who, in any case, stipulates for or takes a higher rate than that herein prescribed, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars.

Substituted for former section 6 at the suggéstion of the Parliamentary Com-tee. mittee.

Forging pawnbroker's notes.

7. Every person who counterfeits, forges or alters any note or memorandum given by a pawnbroker for goods pledged, or causes or procures the same to be done, or utters, vends or salls and the vends or sells such note or memorandum, knowing to same to be counterfeited, forged or altered, with intent defrand any person shall be a superior. defraud any person, shall be liable, on summary conviction, to imprisonment for to imprisonment for any term not exceeding three months. C. S. C., c. 61, ss. 24 and 25, part.

Offender may be arrested.

8. If any note or memorandum aforesaid is uttered, shown or offered to any person, and such person has reason to suspect that the to suspect that the same has been forged, he may seize the person offering the same person offering the same, and deliver him to a peace officer or constable who about or constable, who shall convey him before a justice of the peace to be dealt with according peace to be dealt with according to law. C. S. C., c. 61, s. 25, nart part.

Not giving a satisfactory account of goods offered to be pawned, &c.

9. If any person offers to any pawnbroker, by way of and is pawn or pledge, or of exchange or sale, any goods, and is not able or refuses to give a refuse to give a ref not able or refuses to give a satisfactory account of himself, or of the means whereby had or of the means whereby he became possessed of the goods, or wilfully gives a satisfactory account of the goods, or wilfully gives a satisfactory account of the goods, or wilfully gives a satisfactory account of the goods, or wilfully gives a satisfactory account of the goods, or wilfully gives a satisfactory account of the goods, or wilfully gives a satisfactory account of the goods, or of the means whereby he became possessed of the goods, or wilfully gives a satisfactory account of the goods, or of the means whereby he became possessed of the goods. or wilfully gives any false information to the pawnbroker or his servant as to what or his servant, as to whether such goods are his own property or not or as to his new to perty or not, or as to his name and place of abode, or as to the owner of the goods. the owner of the goods,—or if there is any other reason to suspect that such goods to it is any other reason to suspect that such goods to it. suspect that such goods have been stolen or otherwise gally or clandestingly share the stolen or otherwise gally share the stolen or ot gally or clandestinely obtained,—or if any person not entitled, or not having any color after. or not having any color of title by law to redeem goods that have been pawned attended by law to redeem goods person Offender may have been pawned, attempts to redeem them, the person to whom the goods for the redeem them, the person to whom the goods for the redeem them. to whom the goods first above mentioned are offered to be pawned, or to whom the pawned, or to whom the offer to redeem the goods in pawn, is made, may soize and determined are offered are offered. is made, may seize and detain the person offering to pawn, and the goods offered to 1 and the goods offered to be pawned, or the person offering to redeem, as aforesaid to redeem, as aforesaid, and shall convey such person and the goods offered to be read to be redeemed. the goods offered to be pawned, or the person offering to redeem, and immediately a vision of the person of the pe redeem, and immediately deliver the person so offering so pawn and the goods offering to pawn and the goods offered to be pawned, or the person offering to redeem into the pawned, or the person of the person of the person of the person so offering to redeem into the pawned, or the person so offering to redeem into the person so offering so of the person so offering so of the person so offering so offerin offering to redeem, into the custody of a peace officer or constable, who shall as a constable of the custody of a peace of the person constable of the custody of a peace of the person constable of the custody of a peace of the person constable of the custody of a peace of the person constable of the custody of the person constable of the p constable, who shall, as soon as possible, convey such person and goods or such person and goods. and goods, or such person, as the case may be, before a fittice of the peace of the latest and some such person as the case may be, before c. 61, tice of the peace of the district or county.

10. If such justice of the peace, upon examination been quiry, has cause to such as the peace, upon examination been s. 26. inquiry, has cause to suspect that such goods have that stolen or illegally or clander that such goods have that stolen or illegally or clandestinely obtained, or that the suspects that been stolen.

If a justice goods have person offering to redeem them has not any pretence or &c., he may color of right so to do, he shall commit the offender into offender. Safe custody for such reasonable time as is necessary for obtaining proper information, in order to be further examined, and if upon either examination it appears to the satisfaction of the justice that such goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem them had not any pretence or color of right so to do, he shall, unless the offence authorizes such commitment by any other law, commit the offender to the common gaol of the district or county where the offence was committed, for any term not exceeding three months. C. S. C., c. 61, s. 27.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
1 R S. N B., c 17	ss. 6, 10 to 13 and 24 to 27, all in- clusive s 3 (part) and s.	s. 14	Remainder is Provincial. Remainder is Provincial.	

CHAPTER 125.

An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Winding Up Act." New.

INTERPRETATION.

Interpreta-

- 2. In this Act, unless the context otherwise requires:
- "Company."
- (a) The expression "company" includes any corporation subject to the provisions of this Act;

"Insurance company."

(b) The expression "insurance company" means a company carrying on, either as a mutual or a stock company, the business of insurance, whether life, fire, marine, ocean or inland marine, accident, guarantee or otherwise;

"Trading company."

(c) The expression "trading company" means any company, except a railway or telegraph company, carrying on business similar to that carried on by apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, coffee fullers, keepers of inns, taverns, hotels, saloons or coffee fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, share-brokers, shipowners, shipwrights, stock-brokers, stock-jobbers, the tuallers, warehousemen, wharfingers, persons using bartrade of merchandise by way of bargaining, exchange, so or tering, commission, consignment or otherwise, in gross or tering, commission, consignment or otherwise, in gross or agents or factors for others, seek their living by buying and agents or factors for others, seek their living by buying selling or buying and letting for hire goods or commodities, or trees.

"Court."

(d) The expression "court" means, in the Province of Ontario, the High Court of Justice for Ontario; in the in vince of Quebec, the Superior Court for Lower Canada; the Province of Nova Scotia, the Supreme Court; in the

Vince of New Brunswick, the Supreme Court; in the Province of Prince Edward Island, the Supreme Court; in the Pro-Vince of British Columbia, the Supreme Court; in the Province of British Columbia, the Supreme Court, Sor Manitoba, Her Majesty's Court of Queen's Bench for Manitoba, Her Majesty s Court of Manitoba; and in the North-West Territories and the District of Keewatin, such court or magistrate or other fadicial of Keewatin, such court or time to time, by Indicial authority as is designated, from time to time, by proclamation of the Governor in Council, published in the Canada Gazette;

Gazette and the Gazette published under the authority of Gazette." the Government of the Province, where the proceedings for the Winding up of the business of the company are carried on, or making up of the business of the company are carried on, or used as the official means of communication between the Lieutenant Governor and the people, and if no such Gazette is published, then it means any newspaper published: whed in the Province, which is designated by the court for Publishing the notices required by this Act;

to (f) The expression "contributory" means a person liable "Contribute to the assets of a company under this Act; it tory." also in all proceedings for determining the persons who are the final proceedings for determining the persons the final mall proceedings prior to the final determination of such persons, includes any person alleged to be a contributory;

The expression "winding-up order" means an order "Winding-up order." the expression "winding-up order means on the beinges by the court under this Act to wind up the by the court under this Act to wind up by the company, and includes any order granted by the company, and includes any order granted are the provisions of this Act any by the court to bring within the provisions of this Act any count to bring within the provisions of being wound up. the court to bring within the provisions of the court to be court to b The pany in liquidation or in Part. (c. 23, ss. 3, 4, 5, 6, 8 and 13, part.

APPLICATION OF ACT.

This Act applies to incorporated banks, savings banks, Application companies having of Act. incorporated banks, savings banks, appropriated insurance companies, loan companies having of Act. borrowing powers, building societies having a capital stock, and incorporated trading companies, doing business in Canada, wheresoever incorporated; and—

(a) Which are insolvent; or—

(b) Which are in liquidation or in process of being Wound up, and on petition by any of their shareholders or the ditors ask to be brought under creditors, and on petition by any of their sharenomers the provisions of this Act:

This Act does not apply to railway or telegraph com- Certain corporations except or to does not apply to railway or telegraph com- Certain corporations except or to does not apply to railway or telegraph com- Certain corporations except of the corporation of t Panies Act does not apply to railway or telegraph com-vertain constant of to building societies which have not a capital porations excepted. stock. 47 V., c. 39, s. 1.

Application of certain sections.

4. The provisions of sections eight to ninety-six, includes are in the case of the sections of sections and the case of the sections are in the case of the sections of the sections of the sections are in the case of the sections are in the case of the sections of the section sive, are, in the case of a bank other than a savings bank, subject to the president subject to the provisions contained in sections ninety-seven to one hundred and form in to one hundred and four, inclusive; and, in the case of an surance company the surance company the surance company, the provisions of sections eight to ninety in six, inclusive are arbital six, inclusive, are subject to the provisions contained in sections one hundred and contained. sections one hundred and five to one hundred and twenty-three, inclusive 45 V 222 inclusive. 45 V., c. 23, s. 2.

WHEN COMPANY DEEMED INSOLVENT.

When a company shall be deemed insolvent.

- 5. A company is deemed insolvent—
- (a) If it is unable to pay its debts as they become due;
- (b) If it calls a meeting of its creditors for the purpose of mpounding with them. compounding with them;
- (c) If it exhibits a statement showing its inability to eet its liabilities. meet its liabilities:
 - (d) If it has otherwise acknowledged its insolvency;
- (e) If it assigns, removes or disposes of, or attempts or is count to assign removes are disposes of, or attempts or is about to assign, removes or disposes of, or attempts about to assign, remove or dispose of, any of its property, with intent to defrand defended assign. with intent to defraud, defeat or delay its creditors, or any of them:
- (f) If, with such intent, it has procured its money, goods, eattels, lands or property to the procured its money, goods, eattels, lands or property to the procured its money, goods, eattels, lands or property to the procured its money, goods, eattels, lands or property to the procured its money, goods, eattels, lands or property to the procured its money, goods, eattern to the procured its money, eathern chattels, lands or property to be seized, levied on or taken, under or by any process of
- (g) If it has made any general conveyance or assignment its property for the har a conveyance or assignment of its property for the benefit of its creditors, or if, being unable to meet its liability. unable to meet its liabilities in full, it makes any sale in conveyance of the whole conveyance of the whole or the main part of its stock in trade or assets, without the trade or assets, without the consent of its storm out satisfying their elements.
- (h) If it permits any execution issued against it, under hich any of its goods which any of its goods, chattels, land or property are seized till levied upon or taken in levied upon or taken in execution, to remain unsatisfied till within four days of the time of the time. within four days of the time fixed by the sheriff or proper such officer for the sale thereof officer for the sale thereof, or for fifteen days after such seizure. 45 V. c. 22 c o

6. A company is deemed to be unable to pay its debts as the company become due, whenever a substitute to pay its debts as pany shall be deemed un- deemed under the pany its deput the company shall be they become due, whenever a creditor, to whom the company able to pay its pany is indebted in a creditor, to whom the company is debter to pay its deput the company is indebted in a creditor, to whom the company is a creditor, to whom the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deput the company is deemed to be unable to pay its deemed unable to able to pay its pany is indebted in a sum exceeding two hundred debts. then due, has served on the then due, has served on the company, in the manner which process may leadly be a sum to which the plant when the which process may legally be served on it in niring where service is made. a domain a served on it in niring the service is made. where service is made, a demand in writing, requiring company to pay the sum so due, and the company has, for ninety days, in the case of a bank, and for sixty days in all other other cases, in the case of a pairs, and for cases, next succeeding the service of the demand, heglected to pay such sum, or to secure or compound for the control of the contro the same to the satisfaction of the creditor. 45 V., c. 23, ss.

PROCEEDINGS FOR WINDING-UP ORDER.

- 7. The winding up of the business of a company shall be When winddeemed to commence at the time of the service of the notice ing-up commences. of presentation of the petition for winding up. 45 V., c. 23, 8. 10
- When a company becomes insolvent, a creditor for the Application of the Application of the form days, to court for sum of at least two hundred dollars may, after four days winding-up notice at least two hundred dollars may, after four days winding-up order. to the application to the company, apply by petition order. to the court in the Province where the head office of the company of the court in the Province where the head office in Canada, company is situated, or if there is no head office in Canada, then in the Province where its chief place or one of its chief place or one of its chief places of business is situated, for a winding-up order. 45 V., c. 23, s. 13, part.
- The court may make the order applied for, may Power of court on the court of the court on the court on the court on the court of the co dismiss the petition with or without costs, may adjourn the application. hearing conditionally or unconditionally, or may make any interior conditionally or unconditionally, or may make any interim or other order that it deems just. 45 V., c. 23, s. 14.
- 10. If the company opposes the application, on the ground If company opposes application, of this opposes application. that it has not become insolvent within the meaning of this cation. Act, or that its suspension or default was only temporary, and we that its suspension or default was only temporary, and we have a second or default was only temporary, and we have a second or default was only temporary, and we have a second or default was only temporary, and we have a second or default was only temporary. and was not caused by any deficiency in its assets, and was not caused by any deficiency in its association was reasonable cause for believing that such opposition was from time to time, adjourn the proceedings upon such application for adjourn the proceedings cation.

 Catholic Research and order or other person, to inquiry. cation; and may order an accountant, or other person, to inquiry. inquire into the affairs of the company, and to report thereon with: within a period not exceeding thirty days from the date of euch order. 45 V., c. 23, s. 15.

Upon the service on the company of an order Duty of companding the service on the company of an order Duty of companding the service of the s made Upon the service on the company of an order pury of complete under the next preceding section, for an inquiry into officers if independent of the affaired directors officers quiry is the affairs of the company, the president, directors, officers quiry is ordered. and employees of the company and every other person shall ordered. respectively exhibit to the accountant or other person named for the meaning the hooks of account for the purpose of making such inquiry, the books of account the purpose of making such inquiry, appears and vouchers' of the purpose of making such inquiry, the books of the company and all inventories, papers and vouchers the company or of any person therewill to the business of the company or of any person therewith, which are in his or their possession, custody or control. control, which are in his or their possession, casely give all such respectively; and they shall also respectively give all such information as is required by such accountant

Punishment for refusal to give information.

or other person as aforesaid, in order to form a just estimate of the affairs of the agent of the affairs of the company; and any refusal on the part of the president direction of the president, directors, officers or employees of the company to give such information company to give such information, shall be a contempt of the court, and shall be a contempt the court. the court, and shall be punishable by fine or imprisonment, or by both in the diameter. 45 V., c. 23, s. 16. or by both, in the discretion of the court. Re-drafted.

Power of the court after report on inquiry.

12. Upon receiving the report of the accountant or person dered to inquire into the accountant of the acc ordered to inquire into the affairs of the company, and after hearing such shareholders hearing such shareholders or creditors of the company as desire to be heard thereas desire to be heard thereon, the court may either refuse the application or make the the application or make the winding-up order. 23. s. 17.

Actions against company may be restrained.

13. The court may, upon the application of the company, or of any creditor or contributory, at any time after the presentation of a position for sentation of a petition for a winding-up order and before making the order received making the order, restrain further proceedings in any action, suit or proceeding such action, suit or proceeding against the company, upon such terms as the court thinks of terms as the court thinks fit. 45 V., c. 23, s. 18.

As to companies in liquidation on 17th May, 1882.

14. Any shareholder, creditor, assignee, receiver or liquitor of any company and in prodator of any company which was in liquidation or in process of being wound an arrange of the company which was in liquidation or in process of being wound an arrange of the company of th cess of being wound up on the seventeenth day of May, one thousand eight hundred by thousand eight hundred and eighty-two, may apply, be petition, to the court and petition, to the court, asking that the company may be brought within and under the provisions of this Act, and the court may make such codes. the court may make such order, and the winding up of such company shall thereafter. company shall thereafter be carried on under this Act:

Liquidator in such case.

2. The court, in making such order, may direct that the signee, receiver or liquid. assignee, receiver or liquidator of such company, if one has been appointed shall become been appointed, shall become the liquidator of the company to be under this Act or many under this Act, or may appoint some other person to be liquidator of the company 47 V., c. 39, ss. 2 and 3. liquidator of the company. Re-drafted.

PROCEEDINGS AFTER WINDING-UP ORDER IS MADE.

Company to cease business.

15. The company, from the time of the making of the inding-up order shall an winding-up order, shall cease to carry on its business, except in so far as is, in the contract of the making of except or its business, except in so far as is, in the contract of the making of except or its business, except or its business. in so far as is, in the opinion of the liquidator, required for the beneficial winding and the second secon

Transfer of shares void.

2. All transfers of shares, except transfers made to of ith the sanction of the line and the line it of with the sanction of the liquidators, under the authority of the court, and every alternative. the court, and every alteration in the status of the members of the company after the status of the minding of the company, after the commencement of such winding up, shall be void but the up, shall be void; but the corporate state and all the corporate powers of the corporate porate powers of the company, notwithstanding it is other wise provided by the Act wise provided by the Act, charter or instrument of incor-

Corporate state continued.

Poration, shall continue until the affairs of the company are wound up. 45 V., c. 23, s. 19.

When the winding-up order is made, no suit, action After winding-up order is made, no suit, action After winding-up order, or commenced actions or other proceeding shall be proceeded with or commenced actions against the court and against comagainst the company, except with the leave of the court and against company ag subject to such terms as the court imposes. 45 V., c. 23, pany stayed.

Every attachment, sequestration, distress or execution Executions, &c., against company voi put Every attachment, sequestration, distress or execution executions, in force against the estate or effects of the company company void.

The the result of the company company void. V, c. 99 making of the winding-up order shall be void. 45 V, c. 23, s. 21.

tonitale court may, upon the application of any creditor Court may contract or court may winding up order is stay winding up order is no proceed or contributory, at any time after the winding-up order is up proceedmade, and upon proof, to the satisfaction of the court, that ings. proceedings in relation to the winding up ought to be or in a linke an order staying the same, either altogether or to make an order staying the same, entire and subject to such difficulties time, on such terms and subject to such a limited time, on such terms dittions as it deems fit. 45 V., c. 23, s. 22.

The court may, as to it seems just, as to all matters Wishes of creditors, to the wishes of how ascer The court may, as to it seems just, as to all matters wisnes of the creditors, &c., he credit the winding up, have regard to the wishes of how ascerthe to the winding up, have regard to the wishes as tained. The creditors, contributories, shareholders or members, as tained. proved to it by any sufficient evidence, and may, if it thinks at pedient years of the creditors, contributories, it exped to it by any sufficient evidence, and may, it is expedient, direct meetings of the creditors, contributories, and the contributories are contributories. shapedient, direct meetings of the creditors, commended in the commendation or members to be summoned, held and constructed in the court directs, for the purpose deceding or members to be summoned, new and of the in such manner as the court directs, for the purpose and may appoint a person to of the din such manner as the court directs, for the purpose certaining their wishes, and may appoint a person to chairman of any such meeting, and to report the chairman of any such such meeting to the court:

In the case of creditors, regard shall be had to the As to amount and in the case of of claim and number of In the case of creditors, regard shall be had to the As to amount of the debt due to each creditor, and in the case of number of votes conferred votes on shares. on the debt due to each creditor, and in the case of number of votes conferred votes on the each shares. on the debt due to each creation of votes conferred votes on the shareholder or members, to the number of votes conferred votes of the shareholder or member by law or by the regulashares. tions of members, to the shareholder or member by law or by the regulations of the company; and the court may prescribe the Court may be of produced of produce of company; and the court may prescribe the purely require produced of produced of company; and the court may prescribe the purely require produced of produced of company; and the court may prescribe the purely require produced of the purely company; and the court may prescribe the purely require produced of the purely company; and the court may prescribe the purely company in the court may prescribe hode of the company; and the court may prescribe the Court may prescribe of preliminary proof of creditors' claims for the purrequire proof. pose of preliminary proof of creature of the meeting. 45 V., c. 23, s. 23.

LIQUIDATORS.

appoint The court, in making the winding-up order, may Liquidator to be appointed.

Shan and appointed. estate and effects of the company; but no such liquidator than the shall be effects of the company; but no such inquitors appointed unless a previous notice is given to the creditors appointed unless a previous notice is given to the appointed unless a previous notice is given to the contributories, shareholders or members, in the 24. Her and contributories, shareholders or members, in the court. 45 V., c. 23, s. manner, contributories, shareholders or members, 4 and form prescribed by the court. 45 V., c. 23, s. 24 and form P. C. 39. s. 4. ** TV., c. 39, s. 4. substituted for "must," in line 1.

pointed liquidator.

21. An incorporated company may be appointed liquitor to the goods and offert and company may be appointed liquit ated company dator to the goods and effects of a company under this nointed limit and if an incompant and if an incorporated company is so appointed, it may by through one or more of its through one or more of its principal officers designated by the court. 45 V a 22 a 25

Additional liquidators.

22. The court may, if it thinks fit, after the appointment one or more liquidators of one or more liquidators, appoint additional liquidators 45 V., c. 23. s. 96 45 V., c. 23, s. 26.

Quorum.

23. If more than one liquidator is appointed, the court ay declare whether any articles appointed, the court again is may declare whether any act to be done by a liquidator to be done by all or any one to be done by all or any one or more of the liquidators. V., c. 23, s. 27.

Security.

24. The court may also determine what security shall be ven by a liquidator on him. given by a liquidator on his appointment. 45 V., c. 23, s. 28.

If no liquidator.

25. If at any time there is no liquidator, all the property the company shall be a second to the co of the company shall be deemed to be in the custody of the court. 45 V. c. 23 s 20

Provisional liquidator.

26. The court may, at any time after the presentation of e petition and before the first the presentation of the presentation the petition and before the first appointment of a liquidator appoint provisionally a liquidator. appoint provisionally a liquidator of the estate and effects of the company. 45 V 2 22 22

27. A liquidator may resign or may be removed by the office urt on due cause shows or removal of court on due cause shown, and every vacancy in the office of liquidator shall be 6112.

Remuneration of liquidator.

28. The liquidator shall be paid such salary or remuners on, by way of percentage tion, by way of percentage or otherwise, as the court directs upon such notice to the upon such notice to the creditors, contributories, there is holders or members and its holders or members, as the court orders; and if there more than one liquidator. more than one liquidator, the remuneration shall be distributed amongst them in buted amongst them in such proportions as the coundirects. 45 V. c. 23 s 20

Description of liquidator.

29. In all proceedings connected with the company and quidator shall be described. liquidator shall be described as the "liquidator of the (name of company)," and not by his indicate of company), and not by his indicate of company), of company)," and not by his individual name only. c. 23, s. 33.

Duties of liquidator after appointment.

30. The liquidator, upon his appointment, shall take into seustody or under his control in the effects and the effects are effects and the effects and the effects are effects are effects and the effects are effects are effects are effects and the effects are his custody or under his control, all the property, effects and choses in action to which the choses in action to which the company is or appears to entitled; and he shall perform the company is or appears to the entitled; entitled; and he shall perform such duties in reference by winding up the business of the winding up the business of the company as are imposed the court or by this Act. 45 W

Powers of liquidators.

31. The liquidator may, with the approval of the contributed upon such previous notice the contribute of the contribute and upon such previous notice to the creditors, contributories, shareholders or members tories, shareholders or members, as the court orders

- her 1 bis own name. other legal proceeding, civil or criminal, in his own name liquidator or in the name or on behalf of the company, the case may be;
- (b) Carry on the business of the company as far as is Business of company. necessary to the beneficial winding up of the same;
- (c) Sell the real and personal and heritable and movable Sale of proproperty, effects and choses in action of the company, by perty. public auction or private contract, and transfer the whole Parcel to any person or company, or sell the same in
- the company, all deeds, receipts and other documents, and that he comtor that purpose use, when necessary, the seal of the com-
- of the Prove, rank, claim and draw dividends in the matter Proving in the bankruptcy, insolvency or sequestration of any conbankruptcy, the bankruptcy, for any balance against the estate of such conbankruptcy. thintory, for any balance against the estate of such balance, and take and receive dividends in respect of such balance, insolvency or balance, and take and receive dividends in respect of sequestration as a separate debt due from such bankrupt insolvency as a separate debt due from such bankrupt insolvency in the other separate creditors; insolvent and ratably with the other separate creditors;

Thomissory note in the name and on behalf of the company, and raising promissory note in the name and on behalf of the company, and raising time to time, any requisite sum or sums of money; funds. the drawing, accepting, making or indorsing of every the drawing, accepting, making or inquising of bill of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange or promissory note, as aforesaid, on the light of exchange of the light of exchange or promise or p bill of exchange or promissory note, as aloresam, the company, shall have the same effect, with company, as if such bill or of the company, shall have the same enco., the had the liability of such company, as if such bill or made or indorsed by or on belong the drawn, accepted, made or indorsed by or on it. The course of the carrying on of behalf of such company in the course of the carrying on of its business;

for Winding up the affairs of the company and distributing powers. it assets. 45 V., c. 23, s. 35.

The liquidator may, with the approval of the court, When solicities the liquidator may be appointed. appoint a solicitor or law agent to assist him in the per-tormap be appointed. formance of his duties. 45 V., c. 23, s. 36.

The liquidator may, with the approval of the court, Debts, &c., due to the company Compromise liquidator may, with the approval of the court, peris, act, ities capable all calls and liabilities to calls, debts and liabilities to calls, whether may be company may be company may be company may be company. present or resulting in debts, and all claims, whether may be continued or future, certain or contingent, ascertained or promised. sounding only in damages, subsisting or supposed to subsist

between the company and any contributory or other debtor or person apprehending liability to the company, and questions in any way relating to or affecting the assets the the company or the winding up of the company upon the receipt of such sums, payable at such times, and generally upon such terms, as are agreed upon; and may take and security for the discharge of such debts or liabilities, and give a complete discharge in respect of all or any such calls debts or liabilities.

Powers of directors to cease.

34. Upon the appointment of the liquidator, all the powers of the directors shall cease, except in so far as the court the liquidator sanctions the continuance of such powers 45 V., c. 23, s. 38.

Moneys to be deposited in bank.

35. The liquidator shall deposit at interest in some chartered bank or post office savings bank or other Government savings bank designated by the court, all sums of money which he has in his hands belonging to the conpany, whenever and so often as such sums amount to one hundred dollars. 45 V c 22 c 20

A separate deposit account to be kept.

36. Such deposits shall not be made in the name of the liquidator individually, on pain of dismissal; but a separate account shall be kept for the company of the moneys belong ing to the company in the name of the liquidator as such liquidator.

Bank book to be produced at meeting.

37. At every meeting of the contributories, creditors, shareholders or members, the liquidator shall produce a bank pass book, showing the amount of the deposits were for the company, the dates at which such deposits with made, the amount withdrawn and dates of such made in the drawal—of which production mention shall be made in the minutes of such meeting; and the absence of such mention shall be primâ facie evidence that such pass book was not produced at the meeting. 45 V c 22 c 41.

And on order of court.

38. The liquidator shall also produce such pass book whenever ordered so to do by the court, and on his refusal so to do, he may be treated as being in contempt of court. 45 V., c. 23, s. 42.

Liquidator subject to summary jurisdiction of court.

Remedies against estate obtained by summary order and not by suit, &c.

39. The liquidator shall be subject to the summary jurisdiction of the court in the same manner and to the its extent as the ordinary officers of the court are subject to our jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right hands perty upon, in or to any effects or property in the possession or custody of a liquidator, may be obtained order of the court on summary petition, and not by any actions.

what attachment, seizure or other proceeding of any kind whatsoever; and obedience by the liquidator to such order may be enforced by the court under the penalty of imprisonment, as for contempt of court or disobedience thereto; and he most factorial to the court. he may be removed, in the discretion of the court. 45 V., c. 23, s. 43.

The liquidator shall, within three days after the Balance on the of the company, hand by liquidator shall, within three days after the Balance on the office of the company, hand by liquidator of the company date of the liquidator shall, within three days after the balance on deposit the final winding up of the business of the company, hand by liquidator after after the balance on deposit the final winding up of the business of the company, hand by liquidator after the balance on deposit the final winding the balance of the business of the company, hand by liquidator after the balance of the balan deposit in the bank appointed or designated as hereinbefore final winding provided in the bank appointed or designated as hereinbefore final winding to the estate then up to be deprovided, any other money belonging to the estate then up to be deposited. in his hands not required for any other purpose authorized posited. by this Act, with a sworn statement and account of such money, and that the same is all that he has in his hands; and he shall and that the same is all that he has in his hands; and not he shall incur a penalty not exceeding ten dollars, and not Penalty for neglect. less than ten per cent. per annum interest upon the sums neglect. than ten per cent. per annum interest upon this hands for every day on which he neglects or delays the head debtor to Her hands for every day on which ne neglected to Her payment; and he shall be deemed to be a debtor to Her lajesty for such money, and may be compelled as such to count for and pay over the same. 45 V., c. 23, s. 44.

The money so deposited shall be left for three years If not claimed the hard money so deposited shall be left for three years If not claimed to be paid to in the money so deposited shall be left for three years in not claimed to the bank, subject to be claimed by those entitled thereto, Receiver descriptions, subject to be claimed by those entitled thereto. the bank, subject to be claimed by those entities where the shall be then paid over, with the interest, to the Minister General. of Kinance and Receiver General, and if afterwards claimed, thereto. 45 V., c. 23, hance and Receiver General, and it afterwards be paid to the person entitled thereto. 45 V., c. 23,

CONTRIBUTORIES.

As soon as may be after the commencement of the List of conminding up of a company the court shall settle a list of tributories. contributories. 45 V., c. 23, s. 46.

The words "under this Act" in line 2 are omitted at the suggestion of the mentary Committee.

In the list of contributories, persons who are contribitories tributories distinguished from must distinguished from must distinguished from the contributories are contributories. In the list of contributories, persons who are contributories in their own right shall be distinguished from must distinguished who are contributories as representatives of or liable guish between the debts of others; and it shall not be necessary, where own right and the personal contributory is those in a representative be debts of others; and it shall not be necessary, where own representative of any deceased contributory is those in a representative of any devisees of such conceptative. placed on the list, to add the heirs or devisees of such con-representative capacity. Thousand on the list, to add the heirs or devisees or such then the but such heirs or devisees may be added as and then the but such heirs or devisees may be added as and when the court thinks fit. 45 V., c. 23, s. 47.

Every shareholder or member of the company or his Liability of shareholder or their rerepresentative, shall be liable to contribute the amount or their recommendation his. paid on his shares of the capital, or on his liability to the presentatives. company, or to its members or creditors, as the case may be, she that it is members or creditors, as the case may be, she that it is members or creditors. the Act, charter or instrument of incorporation of the the Act, charter or instrument which he is liable company, or otherwise; and the amount which he is liable to contribute shall be deemed an asset of the company, and debt due to the company, payable as directed or appointed under this Act. 45 V., c. 23, s. 48.

Liability after transfer of shares, &c.

45. If a shareholder has transferred his shares under circumstances which do not, by law, free him from liability in respect thereof, or if he is by law liable to the company or its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to contribute, as aforesaid, to the extent of his liabilities to the company or its members or creditors, independently of this Act; and the amount which he is so afore to contribute shall be deemed an asset and a debt, as afore said. 45 V., c. 23, s. 49.

Nature of liability of a contributory.

46. The liability of any person to contribute to the assets of a company under this Act, in the event of debt business of the same being wound up, shall create a debt accruing due from such person at the time when his liability accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and in the case of the bankruptcy or insolvency of any contributory, the estimated value of his liage bility to future calls, as well as calls already made, may be proved against his estate. 45 V., c. 23, s. 50, part.

Trustee, &c., of company may be ordered to pay over balance and deliver books, &c.

47. The court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories as trustee, receiver, agent or officer of the company, to pay, deliver, convey, are court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which are in his or balance entitled. 45 V., c. 23, s. 51.

Court may order debtors of company to pay. 48. The court may, at any time after making a winding up order, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company, exclusive of any moneys which he or the estate of the person whom he represents is which he contribute by virtue of any call made in pursuance of this Act. 45 V. c. 28 s. 52

When calls may be made on contributories.

49. The court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories to the extent of their liability, for payment of all or the sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of

winding up, and for the adjustment of the rights of the contributories amongst themselves; and the court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the some that no call shall compel the same: Provided however, that no call shall compel Proviso. Payment of a debt before the maturity thereof, and that the extent of a debt before the maturity thereof, and the tent of the liability of any contributory shall not be increased 45 V. c. 23, creased by anything in this section contained. 45 V., c. 23, 8. 50, part, and s. 53.

The court may order any contributory, purchaser or Moneys may have to the company, to be ordered to other person from whom money is due to the company, to be ordered to to be paid into pay the same into some chartered bank or post office sav-court ings hank to the account ings bank or other Government savings bank, to the account of the the court instead of to the liquidator; and such order hay be enforced in the same manner as if it had directed payment to the liquidator. 45 V., c. 23, s. 54.

The court shall adjust the rights of the contributories Distribution of surplus. The court shall adjust the rights of the contributories of surplus. themselves, and distribute, among the persons thereto, any surplus that remains. 45 V., c. 23, s. 55.

The court may, at any time before or after it has Contributory or official short to about to The court may, at any time before or after it has or official about to about the abo reasonable cause for believing that any contributory or scond, &c., past or present director, manager, officer or employee of may be company is about to quit Canada or otherwise abscond, to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examihation in respect of the affairs of the company, cause such person to be arrested, and his books, papers, moneys, And his papers, to be arrested, and chattels to be seized, and papers, &c., may be seized. him and them to be safely kept until such time as the court orders. 45 V., c. 23, s. 56.

dators shall, as between the contributories of the company, evidence as between contributories of the company, evidence as between the truth of all matters purporting between contributories. to be therein recorded. 45 V., c. 23, s. 57.

After a winding-up order has been made, the court Court may all make the creditors, low inspection by the creditors, hy creditors, After a winding-up order has been made, the court Court may authorize such order for the inspection, by the creditors, low inspection its books and papers, as the court thinks just; and any pany's books, in the company of the company be and papers, as the court thinks just; and any pany's books, in the company may be books and papers, as the court thinks just, and papers in the possession of the company may be the order of the court, but not inspected in conformity with the order of the court, but not further or otherwise. 45 V., c. 28, s. 58.

No contributory, creditor, shareholder, or member Person en-No contributory, creditor, shareholder, or member Person en-log at any meeting unless present personally or repre-titled to vote to do so personally or by sented by some person acting under a written authority, filed written proxy. With the chairman or light and the chairman or light. written proxy. with the chairman or liquidator, to act as such representative at the meeting or converted to the meeting of the control of the meeting of the control of th at the meeting, or generally. 45 V., c. 23, s. 59.

CREDITORS' CLAIMS.

What debts may be proved against the company.

56. When the business of a company is being wound all adder this Act all and under this Act, all debts payable on a contingency, and of claims against the company claims against the company, present or future, certain of contingent ascertains. contingent, ascertained or sounding only in damages, shall be admissible to proof against the be admissible to proof against the company,—a just estimate being made. as far as is really a such being made, as far as is possible, of the value of all such debts or claims as are are debts or claims as are subject to any contingency do sound only in damages or which is a subject to any contingency do sound only in damages, or which, for some other reason, do not bear a certain value not bear a certain value. 45 V., c. 23, s. 60, part.

Law of set-off to apply.

57. The law of set-off, as administered by the courts, hether of law or courts. whether of law or equity, shall apply to all claims upon the estate of the company and the reestate of the company, and to all proceedings for the recovery of debts due or covery covery of debts due or accruing due to the company at the commencement of the mind. commencement of the winding up, in the same manner and to the same extent as if the land was to the same extent as if the business of the company not being wound up under the company part. not being wound up under this Act. 45 V., c. 23, s. 60, part.

Distribution of property of company.

58. The property of the company shall be applied in tisfaction of its liabilities. satisfaction of its liabilities and the charges incurred in winding up its affairs. winding up its affairs; and unless it is otherwise provided by law or by the Act about by law or by the Act, charter or instrument of incorporation any property or asset any property or assets remaining shall be distributed amongst the members or shared as amongst the members or shareholders, according to their rights and interests in the rights and interests in the company. 45 V., c. 23, s. 61.

When creditors must send in claims.

59. The court may fix a certain day or certain days on or ithin which creditors of 11 within which creditors of the company and others who have claims thereon may sond in the company and others who is a claim thereon may sond in the company and others who is a claim thereon may sond in the company and others who is a claim thereon may sond in the company and others who is a claim the claim t claims thereon may send in their claims. 45 V., c. 23, s. 62.

After expira-

60. When the liquidator has given such notices of the id day as are ordered bearings. said day as are ordered by the court, the liquidator may the the expiration of the time claims, assets the expiration of the time named in the said notices of the tributed. last of the said notices, for sending in such claims, distribute the assets of the company the assets of the company, or any part thereof, amongst of persons entitled thereto have persons entitled thereto, having regard to the claims of which the liquidator then has notice; and the liquidator shall not be liable, to any persons. shall not be liable, to any person of whose claim the said dator had not notice at the said. dator had not notice at the time of distributing the said assets, or a part thereof as the man assets of assets. assets, or a part thereof, as the case may be, for the assets of any part thereof so distributed

Creditors may be compromised with

61. The liquidator may, with the approval of the liquidate such compromise or other the liquidate the liquidate such compromise or other the liquidate the liquidate such compromise or other the liquidate that the liquidate such compromise or other than the liquidate such compromise or other the liquidate such compromise su make such compromise or other arrangement as the liquidator deems expedient with arrangement as claiming dator deems expedient with creditors or persons claiming to be creditors, or persons barrier to be creditors, or persons having or alleging themselves have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable. 45 V., c. 23, s. 64.

62. If a creditor holds security upon the estate of the Duty of creditcompany, he shall specify the nature and amount of such security. security in his claim, and shall therein, on his oath, put a specifical violation under the authority of the value thereon; and the liquidator, under the authority of the court, may either consent to the retention of the property and effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may tequire from such creditor an assignment and delivery of such security, property and effects, at such specified value, to be paid by him out of the estate so soon as he has realized and by him out of the estate so soon as and the security, together with interest on such value from the date of filing the claim till payment; and in case of such retention the difference between the value at which the security; ity is retained and the amount of the claim of such creditor shall be the amount for which he may rank as aforesaid; and Security by if a contract the amount for which he may rank as aforesaid; and negotiable if a creditor holds a claim based upon negotiable instruments instruments. upon which the company is only indirectly or secondarily is also which the company is only indirectly or secondarily such creditor hall; and which is not mature or exigible, such creditor thall be considered to hold security within the meaning of this soul considered to hold security within the meaning of the this section, and shall put a value on the liability of the person primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment, he shall be entitled to amend and revalue his claim. 45 V., c. 23, s. 65.

16 the security consists of a mortgage upon ships or If the security hipping, or upon real property, or of a registered judgment is a mortgage on real property or of a registered from nerty or a the an execution binding real property and excepted from perty or a fact the property ship. the operation binding real property and excepted from polymorton of section sixty-six of this Act, the property ship. mortgaged or bound shall only be assigned and delivered to the creditor, subject to all previous mortgages, judgments, subject to all previous mortgages, judgments, and executions, hypothecs and liens thereon, holding rank and briority, hypothecs and liens thereon, holding rank and bindpriority before his claim, and upon his assuming and binding him before his claim, and upon his assuming and binding himself to pay all such previous mortgages, judgments, execus: executions, hypothecs and liens, and upon his securing the estate of the company to the satisfaction of the liquidator against against any claim by reason of such previous mortgages, Judgments, executions, hypothecs and liens; and if there are subsequent claims. mortgages, judgments, executions, hypothecs and liens; and if there are subsequent subsequent, places, judgments, executions, hypothecs or liens thereon, claims. subsequent to those of such creditor, he shall only obtain the property of the the property by consent of the subsequently secured creditors. tors, or upon their filing their claims specifying their security in their filing their claims specifying them the value thereon as of no value, or upon his paying them the value by them placed thereon, or upon his securing the estate of the liquidator estate of the company to the satisfaction of the liquidator sainst any claim by reason of such subsequent mortgages,

45 V., c. 23, judgments, executions, hypothecs and liens. s. 66.

Duty of liquidator if a secured claim is filed.

64. Upon a secured claim being filed, with a valuation of the security, the liquidator shall procure the authority of the court to consent to the the court to consent to the retention of the security by the creditor or shall remain a security by the creditor, or shall require from him an assignment and delivery thereof very thereof. 45 V., c. 23, s. 67.

Rank, &c., on dividend sheet.

65. In the preparation of the dividend sheet, due regard shall be had to the rank and privilege of every creditor, but no dividend shall be allotted or paid to any creditor holding security upon the estate of the company for his claim until the amount for which I the amount for which he may rank as a creditor upon the estate, as to dividends therefrom, is established, as herein provided. 45 V., c. 23, s. 68.

No lien by judgment and execution.

66. No lien or privilege upon either the real or personal operty of the community of property of the company shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the shariff of or delivery to the sheriff of any writ of execution, or by levving upon or arising the sheriff of any writ of execution, or by levving upon or arising the sheriff of any writ of execution, or by levving upon or arising the sheriff of any writ of execution, or by levving upon or arising the sheriff of any writ of execution, or by levving upon or arising the sheriff of any writer or are sheriff or any writer or are sheri levying upon or seizing under such writ the effects or estate of the companion estate of the company; nor shall any lien, claim or privilege be created upon the real arms. be created upon the real or personal property of the company, or upon any debts due or accruing or becoming due to the company by the City to the company, by the filing or registering of any memorial or minute of industrial or registering of any memorial or minute of industrial or minute or minut rial or minute of judgment, or by the issue or making of any attachment or granial any attachment or garnishee order or other process or proceeding if hefore the ceeding, if before the payment over to the plaintiff of the moneys actually law it, moneys actually levied, paid or received under such writ, memorial minute attach memorial, minute, attachment, garnishee order or other process or proceeding the process or proceeding, the winding up of the business of not to apply to lien for costs. affect any lien or privilege for affect any lien or privilege for costs, which the plaintiff possesses under the law of the plaintiff. possesses under the law of the Province in which such writ, attachment, garnishes and attachment, garnishee order or other process or proceeding was issued. 45 V 200 200 was issued. 45 V., c. 23, s. 69, part.

67. Any creditor or contributory or shareholder or memor may object to any classical statement of the statem dividend may be objected to. ber may object to any claim filed with the liquidator, or to any dividend declared:

Objections to be filed in writing.

2. If a claim or a dividend is objected to, the objections with shall be filed in writing with the liquidator, together with evidence of the previous evidence of the previous service of a copy thereof on the claimant:

Answers and replies.

3. The claimant shall have six days to answer the objections, or such further time of the contract of the cont tions, or such further time as the court allows, and the time testant shall have three descriptions. testant shall have three days to reply, or such further time as the court allows. 4. Upon the completion of the issues upon the objections, Day to be liquidator shall transmit to the court all necessary fixed for hearing. papers relating to the contestation, and the court shall then, on the application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party, fix a day for taking evidence application of either party application of either party application of either party application evidence application of either party application evidence applicati dence application of either party, na a day the contestation, and hearing and determining

- 5. The court may make such order as seems proper in Costs. respect to the payment of the costs of the contestation by either party, or out of the estate of the company:
- 6. If, after a claim or dividend has been duly objected to, If claimant does not the claimant does not answer the objections, the court may, does not answer objections, the court may, answer objections. on the application of the contestant, make an order barring tions. the claim or correcting the dividend, or may make such other land or correcting the dividend, or may make such other order in reference thereto as appears right:

7. The court may order the person objecting to a claim or Security for dividend to give security for the costs of the contestation costs. within a limited time, and may, in default, dismiss the contestation or stay proceedings thereon, upon such terms as the court thinks just. 45 V., c. 23, s. 70.

FRAUDULENT PREFERENCES.

** All gratuitous contracts, or conveyances or contracts Gratuitous ithoral gratuitous contracts, or conveyances or contracts, contr without consideration, or with a merely nominal consideration to be void. ton, respecting either real or personal property made by company in respect to which a winding-up order whater this Act is afterwards made, with or to any person hatsoever, whether such person is its creditor or not, within three months next preceding the commencement of the rinding months next preceding the commencement of the winding up or at any time afterwards,—and all contracts Contracts which creditors are injured, obstructed or delayed, made obstructing to a commencement of the creditors. by a company unable to meet its engagements and in creditors. respect to which a winding-up order under this Act is or having made, with a person knowing such inability to or having probable cause for believing such inability to enst, or after such inability is public and notorious—whether made person is its creditor or not—shall be presumed to be made person is its creditor or not—shall be presumed to be made person is its creditors. 45 V., c. 23, s. 71. made with intent to defraud its creditors. 45 V., c. 23, s. 71.

either real or personal property, by which creditors are intracts with consideration or observed or ob jured or personal property, by which creditors are a constant to the constant casements with a person ignorant of such inability, whether has become is its creditor or not, and before such inability has become public and notorious, but within thirty days that has been public and notorious, but winding up of the besides and notorious, but within the besides and notorious, but within the besides are the commencement of the winding up of the business of such company under this Act, or at any time of company under this Act, or at any of company, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protec-

tion of such person from actual loss or liability by reason of such contract, as the court orders. 45 V., c. 23, s. 72

As to condelay creditors.

70. All contracts or conveyances made and acts done by in fraud or to a company, respecting either real or personal property, stars obstruct or intent fraudulantly to intent fraudulently to impede, obstruct or delay its creditors in their remediain their remedies against it, or with intent to defraud its creditors or any of the creditors or any of them, and so made, done and intended with the knowledge of the standard of the control of the standard of with the knowledge of the person contracting or acting with the compound of the person contracting or acting with the compound of the person contracting or acting or with the compound of the person contracting or acting or with the compound of the person contracting or acting or with the compound of the person contracting or acting or with the compound of the person contracting or acting or with the compound of the person contracting or acting or with the compound of the person contracting or acting o with the company, whether such person is its creditor or not—and which have the not,—and which have the effect of impeding, obstructing of delaying the creditors of the delaying the creditors of their remedies, or of injuring them, or any of them. 45 V., c. 23, s. 78. or any of them, shall be null and void.

Securities ment, when to be void.

71. If any sale, deposit, pledge or transfer is made of pany for pay- any property, real or personal, by a company in contempla-ment, when tion of insolvancy product the partial or personal company in contemplation by reid. tion of insolvency under this Act, by way of security for payment to any crediter. payment to any creditor,—or if any property, real or personal, movable or immovable. movable or immovable, goods, effects or valuable security, are given by way of payment? given by way of payment by such company to any creditor, whereby such creditor. whereby such creditor obtains or will obtain an unjust preference over the other preference over the other creditors, such sale, deposit, pledge, transfer or payment shall transfer or payment shall be null and void; and the subject thereof may be recovered by a land void; and the subject thereof may be recovered by the subject thereof may be recovered by the subject thereof may be recovered by the subject to the su thereof may be recovered back for the benefit of the estate by the liquidator in and the subjection; by the liquidator, in any court of competent jurisdiction; and if the same is made and if the same is made. and if the same is made within thirty days next before the commencement of the wind. commencement of the winding up under this Act, or at any time afterwards it shall I time afterwards, it shall be presumed to have been so made in contemplation of incolin contemplation of insolvency. 45 V., c. 23, s. 74.

Payments by company, when to be void.

72. Every payment made within thirty days next before the commencement of the commence the commencement of the winding up under this Act by a company unable to mark! company unable to meet its engagements in full, to a person knowing such inability knowing such inability, or having probable cause to believing the same to oriet believing the same to exist, shall be void, and the amount paid may be recovered. paid may be recovered back by the liquidator by suit or action in any court of care action in any court of competent jurisdiction: but if any valuable security is given valuable security is given up in consideration of such payment, such security ment, such security is given up in consideration of such per ment, such security or the value thereof shall be restored to the creditor upon the restored to the creditor upon the restored. to the creditor upon the return of such payment. 23, s. 75.

Proviso.

company

tories.

transferred to contribu-

73. When a debt due or owing by the company has been ansferred within the time transferred within the time and under the circumstances in the next preceding and As to debts of the next preceding section mentioned, or at any time after wards, to a contributory and the circumstances for wards, to a contributory and the circumstances for wards, to a contributory and the circumstances for wards, to a contributory and the circumstances and the circumstances and the circumstances are contributory. wards, to a contributory who knows or has probable cause for believing the company believing the company to be unable to meet its engagements, or in contemplation of its or in contemplation of its insolvency under this Act, for the purpose of enabling such purpose of enabling such contributory to set up, by way of compensation or set-off compensation or set-off, the debt so transferred, such debt shall not be set up by way shall not be set up by way of compensation or set-off against the claim upon such contribute. the claim upon such contributory. 45 V., c. 23, s. 76.

APPEALS.

the court or a single judge in any proceeding under this Act the question to be raised on the appeal involves future of a similar nature in the winding up proceedings, or if dollars:

2. Such appeal shall lie,—

In Ontario, to the Court of Appeal for Ontario;

In Quebec, to the Court of Queen's Bench;

In any of the other Provinces, to the full court :

3. In the North-West Territorities and Keewatin any In N. W. T. Or a single judge, in any proceeding under this Act may, by therefrom to the Supreme Court of Canada, appeal to the Supreme Court of Canada:

4. All appeals shall be regulated, as far as possible, ac-Practice.
to: but no such appeal shall be entertained unless the appel-Security on order or decision, or within such further time as the court limited.

The appeal from allows, taken proceedings therein to perfect appeal, nor unless, within the said time, he has made practice of the court that he will duly prosecute the said the respondent.

The appeal and pay such damages and costs as may be awarded the respondent.

45 V., c. 23, s. 78, part, and s. 79.

appeal, according to the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be, the court appealed to, on the application of the be dismissed.

To be appeal or the law or the rules of practice, as the appeal may be appeal may be, the court appealed to, on the application of the be dismissed.

by leave of a ppeal shall lie to the Supreme Court of Canada, Further ment of a judge of the said Supreme Court, from the judge appeal to Supreme Court of the Court of Appeal for Ontario, the Court of Court. of the Provinces, as the case may be, if the amount involved the appeal exceeds two thousand dollars. 45 V., c. 23, s.

PROCEDURE.

How the powers of the Court may be exercised.

77. The powers conferred by this Act upon the court be may, subject to the appeal in this Act provided for, exercised by a single in the Act provided for, exercised by a single judge thereof; and such powers the be exercised in chambers with a single judge thereof. be exercised in chambers, either during term or in vacation:

In Ontario.

2. In the Province of Ontario such powers may subject an appeal according to the contract of t to an appeal according to the ordinary practice of the court, be exercised by the be exercised by the master, referee or other officer in under the practice of the ordinary practice of the who. under the practice or procedure of the court, presides to chambers or by the master. chambers, or by the master in ordinary, or by any local master or referee 45 V 200 or referee. 45 V., c. 23, s. 77;—47 V., c. 39, s. 5.

Orders of Court to be deemed judgments.

How to be

executed.

78. Every order of the court or a judge for the payment money or costs charges are of money or costs, charges or expenses made under this Act, shall be deemed a judgment of money or costs. shall be deemed a judgment of the court, and shall bind the lands, and may be enforced. the lands, and may be enforced against the person or goods and chattels, lands and to and chattels, lands and tenements of the person ordered to pay, in the same manufactures pay, in the same manner in which judgments or decrees of any superior court obtains in the person ordered decrees of any superior court obtains. of any superior court obtained in any suit may bind lands or be enforced in the Provincing or be enforced in the Province where the court enforcing the same is situate. 46 V., c. 23, s. 1.

Attachment and garnishment how effected.

79. Debts due to any person against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against whom such order for payment of money control against the payment of the payment of money, costs or expenses has been obtained, may be attached and record as may be attached and garnisheed in the same manner as debts due to a indementation debts due to a judgment debtor may be attached and garnisheed by a judgment credit garnisheed by a judgment creditor in any Province where the attachment and consideration in any Province the law. the attachment and garnishment of debts is allowed by law.

46 V., c. 23, s. 2 46 V., c. 23, s. 2.

Witnesses' attendance how secured.

80. In any action, suit, proceeding or contestation under is Act, the court may and the contestation under this Act, the court may order the issue of a writ of subpana ad testificandum or of and the ad testificandum or of subpæna duces tecum, commanding the attendance, as a witness attendance, as a witness, of any person who is Within Canada. 45 V. c. 22 s. of

Persons having information may be examined.

S1. The court may, after it has made a winding up order, it, ummon before it and a court may after it has made a winding by it, summon before it or before any person named by it, any officer of the competed any officer of the company or person known or suspected to have in his possession to have in his possession any of the estate or effects of the company, or supposed to company, or supposed to be indebted to the company, any person whom the any person whom the court deems capable of giving information concerning the transfer and the court deems capable of giving information concerning the transfer and transfer and transfer are transfer a mation concerning the trade, dealings, estate or effects of the company; and the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the trade, dealings, estate or effects of the court deems capable of giving into mation concerning the court deems capable of giving into mation capable of giving into mation concerning the court deems capable of giving into mation capable o the company; and the court may require any such officer or person to produce any such officer. or person to produce any book, paper, deed, writing to the other document in his custody or power relating to the company:

2. If any person so summoned, after being tendered asonable sum for his arranged after being tendered as moned refuses reasonable sum for his expenses, refuses, without a lawful to attend. excuse, to attend at the time appointed, the court may cause such person to be apprehended and brought up for examination; but in cases in which any person claims any proviso; as to lien on; lien on papers, deeds, writings or documents produced by question of lien on papers, deeds, writings or documents produced by question of lien on papers. lien, such production shall be without prejudice to such lien and it production in the winding up, hen, and the court shall have jurisdiction in the winding up, determine all questions relating to such lien. 45 V., c.

The court or the person so named may examine, upon Examination interroga- to be on oath Outh, either by word of mouth or upon written interrogatories in manner tories, any person appearing or brought up in manner aforesaid, concerning the affairs, dealings, estate or effects of the company, and may reduce to writing the answers of any such person, and require him to subscribe the same; and if such person, and require him to subscribe the such person, without lawful excuse, refuses to answer Refusal to the punished answer, to contempt. the questions put to him, he shall be liable to be punished answer, to be contempt. for contempt of court. 45 V., c. 23, s. 83.

When, in the course of the winding up of the busi-Officer of company, wis apply When, in the course of the winding up of the busi- Omceror company, &c., present a company under this Act, it appears that any past mis-applying present a part of the winding up of the busi- Company, &c., company, &c., company under this Act, it appears that any past mis-applying present a part of the winding up of the busi- Company, &c., company, &c present director, manager, liquidator, receiver, employee money, may officer of such company has misapplied or retained in his to repay. hands, or become liable or accountable for any moneys the company, or been guilty of any misfeasance or breach thust in relation to the company, the court may, on the plication of any liquidator, or of any creditor or contriis one of the company, notwithstanding that the offence one for which the offender is criminally liable, exthe into the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director, manager, liquidator, according to the conduct of such director. Receiver, officer or employee, and compel him to repay any honeys so misapplied or retained, or for which he has become the or accountable, together with interest, at such rate the court thinks just, or to contribute such sums of money the court thinks just, or to contribute such sums of more assets of the company, by way of compensation in beach of such misapplication, retention, misfeasance or thinks fit. 45 V., c. 23, s. 84; breach of such misapplication, retention, misicascand of trust, as the court thinks fit. 45 V., c. 23, s. 84;

The courts of the various Provinces, and the judges Various provincial court to be auxiliary to one to be auxiliary. of the said courts of the various Provinces, and the judges Various protocher for the purposes of this Act; and the winding up of ary to one business of the purposes of this Act; and the winding up of ary to one another. the for the purposes of this Act; and the winding up of another.

Leting the purposes of the company or any matter or proceeding another. bith the company or any matter of probability thereto may be transferred from one court to another the thereto may be transferred from one court to the concurrence, or by the order or orders, of the two Court of Canada. 45 the concurrence, or by the order or orders, or by an order of the Supreme Court of Canada. V. C. 28, s. 86.

When any order made by one court is required to be Order of one court may be court may be court may be considered by when any order made by one court is required to be court may be court an office copy of the order so enforced by enforced by another court, an office copy of the order so enforced by enforced by court may be compared to the court may be court may be compared to the court may be cou nade, certified by the clerk or other proper officer of the another. which made the same, and under the seal of such

court, shall be produced to the proper officer of the court required to enforce the shall be sufficient evidence of such order having been made; and thereupon such land and thereupon such last mentioned court shall take sters in the matter as steps in the matter as are requisite for enforcing such order, in the same manner and it is the in the same manner as if it was the order of the court forcing the same. forcing the same. 45 V., c. 23, s. 87.

Rules of procedure and as to amendments to apply.

86. The rules of procedure, for the time being, as to aendments of planting. amendments of pleadings and proceedings in the court, shall apply, as far as practice had a apply, as far as practicable to all pleadings and proceedings under this Act, and approximation of the court, and approximatity of the court, and approximation of the court, and approximatit under this Act; and any court before which such proceedings are being corried and all proceedings are being corried and proceedings. are being carried on shall have full power and authority to apply the appropriate relationship. apply the appropriate rules as to amendments of the proceedings 45 V 2 22 2 20 ceedings. 45 V., c. 23, s. 88, part.

No proceeding void for irergularity.

87. No pleading or proceeding shall be void reason of any irregularity or default which may be amended or disregarded under the or disregarded under the rules and practice of the court.

45 V., c. 23, 8, 88, now. 45 V., c. 23, s. 88, part.

Before whom affidavits may be made.

88. Every affidavit, affirmation or declaration required to sworn or made under the be sworn or made under the provisions or for the purposes of this Act or to be acceptant of this Act, or to be used in the court in any proceeding under this Act may be seen in the court in any proceeding under this Act, may be sworn or made in Canada before a liquidator, judge notes. liquidator, judge, notary public, commissioner for hefore affidavits or justice of the peace; and out of Canada, taking any judge of a court of reasons. any judge of a court of record, any commissioner for taking affidavits to be used in affidavits to be used in any court in Canada, any public, the chief municipal public, the chief municipal officer of any town or city, any British consul or vice-consul British consul or vice-consul, or any person authorized by or under any Statute of Court of C or under any Statute of Canada, or of any Province, to take affidavits. 45 V 6 29 - 20

Judicial notice of seals, &c.

89. All courts, judges, justices, commissioners, and per ns acting judicially shall it is commissioners, the seal, sons acting judicially shall take judicial notice of the seal, or stamp or signature and the or stamp or signature, as the case may be, of any such court, judge, notary public court, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul officer, consul, vice-consul, liquidator or other person attached, appended or subscribed in appended or subscribed to any such affidavit, affirmation of declaration, or to any other declaration, or to any other document to be used for the purposes of this Act. 15 Tr.

90. Any powers by this Act conferred on the court are addition to and not in court by this in addition to, and not in restriction of, any other powers Act are in addition to subsisting either at law and addition to subsisting either at law or in equity, of instituting conceedings against any contribution ceedings against any contributory, or the estate of any the tributory, or against any delivery, or the estate of the tributory, or against any delivery, or the estate of the tributory, or against any delivery, or the estate of the tributory, or against any delivery, or the estate of the tributory, or against any delivery, or the estate of the tributory, or against any delivery, or the estate of the tributory, or the estate of the tributory of the estate of the esta powers of the tributory, or against any contributory, or the estate of the tributory, or against any debtor of the company, or tributory recovery of any call or other contributory. recovery of any call or other sums due from such contributory or debtor, or his estate. tory or debtor, or his estate; and such proceedings may be instituted accordingly

Dap. 125.

91. All costs, charges and expenses properly incurred in Costs payable wind: the winding up of a company, including the remuneration out of estate. company including the assets of the liquidator, shall be payable out of the assets of the state. company, in priority to all other claims. 45 V., c. 23, s. 93.

Quake Ontario, the judges of the High Court of Justice; Judges may Ranch: and make rules. in Quebec, the judges of the High Court of Justice; suggesting the out, the judges of the Court of Queen's Bench; and make rules. of the other Provinces the judges of the court, or a majority of the other Provinces the judges of the court, or a major the judges in each case, of whom the chief justice shall the one and frame and settle be one, from time to time may make and frame and settle the forms, rules and regulations to be followed and observed may make rules as to in proceedings under this Act, and may make rules as to the cook and some state of the cook and some s the costs, fees and charges which shall or may be had, taken or paid; fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or conneel, and by or to officers of courts, whether for the officers and by or to officers of courts, whether some or for the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and by or to sheriffs, or other persons of the Crown, and the Crown of the sons, or for the Crown, and by or to snerms, or other his Act. 45 V., c. 23, s. 97.

the various forms, rules and regulations are made, Until rules are made, are made, are made, forms and procedures, including the tariff of present procedures, fees at this Act unless other-dure to apply. costs, fees and charges in cases under this Act, unless other-dure to apply. wise specially provided, shall, as nearly as may be, be the state as at 1 V., c. 23, s. 98. specially provided, shall, as nearly as may be, as those of the court in other cases. 45 V., c. 23, s. 98.

UNCLAIMED DIVIDENDS.

All dividends deposited in a bank and remaining un-Unclaimed dividends to be paid to chined at the time of the final winding up of the business dividends to be paid to the comment of the time of the final winding up of the bank Receiver of the at the time of the final winding up of the bank Receiver the company, shall be left for three years in the bank Receiver General. the company, shall be left for three years in the pank necessary they are deposited, subject to the claim of the person General. they are deposited, subject to the craim or the paid thereto, and if still unclaimed, shall then be paid thereto, to the the by such bank, with interest accrued thereon, to the such bank, with interest accrued thereon, to the persons entitled the claimed, shall be paid over to the persons entitled thereto. 45 V., c. 23, s. 91.

OFFENCES.

any person, destroys, mutilates, alters or falsifies any book, destroying, destroying, writing or security, or makes or is privy to the makes dec., books, described any falson falson and register, book of pany guilty of ing of any false or fraudulent entry in any register, book of pany guilty of bainess of other document belonging to the company, the misdemeanor. Reilty of a misdemeanor and liable to imprisonment in the penity of a misdemeanor and liable to imprisonment in liable to imprisonment for any term not less than two years, or to imprisonment for any term prisonment in any gaol or place of confinement for any term 22 than two years, or the confinement in any gaol or place of confinement for any term 22 than two years, or the confinement for any two years, or the confinement for any term 22 than two years, or the confinement for any term 22 than two years, or the confinement for any term 22 than two years, or the confinement for any two yea than two years, with or without hard labor. 45 V., c.

When a winding-up order is made, if it appears in Court may course a winding-up order is made, if it appears in Court may direct crim that any past or present inal process the When a winding-up order is made, if it appears -- direct crim-course of such winding up that any past or present inal proceed-

ings against officers of the company guilty of offences.

director, manager, officer or member of the company is guilty of any offence in relation to it of any offence in relation to the company for which he criminally liable the court criminally liable the court may, on the application any person interested in any any person interested in such winding up, or of its promotion, direct the liquidator to motion, direct the liquidator to institute and conduct a pro-secution or prosecutions for any liquidator to institute and conduct a the secution or prosecutions for such offence, and may order the costs and expenses to be midcosts and expenses to be paid out of the assets of the pany. 45 V c 22 2 2 2 2 pany. 45 V., c. 23, s. 95.

PROVISIONS APPLICABLE TO BANKS.

Provisions applicable to banks.

97. The provisions of sections ninety-eight to one hundred four inclusive apply to be a four inclusive apply to be a few forms. and four inclusive, apply to banks only, not including savings banks. 45 V. c. 28 and the savings banks only including savings banks.

Provision as to winding-up order in case of bank.

98. In the case of a bank, the application for a winding order shall be made by up order shall be made by a creditor for a sum of not less than one thousand dollars. than one thousand dollars, and the court shall, before making the order, direct a meeting of the order, direct a meeting of the shareholders of the bank and a meeting of the creditary of the shareholders of the creditary of the credita and a meeting of the shareholders of the summoned held, and conducted as the held, and conducted as the court directs, for the purpose of ascertaining their respective. ascertaining their respective wishes as to the appointment of liquidators. 47 V 2000

Chairman of meetings of shareholders and of creditors.

99. The court may appoint a person to act as chairman the meeting of shareholders. of the meeting of shareholders, and in default of such appointment, the president of the pr pointment, the president of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank, or other person usually presides at a most resident of the bank. usually presides at a meeting of shareholders, shall preside the court may also appoint the court may also appoint a person to act as chairman of the meeting of creditors. the meeting of creditors, and in default of such appointment, the creditors shall are default of such appointment, the creditors shall are default of such appointment. s. 7. part.

Scale of votes.

100. In taking a vote at such meeting of shareholders, gard shall be had to the arrange of shareholders, regard shall be had to the number of votes conferred by law or by the regulations of or by the regulations of the bank on each shareholder present or represented at any present or represented at such meeting; and in the case of creditors, regard shall be had a such meeting; creditors, regard shall be had to the amount of the debt due to each creditor. 47 V

Chairman to report result of vote.

Appointment of liquidators.

101. The chairman of each meeting shall report the result hereof to the court, and if thereof to the court, and if a winding-up order is made, its court shall appoint three limits and in its court shall appoint three liquidators, to be selected in discretion, after such hearing of the discretion, after such hearing of the parties as it deems pedient, from among the pedient, from among the persons nominated by the significant persons and minorities of the persons nominated by the significant persons in the person in the persons in the person in the jorities and minorities of the shareholders and creditors such meetings respectively such meetings respectively. 47 V., c. 39, s. 7, part.

If liquidators have not been nominated.

102. If no one has been so nominated, the three dators shall be chosen by the court, and if less than have been nominated, the recourt, and if less than the have been nominated, the recourt, and if less than the have been nominated. have been nominated, the requisite additional liquidators shall be chosen by the court, and if less than the have been nominated, the requisite additional liquidators shall be chosen by the liquidators shall be chosen by the court. 45 V., c. 28, s. 100

103. The liquidators shall ascertain as nearly as Reservation of dividends in Possible, the amount of notes of the bank intended for cir-dividends in respect to the expirate actually outstanding, and shall reserve, until outstanding the expirate of the notes. the expiration of at least two years after the date of the notes. winding-up order, or until the last dividend, if that is not made until after the expiration of the said time, dividends on such part of the said amount in respect of which claims not filed; and if claims are not filed and dividends the policy for in respect of any part of the said amount before the period herein limited, the dividends so reserved shall the period herein limited, the dividends to reserved shall are the dividends to the same and the period herein limited, the dividends to the same and the period at the period at the same and the period at period herein limited, the dividends so reserved the last or part of the last dividend. 45 V., c. 23, s. 104.

104. Publication in the Canada Gazette and in the What is sufficial Canada and in two cient notice Publication in the Canada Gazette and in the what is continuous of the Gazette of each Province of Canada, and in two to holders of the head notes. Newspapers issued at or nearest the place where the head notes. which a bank is situate, of notice of any proceeding of which, under this Act, creditors should be notified, shall be afficient notice to holders of bank notes in circulation; and In Quebec. the head office is situated in the Province of Quebec, one of the head office is situated in the Province of Queence, a hewspapers in which publication is to be made shall be a newspapers in which publication is to be made the published in English and the other a newspaper published in English and the other an published in French. 45 V., c. 23, s. 105.

ROVISIONS APPLICABLE TO LIFE INSURANCE COMPANIES.

The provisions of sections one hundred and six to one Provisions applicable applicable life insurance life insurance The provisions of sections one hundred and six to one Provisions applicable to panie fourteen inclusive, apply only to life insurance life insurance life insurance companies. companies and fourteen inclusive, apply only to me insurance companies, and to insurance companies doing life and other companies. mpanies, and to insurance companies doing me and of the surance, in so far as relates to the life insurance business of mance, in so far as relates to the companies. 45 V., c. 23, sub-title.

this Except in the cases provided for in the thirty-first Company whose lice is withdra thirty second sections of "The Insurance Act," a company whose license is withdrawn, the manner herein pre- &c., liable as hirty-second sections of "The Insurance Act," a company is witners with the liable to be dealt with in the manner herein pre- &c., liable as for insolvency. be liable to be dealt with in the manner herein pre-sc., name as for the case of insolvency, whenever its license for insolvency. expired or been withdrawn, under the said Act, and thin thirty days after such exhot been renewed within thirty days after such exor withdrawal. 40 V., c. 42, s. 15, part.

In case of the insolvency of any company, the de-Application of small surface and of deposits and of assets and of assets Posits In case of the insolvency of any company, the de-Application of such company held by the Minister of Finance and of deposits and of assets the Insurance and the assets held by the trustees under held by trustees, in case of incase of incas the Insurance Act," shall be applied pro ratâ towards trustees, in case of incase of all claims of policy holders in Canada solvency.

15 authorities of all claims of policy holders in Canada solvency. discharge of all claims of policy holders in the street against such company. 40 V., c. 42, s. 15, part;—45 V., c. 23, s. 107.

Upon the insolvency of any such company and the Rights of policy of policy of policy holders Upon the insolvency of any such company and the Rights of a Winding-up order under this Act, the policy holders. Values of a Winding-up order under this Act, the political of a minding-up order under this Act, the political of the minding-up of the time of the winding-up of the winding-Canada shall be entitled to claim for the interpretation of their several policies at the time of the winding-additions and profits accrued), order of their several policies at the time of the windles (including bonus additions and profits accrued),

less any amount previously advanced by the company of the security of the policy. the security of the policy; and such claims shall rank with judgments obtained and the security of the policy; and such claims shall rank with judgments obtained and the security of the company with judgments obtained and the security of the company with judgments obtained and the security of the company with the security of the sec with judgments obtained and claims matured on Canadian policies, in the distribution of the

Valuation of policies-on what basis.

2. The liquidator may require the superintendent of surance to value, or procure to insurance to value, or procure to be valued under his supervision, the policies before many vision, the policies before mentioned, basing such valuation on the mortality table of the Training of Great Britain and on a rate of interest at four and one half per centum per annum—arcont centum per annum,—except in the case of bonus additions or other profits accrued or dealers. or other profits accrued or declared before the twenty-eight day of April, one thousand circle? day of April, one thousand eight hundred and seventy other and then valued on the barrier than the land the seventy other and then valued on the basis of a rate of interest than that above mentioned in the state of interest than that above mentioned in the state of interest than the state of interest tha than that above mentioned, which, in any such valuation shall continue to be valued. Cost of valua-tion. Shall continue to be valued on such other basis; for each expenses of such valuation. expenses of such valuation, at a rate of three cents for each policy or bonus addition policy or bonus addition so valued, shall be retained to the Minister of Finance and t the Minister of Finance and Receiver General from the securities held by him.

Exception.

Sale of securities on completion of schedule by assignees.

3. Upon the completion by the liquidator of the statement be prepared by him of all in liquidator of the statement. to be prepared by him of all judgments against the conpany upon policies in Constant pany upon policies in Canada, and of all claims upon policies matured or outstanding as a matured or outstanding as aforesaid, the court shall cause the securities held by the Minimum and of all claims upon pour shall cause the securities held by the Minimum and of all claims upon pour shall cause the securities held by the Minimum and the securities held by the secu the securities held by the Minister of Finance and Received General for such company General for such company, and the assets held by the trustees provided in "The Lawrence and Kevel to the trustees provided in "The Lawrence and the trustees provided in "The Lawrence and the trustees and the trustees and the trustees and the trustees are the trustees and the trustees are the tr tees provided in "The Insurance Act," or any part of them, to be sold or realized in such motion be sold or realized in such manner and after such notice and formalities as the

Distribution of proceeds.

If the assets do not cover the claims.

4. The proceeds thereof, after paying expenses incurred tall, except in so far as the control of shall, except in so far as they have been applied, under this Act, to effect a re-insurance of Act, to effect a re-insurance of policies, be distributed property and amongst the claimants are property and anongst the claimants are property and anonysis are property and amongst the claimants according to such statement, all if the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in full in the said proceeds are not come in the said proceed are not come in the said proceeds are not come in the said proc if the said proceeds are not sufficient to cover in full claims recorded in the statement, all claims recorded in the statement, all in full all in full statement, all in full stateme claims recorded in the statement, such policy holders law not be barred from any recovery. not be barred from any recourse they have, either against or equity, against the company in the statement, such policy holders law not be barred from any recourse they have, either against against against the company in the statement, such policy or law and the statement, such policy holders law not be barred from any recourse they have, either against against the company in the statement, such policy holders law not be barred from any recourse they have, either against aga or equity, against the company issuing the policy or a share any shareholder or director the policy or a share in the policy or a share in the policy or a share any shareholder or director the policy or a share in the policy or a shareholder or director the policy or a shareholder or director the policy of the policy or a shareholder or director the policy of the any shareholder or director thereof, other than for a share in the distribution of the name of the nam in the distribution of the proceeds above mentioned, of the any distribution of the general any distribution of the proceeds above mentioned, of the any distribution of the general property and assets of in company, other than the denosit company, other than the deposit and the assets vested in trustees:

5. Provided always, that in all cases of distribution to proceeds of the densition of the Minister of the Mini poncy holders insured on the proceeds of the deposit in the hands of the mutual prin- of Finance and Receiver (1997) tion, if it appears from the charter, Act of incorporation articles of association of the contract of the cont articles of association of the company, and from the tions of the policy, that any Canada tions of the policy, that any Canadian policy holder claim

share in such distribution has been insured on the mutual" principle—then such policy holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the the total are entitled to claim in the distribution of the total assets of the company, whether they are holders of canal: Canadian policies or otherwise; but this proviso shall only Application of foregoing apply: apply in respect to those companies chartered, incorporated provise as to the laws of which the holder of a Canadian policy issued elsewhere than in the than in by any such company is entitled to claim a share in the than in district such company is entitled to claim a share in the Canada distribution in such country at the same rate as all other Canada. holders of policies, under the same conditions, are entitled to claim: claim in the distribution of the total assets of the company, and to enjoy all the rights and privileges as policy holders who are natives of which are enjoyed by the policy holders who are natives of natural enjoyed by the policy holders who are natives of or naturalized in such country. 40 V., c. 42, s. 16, part;— 45 V., c. 23, s. 108, part.

Whenever the company or the liquidator, or the If the policy Whenever the company or the liquidator, or the little policy of the policy or contract of insurance exercises any is cancelled. the half which it or he has, to cancel the policy or contract, holder shall be entitled to claim as a creditor for the which, under the terms of the policy or contract, is due him upon such cancellation. 45 V., c. 23, s. 108, part.

The liquidator shall, without the filing of any Statement of any action by any creditors to be a proposed by The liquidator shall, without the filing of any Statement or present, notice or evidence, or the taking of any action by any creditors to be prepared by the book, make a statement of all the persons, appearing by the liquidator, and certain claims colbe books and records of the officers of the company, to be and certain claims coland records of the officers of the company, of claims collections or claims under the two sections next preceding, located without of the person thereunder, and out proof. and of the amounts due to each such person thereunder, and out proof. entitled the amounts due to each such person mercunation, such person shall be collocated and ranked as and be ntitled to the rights of a creditor or claimant for such count, without filing any claim, notice or evidence, or ting any action; but any such collocation may be con-Proviso: for contestation. contestation.

Sany action; but any such collocation may be concontestation.

Collocator any person interested, and any person who is not

contestation. collocated by any person interested, and any person who he is call or who is dissatisfied with the amount for which he is collocated, may file his own claim:

2. A copy of such statement, certified by the liquidator, Copy of statement to be filed ment to be statement, be filed with thall forthwith, after the making of such statement, be filed with the off linear at Ottawa; superinted the office of the Superintendent of Insurance at Ottawa; the office of the Superintendent of Insurance at Ottawa; Gazette and in two newspapers of each Province of Canada, and in two newspapers the head office in deed of each Province of Canada, and in two newsparallada of the company is situate; and the liquidator shall propaid a notice of such filing also, forth with, send by mail, prepaid, a notice of such filing to each creditor named in the statement, addressed to the hown creditor named in the statement, addresses in Canada of such creditors, as far as the same are wn, and in the case of foreign creditors, addressed to the

addresses of their representatives or agents in Canada, as far as the same are known 45 Nr.

As to claims thereof.

111. The holder of a policy or contract of life insurance upon which a claim accrues after the date of the winding up order and before the up order, but up order and before the expiration of thirty days after the within 30 days filing, in the office of the filing, in the office of the superintendent of insurance, all be statement referred to in the statement referred to in the next preceding section, shall be entitled to claim as a creditor. entitled to claim as a creditor for the full net amount of such claim—less any amount are such comclaim—less any amount previously advanced by the pany on the security of the mail pany on the security of the policy or contract; and the said statement and the dividend the said statement and the said statement a statement and the dividend sheet shall, if necessary, amended accordingly.

Claims accruing after 30 days.

2. No claim which accrues after the expiration of the thirty ys above mentioned shall be about the expiration of the thirty and the state of the sta days above mentioned, shall rank upon the estate unless and until there is sufficient to any until the state unless v. until there is sufficient to pay all creditors in full. c. 23, s. 110,

surance in another company.

112. If, before the expiration of the thirty days hereinber mentioned the holder of of willingness fore mentioned, the holder of a policy or contract of life insurance, on which a claim hard a policy or contract of life insurance. ance, on which a claim has not accrued, signifies, in writing to the liquidator his williams to the liquidator, his willingness to accept an insurance in some other company for the some other company for the amount which can be secured by the dividend on his claim. by the dividend on his claim to which such holder is or may become entitled the liquidate become entitled, the liquidator may, with the sanction of the court, effect for such holder court, effect for such holder an insurance to the amount aforesaid in another comments. aforesaid in another company or companies, approved that the superintendent of incompanies. the superintendent of insurance, and may apply to that purpose the dividend on him is purpose the dividend on his claim to which such holder is or may become entitled. or may become entitled: but such insurance shall be effected only as part of a general solution. only as part of a general scheme for the assumption, by some other company or companies. other company or companies, of the whole or part of the standing risks and liabilities. standing risks and liabilities of the insolvent company.

V. c. 23 s. 111 V., c. 23, s. 111.

Proviso.

Report to superintend-

ance.

ent of insur-

113. If the company is licensed under "The Insurance of the liquidator shall ---Act," the liquidator shall report to the superintendent the insurance once in every six as the insurance once in every six months, or oftener as superintendent requires on the superintendent superintendent requires on the superintendent requires on the superintendent requires on the superintendent requires on the superintendent superintend superintendent requires, on the condition of the superintendent requires, on the condition of the superintendent requires the company, with such families of the superintendent requires the superinte the company, with such further particulars as the superintendent requires. 45 V 200 Table 100 Ta

114. Publication in the Canada Gazette and in the official azette of each Province of Gazette and in the official Gazette of each Province of Canada, and in two newspapers in Gazette at or nearest the standard and in two newspapers in the canada, and in two newspapers in the canada, and in two newspapers in the canada policy holders. issued at or nearest the place where the head of an insurance compared where the head of any Canada of an insurance company is situate, of notice of by proceeding of which under the head office of by proceeding of which, under this Act, creditors should of notices an insurance company is situate, of notice of proceeding of which, under this Act, creditors should of notices and notices are noticed, shall be sufficient notice. notified, shall be sufficient notice to holders of policies contracts of insurance in respect to contracts of insurance in respect of which no notice of claims has been received. PROVISIONS APPLICABLE TO INSURANCE COMPANIES OTHER THAN LIFE INSURANCE COMPANIES.

The following provisions of this Act, apply only to Provisions applicable to ininsurance companies other than life insurance companies, surance companies other and to insurance companies doing life and other insurance, panies other in so far as relates to the insurance business of such companies.

Panies 1. relates to the insurance business of such companies with the panies 1. relates to the insurance business 45 V... c. 23, panies which is not life insurance business. 45 V., c. 23,

Any company shall be deemed insolvent upon its When a comfailure to pay any undisputed claim arising, or loss insured pany shall be deemed inagainst, in Canada, upon any policy held in Canada, for the solvent. pace of sixty days after becoming due, or, if disputed, after beal in the line of the line final judgment and tender of a legal valid discharge,—and in sith Minister of Finance (in either case) after notice thereof to the Minister of Finance Receiver General:

2. Provided, that in any case when a claim for loss is, by Proviso, if payment of payment of such loss, withthe terms of the policy, payable on proof of such loss, with-payment of any stipulated delay, the notice to the Minister of be on proof. hance and Receiver General under this section shall not be given until after the lapse of sixty days from the time the claim becomes due. 38 V., c. 20, s. 16, part.

Any deposit held by the Minister of Finance and Application of the App Any deposit held by the Minister of Finance and Appropries rate + General for policy holders, shall be applied deposit held by a fall claims duly authenti- Receiver General rated towards the payment of all claims duly authenti-Receiver General. against such company, upon or in respect of policies General. against such company, upon or in respect of to policy holders in Canada. 38 V., c. 20, s. 16, part; V, c. 23, s. 114, part.

Holders of policies or contracts of insurance on which As to policies of claim a spinding-up order is on which no claim has ac-Holders of policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as to policies or contracts of insurance on which as the policies or contracts of insurance on which as the policies or contracts of insurance on which as the policies or contracts of insurance on which as the policies or contracts of insurance on which as the policies or contracts of insurance on which as the policies of the contract of the contrac Claim has accrued at the time the winding-up order to claim has accrued at the time the winding-up order to the crued at time the period of their policies or of winding-up order. Remium paid, proportionate to the period of their policies or of winding-up order. contracts paid, proportionate to the period of them policy order. respectively unexpired at the date of the windingp order; and such return or unearned premium shall rank indicate indicates and such return or unearned premium shall rank claims accrued, in the diswith judgments obtained and claims accrued, in the disthoution of the assets:

The liquid completion of the statement to be prepared Sale of securby the liquidator under this Act, the court shall cause the ities. General for any nart of them, to be sold General for such company, or any part of them, to be sold in such for such company, or any part of them, to be count manner and after such notice and formalities as the appoint court manner and after such notice and formances appoints; and the proceeds thereof, after paying extenses in one in so far as they have penses appoints; and the proceeds thereof, after paying ex-been incurred, shall (except in so far as they have Application of been incurred, shall (except in so far as they have Application of the policies) be distributed pro rată amongst the

claimants according to such statement; and, if the proceeds are not sufficient to are not sufficient to cover in full all claims recorded in the statement such policy bell statement, such policy holders shall not be barred from the recourse they have been all the barred from the recourse they have either at law or in equity against in company issuing the reliable to the r company issuing the policy, other than that for a share for the distribution of the the distribution of the proceeds of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for such company by the Arriver of the securities held for th such company by the Minister of Finance and Receiver General:

As to cancel-

Re-drafted.

3. Whenever the company or the liquidator, or the holder the policy or contract. of the policy or contract of insurance, exercises any nolder which it or he has to consolid which it or he has to cancel the policy or contract, the holder shall be entitled to also shall be entitled to claim as a creditor for the sum which under the terms of the new trees. under the terms of the policy or contract, is due to him upon such cancellation 20 V 38 V., c. 20, s. 17, part;—45 V., c. 23, s. such cancellation. 115, part.

The last sentence of section 115 of 45 V., c. 23, is omitted as being inconsistent the latter part of section 117 of that Act with the latter part of section 117 of that Act.

Statement to be made by liquidators.

lation of policy.

> 119. The liquidator shall, without the filing of any claim, person, notice or evidence, or the taking of any action by any person, make a statement of all the make a statement of all the persons, appearing by the books and records of the officers of the and records of the officers of the company, to be creditors of claimants under the next claimants under the next preceding section, and of the amounts due to each such amounts due to each such person thereunder; and every such person shall be collected person shall be collocated and ranked as and shall be entitled to the rights of a creditor and ranked as and shall be entitled. to the rights of a creditor or claimant for such amount, without filing any claim nation; out filing any claim, notice or evidence, or taking any action; but any such collection but any such collocation may be contested by any person interested and any person with interested, and any person not collocated or dissatisfied with the amount for which he the amount for which he is collocated, may file his own claim:

Proviso.

Copy to be filed with superintendent of insurance.

2. A copy of such statement, certified by the liquidator shall, forthwith after the making of such statement be filed in the making of such statement to ment be filed in the making of such statement to ment be filed in the making of such statement to ment be filed in the making of such statement to ment the such statement to ment, be filed in the office of the superintendent be insurance, at Ottawa and the superintendent be insurance, at Ottawa, and notice of such filing shall be forthwith given by the limit of such filing canada. forthwith given by the liquidator by notice in the Canada Gazette, and in the official and a specific of the canada canad Gazette, and in the official Gazette of each Province of Canada, and in two newspapers of each province of each canada. Canada, and in two newspapers issued at or nearest the place where the head office in C where the head office in Canada of the company is situate; and the liquidator shall all the company is situate. Notice to each and the liquidator shall also forthwith send by mail, precreditor.

paid, a notice of such file. paid, a notice of such filing to each creditor named in the statement, addressed to the sale and creditor named in the statement. statement, addressed to the addresses in Canada of such creditors, as far as the same are leading to each creditor named in statement, addressed to the addresses in Canada of such creditors, as far as the same are leading to each creditor named in statement, addressed to the addresses in Canada of such creditors, as far as the same are leading to each creditor named in such creditors. tors, as far as the same are known—and in the case of foreign creditors, addressed to the addresses in Canada of such creditors, as far as the same are known—and in the case of foreign creditors, addressed to the case of t creditors, addressed to the addresses of their representatives or agents in Canada as for all or agents in Canada, as far as the same are known.

120. The holder of a policy or contract of insurance her than life insurance where the surance were supposed to the surance of insurance after the surance with the surance was after the surance with the surance with the surance was after the surance with the surance was a surance with the surance was after the surance with the surance was a suran c. 23, s. 116. other than life insurance, upon which a claim accrues after If a claim accrues after the winding-up

the date of the winding-up order, and before the expiration order, but the office of the superinten- within 30 d of filing of of thirty days after the filing, in the office of the superintenof filing of the superintenof filin dent of insurance, of the statement referred to in the next statement. for the section, shall be entitled to claim, as a creditor, for the full net amount of such claim; and the said statement and the said statement of such claim; and the said statement of such claims of such claims. ment and the dividend sheet shall, if necessary, be amended

2. No claim which accrues after the expiration of the Claims accruitty a chall rank upon the ing after thirty days hereinbefore mentioned, shall rank upon the ing after thirty days. estate days hereinbefore mentioned, snan ram in full unless and until there is sufficient to pay all creditors in full. 45 V., c 23, s. 117.

Before the expiration of the thirty days above men-Arrangements may be made tioned, the liquidator may, with the sanction of the court, may be made for re-insurbroved of the any incorporated insurance company, ap-ance of risks, proved of for such purpose by the superintendent of instrance, for the re-insurance by such company of the outanding risks of the insolvent company, and for the many of the whole or any part of the other. It by such company of the whole or any part of of the liabilities of the insolvent company; and in case Payment or transfer to transfer to sets in such of the liabilities of the insolvent company; and in case rayment of the company case. that L Pany, such of the assets of the insolvent company case. may be agreed on as the consideration for such re-insuror assumption, and in such case the arrangement for or assumption, and in such case the arrangement of the claim for unearned that any remaining assets of provided always, that any remaining assets of Application in insol.

Provided always, that any remaining assets of Application of surplus. Provided always, that any remaining assets of approximations of surplus.

Second to the payment of their security to the creditors for the payment of their security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for the payment of the security to the creditors for returned to the company, except on the order of the limit after the company, except claims. 45 V., c. 23, s. continued to the company, except on the order of the satisfaction of such claims. 45 V., c. 23, s.

section has been re-drafted in the terms of 41 V., c. 21, s. 16, at the in-

If the company is licensed under "The Insurance Report to the licensed to the superintendent dent of in-If the company is licensed under "The Insurance Report to the liquidator shall report to the superintendent superintendent of insurance Report to the superintendent of insurance report to the superintendent of insurance. of the liquidator shall report to the superintendent dent of the superintendent of the surance.

The liquidator shall report to the superintendent of the surance.

The condition of the affairs of the condition of the affairs of the condition of the affairs of the company, with such further particulars as the superintendent requires. 45 V., c. 23, s. 119.

Publication in the Canada Gazette, and in the What publication of Canada, and in two tion of notice sufficient. Publication in the Canada Gazette, and in the wnat publication of the Province of Canada, and in two tion of notice sufficient. Office of an issued at or nearest the place where the head office of an insurance company is situate, of notice of any this Act, creditors are to be noticed in insurance company is situate, of notice to be completed about the which, under this Act, creditors are to be completed about the street of policies or notified, shall be sufficient notice to holders of policies or hand of which, under this Act, creditors are contracts of which no notice of claim contracts of insurance, in respect of which no notice of claim has been received. 45 V., c. 23, s. 113.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
38 V., c. 20	ss. 16 and 17,		Remainder	Insurance Act.
40 V., c. 42	ss. 16 and 17, parts. ss. 15 and 16, parts.	ss. 7, 69, part, 94	Remainder	Insuran
45 V., c. 23	The whole except ss. 7, 69 part), 94 and 96.	and out	,	
46 V., c. 23				
	The whole except s. 8.	s. 8.		

CHAPTER 126.

An Act respecting the incorporation of Boards of Trade.

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

In this Act, unless the context otherwise requires:—

Interpreta-

(a) The expression "district" means the city, county, town, "District." village expression "district" means the city, county, establish, or judicial district within and for which a board is established under this Act;

(b) The expression "Board of Trade," includes Chamber of "Board of Trade." Commerce. 39 V., c. 34, s. 1, part.

Any number of persons not less than thirty, who are Formation of Boards of Trade. Any number of persons not less than thirty, traders, brokers, mechanics, manufacturers, man-Trade. sers of banks or insurance agents, and residents of any district which has a population of not less than two thouand five hundred, may associate themselves together as a sociate t of Trade, and appoint a secretary. 39 V., c. 34, s. 1,

The persons so associating themselves together as a Certificate of and seals, make a formation. The persons so associating themselves together as a veruneau of Trade shall, under their hands and seals, make a formation. of Trade shall, under their hands and sears, much by the association, and by the association, also the name as hereinbeby Which it shall be known,—also the name as hereinbedies definite him the same is situate and by which it shall be known,—also the name as notice defined, of the district in which the same is situate and the name of the person by business is transacted, and the name of the person by business is transacted, and the name of the person v., appointed secretary to the said Board of Trade. 39 V.,

Mobile, Such certificate shall be acknowledged before a notary Certificate to be sent to Secretary of Secretary of Secretary of Trade, and shall State. be forward of State. who shall cause the to be to be to the Secretary of State, who shall cause the secretary of the said be kept for that purpose; and to be recorded in a register to be kept for that purpose; and a copy thereof, duly certified by the Secretary of State, be evidence of the existence of such association. V. c. 34, evidence.

and The persons named as corporators in the said certificate, Persons betely authorized to carry into effect the objects for which tain powers.

and association of the persons as afterwards join them, are incorporated to have certohave certohave certohave certohave and to exercise the powers. and privilation was constituted, and to exercise the powers and association was constituted, and to exercise the privileges conferred by this Act; and they and their actions by the name and style Privileges conferred by this Act; and they are specified in the specified pecified; successors and assigns, by the name and and in the said certificate, shall be a body corporate

and politic, with power to acquire, sell and convey any red estate, necessary for the alicentary for the ali estate, necessary for the objects of such association. c. 51. s. 4. vart.

The mention of certain implied corporate powers in the original section 4 is ted, as unnecessary. omitted, as unnecessary.

Domicile.

6. The usual place of meeting of the said corporation shall held to be the legal description of be held to be the legal domicile thereof, at which service of any notice or process man. 37 V., c. 51, s. 4, part. any notice or process may be made.

Officers and Council of Board of Trade.

7. The officers of every Board of Trade shall be a president ce-president and court less vice-president and secretary, who, together with not less than eight other members of the secretary who, together with which than eight other members, shall constitute a council, which shall be called "The Council of the shall be called "The Council of the Board of Trade of (adding the name of the district as hereinbefore defined), and who shall have the power and the shall have the sh who shall have the powers and perform the duties here in heen mentioned: and when the duties here heen First meeting mentioned; and when the foregoing provisions have been complied with it shall be a feeting provision of the shall be a feeti complied with, it shall be competent for a majority hold a persons named as corporate persons named as corporators in the said certificate, to hold a meeting for the election meeting for the election of a president, vice-president make members of the said council and enact such by-laws, rules and regulations as are after mentioned 27 V after mentioned. 37 V., c. 51, s. 5;—39 V., c. 34, s. 2.

General

quarterly

meetings.

of officers, &c.

S. The members of the said corporation shall hold general the narterly meetings in said quarterly meetings in each year, at some place within the district, of which notice district, of which notice, naming the time and place, shall be given by the secretary of th be given by the secretary of the council for the time and place, being, at least three days are the council for the time and one at least three days previous to such meeting, through one newspaper or otherwise newspaper or otherwise, as is thought necessary by the council; and at the first quarterly meeting held in each year, the members of the said council. year, the members of the said corporation present, or a majority of them, shall elect in the of them, shall elect, in the manner prescribed by the by-laws, from among the members of the manner prescribed by the president, from among the members of the corporation, a president vice-president and socretary vice-president and secretary, and at least eight other ment bers of the council who are in bers of the council, who, with the president, vice-president and secretary, shall form and secretary, shall form the council of the corporation, and shall hold their offices until the shall hold their offices until others are elected in their stead, at the next first quartalat the next first quarterly meeting of the ensuing year, as aforesaid, or until they are the ensuing years. aforesaid, or until they are removed from office, or vacate the same under the province. the same under the provisions of the by-laws of the corporation:

Election of President and members of Council.

- Provision, in case of failure of election.
- 2. If the said election does not take place at such est quarterly meeting an anatom first quarterly meeting, as aforesaid, the said corporation shall not be thereby discribed the said corporation may be shall not be thereby dissolved, but such election may be held at any general meeting of the held at any general meeting of the corporation, called in the manner hereinafter provided manner hereinafter provided, and the members of is council in office shall remain. council in office shall remain members until the election is held. 37 V., c. 51. s 6

President and vice-presi-dent to take oath of office.

9. The president and vice-president shall, before entering the before the bef upon the duties of their office, take and subscribe the mayor of the city or town. the mayor of the city or town, constituting the district before any justice of the peace an oath in the form following, that is to say:-

"I swear that I will faithfully and truly perform my, Form of oath. in all matters connected with the discharge of such duty, of the Board of Trade, and that I will, do all things, and such things only, as I shall truly and conscientiously believe to be adapted to promote the objects. "objects for which the said board was constituted, according to the same. So help ing to the true intent and meaning of the same. So help me God." 37 V., c. 51, s. 7.

16. If any member of the council dies or resigns his office, Vacation of is about the meetings office, and fill or is absent for six months continuously from the meetings office, and filling the continuously from the meetings office, and filling the continuously from the meetings of the council. of the council, the council may, at any meeting thereof, elect in council. member of the corporation to be a member of the council, the corporation to be a member of the council, the bas diad or resigned, or is the place of the member who has died or resigned, or is bent; and such new member shall be so elected by a mathe state members of the council present at any meeting; the members of the council present at such meeting; the same, if there is a quorum present at such meeting; the member so elected shall hold office until the next nual election. 37 V., c. 51, s. 8.

At any annual or general meeting of the corpo- Majority pre-At any annual or general meeting of the corpo-majority pro-council on the purpose of electing members of the sent at meet-ings of corpor-majority of members ation to have connected for the purpose of electing members of the ings of corporate or for any other purpose, a majority of members ation to have competent to do and per-full power. besent at such meeting shall be competent to do and perful power. at such meeting shall be competent to us and law of at which, either under this Act or under any byat any corporation, are or shall be directed to be done at any such general meeting. 37 V., c. 51, s. 9.

Any member of the corporation, who intends to retire Retirement of members. Any member of the corporation, who intends to the terror or to resign his membership, may do so, at any member of the corporation days' notice, in writing, the upon or to resign his membership, may us and of the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving to the secretary ten days' notice, in writing, the upon giving the upon Mach intention, and upon discharging any lawful liability which is standing upon the books of the corporation against at the standing upon the books of the corporation against 27 V c. 51, s. 10. at the time of such notice. 37 V., c. 51, s. 10.

The majority of the members of the corporation prelaws and
regulations The majority of the members of the corporation pre-laws and regula-laws and regula-regulations; and from time to time repeal, alter and amend for what pur to the corporation, providing pose. the same, for the government of the corporation, providing pose. tor the government of the corporation, proting admission, and subscriptions of members, for the important of the corporation, proting of the retirement of posing of penalties, for the expulsion or the retirement of the council, officers and members, penalties, for the expulsion or the remaining of penalties, for the management of its council, officers and in the heard of arbitrators hereaffairs, for the management of its council, once in the for the guidance of the board of arbitrators hereinafter for the guidance of the board of arbitrature in the mentioned, and for fixing the date and place of the small mentioned, and for fixing the date and place of the small mentioned, and for fixing the date and place of the laws regular mentioned, and for fixing the date and place of the council, and all other by-laws in of redamon the council, and all other by-laws in of redamon the council, and the council, and the council are the laws accordance With the requirements of this Act or the laws

Roch by-laws shall be binding on all members of the To be bindcorporation, its officers and servants, and all other pering. **Nonation, its officers and servants, and whomsnever, lawfully under its control:

3. No by-law shall be made by the corporation, except as creinbefore mentioned and the corporation of the co posed by-laws to be given. hereinbefore mentioned, without notice in writing thereinbefore having been given by having been given by one member and seconded by another member at a previous member and seconded by another member at a previous meeting, and duly entered in the books of the corporation as books of the corporation as a minute of the corporation. V., c. 51, s. 11.

Who may become members of the corporation, and how.

14. Every person resident within the district, who is of some been a marchant leave that the district, who is of the sound to be a marchant leave to be a marcha has been a merchant, broker, trader, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a manufacturer. eligible to become a member of the corporation; and at any general meeting of the at any general meeting of the corporation, any member of the corporation, any member of the corporation, any member of the corporation may represent the corporation may be a force of the corporation. of the corporation may propose any such person, as afore said, as a candidate for because said, as a candidate for becoming a member of the corporation; and if such properties tion; and if such proposition is carried by a majority two thirds of the members of the corpus two thirds of the members of the corporation then present, he shall then caforth he he shall thenceforth be a member of the corporation and shall have all the member of the corporation. and shall have all the rights and be subject to all the obligations which the other rest. gations which the other members possess or are subject to: Provided always that are subject to: Proviso; as to Provided always, that any person who is not a merchant or being traders broker mechanic trader, broker, mechanic, manufacturer, manager of a bank or insurance agent shall be all the state of the st or insurance agent, shall be eligible to become a member of the corporation in manner of the second and the second is rethe corporation, in manner aforesaid, if such person is recommended by the council of the person is recommended by the person is recom commended by the council of the Board of Trade at any such meeting. 37 V c 51 ~ 12

being traders, &c.

Special gene-ral meetings of corporation.

15. The council, or a majority of them, by a notice in rted in one or more remains the serted in one or more newspapers published within the district, one day provided district, one day previously to the meeting, or by a circular letter to each meeting. circular letter to each member, signed by the secretary of the corporation, and mailed the corporation, and mailed one day previously to the meeting, may call a general manufacture and the secretary ing, may call a general meeting of the corporation for any of the purposes of this Act of the corporation for any of the purposes of this Act. 37 V., c. 51, s. 13.

Meeting of council, how convened, &c.

16. The council may hold meetings, from time to such adjourn the same with the same wi and adjourn the same when necessary, and may, at such meetings, transact such have meetings, transact such business as is, by this Act or by the by-laws of the corporation by-laws of the corporation, assigned to it; and such meetings of the council shall a ings of the council shall be convened by the secretary, at the instance of the process. at the instance of the president, or upon the request of any two members of the course

Powers.

Exception.

2. The council shall, in addition to the powers pressly conferred on it is expressly conferred on it, have such powers as are assigned to it by any by-law of the enacting or altering any by-law, or admitting any member, which shall be done ber, which shall be done only in the manner provided for by this Act:

Quorum.

3. Any five or more members of the council, lawfully et, shall be a quorum met, shall be a quorum, and a majority of such quorum may do all things within the may do all things within the powers of the council:

Who to preside.

4. At all meetings of the council, and at all general eetings of the corporation the recording the r meetings of the council, and at all generation, the president, or in his absence. the vice-president, or if both are absent, any member of the conneil then present who is chosen for the occasion shall president, or it both are absent, any present then present who is chosen for the occasion shall present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion shall be a present who is chosen for the occasion where the preside then present who is chosen for the cooling the preside, and in all cases of equality of votes upon any Casting vote. division, he shall have a casting vote. 37 V., c. 51, s. 14.

The council shall frame such by-laws, rules and Council to frame byregulations as appear to it best adapted to promote the frame by-welfare of the corporation, and the purposes of this Act, and be submitted thall sold the corporation. chall submit the same for adoption, at a general meeting of meeting. the corporation, called for that purpose, in the manner hereinbefore provided. 37 V., c. 51, s. 15.

Moder any by-law, all penalties incurred under any by-law, are supposed money. by any by-law, all penalties incurred under the secretary thereof, the to the corporation, shall be paid to the secretary thereof, and in default of payment, shall be recoverable in an action brongs! brought in the name of the corporation; and it shall only be necessary, in such action, to allege that such person is ndebted to the corporation in the sum of money, the behalt of such arrearage on account of such subscription, behalty or otherwise, whereby an action has accrued to the toporation by virtue of this Act. 37 V., c. 51, s. 16.

On the trial or hearing of any such action, it shall be Proof in action action, action the trial or hearing of any such action, it shall be action to the trial or hearing of any such action, it shall be action to the trial or hearing of any such action, it shall be action to the trial or hearing of any such action, it shall be action to the trial or hearing of any such action, it shall be action to the trial or hearing of any such action, it shall be action. the time the demand was made, was or had been a such case. tember of the corporation, and that the amount claimed as subscription, penalty or otherwise, was standing unsubscription, penalty or otherwise, was upon the books of the corporation. 37 V., c. 51, s. 17.

The meetings of the council shall be open to all Meetings of council to be same, open to men The meetings of the council shall be open to all meetings of the meetings of the corporation who may attend at the same, open to members of the corporation who may attend at the same, open to members. twho shall take no part in any proceedings thereat; and bers. Who shall take no part in any proceedings thereas, the minutes of the proceedings at all meetings, whether of the Minutes. the proceedings at all meetings, whether the proceedings at all meetings, which is the proceeding at all meetings at all meetings at all meetings. ept for that purpose, by the secretary of the corporation; hid the entry thereof shall be signed by the president or Record vice has been supposed by the president or Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Record vice has been supposed by the president of Mice president or the other person who presides at the thereof. heeting; and such books shall be open at all reasonable books; and such books shall be open at all reasonable. hours to any member of the corporation free of any charge. 87 V., c. 51, s. 18.

At the time hereby appointed for the election of the Board of arbitration of the corpocouncil, At the time hereby appointed for the election of the corpo-lation, and in the same manner, the members of the corpohall may elect, from their number, twelve persons, who may elect, from their number, tweive persons, arbitration a board, which shall be called "The Board of such persons shall have Arbitration;" and any three of such persons shall have Powers. power to arbitrate upon, and make their award in any three of such persons arbitrate upon, and make their award in any think is voluntarily referred to them late are or difference which is voluntarily referred to them by the parties concerned; and whenever such parties by the parties concerned; and whence to the parties agree to bind themselves, by bond or otherwise, to the parties agree to bind themselves, by bond or otherwise, to the parties agree to bind themselves, by bond or otherwise, to agree to bind themselves, by bona or other the matter in dispute between them to the decision

of the board of arbitration, such submission shall be under stood to be made to any three members of the said board who may aither the said board, who may, either by the special order of the said board, or by virtue of any three members of the said board, or by virtue of any general rules adopted by themore under any buller and buller the or under any by-law of the corporation touching to consideration of any cases so submitted, be appointed to hear, arbitrate and decided hear, arbitrate and decide upon the case or cases so submitted to them: mitted to them; and such decision shall be binding upon the said board of arbitration the said board of arbitration and the parties making the submission; and arranged and the parties making submission; and arranged are the said board of arbitration and the parties making submission; and arranged are the said board of arbitration and the parties making the submission; and are the said board of arbitration and the parties making the submission; and are the said board of arbitration and the parties making the submission; and the said board of arbitration and the parties making the submission; and the said board of arbitration and the parties making the submission; and the said board of arbitration and the parties making the submission; and the said board of arbitration and the parties making the submission; and the said board of arbitration and the parties making the submission; and the said board of arbitration are the said board of arbitration and the parties making the submission; and the said board of arbitration are the said board of submission; and any such submission shall be according to the form A in the submission shall be according to the form A in the schedule to this Act, or to the same effect 87 V 2 51 1 32 **97** V., c. **51**, s. **19**.

Form of submission to board.

Members of board to be sworn.

22. The several members of the board of arbitration all, before they set shall, before they act as such, take and subscribe, before the president or vice-president president or vice-president of the corporation, an oath in the form B in the school-left the corporation. the form B in the schedule to this Act, that they as faithfully impartially and the faithfully, impartially and diligently perform their duties as members of the board of arbit members of the board of arbitration, and such oath shall be kept among the documents of the shall be shall be such oath shall be kept among the documents of the corporation. s. 20.

Members of council may be arbitrators.

23. Any member of the council may, at the same time, a member of the beard of the bard. be a member of the board of arbitration. 37 V., c. 51, s. 21.

Powers of arbitrators as to examination in hearing cases.

24. The three members appointed to hear any case sub-itted for arbitration as aftern shall mitted for arbitration, as aforesaid, or any two of them, shall have full power to avanish have full power to examine, upon oath (which oath any one of such three members is 1. of such three members is hereby empowered to administer), any party or witness --any party or witness who, appearing before them, is so examined, and shall give their examined, and shall give their award thereupon in writing; and their decision or that of and their decision, or that of any two of them, given in such award shall bind the next award shall bind the parties according to the terms of the submission and the process of the submission and the process of the submission and the process of the terms of the submission and the process of the submission and submission and the provisions of this Act. s. 22.

Award.

- of inspectors.
- 25. The council of the corporation may appoint five ersons to constitute a barry appoint appliappoint board persons to constitute a board of examiners to examine application of examiners cants for the office of inspectors cants for the office of inspector of flour and meal, or of any other article subject to other article subject to inspection, and may do all such other acts, matters and the other acts, matters and things connected with the inspection of flour and meal or are the second connected with the inspection. of flour and meal or any other article, and shall have as full power and be subject to 11 power and be subject to the same conditions as those conferred upon and required and required of ferred upon and required of the councils of the Boards of Trade by "The General" Trade by "The General Inspection Act"; and the said examiners and inspector shall be provided by the provided and the provide examiners and inspector shall be subject to all the provisions touching their office and inspector and inspector shall be subject to all the provisions touching their office and in the provisions to the provision to sions touching their office set forth in the said Act. c. 51, s. 23.

Boards of trade may affiliate with Dominion

26. Any Board of Trade duly registered as aforesith ider the provisions of the control with under the provisions of this Act, may become affiliated with the Dominion Board of Trade the Dominion Board of Trade, on duly complying with all the terms and requirements of that organization, and may Board of be represented at all its ordinary or special general meetings, Trade. beld from time to time: Provided always, that the delegates Proviso. representatives to the Dominion Board of Trade shall be elected at a general meeting, duly convened, of the Board of Trade desiring such affiliation as aforesaid. 37 V., c. 51,

SCHEDULE OF FORMS.

FORM A.

the undersigned (if there are more parties, that is, more separate ights of the said parties, as in the case hereunto subjoined, dollars, to perform and abide by the award to be made by the Case aforesaid, under the penalty aforesaid, to be paid the party refusing to perform or abide by the same.

Witness whereof, the said parties have hereunto set hands and affixed their seals at the of on the day of , A.D. 18

37 V., c. 51. sch. nart.

A. B. [L.S.]
C. D. [L.S.]

FORM B.

l swear that I will faithfully, impartially and diligently of the Board of Arbitration the Board of Trade of and that I will, in all sward, according to the best of my judgment and ability, sever : So help me God. 37 V., c. 51, sch. part.

	•			
Proposed to be Consolidated.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
7 C. 51	The whole except 38. 24 and 26. The whole.	ss. 24 and 26.		

CHAPTER 127.

An Act respecting Trade Unions.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Trade Unions Act." 35 V., 30, s. 1. c. 30, s. 1.

INTERPRETATION.

Interpretation. " Trade Union."

2. In this Act, unless the context otherwise requires, e expression "Trade II the expression "Trade Union" means such combination, whether temporary or normalized the relationships whether temporary or permanent, for regulating the relations between workman and resident to the relations between workman and resident to the relations between workman and resident to the relationship to t tions between workmen and masters, or for imposing restrictive conditions on the conditions on the conditions on the conditions of the con strictive conditions on the conduct of any trade or business, as would, but for this had be as would, but for this Act have been deemed to be an unlawful combination by real and a second to be an unlawful combination by real and a second to be an unlawful combination by real and a second to be an unlawful combination by real and a second to be an unlawful combination by real and a second to be an unlawful combination by real and a second to be an unlawful combination by the second to be a second lawful combination by reason of some one or more of its purposes being in restrict of some one or more of some purposes being in restraint of trade. 35 V., c. 30, s. 22, part.

APPLICATION OF ACT.

Certain agreements not affected.

- 3. This Act shall not affect,—
- (1) Any agreement between partners as to their own busices; ness;
- (2) Any agreement between an employer and those emoyed by him as to such any ployed by him as to such employment;
- (3) Any agreement in consideration of the sale of the good-ill of a business or of instance. will of a business, or of instruction in any profession, trade or handicraft. 35 V 20 20

Certain legal proceedings not authorized by this Act.

- 4. Nothing in this Act shall enable any court to enter of in any legal proceeds. tain any legal proceeding instituted with the object of directly enforcing or recovering directly enforcing or recovering damages for the breach of any of the following agreement
- (1) Any agreement between members of a trade union such, concerning the condition as such, concerning the conditions on which any members for the time being of the trade. for the time being of the trade union shall, or shall not, their goods, transact business their goods, transact business, employ or be employed;

- (2) Any agreement for the payment by any person of any and scription or penalty to a trade union;
- (3) Any agreement for the application of the funds of a trade union,—
 - (a) To provide benefits to members; or—
- (b) To furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer of such trade union, in consideration of the player or workman acting in conformity with the rules or resolutions of such trade union; or-
- (c) To discharge any fine imposed upon any person by sentence of a court of justice;
- har. Any agreement made between one trade union and an-
- (5) Any bond to secure the performance of any of the bove mentioned agreements:

But nothing in this section shall be deemed to constitute But agreeof the agreements above mentioned unlawful. 35 V., ments not unlawful. 35 v., ments not unlawful. 35 v., ments not unlawful. 4 v., ments not unlawful.

No Act in force in Canada providing for the constitu- Application of certain No Act in force in Canada providing for the constitution and incorporation of charitable, benevolent or provident incorporation of charitable, benevolent or provident. dent institutions, shall include or apply to trade unions, and this are trade union not regisand this Act shall not apply to any trade union not registered under this Act. 35 V., c. 30, s. 5.

CONSTITUTION OF TRADE UNIONS.

Any seven or more members of a trade union may, by Trade union becrib. Any seven or more members of a trade union may, by Trade union wise constitution their names to the rules of the union and other-may be registered. wise complying with the provisions of this Act with respect to regist under this Act, but if to registry, register such trade union under this Act, but if one of the purposes of such trade union is unlawful, anch registration shall be void. 35 V., c. 30, s. 6.

Any trade union registered under this Act, may pur-powers as to chase Any trade union registered under this Act, may put the time take upon lease, in the names of the trustees for land. the time being of such trade union, any land not exceeding acre acre being of such trade union, any land not exceeding the acre mortgage or let the same; one acre, and may sell, exchange, mortgage or let the same; and acre, and may sell, exchange, mortgage or return bound to purchaser, assignee, mortgagee or tenant, shall be trustees have authority for bound to inquire whether the trustees have authority for the sale are letting, and the receipt of the trustees have authority to the trustees have a trustee have the trustees shall be a discharge for the money arising theretrustees shall be a discharge for the money arising and for the purposes of this section, every branch of a de union. 35 V., a hade union shall be considered a distinct union.

Property vested in trustees.

8. All real and personal property whatsoever belonging to any trade union registered under this Act, shall be vested in the trustees for the in the trustees for the time being of such trade union, appointed as provided appointed as provided by this Act, for the use and benefit of such trade union and it of such trade union and the members thereof; and the real or personal property of or personal property of any branch of a trade union shall be vested in the tweeters. vested in the trustees of such branch and be under the control of such trustees. trol of such trustees, their respective executors or administrators according to 12. trators, according to their respective claims and interests; and upon the death or removal of any such trustees the same shall vost in the same shall vo same shall vest in the succeeding trustees for the same estate and interest as the fi and interest as the former trustees had therein, and subject to the same trustees had therein, and subject to the same trustees. to the same trusts, without any conveyance or assignment whatsoever—save and arrange conveyance or assignment. whatsoever,—save and except in the case of Dominion stock, which shall be true of particles and except in the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, when the case of Dominion stock, which shall be true of the case of Dominion stock, when the case of Dominion stock, which shall be true of the case of Dominion stock, when the case of Dominion stock, which shall be true of the case of Dominion stock, when the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case of Dominion stock, which shall be true of the case which shall be transferred into the names of such new trustops trustees:

Whose the property may be stated to be.

2. In all actions, suits or indictments or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the persons for the time being stated to be the property of trustee, in their proper names, as holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description. 35 V., c. 30, s. 8.

Powers as to suits and actions.

Act, or any other officer of such trade union registered under this Act, or any other officer of such trade union who is authorized so to do by the order thereof, may bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint, in any court of competent jurisdiction, touching or concerning the property, right or claim to property of the trade union—and may, in all cases concerning the property, real or personal, of such trade union, sue and the property, real or personal, of such trade union, sue and be sued, plead and be impleaded, in any such court, in their proper names, without other description than the title of their office:

Not abated by vacation of office.

2. No such action, suit, prosecution or complaint, shall be discontinued or abated by the death or removal from office of such persons, or any of them, but the same shall be proceeded in by or against their successor or successors, such death, resignation or removal had not taken place; such death, resignation or removal had not taken place; and such successors shall pay and receive the like costs as and such successors shall pay and receive the like costs as and such successors shall pay and receive the like costs as menced in their names, for the benefit of, or to be re-imbursed from the funds of such trade price.

Service of process.

3. Any summons to any such trustee or other officer may be served by leaving the same at the registered office of the trade union. 35 V. c. 30 s 9

Liability of trustee.

10. A trustee of any trade union registered under which Act shall not be liable to make good any deficiency

rises or happens in the funds of such trade union, but such trustee shall be liable only for the moneys actually received by him and the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be liable only for the moneys actually received as a such trustee when the shall be a by him on account of such trade union. 35 V., c. 30, s. 10.

Livery treasurer or other officer of a trade union reg- Account to be terminal to the replace of rendered. Every treasurer or other officer of a trade union regularized under this Act shall, at such times as by the rules of rendered. trade union he is required to render such account as hereinafter mentioned, or upon being called on so to do, tendan tendan or to the members render to the trustees of the trade union, or to the members of snot of such trade union, at a meeting thereof, a just and true account of all moneys received and paid by him since he last rendered a like account, and of the balance then remaining in the like account, and of the balance then remaining in the like account. ing in his hands, and of all bonds or securities of such trade union:

2. The trustees shall cause such account to be audited by Audit. the trustees shall cause such account to be understand fit and proper person or persons appointed by them; such treasurer, if thereunto required, upon such Payment, &c., such treasurer, if thereunto required, upon such trustees. being audited, shall forthwith hand over to the to trustees. the balance which, on such audit, appears to be due him, and shall also, if required, hand over to such um, and shall also, if required, name over the stees all securities and effects, books, papers and property and if he fails trade union in his hands or custody; and if he fails Recovery in to do trade union in his hands or custody; and if he fails Recovery in the document transfer in any case of default. to do, the said trustees may sue such treasurer, in any case of default. have been due from him upon the last account rendered him, and for all moneys since received by him on account the hand for all moneys since received by min on an about trade union, and for the securities and effects, books, hepers and property in his hands or custody,—leaving him et of property in his hands or custody,—leaving him het off in such action the sums, if any, which he has since had on such action the sums, if any, which he had such action Costs. the trustees shall be entitled to recover their full costs of the trustees shall be entitled to recover their full costs of the total costs. to be taxed as between solicitor and client. 35 V., c. 30,

If any officer, member or other person who is, or repre-fraudulently obtaining, misapplying, If any officer, member or other person who is, or reprehimself to be a member of a trade union registered misapplying,
misapplying,
administrator or &c., funds,
and, der this Act, or the nominee, executor, administrator or &c., funds, books and books and effects. the representation or imposition, obtains possession of any honeys, securities, books, papers or effects of such trade hion, or, having the same in his possession, wilfully withods, or, having the same in his possession, william, or fraudulently misapplies the same, or wilfully applies part of the same other than those expressed part of the same to purposes other than those expressed union, or any of them, of bart of the same to purposes other than those of the same to purposes other than those of them, or any of them, are manisted in the rules of such trade union, or any of them, the manistrans in the rules of such trade union. the magistrate or justices having jurisdiction in cases of the registrate or offences under this Act, for the place in which the registered office of the trade union is situate, upon a number of such trade union is situate, upon a number of such trade complaint made by any person on behalf of such trade by summary order, order bion, or by the registrar, may, by summary order, order of resting officer the registrar, may, by summary order, order of resting officer the registrar, may, by summary order, order of resting officer the registrar, may, by summary order, order of resting officer the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order of resting of the registrar, may, by summary order, order or toth officer, member or other person, to deliver up all such made. officer, member or other person, to deliver up an analys, securities, books, papers or other effects to the trade

union, or to repay the amount of money paid improperly, and to pay, if the court thinks fit, a further sum of money not exceeding one has been supported by not exceeding one hundred dollars, together with costs of exceeding five dollars, exceeding five dollars; and in default of such delivery of effects or payment of such effects or payment of such amount of money, or payment of such penalty and costs of a few such such penalty and costs, as aforesaid, the said court may order the person so convicted order the person so convicted to be imprisoned, with or without hard labor for without hard labor, for any term not exceeding months:

As to proceedings by indictment.

2. Nothing in this Act shall prevent the trade union from occeeding by indiction in proceeding by indictment against the said person, but no person shall be proceeded against the said person, convicperson shall be proceeded against by indictment if a convic-tion has been previously obtained by indictment if a conviction has been previously obtained for the same offence under the provisions of this Act. the provisions of this Act. 35 V., c. 30, s. 12.

REGISTRY OF TRADE UNIONS.

Registrar.

13. The Registrar General of Canada shall be the registrar under this Act. 35 V., c. 30, s. 17, part.

Registry to be subject to certain provisions.

14. With respect to the registry, under this Act, of trade unions, the following provisions shall have effect:

Application.

(1) An application to register the trade union and printed pies of its rules together copies of its rules, together with a list of the titles and names of its officers shall be names of its officers, shall be sent to the registrar under this Act:

Registration.

(2) The registrar, upon being satisfied that the trade union s complied with the result in has complied with the regulations respecting registry in force under this Act shall force under this Act, shall register such trade union and such rules:

Name.

(3) No trade union shall be registered under a name entical with that under a has identical with that under which any other trade union has been registered or so need to be been registered, or so nearly resembling such name as to be likely to deceive the many likely to deceive the members or the public:

Statement of affairs.

(4) If a trade union which applies to be registered has een in operation for many that the second se been in operation for more than a year before the date of such application there shall be a year before the date of such application there shall be a year before the date of such application there shall be a year before the date of such application there shall be a year before the date of the such application there shall be a year before the date of the such application there shall be a year before the date of the such application there is not application to be a year before the date of the such application there is not a year before the date of the such application there is not a year before the date of the date of the such application there is not a year before the date of the da such application, there shall be delivered to the registration before the registration before the registration and the registration and the registration are the registration and the registration and the registration are the registration and the registration and the registration are before the registry thereof, a general statement of the receipts, funds effects and receipts, funds, effects and expenditure of such trade union, in the same form and all in the same form and showing the same particulars as if it was the annual general was the annual general statement required, as hereinafter mentioned to be transmitted mentioned to be transmitted annually to the registrar:

Certificate of registry.

(5) The registrar, upon registering such trade union, shall sue a certificate of registrar issue a certificate of registry,—which certificate, unless it is proved to have been with it. proved to have been withdrawn or cancelled, shall be conclusive evidence that the clusive evidence that the regulations of this Act, with respect to registry, have been

(6) The Governor in Council may, from time to time, Regulations make regulations respecting registry under this Act, and may be made. respecting registry under the purpose of the seal, if any, to be used for the purpose of deciments kept by the the seal, if any, to be used for the parties the fees, if any, to registry, and the inspection of documents hope being under this Act, and respecting the fees, if any, to be hair be paid on registry, not exceeding the fees specified in the Act in the schedule to this Act, and generally for carrying this Act into effect. 35 V., c. 30, s. 13.

With respect to the rules of a trade union registered Rules of registered Rules of registered to the rules of a trade union registered union. With respect to the rules of a trade union registered management this Act, the following provisions shall have effect:—

(1) The rules of every such trade union shall contain pro- What they shall contain the shall contain t Visions in respect of the several matters mentioned in the shall contain. second schedule to this Act:

(2) A copy of the rules shall be delivered by the trade Copies. Union to every person on demand, on payment of a sum not exceed: exceeding twenty-five cents. 35 V., c. 30, s. 14.

16. Every trade union registered under this Act shall Union to have registered efficients and office. here a registered office, to which all communications and office. Notices may be addressed; and if any trade union registered der that der the d And this Act is in operation for seven days without having this Act is in operation for seven days without an office, such trade union and every officer thereof an office, such trade union and every omeon the each incur a penalty not exceeding twenty-five dollars every day during which it is so in operation:

Notice of the situation of such registered office and of Notice of such the registered and of South office to be given. Notice of the situation of such registered office and or route of the change therein, shall be given to the registrar and office to be given. change therein, shall be given to the regional thion shall him, and until such notice is given, the trade Thion shall not be deemed to have complied with the provisions of this Act. 35 V., c. 30, s. 15.

A general statement of the receipts, funds, effects General statement of the receipts, funds, effects General statement of the receipts affairs for registered under this affairs for expenditure of every trade union registered under this affairs for before the first day registrar. of shall be transmitted to the registrar, before the first day registrar. of shall be transmitted to the registrar, before the historians in each year, and shall show fully the assets and the receipts and expenditure of the trade at the date, and the receipts and expenditure of the trade union, during the year next preceding the date to shall show, separately, the which it is made out, and shall show, separately, the expenditure in respect of the several objects of the trade blinditure in respect of the several objects or the several objects such, and shall be prepared and made out to such as the form and shall comprise such particulars as the salistrar form and shall comprise such particulars as the registrar, from time to time, requires; and every member of Copies for the deposition time to time, requires; and every member of copies for the deposition time to time, requires; and every members. and snail complise such that the snail compli receive, on application to the secretary or treasurer of the trade union, a copy of such general statement, without making any payment for the same:

2. There shall be sent to the registrar, together with such Copies of Richard Richard Richard Company Reheral statement, a copy of all alterations of rules, and rules to accompany rules and rules are made by the trade union statement. help rules and changes of officers, made by the trade union statement.

during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date. 35 V., c. 30, s. 16, part.

PENALTIES.

Penalty for violation of preceding section.

18. Every trade union that fails to comply with or acts in violation of the next preceding section, and every the trade union failing so to act, shall each incur a penalty not exceeding twenty-five dollars for each offence:

And for making false entries. 2. Every person who wilfully makes, or orders to be made, any false entry in or any omission from any such general statement, or in or from the return of such copies or rules or alterations of rules, shall incur a penalty not exceeding two hundred dollars for each offence. 35 V., c. 30, s. 16, part.

Punishment for circulating false copies of rules of a union.

19. Every person who, with intent to mislead or defraud, gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any member of such trade union, a copy of any rules or those alterations or amendments of the same, other than those respectively which exist for the time being, on the pretence respectively which exist for the time being, on the pretence that there are no other rules of such trade union, or who, that there are no other rules of such trade union,—or who, with the intent aforesaid, gives a copy of any rules to any with the intent aforesaid, gives a copy of any rules of a person under the pretence that such rules are the rules of a person under the pretence that such rules are the rules of a not exceeding two hundred dollars, or to imprisonment for a not exceeding six months, or to both, in the discretion of the court. 35 V. c. 30 s 18

The offence being one that may be tried in a summary manner, the suggest penalty is suggested. "Two" is substituted for "one" in line 13 at the suggestion of the Parliamentary Committee.

Summary convictions Act to apply.

20. All offences and penalties under this Act may be prosecuted and recovered under the "Act respecting sum mary proceedings before Justices of the Peace:"

Before whom complaint may be brought.

2. The complaint or information shall be brought, nagis and determined before some stipendiary or police magis trate or other functionary having, by law, the powers of two justices of the peace, if the offence is committed in any city, town or place in which any such magistrate or functionary has jurisdiction; and if the offence is committed elsewhere, then before two justices of the peace:

Description of 3. The description of any offence against this Act in words of this Act shall be sufficient in law:

How exception, exemption, previso, excuse or qualification, exemption, exemption, whether it does or does not accompany the description

of the offence in this Act, may be proved by the defendant, tion, &c., may but not be proved. but need not be specified in the information; and if so be proved. specified and negatived, no proof in relation to the matters specified and negatived, no proof in relation to the information and negatived shall be required on the part of the informant or prosecutor. 35 V., c. 30, s. 19.

GENERAL PROVISIONS.

brother of a master, in the particular trade or business in or act as magistrate. in connection with which any offence under this Act is trates. charged to have been committed, shall act as a magistrate or instice of the complaint or information patice of the peace, in any case of complaint or information ander this Act, or as a member of any court for hearing any appeal in any such case. 35 V., c. 30, s. 21.

The purposes of any trade union shall not, by reason Purposes of trade union shall not be deemed to be not unlawful merely that they are in restraint of trade, be deemed to be not unlawful. thlawful, so as to render any member of such trade union liable to ble to criminal prosecution for conspiracy or otherwise, or so as to render void or voidable any agreement or trust. T, c. 30, ss. 2 and 3.

The Registrar General of Canada shall lay before Annual reports for P Parliament annual reports with respect to the matters transliament. thed by him as registrar under this Act and in pursuance 35 V., c. 30, s. 17, part.

SCHEDULES.

FIRST SCHEDULE.

Maximum Fees.

For registering a trade union......\$4 00 For registering alterations in rules...... 2 00 85 V, c. 30, 2nd sch. For inspection of documents...... 0 50

SECOND SCHEDULE.

Matters to be provided for by the Rules of Trade Unions registered under this Act.

I. The name of the trade union and place of meeting for the business of the trade union;

2. Every object for which the trade union is to be establighted, the purposes for which the funds thereof shall be applicable purposes for which the funds thereon summer may become entitled to any benefit assured thereby, and the fines and forfeitures which may be imposed on any member of such trade union:

- 3. The manner of making, altering, amending and rescinding rules:
- 4. A provision for the appointment and removal of a general committee of management, and of a trustee or trustees, treasurer and other officers:
- 5. A provision for the investment of the funds, and for an annual or periodical audit of accounts:
- 6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union. 35 V., c. 30, 1st sch.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
35 V ., c. 30	The whole except ss. 20 and 23.	ss. 20 and 23.	•	

CHAPTER 128.

An Act respecting Electric Telegraph Companies.

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

This Act may be cited as "The Electric Telegraph Short title. Companies Act."

In this Act, unless the context otherwise requires, the Interpretaexpression "the company" means a company incorporated tion.

by letters patent under "The Companies Act" for the pur-"Company."

Company of electric telegraph in pose of constructing a line or lines of electric telegraph in New.

thorizon company may construct the lines of telegraph, Powers for the construction of the pubtherized by its charter, along any and upon any of the pubof the line. lic roads and highways, or across or under any of the navigable Waters Within Canada, by the erection of the necessary fixthree, including posts, piers or abutments for sustaining or protection of the same shall protecting the wires or cables of such lines; but the same shall be so care the wires or cables of such lines; but the same shall be so constructed as not to incommode the public use of to constructed as not to incommode the public roads or highways, or to impede free access to any house or other building erected in the vicinity of the same, in in increase of other building erected in the vicinity of such waters. on injuriously to interrupt the navigation of such waters. 0.8. C., c. 67, s. 8. $\mathbf{R}_{e-d_{rafted}}$

Nothing herein contained shall confer on the company No bridge right age navigable water. ble water. C. 8. C., c. 67, s. 9.

The company shall transmit all despatches in the Order of transmiss of despatches of d order in company shall transmit all despatches in transmission violates the which they are received; and every company which of despatches. Wiolates the provisions of this section shall incur a penalty december of the provisions of this section shall incur a penalty december of the provisions of this section shall incur a penalty december of the provisions of this section shall incur a penalty december of the provisions of the provision one hundred dollars and not less than twenty dollars, which shall be recoverable with costs, under he "Act "" be a dollars and not less than " and the "Act " and the " according to be shall be recoverable with costs, under he " according to be shall be recoverable with costs, under he " according to be shall be recoverable with costs, under he according to be shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs, under he was a shall be recoverable with costs. the "Act respecting summary proceedings before Justices of the Peace," by the person whose despatch has been postponed out of its order. C. S. C., c. 67, s. 14.

Stice, the message in relation to the administration of Preferential justice, the arrest of criminals, the discovery or prevention messages.

of crime, and Government messages or despatches, shall always be transmitted in -- 6 always be transmitted in preference to any other message of despatch if so required to despatch, if so required by any person connected with the administration of institute administration of justice, or any person thereunto authorized by the Secretary of State of Canada. C. S. C., c. 67, s. 15. s. 15.

Government may assume the line and works temporarily.

7. Her Majesty may, at any time, assume, and for any ugth of time retain length of time retain, possession of any such telegraph and of all things possession of any such telegraph. and of all things necessary to the sufficient working thereof, and may, for the same time. and may, for the same time, require the exclusive service of the operators and other porces. operators and other persons employed in working such the and the company shall are and the company shall give up possession thereof, and the operators and other possession thereof, and the operators and other persons so employed shall, during the time of such possession dill. time of such possession, diligently and faithfully obey they orders, and transmit and manufactures and transmit and manufactures. orders, and transmit and receive such despatches as they are required to receive and are required to receive and transmit by any duly authorized officer of the Government of Grand and Ampany, officer of the Government of Canada; and every company, operator or other person will. operator or other person violating any of the provisions of this section shall incure penaltre section shall incur a penalty not exceeding one hundred dollars for every refusal or need to be a section one hundred dollars for every refusal or need to be a section of the provisions of dollars for every refusal or need to be a section of the provisions of the provisions of dollars for every refusal or need to be a section of the provisions of the p lars for every refusal or neglect to comply with the requirements thereof. which shall be ments thereof, which shall be recoverable by the Crown for the public uses of Canada the public uses of Canada, with costs, in any way in S.C., debts of like amount are received. debts of like amount are recoverable by the Crown. c. 67, s. 17.

Penalty for non-compliance.

Her Majesty may assume the property of the line. Re-drafted.

8. Her Majesty may, at any time after the commencement the operation of a tolorowing after of the operation of a telegraph line under this Act, and after two months' notice to the two months' notice to the company, assume the possession and property thereof and and property thereof, and upon such assumption, such ine work and all the property real and all the property, real or personal, essential to the working thereof, and all the coming thereof, and all the rights and privileges of the company, as regards such limits and privileges of the crown. pany, as regards such line, shall be vested in the Crown. C. S. C., c. 67. s 18

Mode of set-

9. If any difference arises between the company and ose who act for the Crambol between the company which those who act for the Crown, as to the compensation which ought to be paid to the case of differ ought to be paid to the company, for any telegraph and expension. and appurtenances taken possession of or temporarily and exclusively used by the Cran clusively used by the Crown under this Act, such difference shall be referred to three artists. shall be referred to three arbitrators, one to be appointed on the part of the Crown another. part of the Crown, another by the company, and the the by the two arbitrators co by the two arbitrators so appointed, and the award of any two of the said arbitrators two of the said arbitrators so appointed, and the award of the company refuses or neglects that the final; and if the company refuses or neglects the contract of the contract pany refuses or neglects to appoint an arbitrator third behalf, or if the two arbitrators arbitrators arbitrator third behalf, or if the two arbitrators cannot agree upon a arbitrator, then such arbitrators cannot agree upon a shall be arbitrator, then such arbitrator or third arbitrator cannot agree upon a liberator, then such arbitrator or third arbitrator cannot agree upon a liberator shall be appointed by any two districts. appointed by any two judges of the Supreme Court of 67.8. 19. on application on the part of the Crown. C. S. C., c. 67, s. 19.

Act or in any other Act of the Parliament of Canada, or in graph" does any Act of the Legislature of any Province now forming part "telephones." on any subject which by "The British North America Act, liament of Canada, shall not be held or construed to into the Word "telephone" and its derivatives. 45 V., c.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
5 V., c 40	ss. 8, 9, 14, 15, 17, 18, 19. s. 1	ss. 21, 22 and 23. s. 2.	s. 20 is Provin- cial.	

CHAPTER 129.

An Act respecting Marine Electric Telegraphs.

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

Interpretation.

- I. In this Act, unless the context otherwise requires:
- "Company."
- (a) The expression "the company" means any company association of persons in the or association of persons in the next following section mentioned:
- "Minister."
- (b) The expression "the Minister," means the Minister of Tarine and Fisheries 22 V Marine and Fisheries. 38 V., c. 26, s. 2.

Application of

2. This Act applies—

To certain companies.

(a) To every company hereafter authorized by any special general Act of the Danie or general Act of the Parliament of Canada, or under provisions of this Act to account the Canada, or under the provisions of this Act to account the Canada, or under the provisions of this Act to account the Canada, or under the canada, or provisions of this Act, to construct or maintain telegraphic wires or cables in upon wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal branch of any sea or any tidal water within the jurisdiction of Canada. or the shore or leaves to of Canada, or the shore or bed thereof respectively, canada, connect any Province with connect any Province with any other Province of Canada, or to extend beyond the limit of the lim or to extend beyond the limits of any Province;

And to certain others.

(b) To every company authorized to construct or maintain of the telegraphic wires or the day of such telegraphic wires or cables before the eighth day of April, one thousand sield has before the eighth free, by April, one thousand eight hundred and seventy-five, any such special or general Act of the Parliament of the ada, or by any other special of the Parliament of the ada, or by any other special Act of the Parliament of the Provinces constituting the D Provinces constituting the Dominion, and at the said date in force in Canada

Limitation of powers of company.

3. The company shall not place any telegraphic over, ble or work connected the cable or work connected therewith, in, under, upon, any along or across any only along or across any gulf, bay or branch of the sea, or except tidal water, or the shore tidal water, or the shore or bed thereof respectively, of prowith the consent of all with the consent of all persons having any right of property or other right or any or other right or any right of property or other right or any rig perty or other right, or any power, jurisdiction or authority in, over or relating to the in, over or relating to the same, which may be affected the be liable to be affected by be liable to be affected by the exercise of the powers of the company. 38 V. 6 26 2

4. Before commencing the construction of any such teleraph or work as last aforesed. TOTALS, GC., TO DELOTE commencing the construction of any such to be deposit- graph or work as last aforesaid, or of any buoy or sea-many connected therewith—except in cases of emergency, for ed in the defending of laid and then partment of repairs to any work previously constructed or laid, and then partment of as shoot any work previously constructed or laid, and then partment of as shoot any work previously constructed or laid, and then partment of the shoot and the shoot as shoo as speedily after the commencement of such work as may approval. the company shall deposit, at the Department of Marine, a bland Company shall deposit, at the Department of Marine and Rishand thereof, for the approval of the Minister of Marine and Fisheries:

2. The work shall not be constructed otherwise than in Work to be accordance with such approval; and if any work is constructed expense contrary to this provision, the minister may, at the expense of the company, abate and remove it, or any part of it and of the company, abate and remove condition. of it, and restore the site thereof to its former condition. V., c. 26, s. 4.

The company may, in or about the construction, main- Use of lights and signals. tenance or repairs of any such work, use on board ship or and signals. elsewhere any light or signal allowed by any regulation made: made in that behalf by the minister. 38 V., c. 26, s. 5.

6. If any such work, buoy or sea-mark is abandoned or Abandoned or decayed be think a fall into decay, the minister may, if and as work may be think as a fall into decay. he thinks fit, at the expense of the company, abate and re-removed by nove it, and restore the site thereof to its former condition; minister. the minister may, at any time, at the expense of the minister may, at any time, at the capacity of any cause to be made a survey and examination of any of the site thereof. of any such work, buoy or sea-mark, or of the site thereof. 8 V., c. 26, s. 6.

Whenever the minister, under the authority of Recovery by minister any act or thing from comthis Act, does, in relation to any such work, any act or thing from comwhich he is, by this Act authorized to do at the expense of pany, of expense shall be a debt penses, &c. the company, the amount of such expense shall be a debt penses, &c. the by the company to the Crown, and shall be recoverable such the company to the Crown, and snan be recoverable, with costs,—or the same shall be recoverable from costs, in the same manner that a penalty is recoverable from the company. 38 V., c. 26, s. 7.

in Council, take and appropriate for the use of the Company, to be taken, but shall not alienate, so limited. for its stations, offices and works, but shall not alienate, so limited. much of the land held by the Crown for the purposes of Canada, and the land held by the Crown for the purpose.
Sulf, bay and the shore or bed adjacent to or covered by any sulf, bay or branch of the sea, or by any tidal water, as is hecessary or branch of the sea, or by any tidal water, traph and using the telegraph and works of the company. 38 V., c. 26, s. 8.

Canada any land or other property necessary for the con-lands may be acquired. struction, maintenance, accommodation and use of the telegraph and works of the company, and may also alienate, the and discovering the company of the co bell and works of the company, and may also and dispose of the same when no longer required for the purposes of the same when no rough purposes of the company. 38 V., c. 26, s. 9.

Company may acquire be taken by compulsory process, under Railway Act.

10. The company may also acquire any land necessary for the construction, maintenance and use of the telegraphic cable and works of the and a certain cable and works of the company, adjacent to or near the extent may shore end or place of land; and a discent to or near the shore end or place of landing of the telegraph; and if the company, and the paragraph company, and the person from whom the land is to be quired fail to agree as to the quired fail to agree as to the possession or price of such land, the company may enter the possession of price of not land, the company may enter upon and take such land, not exceeding five acres in antities exceeding five acres in extent, under the powers, authorities and provisions of "The P" and provisions of "The Railway Act," the sections which, in respect to compulsion which, in respect to compulsory powers for the acquisition of lands, shall apply to accomplish the acquisition of lands. of lands, shall apply to every company to which this act applies; and the powers or a state of the acquisite the applies. applies; and the powers and authorities contained in and said sections of "The Device Party of the Barren and authorities contained in and said sections of "The Railway Act" shall be vested in and may be exercised by averaged by a section of the sect may be exercised by every such company for the purpose aforesaid. 38 V c 26 c 10 38 V., c. 26. s. 10.

Works not to in Council.

11. The company shall not exercise any of the powers by is Act conferred until it because any of the powers in this Act conferred until it has submitted to the Governor in Council a plan and an arrangement of the Governor in Council a plan and a plan a plans, &c., are Council a plan and survey of the proposed site and location and an annovad of such telegraph and it submitted to and approved of such telegraph, and its approaches at the shore, and all by Governor its stations, offices and accordance at the shore, and all its stations, offices and accommodations on land, and of all the intended works thereware the intended works thereunto appertaining,—and until such plan, site and location have been been appearanced. plan, site and location have been approved by the Governor in Council, and until such in Council, and until such conditions as he thinks fit for the public good to impose the design and the desig the public good to impose, touching the said telegraph and works, have been complicated to the said telegraph and works, have been complied with. 38 V., c. 26, s. 11.

What companies only may extend their wires or

panies.

12. No company other than those companies mentioned the second section of the section of the second section of the sectio in the second section of this Act, or which is incorporated in Canada under the following in Canada under the following provisions of this Act, sable maintain, construct or was a sable maintain. maintain, construct or use any telegraphic wire or and connecting two or more D. one Province. connecting two or more Provinces of Canada, or extending beyond the limits of an P beyond the limits of any Province, in, upon, under or within any gulf, bay or branch of any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Const the jurisdiction of Canada, or the shore or bed shall respectively: but nothing Proviso; as to respectively; but nothing in this section contained shall existing companies. prevent any existing telegraph company from continuing to receive and transmit to receive and transmit messages over its line of marine telegraph. until such time telegraph, until such time as another company, and within all such time as another company, and within all such times are another company. authority and within the provisions of this toles structs and is operating a line or lines of marine telegraph, which has been determined to which has been determined by the Governor in Council to afford reasonable facilities afford reasonable facilities for the transmission of marine telegraphic messages in the transmission of such telegraphic messages, in lieu of the line or lines of such existing telegraph companies to the line or lines for doing existing telegraph company, or to be a line or lines for doing business over a route of the line or lines for doing business over a route of business over a route of a competitive nature, and until the Order in Council declaring Order in Council declaring such determination has been published for three mouth published for three months in the Canada Gazette. V., c. 26, s. 14.

Transmission of messages

13. The company shall transmit all messages in corder in which they are received order in which they are received, and at equal and corresponding tariff rates; and every company violating any and at tariff of the rates. of the provisions of this section shall incur a penalty not rates. exceeding two hundred dollars, and not less than fifty dollars, which penalty shall be recoverable, with costs, by the Person aggrieved, under the "Act respecting summary noceed:" 28 V. c. 26, s. 12, proceedings before Justices of the Peace." 38 V., c. 26, s. 12, Re-drafted.

14. The company may charge for the transmission of Payment for the sages and collect in advance such messages. The company may charge for the transmission of raymond the sages, and may demand and collect in advance such messages. tates of payment therefor as are fixed by by-law of the company payment therefor as are fixed by by-law of the company as its tariff rates. 38 V., c. 26, s. 12, part.

Notwithstanding anything contained in the two Arrange-Notwithstanding anything contained in the two Arrangements as to newspapers. ach company with the proprietors or publishers of newspers for the transmission, for the purpose of publication, intelligible interest, out of its intelligence of general and public interest, out of its stilar order and at less rates of charge than its regular trates. 38 V., c. 26, s. 12, part. artially re-drafted.

tice Every message in relation to the administration of Preferential Every message in relation to the administration of researches, the arrest of criminals, the discovery or prevention messages. crime, and Government messages or despatches, shall ays be transmitted in preference to any other message or officially charged with patch, if required by any person officially charged with patch, if required by any person officially charged with administration of justice, or any person thereunto the secretary of State of Canada, or by the Secretary of S recetary of State for the Colonies on behalf of the Governof the United Kingdom. 38 V., c. 26, s. 13.

If any company is now or hereafter authorized by any Companies incorporate by Imperial Kingdom, or incorporate by Imperial is incorporated the Parliament of the United Kingdom, or incorporated by Imperial Parliament of the Parliament, incorporated under the Statutes of the Parliament of the Parliament, other general Act, Darliament of the United Kingdom or from Government of the United Kingdo other Ringdom relating to joint stock companies, or any ceive charter by Royal Act of the Parliament of the United Kingdom or from Goverby Royal charter, for establishing or maintaining telegraphic nor in Countries or across any gulf, bay or communication, in, upon, under or across any gulf, bay or handh of any sea or tidal water within the jurisdiction of mada thanks sea or tidal water within the jurisdiction of the mada thanks sea or tidal water within the jurisdiction of the mada thanks sea or tidal water within the jurisdiction of the mada thanks sea or tidal water wa Canada, the Governor in Council may, by letters patent onditions Great Seal of Canada, and upon the terms and conditions Contained therein, grant a charter to the forming such company, upon the company petitions to the company and others who toning forming such company, upon the company, therefor; and such persons and others who have shortly and such persons and others who have shortly and such persons and others who have shortly the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons and others who have the shortly and such persons are shortly as the shortly and such persons are shortly as the shortly and such persons are shortly as the shortly as the shortly as the shortly are shortly as the shortly as the shortly are shortly become shareholders in the company, shall be constituted a same name, and with the body corporate and politic, by the same name, and with the Downard and politic, by the same name, and purpose same power and politic, by the same name, and will power and constitution in Canada, for the said purpose maintaining their said teleand object of establishing and maintaining their said tele-Staph and works within the jurisdiction of Canada; but

Charter to be any such grant shall be expressly subject to this Act, and conditional upon the company observing and performing the several provisions hereof:

Effect of letters patent.

2. Such letters patent, when published in the Canada Gazette with any Orders in Council relating thereto, shall have the like force and effect, as if the company had been incorporated by special Act of Parliament:

Reciprocity in favor of companies incorporated in Canada. 3. No such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company which possesses any exclusive privilege of landing wire or state, for a marine telegraph in or upon the coast of any unless Province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the coast is conceded to any and each of the companies in the second section of this Act mentioned, or which are now or hereafter incorporated in Canada under the provisions of this section:

Charters under this section may be revoked for non-user, and in certain other cases.

4. Every grant of corporate and other powers sector or conferred upon any company under this and tion may be revoked and declared forfeited by three Act of the Parliament of Canada for non-user for three consecutive years, or if the company does not go into actual consecutive years, or if the company does not go into actual operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation within three years after the issue of the letters operation of the letters operation. The company at any patent graph in or upon the coast of where, and an equal or reciprocal right or privilege of where, and an equal or reciprocal right or privilegraph landing wire or cable and establishing a marine telegraph on the same coast is not conceded to any and each of the companies mentioned in the second section of this Act, or the companies mentioned in the second section of this to which the provisions hereof apply 38 V., c. 26, s. 15.

Companies under ss. 2 and 17 prohibited from entering into certain agreements, &c.

Act, or which becomes incorporated in Canada under the section next preceding, shall enter into any agreement fortion transmission or interchange of messages, or for participation transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, in profits, or for the union or consolidation of capital stock with any company which at any time possesses or acq for any such exclusive privilege of landing wire or cable for any such exclusive privilege of landing wire or cable for marine telegraph, in Newfoundland or the Danish possess marine telegraph, in Newfoundland or the Danish possess in sions, unless an equal or reciprocal right is conceded, as in the next preceding section mentioned; and every agreement contrary to the provisions of this section shall be illegal and void. 38 V., c. 26, s. 16.

This Act shall not affect any franchise, right or privi-Rights of a certain comlege Which the New York, Newfoundland and London pany under Teleproper or person law-Acts of P. E. Telegraph Company or any other company, or person law-Acts of P.E. operated in P. E. actually acquired and exercised or Island saved. operated in Prince Edward Island before and up to the first day of July, eighteen hundred and seventy-three, under any Act 189, eighteen hundred Edward Island made any Act of the legislature of Prince Edward Island made and passed before the said first day of July, one thousand eight had before the said first day of July, one thousand Passed before the said first day of July, one subject to the pro-visions 41 day of July, one subject to the prohisions thereof respectively. 38 V., c. 26, s. 17.

Proposed to be Consolidated	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
, c. 26	The whole except ss. 18 and 19	ss. 18 and 19.		

CHAPTER 130.

An Act respecting secrecy by officers and persons employed on Telegraph Lines.

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

Certain telegraph operators to make a declaration of secrecy.

1. Every person who is employed in connection with any of legraph line under the analysis of telegraph line under the control of the Government with Canada, or which under control of the Government with Canada, or which, under any contract or agreement as an any person or corporation is any person or corporation is partly under such control, as an operator or in any other control and operator or in any other control operator. operator or in any other capacity in which he has opportunities of becoming account in which he has opportunities of becoming account. tunities of becoming acquainted with information connected with matters of state or other ways and acquainted with information connected with matters of state or other ways. with matters of state or other information, shall, subject to the provision herein contains a subject to the s the provision herein contained, before entering upon the duties of such applementation, shall, support the duties of such applementation. duties of such employment, take and subscribe, by the justice of the peace of the justice of the peace or before a person appointed by the Governor in Council to take a person appointed Act, s Governor in Council to take declarations under this Act; declaration in the form set fact. declaration, in the form set forth in the schedule to this but the Minister of Ball. We have Exemption in but the Minister of Public Works, or such officer or person certain cases. as he appoints for that certain cases. as he appoints for that purpose, may decide whether any such employee shall are all the many decide whether any such employee shall or shall not be required to take or make and subscribe the soil 1, part, 2 and 3.

Registration of declaration, &c.

2. All declarations taken under this Act shall be for arded to the Department of Division Act shall there warded to the Department of Public Works, and shall there be kept on file: and a recitation was the shall the shall the bear to the shall the shal be kept on file; and a register thereof shall be kept in the said department 44 V 200

formation.

3. Every person who has made the declaration hereing fore mentioned and and are the declaration hereing. of operator so before mentioned, and who, either directly or indirectly declaring and divulges to any person divulges to any person, except when lawfully authorized of directed so to do any infe directed so to do, any information which he acquires by virtue of his employment in virtue of his employment, is guilty of an offence against this Act, and shall on such as guilty of an offence instice this Act, and shall, on summary conviction before a justice of the peace, be liable to of the peace, be liable to a penalty not exceeding one dred dollars and not less than a conviction before a Justine of the peace, be liable to a penalty not exceeding one dred dollars and not less than a conviction before a Justine of the peace, be liable to a penalty not exceeding one in the peace, be liable to a penalty not exceeding one in the peace. dred dollars and not less than fifty dollars, or to imprison ment for a term not area. ment for a term not exceeding six months, or to impribate penalty and imprisonment

Punishment of other operators divulging contents of telegram.

4. Every telegraph operator or other person in the employ a telegraph company who are of a telegraph company, who divulges the contents of to telegram, except when lawfully telegram, except when lawfully authorized or directed so do, is guilty of an offence against the contents of t do, is guilty of an offence against this Act, and he liable summary conviction before a justice of the peace, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not extending six months, or to both penalty and imprisonment. 4 V., c. 26, s. 6.

SCHEDULE.

I will faithfully and honestly fulfil the duties which devolve upon me as operator (or in other capacity, as the case may be) directly or indirectly, divulge to any person, except when which I authorized or directed so to do, any information operator (or in other capacity, as the case may be) authorized or directed so to do, any information operator (or in other capacity, as the case may be.)

(Signature)

heclared before me, A. B." V., c. 26, s. 1, part. &c., \ $P_{\rm roposed}$ Consolidated. To be To be Part Left Consolidated Consolidated Consolidated. for Repeal. elsewhere. with. ss. 1,2,3,4,5 and 6 ss. 7 and 8.

CHAPTER 131.

An Act respecting the Supreme and Exchequer Courts.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Supreme and Exchequer ourts Act." 38 V a 11 - 25 Courts Act." 38 V., c. 11, s. 81.

INTERPRETATION.

Interpretation.

- 2. In this Act, unless the context otherwise requires:
- "Supreme Court."
- (a) The expression "the Supreme Court" or "the court" means the Supreme Court of Canada;
- "Exchequer Court."
- (b) The expression "the Exchequer Court" means the schequer Court of Court Exchequer Court of Canada;
- "Judge."
- (c) The expression "judge" includes the chief justice;
- "Judgment."
- (d) The expression "judgment," when used with reference to the court appealed of ence to the court appealed from, includes any judgment, rule, order, decision decreases rule, order, decision, decree, decretal order or sentence thereof; and when used with thereof; and when used with reference to the Supreme Court, includes any independent Court, includes any judgment or order of that court;
- (e) The expression "final judgment" means any judgment, rule, order or desire ment, rule, order or decision, whereby the action, suit, cause, matter or other "Final judgcause, matter or other judicial proceeding, is finally determined and concluded. ment."
- "Appeal."
- (f) The expression "appeal" includes any proceeding to t aside or vary any independent and from; set aside or vary any judgment of the court appealed from;
- " The court appealed from.
- (g) The expression "the court appealed from" means the urt from which the court from which the appeal is brought directly to the Supreme Court whether Supreme Court, whether such court is a court of original jurisdiction or a court of jurisdiction or a court of appeal. 38 V., c. 11, ss. 2, 5 and 11;—42 V., c. 39. s 9

3. The court of common law and equity in and for Court la, now existing under the ada, now existing under the name of "the Supreme Court Courts continued.

of Canada," and the Court of Exchequer, now existing under the name of "the Exchequer Court of Canada," are hereh. hereby continued under the names aforesaid and shall continued under the names aforesaid and 2. tinue to be courts of record. 38 V., c. 11, ss. 1 and 2.

THE JUDGES.

- The Supreme Court shall consist of a chief justice and Constitution of court. five puisne judges, who shall be appointed by the Governor of court. in Council by letters patent under the Great Seal:
- 2. Any person may be appointed a judge of the court who who may be is or has been a judge of a superior court of any of the Pro- appointed judge. Vinces of Canada, or a barrister or advocate of at least ten judge. years' standing at the bar of any of the said Provinces:
- 3. Two at least of the judges of the court shall be Judges from Doints at least of the judges of the Court of Oueen's barof Quebec Repointed from among the judges of the Court of Queen's bar of Quebec. Bench, or of the Superior Court, or the barristers or advocates of the Province of Quebec:
- 4. No judge of the court shall hold any other office of No other office enolument, either under the Government of Canada or of profit to be held. ander the Government of any Province of Canada:
- 5. The judges of the court shall reside at the city of Otta-Residence. wa, or within five miles thereof. 38 V., c. 11, s. 3, part, and 88. 4 and 10.
- The judges of the court shall hold office during good Tenure of the Governor General office. The judges of the court shall hold office during good and address but shall be removable by the Governor General office. address of the Senate and House of Commons. 38 V., c. II, 8. 5.
- The chief justice and judges of the Supreme Court To be judges and judges of the of both The chief justice and judges of the Supreme Court 10 to the respectively the chief justice and judges of the courts. Richequer Court. 38 V., c. 11, s. 4, part.
- There shall be paid and payable out of the Consoli-Salaries and Revenue shall be paid and payable out of the Consoli-Salaries and the wearly sums following, how payable dated Revenue Fund of Canada, the yearly sums following, how payable. as and for the salaries of the said judges, as judges of both courts, that is to say: to the chief justice, the sum of eight thousand dollars, and to each of the puisne judges the sum seven dollars, and to each of the puisne judges the paid, seven thousand dollars, which sums shall be paid, and of the pulse sums shall be paid, and of thousand dollars, which sums shall be paid, the and clear of all deductions whatsoever, by monthly instalments: the first payment shall be made pro rata on the first payment shall be made pro , as appointments; the first payment shall be made pro , as appointment of the month which occurs next after the month which occurs next aft appointment day of the month which occurs next and if any judge entitled to receive the same; and administrator resigns his office or dies, he or his executor or hand to receive such proportionate administrator shall be entitled to receive such proportionate part of the salary aforesaid, as has accrued during the time that he has executed such office since the last payment. 38

Retiring allowances and how pay-

8. If any judge has continued in the office of judge of said courts for fifteen the said courts for fifteen years or upwards, or in the said of judge of one or more of the superior courts of the courts of the courts of the superior courts of the courts of the superior courts of the courts of the superior cou or of the courts of vice-admiralty in any of the Provinces of Canada for north of Canada, for periods amounting together to fifteen years or unwards years or upwards, or becomes afflicted with a permanent infirmity, disabling him from the due execution of his office, and if such index and if such judge resigns his office, Her Majesty may, letters patent under the Cart Since, her Majesty may, and letters patent under the Great Seal of Canada, reciting anch period of office or such period of period of office or such permanent infirmity, grant unto such judge an annuity agreed to the control of the con judge an annuity equal to two-thirds of his salary as judge at the time of his judge at the time of his resignation, to commence immediately after his resignation. diately after his resignation and to continue thenceforth during his natural life and in during his natural life, and to be payable by monthly instalments. and no got for stalments, and pro rata for any period less than a year during such continuous during such continuance, out of any unappropriated moneys forming part of the Consolidation o forming part of the Consolidated Revenue Fund of Canada 38 V., c. 11 s 7 38 V., c. 11, s. 7.

Oath to be taken.

9. Every judge shall, previously to entering upon the form duties of his office as such judge, take an oath in the form following:—

Form of oath.

, do solemnly and sincerely promise and duly and faith in "swear that I will duly and faithfully, and to the best of my skill and knowledge "my skill and knowledge execute the powers and trusts "reposed in me as chief in the powers and trusts of the powers and trusts "reposed in me as chief in the powers and trusts and trusts "reposed in me as chief in the powers and trusts and trusts are the powers are the pow "reposed in me as chief justice (or as one of the judges) of the Supreme Court and a first the s "the Supreme Court and of the Exchequer Court of Canada." So help me God." 90 W "So help me God." 38 V., c. 11, ss. 8 and 60.

How administered.

10. Such oaths shall be administered to the chief justice the Governor Games the before the Governor General, or person administering the Government of Canada in Government of Canada Government of Canada, in Council, and to the puisne judges by the chief justice or in him to the puisne judges by the chief justice, or in his absence or illness, by any other judge of the court present o 38 V., c. 11, s. 9; 42 V., c. 39, s. 12.

REGISTRAR AND OTHER OFFICERS.

Appointment of registrar.

11. The Governor in Council may, by an instrument ader the Great Seal apparent under the Great Seal, appoint a fit and proper person, being a barrister of at least five a barrister of at least five years' standing, to be the registrat of the Supreme Court of the Supreme Court, and such registrar shall hold of the during pleasure shall not registrar shall hold of the during pleasure, shall reside and keep an office at the city of Ottawa, and shall have and shall have and shall have and shall have a s city of Ottawa, and shall be paid a salary of two thousand six hundred dollars per solutions. six hundred dollars per annum; and the Governor is Council may, from time to time Council may, from time to time, appoint such other clerks and servants of the Supression of the Supres and servants of the Supreme Court, and of the Exchequer Court, as are necessary—sll of the Court, and of the Exchequer Court, as are necessary—sll of the Court, and of the Exchequer Court, as are necessary—sll of the Court, and of the Exchequer Court, as are necessary—sll of the Court, and of the Exchequer Court, as are necessary—sll of the Court, as are necessary—sll of the Court, as are necessary—sll of the Court, and of the Exchequer Court, as are necessary—sll of the Court, as are necessary—sll of the Court, as a second the Court, as a secon Court, as are necessary,—all of whom shall hold office during pleasure. 38 V. c. 11 a 20

Clerks and servants.

> 12. The registrar of the Supreme Court shall be the gistrar of the Exchequer Court shall be registrar of the Exchequer Court. 38 V. c. 11, s. 70.

Registrar to act for both courts.

18. The Governor in Council may appoint a précis writer Précis writer. to report the decisions of the Supreme Court and of the Exchequer Court, and such précis writer shall act as secretary to the all he naid such salary to the chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges, and shall be paid such salary the Chief justice and judges are the Chief justice and judges are the Chief justice and t the Governor in Council determines. 38 V., c. 11, s. 71.

The Provisions of "The Civil Service Act" and of Civil Service and Superante Civil Service Superannuation Act" shall, so far as nuation Acts and Superannuation Act of Civil Service Superannuation Act of Civil Service Superannuation Act of Civil Service and to apply. applicable, extend and apply to such officers, clerks and to apply. servants at the seat of Government. 39 V., c. 26, s. 38.

The sheriff of the county of Carleton, in the Province Sheriff. of Ontario, shall be ex officio an officer of the Supreme Court and of the Exchequer Court, and shall perform the duties and therewith. 40 V., c. 22, functions of a sheriff in connection therewith. 40 V., c. 22,

BARRISTERS AND ATTORNEYS.

the D. persons who are barristers or advocates in any Who may practise a advocates and practise a dvocates and practises of the Provinces, may practise as barristers, advocates and practise as barristers.

Counsel : Provinces, may practise as barristers, advocates and barristers. counsel in the Supreme Court and the Exchequer Court. ₹ V., c. 11, s. 76.

Perion Persons who are attorneys or solicitors of the And as solicitors of the And as solicitors of the And as solicitors. the superior courts in any of the Provinces, may practise as tors. tiorneys, solicitors and proctors in the Supreme Court Exchequer Court. 38 V., c. 11, s. 77.

All persons who may practise as barristers, advocates, Practitioners to be officers in the Supreme of the courts. Oursel, attorneys, solicitors or proctors in the Supreme of the courts.

The pectival action of the courts of the courts. respectively. 38 V., c. 11, s. 78.

THE SUPREME COURT.

SESSIONS AND QUORUM.

nstitute of the judges of the Supreme Court shall Quorum of judges. constitute a quorum and may lawfully hold the court: judges. Provided a quorum and may lawfully hold the court.

Judges who have, that it shall not be necessary for all the Judgment may be given the shall not be necessary for all the shall be a major to be pre-Judged always, that it shall not be necessary for all the Judgment may be given then tin order to constitute the court for delivery of judge of the judges in specific and in specific and the argument in any case to be pre-by a majority in specific and the specific and specific ment in order to constitute the court for delivery of judg- of the judgless or any other cause, judgment may be delivered by case.

In any judges who were present at the hearing, the large based the case and is absent at and any judge who has heard the case and is absent at to any judge who has heard the case and is absent at to any judge who has heard the case and is absent at to any judge who has heard the case and is absent at the delivery of judgment, to be to delivery of judgment, may hand his opinion in with the any judge present at the delivery of judgment, to be the registrounced in open court and then to be left with registrounced in open court. 38 V., c. 11, ss. 3 the registrar or reporter of the court. 38 V., c. 11, ss. 3 12: 42 V., c. 39, s. 18.

Three sessions of appeal yearly.

20. The Supreme Court, for the purpose of hearing and determining appeals, shall hold in each year, at the city of Ottawa, three sessions; the first beginning on the third Tuesday of February, the second, on the first Tuesday in May, and the third, on the fourth Tuesday in October, in each year; and each of the said sessions shall be continued until the business before the court is disposed of. 42 V., c. 39, s. 16.

Power to adjourn.

21. The Supreme Court may adjourn any session from time to time, and meet again at the time appointed for the transaction of business; and notice of such adjournment and of the day fixed for the continuance of such session shall be given by the registrar in the Canada Gazette.

V., c. 11, s. 14, part.

Court may be convened at any time.

22. The court may be convened at any time by the chief justice, or in the event of his absence or illness, the senior puisne judge, in such manner as is prescribed by the rules of court. 38 V., c. 11, s. 14, part.

JURISDICTION—APPEALS.

Jurisdiction over all Canada. 23. The Supreme Court shall have, hold and exercise an appellate, civil and criminal jurisdiction within and throughout Canada. 38 V., c. 11, s. 15.

Appeal.

24. An appeal shall lie to the Supreme Court,

From final judgments.

(a) From all final judgments of the highest court of final resort now or hereafter established in any Province of Canada, whether such court is a court of appeal or original jurisdiction, in cases in which the court original jurisdiction is a superior court;

Upon a special case.

(b) From the judgment upon a special case unless the parties agree to the contrary, and the Supreme Court shall draw any inference of fact from the facts stated in the special case which the court appealed from should have drawn;

Points reserved. (c) From the judgment upon any motion to enter s verdict or non-suit upon a point reserved at the trial;

Motion for new trial.

(d) From the judgment upon any motion for a new trial upon the ground that the judge has not ruled according to law;

Decrees in equity courts.

(e) From any judgment, decree, decretal order, or order in any action, suit, cause, matter or other judicial proceeding originally instituted in any superior court of equity in any Province of Canada other than the

of Quebec, and from any judgment, decree, decretal order, or order in any action, suit, cause, matter or judicial proceeding in equity, ceeding, in the nature of a suit or proceeding in equity, originally instituted in any superior court in any Province of Canada other than the Province of Quebec;

(f) From the judgment, rule, order or decision upon Motion to set any motion to set aside an award, or upon any motion by aside award. way of appeal from an award made in any superior court in any appeal from an award made in the Province in any of appeal from an award made in any superior of Open the Provinces of Canada other than the Province of Quebec;

upon a writ of habeas corpus, not arising out of a criminal pus, manda-mus and in any case of proceedings for or upon a writ of municipal bymandamus,—and in any case of proceedings for or upon a wint of mandamus,—and in any case in which a by-law of a municipal laws. corporation has been quashed by rule or order of court, or the role the rule or order to quash it has been refused after argument and ss. 18, 19, 20 ment. 38 V., c. 11, s. 11, part, s. 17, part, and ss. 18, 19, 20 and 23; 38 V., c. 11, s. 11, pure, 2. 42 V., c. 39, ss. 1, 4 and 13.

25. The court shall also have jurisdiction,—

Further jurisdiction.

(a) In appeals in criminal cases as hereinafter provided; Criminal cases.

(b) In appeals from the Exchequer Court as hereinafter Exchequer Court. provided, and as provided in the "Act respecting the Official Court.

(c) In appeals from the Maritime Court of Ontario as pro-Maritime Court, Ont. ided in "The Maritime Court Act;"

" The Dominion Elections Act;" and—

The In appeals from the court or judge as provided in Insolvency.

New Winding-up Act."

ct Except as otherwise provided in this Act or in the Appeal to be brown in the Appeal to be bro Let Except as otherwise provided in this Act of in the providing for the appeal, no appeal shall lie to from court last resort.

Supreme Supre the Supreme Court but from the highest court of last Resort having jurisdiction in the Province in which the one of the province in which the province in the Province in the Province in the Province in the proceeding was action, having jurisdiction in the Province in was single, suit, cause, matter or other judicial proceeding was indicated independent or decision in originally instituted, whether the judgment or decision in action was or weit, cause, matter or other judicial proceeding was or was not a proper subject of appeal to such highest

2. Provided, that an appeal shall lie directly to the Appeal by Supreme Court from the judgment of the court of original consent. from the judgment of the court of original consent. by consent of parties:

3. Provided also, that an appeal shall lie to the Supreme leave of court Court by leave of such court, or a judge thereof, from any or judge. judgment, decree, decretal order, or order made or pronounced by a superior court of by a superior court of equity, or made or pronounced by any judge in equity, or by any superior court in any action, cause metter or other in any action, or made or pronounced by action, or by any superior court in any action, or by action action by action action action. cause, matter or other judicial proceeding in the nature of a suit or proceeding in according to a suit or proceeding to a suit or proc a suit or proceeding in equity, and from the final judgment of any superior court of any P of any superior court of any Province other than the ther vince of Onebea in the superior court of any Province other than the there is no other than the third than vince of Quebec, in any action, suit, cause, matter or other judicial proceeding originally judicial proceeding originally commenced in such superior court, without any intermediate appeal being had to any intermediate court of appeal being had to 11, intermediate court of appeal in the Province. 38 V., c. 11, s. 11 nart and c. 27 s. 11, part, and s. 27;—42 V., c. 39, ss. 5, 6 and 7.

No appeal from orders made in exercise of judicial discretion.

Exception.

27. No appeal shall lie from any order made in any action, suit, cause, matter or other judicial proceeding made in the exercise of the intermediate proceeding material or in the exercise of the judicial discretion of the court or judge making the same. judge making the same; but this exception shall not include decrees and decrees. clude decrees and decretal orders in actions, suits, cations matters or other indicial matters or other judicial proceedings in equity, or in actions or suits, causes matters are designed in the or suits, causes, matters or other judicial proceedings in the nature of suits or proceedings... any nature of suits or proceedings in equity instituted in superior court.

Appeals from final judgments in cases specified.

28. Except as provided in this Act or in the Act providing r the appeal an appeal at 1111. for the appeal, an appeal shall lie only from final judgments in actions, suits causes matter. actions, suits, causes, matters and other judicial proceedings originally instituted in the control of the cont originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the superior court of the Province of Quebec, or originally instituted in the Q of Quebec, or originally instituted in a superior court in any of the Provinces of Court in a superior province any of the Provinces of Canada other than the Province of Quebec. 42 V 2 20 7 2 of Quebec. 42 V., c. 39, s. 3.

In what cases appeal shall lie in Quebec.

29. No appeal shall lie under this Act from any judgent rendered in the December this Act from any judgent rendered in the December that the state of the state o ment rendered in the Province of Quebec in any action, suit, cause matter or all results and the suit, cause, matter or other judicial proceeding, wherein the matter in controversy door matter in controversy does not amount to the sum or that of two thousand dollars and the sum of the of two thousand dollars, unless such matter, if less than that amount,—

Validity of Act or ordinance.

(a) Involves the question of the validity of an Act of the arliament of Canada are fill Parliament of Canada, or of the Legislature of any of the Provinces of Canada, or of the Legislature of any of the Provinces of Canada, or of the Legislature of any of the Councils or legislative had a Ordinance or Act of any of the Councils or legislative had a councils or legislative had a councils or legislative had a council or councils or legislative bodies of any of the Territories or Districts of Canada or

Fees to the Crown, title to property,

- (b) Relates to any fee of office, duty, rent, revenue or to to money payable to Harris and the total sum of money payable to Her Majesty, or to any title or lands or tenements. annual results of the sum of the s lands or tenements, annual rents or such like matters of things where the rights in future of the such like matters. things where the rights in future might be bound:
- 2. Provided that such appeals shall lie only from part; Court of Queen's Bench. 38 V., c. 11, s. 17, part; 42 V., c. 39 8 8 To be only from court of Q.B. 42 V., c. 39, s. 8.

80. Nothing in the three sections next preceding shall in Certain matany way affect appeals in Exchequer cases, cases of rules for ters excepted. new trials and cases of mandamus, habeas corpus and municipal by-laws. 42 V., c. 39, s. 11.

81. No appeal shall be allowed in any case of proceed-Extradition. ings for or upon a writ of habeas corpus arising out of any claim or upon a writ of habeas corpus arising out of any claim or upon a writ of habeas corpus arising out of any treaty. 39 V., c. any claim for extradition made under any treaty. 39 V., c. 26, 8. 31, part.

HABEAS CORPUS.

Every judge of the court shall have concurrent jurisjurisdiction
in habeas diction with the courts or judges of the several Provinces, in habeas to ison with the courts or judges of the several with the corpus ma to issue the writ of habeas corpus ad subjiciendum, for the corpus matters. Purpose of an inquiry into the cause of commitment, in any chiminal of an inquiry into the cause of Canada. criminal case under any Act of the Parliament of Canada, but and case under any Act of the Parliament of Canada, but such judge shall not have such jurisdiction in habeas corpus matters arising out of any claim for extradition made Inder any treaty:

2. If the judge refuses the writ or remands the prisoner, Appeal to the The judge refuses the writ or remands the prisoner, appeal shall lie to the court. 38 V., c. 11, s. 51;—39 court. Tappeal snain 26, s. 31, part.

The supreme Court, or on any appeal to the Supreme Court in cases.

The supreme Court in cases. hy habeas corpus matter, the court or judge shall have the ne power to bail, discharge or commit the prisoner or descent or bail, discharge or commit the prisoner or descent or custody or otherpower to bail, discharge or commit the properties to direct him to be detained in custody or otherise to deal with him as any court, judge or justice of the to deal with him as any court, judge or judge of having jurisdiction in any such matters in any Prohaving jurisdiction in any of Canada. 39 V., c. 26, s. 29.

on any appeal to the Supreme Court in any habeas Prisoner need unless the court in court. corpus On any appeal to the Supreme Court in any habeas Prisoner need other Wiscourt, it shall not be necessary, unless the court in court. otherwise matter, it shall not be necessary, unless the such appearing orders, for any prisoner or person on whose behalf the appeal is made, to be present in court; but the prisoner or person of person of the aberde or custody to which he or person shall remain in the charge or custody to which he was was committed or had been remanded, or in which he was the time tended or had been remanded. the time of giving the notice of appeal, unless at liberty bail, by order of a judge of the court which refused the application or of a judge of the court which relused the supreme Court; but the supreme Court is but the supreme Court is preme court in a corder direct that such pri-Supreme Court may, by writ or order, direct that such princer or Double North brought before it. 39 V., c. 26, oner or Derson shall be brought before it. 39 V., c. 26,

An appeal to the Supreme Court in any habeas When such appeals sha and at an early day, whether in or appeals sha be heard. corpus matter shall be heard at an early day, whether in or appeals shall be heard at an early day, whether in or be heard. of the prescribed sessions of the court. 39 V., c. 26, s. 28.

CERTIORARI.

Writ of certiorari.

36. A writ of certiorari may, by order of the court of any judge thereof, issue out of the Supreme Court, to bring up papers or other present papers or other proceedings had or taken before any court, indee or instice of the judge or justice of the peace and which are considered necessary with a view to necessary with a view to any inquiry, appeal or other proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and which are considered proceeding had or to be a line peace and to be a line peace ceeding had or to be had before the court. s. 34.

SPECIAL CASES REFERRED TO THE COURT.

Governor may refer matter for opinion.

37. The Governor in Council may refer to the Supreme purt, for heaving an analysis of the Supreme and the Supreme purt. Court, for hearing or consideration, any matter which of thinks fit to refer and the thinks fit to refer; and the court shall thereupon hear or consider the same and action in consider the same and certify their opinion thereon to the Governor in Council. Description of the consideration o Governor in Council: Provided, that any judge or judges of the court who differ from the court w the court who differ from the opinion of the majority may, in like manner continued. may, in like manner, certify his or their opinion or opinions to the Governor in Countries of the majorism of to the Governor in Council. 38 V., c. 11, s. 52.

Report upon private bill or petition.

38. The Supreme Court, or any two of the judges thereof, shall examine and report upon any private bill petition for a private bill provide House petition for a private bill presented to the Senate or of Commons and referred to the Senate or or of Commons and referred to the court under any rules or orders made by the South orders made by the Senate or House of Commons. c. 11, s. 53.

PROCEDURE IN APPEALS.

Perfecting Appeal.

Proceedings in appeal.

39. Proceedings in appeals shall, when not otherwise ovided for by this had provided for by this Act, or by the Act providing for the appeal, or by the general --peal, or by the general rules and orders of the Supreme Court, be as nearly as possible Court, be as nearly as possible in conformity with the present practice of the Training Conformity with the Training Conformity with the present practice of the Training Conformity with the Training Conformity with the present practice of the Training Conformity with the Training Conformit sent practice of the Judicial Committee of Her Majesty's Privy Council 28 V

When apreal shall be brought.

40. Except as otherwise provided, every appeal shall be ought within thirty described antry or brought within thirty days from the signing or entry or pronouncing of the indemand pronouncing of the judgment appealed from. s. 25, part.

Notice of appeal in cases specified.

41. No appeal upon a special case, or from the judgment point on a motion to enter a result case, or from the judgment upon a motion to enter a verdict or non-suit upon a motion reserved at the trial or framework upon a motion reserved at the trial, or from the judgment upon a not for a new trial upon the for a new trial, upon the ground that the judge has notice ruled according to law shall be sh ruled according to law, shall be allowed, unless or his thereof is given in writing to law. thereof is given in writing to the opposite party, decision attorney of record, within twenty days after the decision complained of, or within such factories and the court approximation of complained of, or within such further time as the court appealed from, or a judge thereof

Provided always, that the court proposed to be ap-Allowance of appeal in app pealed from, or any judge thereof, may, under special cir-special cases comstance. enmstances, allow an appeal, notwithstanding that the same on terms. is not brought within the time hereinbefore prescribed that brought within the time hereinbefore shall in that brought within the time hereinbelore problem imbose behalf; but in such case, the court or judge shall or otherwise as seems impose behalf; but in such case, the court or judge such terms as to security or otherwise as seems this sections the circumstances; but the provisions of this section shall not apply to any appeal in the case of an election shall not apply to any election petition. 38 V., c. 11, s. 26.

Peal in Writ shall be required or issued for bringing any Proceedings requisite to requisite to the bring cases appeal in any case to or into the Supreme Court, but it shall bring cases within the time that the party desiring so to appeal shall, into Supreme Court. within the time herein limited in the case, have given the Court. security required and obtained the allowance of the appeal:

2. Whenever error in law is alleged, the proceedings in When error by Suppose and the Suppose the Supreme Court shall be in the form of an appeal. 38 V., c. 11, 88. 16 and 28.

The appeal shall be upon a case to be stated by the Appeal to be on a special by the case. Notices or, in the event of difference, to be settled by the case. the or, in the event of difference, to be settled by the settled b pleadings, evidence, affidavits and documents as is necesy to raise the question for the decision of the court. 38

The clerk or other proper officer of the court appealed Transmission shall be proper fees and of case by clerk of the The clerk or other proper officer of the court appealed of case by clerk of the expense upon payment to him of the proper fees and clerk of the court appealed from. the expenses of transmission, transmit the case forthwith court appealed from the court such all of the Supreme Court, ter such allowance to the registrar of the Supreme Court, pealed from. further proceedings shall thereupon be had according to the practice of that court. 38 V., c. 11, s. 30.

Security and Staying Execution.

No appeal shall be allowed until the appellant has Security to be given No appeal shall be allowed until the appearant the satisfaction whose judgment he is about the satisfaction of the court from whose judgment he is about to appeal, or a judge thereof, or to the satisfaction of the mercent premercial than the satisfaction of t prosecute him or a judge thereof, or to the satisfaction of prosecute him provided the pay such costs and damages as prosecute his appeal and pay such costs and damages as be appeal and pay the Supreme Court: hay be awarded against him by the Supreme Court:

2. This section shall not apply to appeals in election cases, Exceptions. in cases in the Exchequer Court, in criminal cases, or in pro-Ceedings for or upon a writ of habeas corpus. 38 V., c. 11, 8. 81 yes for or upon 242 V., c. 39, s. 14.

Thon the perfecting of such security, execution shall execute the execution shall execute shal be stayed in the original cause, except in the following stayed.

Exceptions. If the judg-

(a) If the judgment appealed from directs an assignment delivery of documents or a series of delivery of documents or a series of documents or a s or delivery of documents or personal property, the things documents or tion of the judgment shall not be stayed, until the things the personalty. directed to be assigned as all the stayed and the bestimes directed to be assigned or delivered have been brought into court, or placed in the anatod. court, or placed in the custody of such officer or receiver to the the court appoints, nor until security has been given the satisfaction of the court appoints. satisfaction of the court appealed from, or of a judge the of, in such sum as the court of, in such sum as the court or judge directs, that the appellant will obey the court or judge directs, graneme appellant will obey the order or judgment of the Supremo

Or execution of conveyánce.

(b) If the judgment appealed from directs the execution a conveyance or any other. of a conveyance or any other instrument, the execution of the judgment shall not be attended in the state of the judgment shall not be stayed, until the instrument has been executed and deposited been executed and deposited with the proper officer of the court appealed from to abid. court appealed from, to abide the order or judgment of the Supreme Court

(c) If the court appealed from is a court of appealed such assignment or court appeared from is a court of appeared from is a court of appeared from is one of and such assignment or conveyance, document, instrument, appeared property or thing as of a court of appeared in the property or thing, as aforesaid, has been deposited in the custody of the proper officer and custody of the proper officer of the court in which the cause originated, the consent of the originated, the consent of the party desiring to appeal the Supreme Court that it about the supreme court that it also supreme court that it is also s the Supreme Court, that it shall so remain to abide the judgment of the Supreme Court. judgment of the Supreme Court, shall be binding on and shall be deemed a and shall be deemed a compliance with the foregoing requirements of this section.

If the judg-ment directs sale, &c., of realty.

(d) If the judgment appealed from directs the sale of livery of possession of real and appealed from directs the sale of livery of possession of real and appealed from directs the sale of livery of possession of real and livery of possession of the livery of possession of the livery of possession of the livery of the lin delivery of possession of real property, chattels real or immovables, the execution of the ables, the execution of the judgment shall not be stayed, until security has been and until security has been entered into to the satisfaction of the court appealed from the court appealed from, or a judge thereof, and in such amount as the said last many and in directs, amount as the said last mentioned court or judge directs, that during the possession and court or judge and that during the possession and court or judge and court o that during the possession of the property by the appellant he will not commit or suffer the property by the appellant he will not commit, or suffer to be committed, any waste on the property.—and that if it the property,—and that if the judgment is affirmed, pay the value of the man affirmed, property pay the value of the use and occupation of the property of from the time the annual occupation of the property of from the time the appeal is brought until delivery for the possession thereof—and all a brought until delivery for the possession thereof,—and also, if the judgment is for sale of property and the possession thereof. sale of property and the payment of a deficiency arising upon the sale that the upon the sale, that the appellant will pay the deficiency;

If the judg-ment directs payment of money as a debt, &c.

(e) If the judgment appealed from directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for directs the payment of oney, either as a debt or for direct or d money, either as a debt or for damages or costs, execution thereof shall not be stayed, until the appellant has given security to the satisfaction of the security to the satisfaction of the court appealed from, is a judge thereof, that if the independent thereof. a judge thereof, that if the judgment or any part thereof affirmed, the appellant will pour the appellant will be appelled to be appell affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof to be paid, or the part thereof as to which the judgment is affirmed, if it is affirmed and the same of the same o is affirmed, if it is affirmed only as to part, and all damages awarded against the appellant

2. Provided that in any case in which execution may be As to instrustayed on the giving of security under this section, such giving such security. the security may be given by the same instrument whereby security. the security may be given by the same instrument security prescribed in the next preceding section is given. 38 V., c. 11, s. 32.

When the security has been perfected and allowed, Fiat to sheriff when security has been perfected and allowed, Fiat to sheriff when security is nerfected. When the security has been perfected and when security has been perfected. the sheriff, to whom any execution on the judgment has by stayed, to stay the execution, and the execution snan so and if the whether a levy has been made under it or not; and if the court if the court appealed from is a court of appeal, and If the court execution court appealed from is a court of appeal, and if the court appealed from its account of appealed from the case such stay of is one of election has been already stayed in the case, such stay of is one of speak. execution has been already stayed in the case, such stay of isomorphic decision shall continue without any new fiat, until the appeal.

Court: Provided al-Provised to poon decision shall continue without any new fiat, until the reconstruction shall continue without any new fiat, until the reconstruction of the appeal by the Supreme Court: Provided al-Proviso; as to poundage.

The reconstruction of the appeal by the Supreme Court: Provided al-Proviso; as to poundage.

The reconstruction of the appeal by the supreme Court is poundage. execution is issued before the judge's fiat to stay the execution is issued before the judges nat to the source appealed from the appellant, unless a judge of the court appealed from otherwise orders. 38 V., c. 11, s. 33.

of a control of the time of the receipt by the sheriff of the fiat, Money levied and not paid over before of a copy thereof, the money has been made or received and not paid over before over before the money has been made or received over before over before the money has been made or received and not paid over before over before the money has been made or received and not paid over before over before the money has been made or received and not paid over been made or received and not him, but not paid over to the party who issued the exe-fiat to be repaid. to, the party appealing may demand back from the repaid. the party appealing may demand back the party appealing may demand back the amount made or received under the execution, or hands not paid over, and in denuch the amount made or received under the each thereof as is in his hands not paid over, and in dethat thereof as is in his hands not paid over, and ...

payment by the sheriff, upon such demand, the
same from him in an action payment by the sheriff, upon such deliberation appealing may recover the same from him in an action means of an order or rule money had and received, or by means of an order or rule of the court appealed from. 38 V., c. 11, s. 35.

If the judgment appealed from directs the delivery Perishable property. If the judgment appealed from directs the delivery remands the property, the court appealed from, or a judge property. he haid: y order the property to be sold and the proceeds Court, may order the property to be sold and the property to be sold and the property. Court. 38 V., c. 11, s. 36.

Discontinuance of Proceedings,

iving to the appellant may discontinue his proceedings by Discontinuing to the supreme ing proceedings. court and in respondent a notice entitled in the Supreme ings. to the respondent a notice entitled in the cause, and signed by the appellant, his cause, and signed by the appellant appellan storney or solicitor, stating that he discontinues such procedings; solicitor, stating that he discontinues such in the discontinu entitled to the costs of and occasioned by the proceedings entitled. in appeal; and the costs of and occasioned by the processing sign and may, in the court of original jurisdiction, may may may may either sign judgment for such costs or obtain an order from table court for their payment, and may such sign judgment for such costs or obtain an order take all first. or a judge thereof, for their payment, and may that court as if no appeal had been brought. 38 V., c. 11, s. 39.

Consent to Reversal of Judgment.

Consent to reversal.

52. A respondent may consent to the reversal of the dgment appealed against 1 judgment appealed against, by giving to the appellant notice entitled in the Suppose and notice entitled in the Supreme Court and in the cause, and signed by the respondent him the cause, and signed by the respondent, his attorney or solicitor, there that he consents to the respondent that he consents to the reversal of the judgment; and judgment upon the court, or any judge it upon the court, or any judge thereof, shall pronounce judge ment of reversal as of courts. ment of reversal as of course. 38 V., c. 11, s. 40.

Dismissal for Delay.

Dismissal for delay to proceed.

53. If an appellant unduly delays to prosecute first opeal, or fails to bring the control of the first open. appeal, or fails to bring the appeal on to be heard at the first session of the Supreme Clause on to be heard at the first session of the Supreme Clause o session of the Supreme Court, after the appeal is ripe for hearing, the respondent hearing, the respondent may, on notice to the appeal is ripolar, move the Supreme Court or move the Supreme Court, or a judge thereof in chambers, for the dismissal of the appearance of the app for the dismissal of the appeal; and such order shall there upon be made as the said according upon be made as the said court or judge deems just. c. 11, s. 41.

Death of Parties.

54. In the event of the death of one of several appellants, anding the appeal to the S several appel- pending the appeal to the Supreme Court, a suggestion may be filed of his death and the be filed of his death, and the proceedings may, thereupon, be continued at the suit of continued at the suit of and against the surviving appellant, as if he were the solo and against the surviving destion, lant, as if he were the sole appellant; but such suggestion, if untrue, may be set aside. if untrue, may be set aside on motion made to the Supreme Court, or a judge thereof: 38 V., c. 11, s. 42.

Of sole appel-lant or of all the appellants.

55. In the event of the death of a sole appellant, or of all e appellants, the local rethe appellants, the legal representative of the sole appellant or of the last surviving and its surviving and and its surviving and and an analysis and an a or of the last surviving appellant, may, by leave of the court or a judge, file a suggestion of the court is such or a judge, file a suggestion of the death, and that he is such legal representative and the legal representative, and the proceedings may thereupon to continued at the suit of and continued at the suit of and against such legal representative as the appellant. and if tive as the appellant; and if no such suggestion is made, the respondent may present the respondent may proceed to an affirmance of the judgment, according to the process. ment, according to the practice of the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings as he is called the court, or take such other proceedings are the court of the c other proceedings as he is entitled to; and such suggestion, if untrue, may, on motion if untrue, may, on motion, be set aside by the court of s judge thereof. 38 V 2 11

Of one of several respondents.

56. In the event of the death of one of several respondints, a suggestion may be fill a form of several responding the proents, a suggestion may be filed of such death, and the proceedings may be continued as the proceedings are the proceedings as the proceedings are the proceedings as the proceedings are the proceedings are the proceedings as the process as the proceedings are the process as the proceedings are the procedure are the proceedings are the proceedings are the proceedings are the procedure are the proced ceedings may be continued against the surviving respondent, but such suggestion if ent, but such suggestion, if untrue, may, on motion, 44. aside by the court or a indee there?

Of sole respondent or of all the respondents.

57. In the event of the death of a sole respondent, or like the respondents, the appallant all the respondents, the appellant may proceed, upon giving one month's notice of the appeal and of his intention to continue the same, to the representative of the deceased party, or if no such notice to or if no such notice can be given, then upon such notice to the notice can be given, then upon such notice to the Parties interested as a judge of the Supreme Court directs. 38 V., c. 11, s. 45.

Entry of Causes.

The appeals set down for hearing shall be entered Entry of appeals of the divided into three list and of by the registrar of the court, on a list, divided into three list and order talks and order of the court, or a list, divided into three of hearing. parts, and to be numbered and headed as follows: "Num- of hearing.
""Number two. Quebec ber one, Maritime Provinces cases;" "Number two, Quebec hall enter all appeals from the Provinces of Nova Scotia, Number three, Ontario cases:" and the registrar New Brunswick and Prince Edward Island on part Numbered one, and all appeals from the Province of Quebec on part numbered two, and all appeals from the Provinces of Ontario, Manitoba and British Columbia on part numbered the Analysish they are respectively bered three, in the order in which they are respectively received, in the order in which they are respectived; and such appeals shall be heard and disposed to the standard of the standard such appeals shall be heard and disposed of in the and such appeals shall be heard and order in which they are so entered, unless otherthe order in which they are so encorred by the court. 42 V., c. 39, s. 15.

Judgments.

The Supreme Court may quash proceedings in cases Quashing proceedings in cases of the or when-certain cases. The Supreme Court may quash proceedings in cases ceedings in cases. Such before it, in which an appeal does not lie, or when certain cases. etal before it, in which an appeal does not ne, or which such proceedings are taken against good faith. 38 V., c.11, s. 37.

The Supreme Court may dismiss an appeal, or give Appeal may be dismissed or judgment and award the process or other proceedings or judgment the court, whose decision is appealed against, should given. the court, whose decision is appeared as given or awarded. 38 V., c. 11, s. 38, part.

On any appeal, the court may, in its discretion, order New trial trial is appeal, the court may in its discretion, order New trial trial is appeal. a new trial if the ends of justice seem to require it, although ordered. the verdict is deemed necessary upon the ground that a verdict is deemed necessary upon the ground that the verdict is against the weight of evidence. 43 V., c. 34,

The Supreme Court may, in its discretion, order the Payment of the Supreme Court may, in its discretion, order the lay ment of the costs of the court appealed from, and also of costs. the appeal, or any part thereof, as well when the judg-Ment appealed from is varied or reversed as where it is appealed from is various 38 V., c. 11, s. 38, part.

Amenaments.

Le Supreme Cime during the pendency of any appeal before Necessary upon the application of amendmen may be may the Supreme Court, the court may, upon the application of amendments may be made. any of the parties, or without any such application, make of all such amendments as are necessary for the purposed determining the appeal or the purposed determining the appeal, or the real question or controvers between the parties as disclarated question or controvers. between the parties, as disclosed by the pleadings, evidence or proceedings. 43 V., c. 34, s. 1.

At whose instance.

64. Any such amendment may be made, whether the ecessity for the same is a rich and the defect. necessity for the same is or is not occasioned by the defect, error, act, default or perfect act. error, act, default or neglect of the party applying to amend. 43 V., c. 34, s. 2

Conditions of amendment.

65. Every amendment shall be made upon such terms to payment of costs postners. as to payment of costs, postponing the hearing or otherwise, as to the court seems just

Interest.

66. If on appeal against any judgment, the Supreme Court affirms such judgment, interest shall be allowed by the the court for such time as a court. Interest to be the court for such time as execution has been delayed by the appeal. 38 V. c. 11 5.34 allowed.

Judgment to be carried out by the court below.

67. The judgment of the Supreme Court in appeal shall be certified by the registrar of the court to the proper officer of the court of original interest of the court to the proper officer of the court of original interest or the court of original interest of the court of original interest of the court of original interest or the court of original interest of the court of original interest of the court of original interest or the c officer of the court of original jurisdiction, who shall there upon make all proper and make the proper and make the court to the proper and make the court to the proper of the court to the court upon make all proper and necessary entries thereof; and the subsequent proceedings subsequent proper and necessary entries thereof; and the subsequent proceedings may be taken thereupon as id last judgment had been given as judgment had been given or pronounced in the said last mentioned court. 38 V., c. 11, s. 46.

In what criminal cases an appeal shall lie.

68. Any person convicted of any indictable offence before any Court of Oyer and Terminer or Gaol Delivery or on its the Court of Queen's Bench in the Province of Quebec, or its Crown side, or before any all Crown side, or before any other superior court having criminal jurisdiction. whose considering court having the superior court have the superi inal jurisdiction, whose conviction has been affirmed by the court of last resort or in the court of last resort, or, in the Province of Quebec, by the Court of Queen's Bench on its appeal side, may appeal to supreme Court against the court of Queen's Rench on its appeal side, may app Supreme Court against the affirmance of such conviction, and the Supreme Court shall and the Supreme Court shall make such rule or order therein, either in affirmance of the either in affirmance of the conviction or for granting application, or otherwise. or for granting application or for granting application. trial, or otherwise, or for granting or refusing such application, as the justice of the agent and the such as the

Proceedings thereupon.

tion, as the justice of the case requires, and shall make of other necessary rules and order of the case requires, and shall rule in other necessary rules and orders for carrying such rule of order into effect: Provided it order into effect: Provided that no such appeal is be allowed if the court of certain cases. be allowed if the court affirming the conviction unanimous, nor unless notice of unanimous, nor unless notice of appeal in writing province, served on the Attorney Gonzal and a writing province. served on the Attorney General for the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the contract of the proper v. c. 11, 200 Within fifteen days after such a contract of the c 49;—39 V., c. 26, s. 31.

The Unless such appeal is brought on for hearing by the When the appeal my during which appeal appeal my during which appeal my during the appellant at the session of the Supreme Court during which appeal must be brought to the session of the Supreme Court during which be brought to the session of the Supreme Court thereafter bearing. if the ameal shall be if the said court is not then in session, the appeal shall be held to 1 held to have been abandoned, unless otherwise ordered by the Supreme Court. 38 V., c. 11, s. 50.

APPEALS FROM THE EXCHEQUER COURT.

Any party to a suit in the Exchequer Court who is Appeals from and desirous of appeal-the Exchequer court dissatisfied with the decision therein, and desirous of appeal the Exchequer court ing are:

- thirty days from the day and condiing against the decision therein, and desirous of appear-quer court quer court which the same, may, within thirty days from the day and condion which such decision has been given, or within such tions thereof. the reposit as a judge of such court allows, deposit with the registrar of such court the sum of fifty dollars by way of security for costs; and thereupon the registrar shall set the appeal down for hearing before the Supreme Court on the first a down for hearing before the party appealing first day of the next session; and the party appealing the reupon, within three days after the deposit, give the parties affected by the appeal, or their respective oneys, by whom such parties were represented before be ind ge of the Exchequer Court, notice in writing that the case has been so set down to be heard in appeal as aforedase has been so set down to be heard in appear and in such notice the said party so appealing may, subject of the appeal to any the and in such notice the said party so appearing so desires, limit the subject of the appeal to any cial defined question or questions; and the said appeal thereupon be heard and determined by the Supreme thereupon be near 38 V., c. 11, s. 68.

JUDGMENT FINAL AND CONCLUSIVE.

The judgment of the Supreme Court shall, in all cases, Judgment to judgment conclusive, and no appeal shall be brought from be final. judgment or order of the Supreme Court to any court of established by the Parliament of Great Britain and cond established by the Parliament of Great Divariant in the heard: saving any right which Har W be ordered to be heard: saving any right Saving H. M. Mich Her Majesty may be graciously pleased to exercise prerogative.

Wittue of her royal prerogative. 38 V., c. 11, s. 47.

PROTAL JURISDICTION OF SUPREME AND EXCHEQUER COURTS. When the Legislature of any Province of Canada Powers to be exercised with consent with consent When the Legislature of any Province of Canada Powers to be Court and Act agreeing and providing that the Supreme exercised with consent that as the Exchequer Court, or the Supreme Court of Provincial that is a shall have jurisdiction in any of Legislatures. the following as the case may be, shall have jurisdiction in any of Legislatures. the following cases, that is to say:—

First. Of controversies between the Dominion of Canada anch Province;

her Provide controversies between such Province and any other Province or Provinces which have passed a like Act;

Third. Of suits, actions or proceedings in which the parties ereto, by their pleadings. thereto, by their pleadings, have raised the question of the validity of an Act of the Parliament and the parliament of validity of an Act of the Parliament of Canada, when, pend-opinion of a indee of the carrier opinion of a judge of the court in which the same are pending, such question is material.

Fourth. Of suits, actions or proceedings in which the parties ereto, by their pleadings. thereto, by their pleadings, have raised the question of the validity of an Act of the Loriel validity of an Act of the Legislature of such Province, when in the opinion of a index of the in the opinion of a judge of the court in which the same are pending, such question is made in the same are

This section and the two sections of this Act next following shall be in force in the two sections of this Act next following shall be in force in the sections of this Act next following shall be in force in the sections of this Act next following shall be in force in the sections of this Act next following shall be in force in the section of the se lowing shall be in force in the class or classes of cases in respect of which such had respect of which such Act so agreeing and providing been passed. 38 V 2 11

Proceedings in cases first and secondly mentioned.

And in those thirdly and fourthly mentioned.

73. The proceedings in the cases firstly and secondly entioned in the part mentioned in the next preceding section shall be in the Exchequer Court and an arrange section shall be in the case Exchequer Court, and an appeal shall lie in any such case to the Supreme Court, and an appeal shall lie in any such to the Supreme Court. to the Supreme Court; and in the cases thirdly and fourthly mentioned in such section. mentioned in such section, the judge who has decided that such question is material at 11 such question is material shall, at the request of the parties, and may, without such and may, without such accounts. and may, without such request, if he thinks fit, order to case to be removed to the State of the part the request of the part the and may, without such request, if he thinks fit, order to the state of the part the request of the part the state of t case to be removed to the Supreme Court for the decision of such question. and it shall it Decision to be such question, and it shall be removed accordingly shall after the decision of the Supreme Court for the decision of the Supreme Court for the decision and the supreme Court for after the decision of the Supreme Court the said case shall be sent back, with a convention be sent back, with a copy of the judgment on the question raised, to the court or judgment on the and raised, to the court or judge whence it came, to be then and there dealt with as to justin 55 and 56;—39 V., c. 26, s. 17.

from.

To what cases preceding sections apply.

74. The two sections next preceding shall apply only to see of a civil nature and preceding shall apply only the cases. cases of a civil nature, and shall take effect in the cases of therein provided for recognitions. therein provided for respectively, whatever is the value of the matter in dispute. and therein whatever is the value and the matter in dispute. the matter in dispute, and there shall be no further appeal to the Supreme Court on any to the Supreme Court on any point decided by it in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by in the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by it is not the such case, nor on any other national decided by its national decided by it such case, nor on any other point in such case, unless the value of the matter in disput value of the matter in dispute exceeds five hundred dollars. 38 V., c. 11, s. 57

The reference in section 57 of 38 V., c. 11 was limited to sections 55 and 56, but, it is thought, intended also to include section 54 and 101 was, it is thought, intended also to include section 54 as well.

THE EXCHEQUER COURT.

75. The Exchequer Court shall have and possess concurrent original jurisdiction in Court Concurrent jurisdiction of the Exchequer rent original jurisdiction in Canada,— Court.

(a) In all cases in which it is sought to enforce any law.

Canada relating to the revenue. of Canada relating to the revenue, including actions, and proceedings, by way of information, to enforce penalties and proceedings, by way of information, to small well in qui tam suits for penalties or forfeitures as where the suit is on behalf of the Crown alone; and—

- (b) In all cases in which demand is made or relief sought in respect of any matter which might, in England, have I respect of any matter which might, in the Court of have been the subject of a suit or action in the Court of Exchange of the Crown: Exchequer on its plea side against any officer of the Crown:
- 2. The Exchequer Court shall have exclusive original Exclusive jurisdiction in all cases in which demand is made or rediction. lief sought in respect of any matter which might, in England L land, have been the subject of a suit or action in the Court of Eval. of Exchequer on its revenue side against the Crown. 38 V., c. 11, s. 58;—39 V., c. 26, s. 18.

76. The Exchequer Court shall also have concurrent Cases in which the Cases in Companion of the Saveral Provinces, which the Cases in Case original jurisdiction with the courts of the several Provinces, which the in all of jurisdiction with the courts of the several Provinces, which the in all of jurisdiction with the courts of the several Provinces, which the interested in the several Provinces interested. in all other suits of a civil nature at common law or equity, interested. the Which the Crown, in the interest of the Dominion of Canada, is plaintiff or petitioner. 38 V., c. 11, s. 59.

on in Exchequer Court shall have appellate jurisdic- In case of the Act appeal from the Act the official ton in all cases of arbitration arising under "The Act the official cases of arbitration arising under "The Act the official the claim exceeds arbitrators." respecting the official arbitrators," when the claim exceeds arbitrators.

long fide line sum of five hundred dollars, according to the ond fide belief of any of the parties complaining of such The belief of any of the parties complaining the belief of any of the parties complaining c. 25 alone, as shown on affidavit. 42 V., c. 8, s. 2;—44 V., c. 25, s. 40, part.

SITTINGS OF THE COURT.

Subject to rules of court, the judges of the Exchequer Sittings at any and are the place. Court, respectively, may sit and act at any time and at any any time and at any place for the Exchequer Court the transaction of the business of the Exchequer Court, or any part thereof; and the hearing and trial of any Judge to sit case shall be by and before one judge of the court sitting alone. alone, and such judge shall decide such case, and his decision at such judge shall decide such case, and his decision shall be the judgment of the court therein, and such indicate indicate the such and authority as the such judge shall be the judgment of the court therein, court judge shall have the same power and authority as the court. 38 V., c. 11, s. 62.

PROCEDURE.

The procedure in suits and actions within the juris-Rules of praction of procedure in suits and actions within the juris-Rules of practice. diction of the procedure in suits and actions within the june provided for Exchequer Court shall, unless it is otherwise tice. provided for by general rules made in pursuance of this Act, be regulated by the practice and procedure in similar suits.

Her M. d. by the practice and procedure at Westminster. 38 in Her Majesty's Court of Exchequer at Westminster. 38 V. c. 11, 8. 61;—39 V., c. 26, s. 19.

Issues of fact. how tried.

80. Issues of fact, in cases before the Exchequer hich shall be tried according to the laws of the Province in which the cause originated in all all the cause originated in all the cause or ca the cause originated, including the laws of evidence. V., c. 11, s. 63.

Without a jury in certain cases.

81. Issues of fact in cases arising under the seventy fifthe ction shall be tried by the control of the seventy fifther the seventy fither th section shall be tried by the judge without a jury. c. 11. s. 64.

Reference of matter or petition.

82. The Exchequer Court may, for the purposes of taking or ecounts and making in account accounts and making inquiries, refer any cause, matter or petition, over which it has refer any cause, matter or petition, over which it has jurisdiction, to the registrar any other officer of the court, or to any other referee. V., c. 26, s. 20.

Jurors.

Jurors in cases specified.

83. A judge of the Exchequer Court may, for the trial of sues of fact in any case crimes issues of fact in any case arising under the seventy-sixth section, order a writ of venice fact. tion, order a writ of venire facias to be issued, directed to the sheriff of any county or other in the seventy-sixth the sheriff of any county or other judicial division, or if the sheriff is disqualified. to any of the is disqualified, to any of the coroners of such county or district, commanding him to summer. commanding him to summon a panel of jurors to attend at the time and place in the cond the time and place in the said writ named, and the sheriff or coroner shall execute and referenced coroner shall execute and return the said writ as directed thereby:

Number of jurors to be summoned.

2. The number of such jurors to be summoned on three the least three panel shall never be less than double nor more than times the number of invertee times the number of jurors required in civil cases to form a jury for the trial of cases in the jury for the trial of causes in the superior courts of the Province where the issues Province where the issues are to be tried; but within these limits, the judge who ordered limits, the judge who orders the writ of venire facias to be issue, may exercise his discreti issue, may exercise his discretion as to the number to be summoned. 38 V a 11 38 V., c. 11, s. 65;—39 V., c. 26, s. 22.

84. The qualifications, exemptions and mode of summor the g jurors shall be according to the &c., of jurors. ing jurors shall be according to the law applicable to be superior courts of the P superior courts of the Province where the issues are to be tried. 39 V., c. 26 s 21

85. When, from challenges or other causes, a complete ry for the trial of any causes. fault of jurors. jury for the trial of any cause cannot be obtained, officer to siding judge may direct the present the present to siding judge may direct the present the pre siding judge may direct the sheriff or other proper offices summon and return a tales summon and return a tales according to the law applicable to the superior courts of the B to the superior courts of the Province where the issues are to be tried. 39 V c 26 a 20

83. In addition to any writs of execution which are court may be issued. prescribed by general rules or orders, the Exchequer Court May issue writs of execution against the person or the goods, lands or other property of any party, of the same tenor and effect as those which are issued out of any of the survivide any indement the superior courts of the Province in which any judgment or order by the law of the or superior courts of the Province in which any judgment Province is to be executed; and when, by the law of the If judge's order is necessary.

Of any province, an order of a judge is required for the issue order is necessary. of any Writ of execution, a judge of the Exchequer Court may make a similar order, as regards like executions to issue out of the Exchequer Court. 39 V., c. 26, s. 24.

87. No person shall be taken in custody under process in what case of execution for debt issued out of the Exchequer Court at only a person the suit of the crown, unless he might be taken in custody into custody into custody into custody into custody. under the crown, unless he might be taken in custody into custody in a similal aws of the Province in which he happens to be, under process. in a similar case between subject and subject; and any person like case between subject and subject; and because the process may be disperson taken in custody under such process may be discharged the same grounds, as charged from imprisonment, upon the same grounds, as Would entitle him to be discharged under the laws in force relating to imprisonment for debt in the Province in which he is in custody. 39 V., c. 26, s. 25.

All writs of execution against real or personal pro- Execution Execution against real pro- Exec berty, as well those prescribed by general rules and orders as writs and effect thereof. those hereinbefore authorized shall, unless otherwise prohereinbefore authorized shall, unless of the property general rule or order, be executed as regards the property liable to execution and the mode of seizure and sale, nearly liable to execution and the mode of science writs pearly as possible in the same manner as similar writs he broad of the superior courts of the Province in which property to be seized is situated are, by the law of the property to be seized is situated are, by the land property, required to be executed; and such writs shall bind the property in the same manner as such similar writs, and the this of purchasers thereunder shall be the same as those purch. Purchasers thereunder shall be the same as those purchasers thereunder shall be the solution purchasers under similar writs. 39 V., c. 26, s. 26.

Revery claim made by any person to property seized Claims to property seized Claims to property seized or pr to the respective service of execution issued out of the Exchequer Court, seized or property shall, unless ceeds of sale. of to the proceeds of the sale of such property, shall, unless ceeds of sale. otherwise proceeds of the sale of such property, shan, disposed provided by general rule or order, be heard and disposed of, as nearly as may be, according to the procedure applicable to like claims to property seized under similar and of the courts of the Province. Whits of execution issued out of the courts of the Province.

Sheriffs and coroners shall receive and take to their Fees of offi-Sheriffs and coroners shall receive and take to their restricts, by such fees as the judges of the Exchequer cers. Court, by general order, fix and determine. 38 V., c. 11, s. 67.

SUPREME AND EXCHEQUER COURTS.

EVIDENCE.

Bed in persons authorized to administer affidavits to be Affidavits.

Province, may ded All persons authorized to administer amusing light of the superior courts of any Province, may

administer oaths, affidavits and affirmations in such province to be used in the Samuel vince to be used in the Supreme Court or in the Exchequer Court. 38 V c 11 2 74 38 V., c. 11, s. 74.

Commissioners for receiving affidavits may be appointed.

92. The Governor in Council may, by commission, om time to time from time to time, empower such persons as he thinks necessary, within or order of the such persons as he the and necessary, within or out of Canada, to administer oaths and take and receive affidavita. take and receive affidavits, declarations and affirmations in the or concerning any proceeding had or to be had in the Supreme Court or in the E-1 Supreme Court or in the Exchequer Court; and every made oath, affidavit declaration oath, affidavit, declaration or affirmation so taken or if it shall be as valid and of the live shall be as valid and of the like effect, to all intents, as if it had been administered to be had been administered, taken, sworn, made or affirmed before that one of the said fore that one of the said courts in which it is intended to be used, or before any indeed. used, or before any judge or competent officer thereof in Canada:

Style of commissioner.

2. Every commissioner so empowered shall be styled "8 mmissioner for administration commissioner for administering oaths in the Supreme Court and in the Exchequer Court of Supreme 10. and in the Exchequer Court of Canada." 39 V., c. 26, s. 10.

Before whom affidavits, &c., may be made out of Canada.

93. Any oath, affidavit, affirmation or declaration, hefore inistered, sworn affirmed ministered, sworn, affirmed or made out of Canada, before any commissioner antherior any commissioner authorized to take affidavits to be in Her Majestv's High Control of the affidavits to be in Her Majestv's High Control of the affidavits to be in Her Majestv's High Control of the affidavits to be in Her Majestv's High Control of the affidavits to be in Her Majestv's High Control of the affidavits to be in Her Majestv's High Control of the affidavits to be in the affidavits to be affidavits in Her Majesty's High Court of Justice in England, or before any notary public and fore any notary public, and certified under his hand any official seal, or before the manufacture of any official seal, or before the mayor or chief magistrate of and city, borough or town corrections or chief magistrate of and city, borough or town corrections. city, borough or town corporate in Great Britain or Canada, or in any colony or passessing the colony or passessing the colony or passessing the colony of or in any colony or possession of Her Majesty, out of Canada or in any foreign country or in any foreign country, and certified under the common seal of such city borons. seal of such city, borough or town corporate, or before a judge of any court of any or judge of any court of supreme jurisdiction in any colony or possession of Her Majorian possession of Her Majesty or dependency of the Crown of Canada, or before of Canada, or before any consul, vice-consul, acting consul, pro-consul or consular acting consul, with the Crown of the Crown of Canada, or before any consul, vice-consul, acting consular acting consular acting the consular a pro-consul or consular agent of Her Majesty exercising his functions in any foreign place, and certified under he had in official seal, concerning any foreign place, and certified the had in official seal, concerning any proceeding had or to be had in the Supreme Court or Evolution Court of Evoluti the Supreme Court or Exchequer Court, shall be as valid and of like effect, to all intents

Their effect.

of like effect, to all intents, as if it had been administered sworn, affirmed or made had sworn, affirmed or made before a commissioner appointed under this Act. 39 V

94. Every document purporting to have affixed, intended or subscribed the quired of signature of seal printed or subscribed thereon or thereto, the signature of commissioner appointed any commissioner appointed and commissioner ap any commissioner appointed under this Act or the signature of any person authorized to take of any person authorized to take affidavits to be used in of the superior courts of any D. the superior courts of any Province, or the signature of such commissioner supported to take affidavits to be used in any province, or the signature to be such commissioner supported to take affidavits to be used in any province, or the signature to be such commissioner supported to take affidavits to be used in any province. such commissioner authorized to receive affidavits used in Her Majestv's High Court used in Her Majesty's High Court of Justice in England, the signature and official scale of Justice in England, and the signature and official scale of Justice in England, and the signature and official scale of Justice in England, and the signature and official scale of the signature and scale of the signat the signature and official seal of any such notary public or the signature of any such notary public the signature and official seal of any such notary public the signature of any such notary public the sig or the signature of any such mayor or chief magistrate, and the common seal of the corporation the common seal of the corporation, or the signature of such judge, and the seal of the court or the signature and official acting consul, proofficial seal of any such consul, vice-consul, acting consul, proconsul or consular agent, in testimony of any oath, affidavit, affirmation or declaration, having been administered, sworn, affirmed or made by or before him, shall be admitted in evidence or seal being evidence without proof of any such signature or seal being the signature or seal being the signature or signature and seal of the person whose signature or signature and seal of the person whose ignature or signature and seal of the person in the person in the person is gnature and seal the same purport to be, or of the off v of 26, s. 13. the official character of such person. 39 V., c. 26, s. 13.

95. No informality in the heading or other formal informality not to be an objection in requisites of any affidavit, declaration or affirmation, made or objection in taken has taken before any person under any provision of this or any the discretion of the Act of the person under the reception in evidence of the judge. other Act, shall be an objection to its reception in evidence of the judge. in the Supreme Court or the Exchequer Court, if the court or and Supreme Court or the Exchequer Court, it should be before whom it is tendered thinks proper to receive the supremental sup and if the same is actually sworn to, declared or Nor to be set up as defence in case of per and if the same is actually sworn to, declared or up as defence duly and by the person making the same before any person in case of person authorized thereto, and is received in evidence, no jury. authorized thereto, and is received in contact the contact thereto, and is received in contact thereto, and is received in contact the contact thereto, and is received in contact the contact thereto, and is received in contact the con perjury. 39 V., c. 26, s. 15.

ther the Gry party to any proceeding had or to be had in Examination on interrogatories or by ther the Supreme Court or the Exchequer Court, is desir-tories or by of harmonic of harmonic commission of harmoni of having therein the evidence of any person, whether commission of party or out of Canada, persons who cannot conparty or not, or whether resident within or out of Canada, persons who connected the country or not, or whether resident within or out of Canada, persons who connected the country or not, or whether resident within or out of Canada, persons who connected the country or not, or whether resident within or out of Canada, persons who cannot connected the country or not, or whether resident within or out of Canada, persons who cannot connected the country or not, or whether resident within or out of Canada, persons who cannot connected the country or not, or whether resident within or out of Canada, persons who cannot connected the country or not, or whether resident within or out of Canada, persons who cannot connected the country of the connected the court or any judge thereof, if in its or his opinion it is, veniently to the total artend. ring to the absence, age or infirmity, or the distance of the attend. idence of such person from the place of trial, or the exthe of such person from the place of trian, or the such person from the place of taking his evidence otherwise, or for any other man upon the application of taking his evidence otherwise, or 101 and the convenient so to do, may, upon the application of any such person upon party, order the examination of any such person upon party, order the examination of any such personal persona the court, or any commissioner for taking affidavits in court. court, or any commissioner for taking amount of any other person or persons to be named a such and any other person of a commission under such order, or may other person or persons to be made seal of it, or may order the issue of a commission under the seal of the court for such examination; and may, by the and of the court for such examination; and may, and the or any subsequent order, give all such directions of such examination, touching the time, place and manner of such examination, at attendar time, place and manner of papers the attendance of the witnesses and the production of papers thereat thereat, and all matters connected therewith, as appears

2. The person, whether a party or not, to be examined Interpretation. The person, whether a party or not, to be examined item. withess." 39 V., c. 26, s. 1.

Every person authorized to take the examination of Duty of perwitness, in pursuance of any of the provisions of this sons taking such examination. Act, witness, in pursuance of any of the provisions of the witten.

less, or necessity of the witness of the witness.

Act, shall take such examination upon the oath of the witness.

Act, shall take such examination upon the oath of the witness. ness, or upon affirmation, in any case in which affirmation instead of a street and a street and a street a str instead of oath is allowed by law. 39 V., c. 26, s. 2, part;

Further examination may be ordered.

98. The Supreme Court or Exchequer Court, or a judge ereof, may if it is thereof, may, if it is considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so to do and the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justice pedient so the considered for the ends of justic pedient so to do, order the further examination, f any either the court or a judent either the court or a judge thereof, or other person, of any witness: and if the party and is witness; and if the party on whose behalf the evidence is tendered neglects or refree the second witness. tendered neglects or refuses to obtain such further examinetion, the court or index in it tion, the court or judge, in its or his discretion, may decline to act on the evidence. to act on the evidence. 39 V., c. 26, s. 3.

Penalty for non-compliance.

Notice to adverse party.

99. Such notice of the time and place of examination as prescribed in the and place of examination as is prescribed in the order, shall be given to the adverse party. 39 V. c. 28 s. 4

Neglect or refusal to attend to be deemed contempt of court.

100. When any order is made for the examination of a itness and a copy of the witness and a copy of the order, together with a notice of the time and place of attender, together with a norm or the time and place of attendance, signed by the person of one of the persons to take the one of the persons to take the examination, has been tenserved on the witness with a content. served on the witness within Canada, and he has been tendered his legal fees for attendered. dered his legal fees for attendance and travel, his refusal or neglect to attend for available neglect to attend for examination or to answer any proper question put to him an arrange any question put to him on examination, or to produce any paper which he has been not been not been paper which he has been not been paper which he has been notified to produce, shall be deemed a contempt of court and many a contempt of court and may be punished by the same process as other contempts of a As to produce cess as other contempts of court; but he shall not be tion of papers, pelled to produce any not be acc. pelled to produce any paper which he would not be compelled to produce any paper which he would not he compelled to produce, or to answer any question which he would not be bound to answer any question of a 5.5; would not be bound to answer in court. 39 V., c. 22, s. 2 40 V., c. 22, s. 2.

Effect of consent of parties.

101. If the parties in any case pending in either of the id courts consent in waiting pending in either of the said courts consent, in writing, that a witness may be examined within or out of Court of Cou amined within or out of Canada by interrogatories or other wise, such consent and the wise, such consent and the proceedings had thereunder shall be as valid in all shall be as valid in all respects as if an order had been made and the proceedings had therefore 26, 8.6. made and the proceedings had thereunder. 39 V., c. 26, s. 6.

Return of examinations taken in Canada.

102. All examinations taken in Canada, in pursuance of the provisions of the any of the provisions of this Act, shall be returned to the court; and the depositions and the depositions are the court. court; and the depositions certified under the hands of the person or one of the person of the perso person or one of the persons taking the same may, without further proof, be used in avidence the hands of without may, without may are the same may further proof, be used in evidence, saving all just exceptions. 39 V., c. 26. s. 7

Use thereof.

And of those taken out of Canada.

103. All examinations taken out of Canada, in pursuance any of the provisions of the provision of t of any of the provisions of this Act, shall be proved by affide davit of the due taking of davit of the due taking of such examinations, sworn before this some commissioner or other than the same than the some commissioner or other person authorized under or any other Act to take such a suc or any other Act to take such affidavit, at the place where such examination has been to such examination has been taken, and shall be returned the the court; and the deposition the court; and the depositions so returned, together under such affidavit, and the order such affidavit, and the depositions so returned, together wider such affidavit, and the order or commission, closed under the hand and seal of the person of the hand and seal of the person or one of the persons author

Use thereof.

be need to take the examination, may, without further proof, be used in evidence, saving all just exceptions. 39 V., c.

104. When any examination has been returned, any Reading examty many properties to amination. party may give notice of such return, and no objection to amination. the examination being read shall have effect, unless taken within the being read shall have effect, unless taken Within the time and in the manner prescribed by general order. 39 V., c. 26, s. 9.

GENERAL PROVISIONS.

the process of the Supreme Court and the process Process and officers of the of the Exchequer Court shall run throughout Canada, and court. thall be tested in the name of the chief justice, or in case of a vertice in the name of the of a vacancy in the office of chief justice, in the name of the Vacancy in the office of chief justice, in the name herist puisné judge of the court, and shall be directed to the heriff of any county or other judicial division into which by province is divided; and the sheriffs of the said respectye counties or divisions shall be deemed and taken to be office. officio officers of the Supreme and Exchequer Courts pectively, and shall perform the duties and functions of heriffs in connection with the said courts; and in any case there the sheriff is disqualified, such process shall be directed to the sheriff is disqualified, such process shall be directed to the sheriff is disqualified, such process shall be directed to the sheriff is disqualified, such process shall be directed to the sheriff is disqualified. to any of the coroners of the county or district. 38 V., 11, 88. 66 and 75.

106. Every commissioner for administering oaths in the Further powers of Canada. Who preme Court and in the Exchequer Court of Canada, who commissionary acknowledges with the commissionary acknowledges. heides Within Canada, may take and receive acknowledgers. hents or recognizances of bail, and all other recognizances in the Strehenuer Court. 39 V... the Supreme Court and in the Exchequer Court. 39 V.

ther Court or the Exche-Enforcement of orders for costs or other-payment of ther Court for payment of money, whether for costs or otherplace, may be enforced by the same writs of execution as a money.

20 V. c. 26, s. 35. Independent in the Exchequer Court. 39 V., c. 26, s. 35.

le Sunron attachment as for contempt shall issue in either No attachment for no payment or the Supreme Court or the Exchequer Court for the non-payment of supreme Court or the Exchequer Court for the non-payment only. payment of money only. 39 V., c. 26, s. 36.

The judges of the Supreme Court, or any five of Judges may make rules and make rules of procedure then, The judges of the Supreme Court, or any five of Judges may orders for road time to time, make general rules and make rules of procedure of and in the Supreme and as to costs. Orders for regulating the procedure of and in the Supreme and as to bear, and the line of the procedure of the courts ap-costs. Court, for regulating the procedure of and in the Supreme and costs. Realed from bringing of cases before it from courts apbealed from or otherwise, and the procedure of the Working of the attainment of the intention Working of this Act, and the attainment of the intention the objects in the second that the second and objects thereof,—and for fixing the fees and costs to be and allowed to, and received and taken by, and the

rights and duties of the officers of the said courts.—and for awarding and recombined in awarding and regulating costs in each of the said courts and favor of and against the favor of and against the Crown, as well as the subject ther such rules may extend to account and the subject there are the such rules may extend to account the subject there are the subject that the subject the s such rules may extend to any matter of procedure or other wise not provided for buthing the country of procedure or country wise not provided for buthing the country of procedure or country or count wise not provided for by this Act, but for which it is found necessary to provide in any matter of procedure of of necessary to provide, in order to insure the proper working of this Act and the hard of this Act and the better attainment of the objects thereof; and all such rules which are not inconsistent with the express provisions of this Act -1-11 provisions of this Act, shall have force and effect as if heroid enacted, and copies of enacted, and copies of all such rules shall be laid before both Houses of Parliaments. both Houses of Parliament at the session next after the making thereof 32 V 2 12 making thereof. 38 V., c. 11, s. 79;—39 V., c. 26, ss. 32 and 37.

How costs to

110. Any costs awarded to Her Majesty in either of the id courts shall be reid to Her Majesty in either of and said courts shall be paid to the Minister of Finance in Receiver General and hearth? shall be paid. Receiver General, and he shall pay, out of any moneys or his hands for the time had pay, out of any moneys or his hands for the time being legally applicable thereto, or voted by Parliament for the voted by Parliament for the purpose, any costs awarded to any person against Her Maiorian and Costs awarded to 39 V., c. 26, s. 33.

Fees to be paid by stamps.

111. All fees payable to the registrar under the provisions this Act shall be not be the provisions. of this Act shall be paid by means of stamps, which shall be issued for that purpose half be issued for that purpose by the Minister of Inland Revenue, who shall regulate the sale. who shall regulate the sale thereof; and the proceeds of the sale of such stamps shall the sale thereof. sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada. 38 V., c. 11, s. 72.

Publication of reports of decisions.

112. The reports of the decisions of the Supreme Court ad of the Exchange Court and of the Exchequer Court, shall, subject to the direction of the judges of the court, shall, subject to the direction of the judges of the courts, be published by the registrar appointed under this Act. 200 republished by the registrar

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
38 V., c. 11	The whole except ss. 6 (part), 25 (part), 48 and 80	s. 80	s. 6 (part)	Consolidated Revenue and Audit Act. Audit Act. The Dominion Controverted Controverted
39 V., c. 26	The whole except		s. 14	Forgery.
	8. 14. The whole. The whole except 8s. 10,17 and 19	ss. 17 and 19	s. 10	The Dominion Controverted Elections Act
42 V., c. 8 43 V., c. 34 44 V., c. 25	The whole except s. 5.	s. 5.		

CHAPTER 132.

An Act respecting proceedings against the Crown by Petition of Right.

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

- This Act may be cited as "The Petition of Right Act." Short title. 7, c. 27, s. 22.
- In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "court" means the Exchequer Court "Court."
- (b) The expression "judge" means the chief justice or any "Judge." the said court;
- (c) The expression "relief" includes every species of relief "Relief." thation of prayed for in a petition of right, whether a restattels, or a payment of money, or damages, or otherwise.
- to the effect of the form A in the schedule to this Act. 39 V., right.
- The petition shall be left with the Secretary of State To be left for le may consider it and, if he thinks fit, grant his fiat that the bedone; and nothing shall be payable by the suppliant to leaving or upon receiving back the petition. 39 V., c.
- betition and flat shall be filed in the Exchequer Court of how to be filed.

 I point the Governor General's flat being obtained, the when and Canada, which shall be filed in the Exchequer Court of how to be filed.

 I such petitions, and thereafter a copy of the petition and flat with an indorsement thereon to the effect of the form B in schedule to this Act. 39 V., c. 27, s. 4.
- There shall be no preliminary inquisition finding the Time for filing tatement in defence or demurrer, or both, shall be filed

within four weeks after service of the petition, or go V., further time as is allowed be at further time as is allowed by the court or a judge. c. 27, s. 5.

Service on other parties affected by the petition.

7. If the petition is presented for the recovery of any real personal property or any real or personal property, or any right in or to the same, half of has been granted away or arrival in or to the same, half of has been granted away or disposed of by or on behalf of Her Maiestv. or Her production Her Majesty, or Her predecessors, a copy of the petition and fiat, indorsed with a notice of the petition and fiat, indorsed with a notice of the form and fiat, indorsed with a notice to the effect of the noon C in the schedule to the C in the schedule to this Act, shall be served abode or left at the last or nevel ... or left at the last or usual or last known place of such of the person in the person i of the person in the possession or occupation of such property or right; and it al. property or right; and it shall not be necessary to issue any scire facias or other process.

Noscirefacias. scire facias or other process to such person for the purpose of requiring him to 610 big at 1 of requiring him to file his statement in defence, but if he intends to contest the potition intends to contest the petition he shall, within four weeks after such conv has been after such copy has been so served or left, or within such further time as is allowed by further time as is allowed by the court or a judge, or s. 6. statement of defence or described as is allowed by the court or a judge, or s. 6. statement of defence or demurrer, or both. 39 V., c. 27, s. 6.

What defence may be raised.

8. The statement of defence or demurrer may raise, besides by legal or equitable defence or demurrer may raise. any legal or equitable defences in fact or in law available under this Act, any legal or equitable defences in fact or in law would under this Act, any legal or equitable defences which would have been available if the process. have been available if the proceeding had been a suit or action in a competent court between in a competent court between subject and subject; and any grounds of defence which grounds of defence which would be sufficient on behalf of Her Majesty may be allowed. Her Majesty may be alleged on behalf of any such person, as aforesaid 30 V 200 on behalf of any such person, 39 V., c. 27, s. 7. as aforesaid.

Certain issues triable without a jury.

9. Every issue of fact or assessment of damages to be tried made under this Act shall 1 or made under this Act shall be tried or made by a judge without a jury. 39 V

Where trial may be had.

Evidence.

10. The trial of any issue of fact or assessment of damages ay, by order of the court may, by order of the court or a judge, take place partly at one place and partly at another. one place and partly at another; and the evidence of any witness may, by like order is witness may, by like order, be taken by commission, or on examination or affidavit

Judgment by default.

11. In case of default, on behalf of Her Majesty or of such her person as aforesoid to the such her person as a other person as aforesaid, to file a statement in defence or demurrer in due time. demurrer in due time, the suppliant may apply to the court or a judge for an order that it or a judge for an order that the petition may be taken as confessed; and the court or in the petition may be satisfied confessed; and the court or judge may, on being satisfied that there has been such failured may be taken be that there has been such failure, order that the Petition betaken as confessed as a confessed as taken as confessed as against Her Majesty, or such other person, and thereupon the such that the petition that the petit person, and thereupon the suppliant may have judgment or such judgment may afterwards have judgment or such judgment or such judgment may afterwards have judgment or such judgment may afterwards have judgment or such judgment or such judgment may afterwards have judgment or such judgment or such judgment may afterwards have judgment or such jud such judgment may afterwards be set aside by the court of the judge, in its or his discretion judge, in its or his discretion, upon such terms as to the court or judge seem fit. 20 V

May be set aside on terms.

12. The judgment on every petition of right shall be at the suppliant is not entitled. ---. Ine judgment on every petition of right shall that the suppliant is not entitled to any portion, or that he is Form of

judgment.

entitled to the whole or to some specified portion of the relief some other relief, and relief sought by his petition, or to such other relief, and upon spath by his petition, or to such other relief, and upon such terms and conditions, if any, as are just. 39 V.,

In all cases in which the judgment commonly called Effect of judgment given in Eng-symplian judgment of amoveas manus, was formerly given in Eng-judgment for suppliant. and upon a petition of right, a judgment that the suppliant shall be of the same effect and to relief, as herein provided, shall be of the same 39 V., c. 27, s. 12. exect as such judgment of amoveas manus. 39 V., c. 27, s. 12.

Upon any such petition of right, the suppliant shall Costs may be entitled any such petition of right, the suppliant shall costs may be entitled any such petition of right, the suppliant shall costs may be entitled. be entitled to costs against Her Majesty, and also against suppliant. any other person appearing or pleading, or answering to such petition of right, in like manner and subject to the Petition of right, in like manner and subjections and discretion regulations and provisions, restrictions and discretion cretion, so far as they are applicable, as are or may be thally adopted or in force in respect to the right to respect and subject; over costs in proceedings between subject and subject; for the recovery of any such costs from any such Recovery thereof. tor the recovery of any such costs from any such costs from the recovery of any such costs from any such costs from the majesty, appearing or pleading, or the war. wering, in pursuance hereof, to any such petition of right, wering, in pursuance hereof, to any such pention as are thorized the same remedies and writs of execution as are thorized for enforcing payment of costs upon rules, orders, trees or judgments, in personal actions between subject subject, shall and may be prosecuted, sued out and secuted as a very secure as a very executed on behalf of such suppliant. 39 V., c. 27, s. 17,

Whenever, on a petition of right, judgment is given Judgment for the specific and there is no appropriate to Whenever, on a petition of right, judgment is given sugment to relief or order for costs to suppliant is entitled to relief and there is no applicant to suppliant to be certified to the suppliant is entitled to relief and there is no are for costs to and whenever, upon appeal, judgment is affirmed or suppliant to the that the suppliant to relief, and whenever be certified to relief, and whenever be certified to relief. whenever, upon appeal, judgment is attirmed or suppliant to that the suppliant is entitled to relief, and whenever be certified to Minister of Finance. rule or order is made, entitling the suppliant to costs, Finance. y judge or order is made, entitling the suppliant to judge shall, upon application after the lapse of fourteen or affirming of such judg-Judge shall, upon application after the tapse of the from the making, giving, or affirming of such judget, role to the Minister of Finance and Thent, rule or order, certify to the Minister of Finance and purport of the same, to the effect of the making, giving, to the Minister of Finance effect of the general the tenor and purport of the same, to the same of the same and such schedule to this Act; and such effect of the form D in the schedule to this Act; and such certificate form D in the schedule to this Acc, and Pinance may be sent to, or left at the Department of Finance. may be sent 10, 03 39 V., c. 27, s. 17, part.

The Minister of Finance and Receiver General shall Payment by out of a minister of Finance and for the time being law-Finance. The Minister of Finance and Receiver General Minister of Finance Andrew G out of any moneys in his hands for the time being applicable thereto, or which are thereafter voted by the amount of any moneys or a splicable thereto, or which are thereaster vocations which is that purpose, the amount of any moneys or which is which is that purpose, the amount of any moneys or which is the specified to him to be due to any costs which have been so certified to him to be due to any ppliant. 39 V., c. 27, s. 18.

Sht shall be costs adjudged to Her Majesty on a petition of Payment of Shall be costs adjudged to Her Majesty on a Receiver costs to the Crown. September 1 dependent of the Majesty on a petition of Payment of September 2 dependent of the Minister of Finance and Receiver Crown. 39 V., c. 27, s. 16.

Judges of Supreme Court may make rules.

18. The judges of the Supreme Court, or any five of themay, from time to time may, from time to time, make general rules and orders regulating, in every particular to regulating, in every particular, the pleadings, practice, proceedings and costs on positions of the pleadings of the process of the present the process of t dure and costs on petitions of right, and for the effect of execution and working of the right, and for the effect of execution and working of this Act and the attainment of the intention and object the intention a the intention and object thereof; and such rules and matter may extend as well to matter. may extend as well to matters provided for as to any matter not provided for by this not provided for by this Act, but for which it is necessary to provide in order to necessary to provide, in order to insure the proper working of this Act and the better all. of this Act and the better attainment of the objects thereof; and all such rules and and all such rules and orders which are consistent with such express provisions of the objects there with

Their effect.

such express provisions of this Act as are not subject of alteration by rules or orders. alteration by rules or orders, shall have the force and effect of law, and copies of all such many and copies of a To be laid be-fore Parlia-ment.

To be laid be-fore Parlia-before both Houses of Davis and orders shall thereof: before both Houses of Parliament at the next session thereof:

Rules may be suspended.

2. The Governor in Council may, by proclamation publish in the Canada Gazetta and the canada and ed in the Canada Gazette, or either House of Parliament may, by any resolution passed of by any resolution passed at any time within thirty days after such rules and orders be and orders be and orders be an any time within the standard beautiful after such rules and orders be an any time within the standard beautiful after the standard after such rules and orders have been laid before Parliaments suspend any rule or order suspend any rule or order made under this Act; and such rule or order shall therewere rule or order shall, thereupon, cease to have force or 39 V., until the end of the then until the end of the then next session of Parliament. c. 27, s. 14.

English rules to apply in default of rules under this Act.

19. Unless it is otherwise provided, either by this Act of general rules and order. by general rules and orders made under the authority of this Act, the rules of plants this Act, the rules of pleading, practice and procedure force with regard to position. force with regard to petitions of right in England shall, as to all matters, including the to all matters, including the question of costs, so orders, applicable, and unless the applicable, and unless the court or a judge otherwise orders, apply and extend to a notific or a judge other wise orders. apply and extend to a petition of right under this Act. 39 V. c. 27, s. 15.

Provisions of

20. All the provisions of "The Supreme and Exchequer ourts Act" not inconsistent with Supreme and Exchequer Courts Act" not inconsistent with this Act, shall extend and apply to the jurisdiction by the court and the provision by the court and the provision by the court and the Courts Act " not inconsistent with this Act, shall extend apply to the jurisdiction by this Act conferred, in like man ner as if such inrisdiction is apply. ner as if such jurisdiction by this Act conferred, in like the ner as if such jurisdiction had been conferred on Exchequer Court by the said Act 2007 s 13.

Act not to affect H. M. prerogative.

- 21. Nothing in this Act contained shall,—
- (1) Prejudice or limit, otherwise than is herein provided the rights, privileges or propositions. the rights, privileges or prerogatives of Her Majesty of Her successors; or—

Proceedings as heretofore.

- (2) Prevent any suppliant from proceeding as before the assing of this Act; or passing of this Act; or-
- (3) Give to the subject any remedy against the Crown, Or give remedy not

- (a) In any case in which he would not have been entitled to allowed in England be such remedy in England under similar circumstances, by the England belaws in Control of the c. 34. laws in force there, prior to the passing of an Act of the c. 34. parliament of the United Kingdom, passed in the session held: held in the United Kingdom, passeum the Hain, the twenty-third and twenty-fourth years of Her intituled "An Act to Majesty's reign, chapter thirty-four, intituled "An Act to proceed the law relating to Petitions of Right, to simplify the proceedings and to make provisions for the costs thereof;" or—
- (b) In any case in which, either before or within two Or if the case is referred to months after the presentation of the petition, the claim is, arbitration by under statu under the presentation of the petition, the claim is, arbitration the head statutes in that behalf, referred to arbitration by under statute. the head of the proper department, who is hereby authorized of the proper department in Council, to make need of the proper department, who is need, with the approval of the Governor in Council, to make a specific to the Governor of the Governor o with the approval of the Governor in Council, reference upon any petition of right. 39 V., c. 27, s. 19.

SCHEDULE.

FORM A.

PETITION OF RIGHT.

In the Exchequer Court of Canada.

To the Queen's Most Excellent Majesty:

County (or district) of (place proposed for trial) to wif:

The humble petition of A. B., of that (state with convenient certainty the facts on which petitioner relies as entitling him to relief).

Conclusion.

Your suppliant therefore humbly prays that (state the relief claimed).

 $D_{ated the}$

day of

, A.D.

(Signed)

A. B.

or C. D., Counsel for A. B.

FORM B.

The suppliant prays for a statement in defence on behalf of Her mappliant prays for a statement in defence on beliefer Majesty, within four weeks after the date of service hereof, or otherwise that the petition may be taken as con-

FORM C.

To A. B.:

You are hereby required to file a statement in defence to the within petition in Hereby 1997. the within petition in Her Majesty's Exchequer control Canada, within four weeks of the control Canada, within four weeks after the date of service hereof.

Take notice, that if you fail to file a statement in defences demurrer in due time the or demurrer in due time, the said petition may, as against you, be ordered to be taken as

Dated the

day of

, A.D.

FORM D.

To the Honorable the Minister of Finance and Receiver General:

Petition of right of A. B. in Her Majesty's Exchequer ourt of Canada. at Court of Canada, at

, it was, by the said court adjudged (or ordered) above named supplies. I hereby certify, that on the that the above named suppliant was entitled to, &c.

(Judge's signature).

				Ī
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
39 V., c. 27	The whole except ss. 1 and 20.	ss. 1 and 20.		

CHAPTER 133.

An Act respecting the Maritime Court of Ontario.

Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as

SHORT TITLE.

This Act may be cited as "The Maritime Court Act." Short title 40 V., с. 21, s. 22.

INTERPRETATION.

In this Act, unless the context otherwise requires :— Interpretation.

(a) The expression "the court" means the Maritime Court "Court." of Ontario;

The expression "judge" means the judge of the Mari- "Judge." Court of Ontario; and—

The expression "ship" includes every description of "Ship." 1 used in navigation not propelled by oars. 45 V., c.

COURT AND JUDGES.

The superior court of maritime jurisdiction now exist- Court contain the The tinued. The superior court of maritime jurisdiction now exist to the Province of Ontario, under the name of "The tinued." the Province of Ontario, under the name of the analysis and ourt of Ontario," is hereby continued under such and court of record. 40 V., c. Tovince of Ontario, is hereby continued under such and shall continue to be a court of record. 40 V., c. 21, 8. 2, part.

The Governor in Council may appoint any judge of Appointment of purpose or any barrister in of judge. The Governor in Council may appoint any judge of Appoint of Startio, of not long county court in Ontario, or any barrister in of judge.

Judge 10, of not long to be the Ontario, of or county court in Ontario, or any parrister in Judge of the less than seven years' standing, to be the indge of the court. 40 V., c. 21, s. 5.

The Judge shall hold office during good behavior, Tenure of the Senate S of the Juage shall hold of the Governor General on audion part. Senate and House of Commons. 40 V., c. 21, s. 6,

The judge shall receive no fees, but shall receive a Remunera-all deductions thundred dollars per annum, free and clear from tion. all y of six hundred dollars per annum, free and clear moded deductions whatsoever, and pro rata for any shorter time

than a year, which salary shall be paid out of any unappropriated moneys forming next to print the paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys forming next to be paid out of any unappropriate moneys for the paid out of any unappropriate money and the paid out of any unappropriate money priated moneys forming part of the Consolidated Reventer Fund of Canada. in like Fund of Canada, in like manner as the salaries of judges. 40 V. c. 21 s. 7

Appointment of surrogate judges.

7. The Governor in Council may, from time to time point one or more indeed a appoint one or more judges of county courts in Option or barristers of not less than or barristers of not less than seven years' standing in tario, to be a surrogate judge or surrogate judges of the said court:

Powers.

2. Such surrogate judge shall have such of the powers of e judge as are conferred by the judge as are conferred by the commission appointing him:

Tenure of office.

3. He shall hold office during pleasure, but his appoint the ent shall not be vacated by ment shall not be vacated by a vacancy in the office of the judge:

Remuneration.

4. He may, if resident elsewhere than in Toronto, receive anouncer is emoluments fixed, from time to time, by the Governor pay. Council, raised out of fundaments fixed out of fundaments. Council, raised out of funds provided by suitor's Governor able under a tariff fixed from the council of the co able under a tariff fixed, from time to time, by the Governor in Council:

Tariff to be laid before Parliament.

5. Copies of the tariff shall be, as soon as possible, laid fore both Houses of Parliament before both Houses of Parliament, and entered on the record of the court, and published of the court, and published in the Canada Gazette:

Disposal of fees.

6. The fees payable by suitors under the tariff shall the id over, by the officer and to the paid over, by the officer appointed to collect them, for Minister of Finance and Received Minister of Finance and Receiver General, and shall for part of the Consolidated Barrels and the part of the Consolidated Revenue Fund of Canada; and the emoluments of the surrogets emoluments of the surrogate judge shall be paid therefrom 40 V., c. 21, ss. 11, 12 and 14

Judges to take oath of office.

S. Every judge and surrogate judge appointed in pursure of this Act, shall provide a p ance of this Act, shall, previously to his executing of duties of his office, take before duties of his office, take, before a judge of any superior to the county court in Ontario. an oath in the county court in Ontario. county court in Ontario, an oath in the form following, is to say:

Form of oath.

do sincerely and solemnly do sincerely and solemny swear that I will duly and faithfully, and to the best of my skill and knowledge. execute the skill and knowledge. skill and knowledge, execute the powers and trusts reposed in me as judge (or as a surround) in me as judge (or as a surrogate judge, as the case followed the Maritime Court of Ontario me God." 40 V., c. 21, s. 17.

The Governor in Council may appoint a registrate al, deputy registrars and deputy appoint a sud and deputy registrars and deputy registrary and deputy reg marshal, deputy registrars and deputy marshals, and Appointment of officers.

aminers and other necessary officers for the court, with such of the powers belonging to registrars and marshals of the Wice-Admiralty Courts, and such other powers for the effect. the effectual working of this Act as are prescribed by general eral rules. 40 V., c. 21, s. 15.

The judge shall, from time to time, submit, for the And of tical or and of the Minister of Justice, a list of persons of nau-assessors. to act engineering, or other technical skill and experience, to act as assessors in the court; and shall cause the approval assessors in the court; and shall cause the approval assessors in the court; and shall cause the approval assessors in the court; and shall cause the approval assessors in the court; and shall cause the approval assessors in the court; and shall cause the approval assessors in the court; and shall cause the approximation of the court is a second to the cou proved list to be published in the Canada Gazette, and every list shall attend the every person named in the approved list shall attend the court, under such circumstances and in such rotation, and bject to such regulations, and shall receive such fees, as to be broad, such regulations, and shall receive such fees, as to be broad, such regulations, and shall receive such fees, as are provided by general rules. 40 V., c. 21, s. 10.

BARRISTERS AND PROCTORS.

any act the court any superior court in any Province of Canada may act the court. such in the court; and all persons entitled to practise as olicitors or attorneys-at-law, in Ontario, may practise as roctors or attorneys-at-law, in Untario, may proceed as a ristor solicitors in the court; and all persons acting as deristers, advocates, proctors, or solicitors in the court, shall e officers thereof. 40 V., c. 21, s. 18.

The principal seat of the court shall be at Toronto, Where sittings sitting principal seat of the court shall be at Toronto, Where sittings are sitting principal seat of the court shall be at Toronto, Where sittings are sitting principal seat of the court shall be at Toronto, where sittings are sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sittings are sitting as a sitting principal seat of the court shall be at Toronto, where sitting are sitting as a sitting as The principal seat of the court shall be at Toronto, where statings of the court may be held at any city, town or may be held. Nace within the Province of Ontario. 40 V., c. 21, s. 4.

JURISDICTION AND PROCEDURE.

Except as herein otherwise provided, all persons Rights and like rights and remedies in the like rights and Ontario as i Except as herein otherwise provided, all persons kights and have, in the Province of Ontario, the like rights and ontario as to matters remedies in all matters including cases of contract and tort matters reand proceedings in rem and in personam arising out of or specting shipping, &c. proceedings in rem and in personam arising out of with navigation, shipping, trade or commerce on water of which the whole river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, as such persons would have in the Province of Ontario, as such persons would Part is in the Province of Ontario, as such persons would be in any existing British Vice-Admiralty Court if the Advencess of Vice-Admiralty Court if the Advencess of Vice-Admiralty Court if the Advences of Vice-Admiralty Court if the Vice-Ad Process of such court extended to the said Province. 40 V.,

Subject to the provisions in this section contained, Jurisdiction court, of the court. the court, for the provisions in this section contained, surround that the enforcement of such rights and remedies, of the court. ection has to the matters mentioned in the next preceding ection, have all such jurisdiction as belongs to any existing British Vice-Admiralty Court in similar matters within the reach of its process:

the Vice Auch matter arising within reach of the process As to matters arising in Quebec. of the Vice-Admiralty Court at Quebec, the court shall have Quebec.

same jurisdiction as any existing British Vice Admiralty Court has under like circumstances, in any like matter arising beyond the reach of its process:

Jurisdiction

3. The jurisdiction of the court in respect of claims uching the ownership touching the ownership, possession, employment or earnings of ships shall order a transfer or earnings a port of Que- ings of ships, shall extend to the case of a ship registered in a port in the Province of Course of a ship registered the in a port in the Province of Quebec, but navigating the waters aforesaid.

4. The court shall not have jurisdiction, save as aforesaid, any matter to which the retion in certain cases.

4. The court shall not have jurisdiction, save as atorestish in any matter to which the process of any existing have Vice-Admiralty Court extends,—nor shall the court atter, jurisdiction in any price jurisdiction in any prize cause, or in any criminal matter, or in any case of breeze or in any case of breach of the regulations and instructions relating to Hor M. structions relating to Her Majesty's navy, or arising of the droits of Admiralty or out of droits of Admiralty, or out of any seizure for breach of any revenue, customs trade revenue, customs, trade or navigation laws, or out a King violation of the Act of the D violation of the Act of the Parliament of the United King dom, known as "The Face" dom, known as "The Foreign Enlistment Act," or of the laws relating to the abolition of the relating to the abolition of the slave trade, or to the capture and destruction of pireters. and destruction of pirates and piratical vessels:

Limitation as to remedies given by this Act only.

5. No right or remedy in rem given by this Act only shall enforced as against any arrival arrivals. be enforced as against any subsequent bonû fide purchaser or mortgagee of a ship with a subsequent bonû fide purchaser or mortgagee of a ship, unless the proceedings for the forcement thereof are booms. forcement thereof are begun within ninety days from the time when the same account

Rights of certain mortgagees protected.

6. No right or remedy in rem given by this Act, except a the or remedy in rem fact. right or remedy in rem given by this Act, excepter right or remedy in rem for the wages of seamen and other persons employed on board persons employed on board a ship on any river, lake, canal or inland water of which it or inland water, of which the whole or part is in the vince of Ontario shall be and vince of Ontario, shall be enforced as against any bond fide mortgagee under a mortgage under mortgagee under a mortgage duly executed and registered prior to the first day of O prior to the first day of October, one thousand eight hundred and seventy-prior to the first day of October, one thousand eight 12 V. dred and seventy-eight. 40 V., c. 21, s. 2, part, s. 3; 42 V., c. 40, s. 1; 45 V.

Practice in cases unprovided for in rules.

15. The practice, pleading, writs and procedure in High the time of its abolition at the time of its abolition in the instance side of the High Court of Admiralty in Early Court of Admiralty in England shall, so far as applicable, apply and extend to present the court of the t apply and extend to proceedings instituted under this Act, when no other provision when no other provision is made by this Act or the general rules made under this Act

Effect of decrees and orders of the court.

16. All decrees and orders of the court, or of the judge of surrogate judge thereof a surrogate judge thereof, whereby any moneys are payable to any person, shall have the to any person, shall have the same effect as decrees of the Court of Chancerv in Ontaria Court of Chancery in Ontario had on the sixteenth day of April, in the year one thousand sixteenth as seventy, April, in the year one thousand eight hundred and seventh eight, and all powers of an formal seventh and seventh day to the sixteenth d eight, and all powers of enforcing its decrees then possessed by the said Court of Chancery or any judge thereof, with respect to matters pending in that court, are hereby conferred on the court with respect to matters therein pending in that date by those to ing, and all remedies possessed on that date by those to whom money was payable under a decree of the said Court of Chancery was payable under a decree of the court, or of moneys are payable by orders or decrees of the court, or of the index payable by orders or decrees of the court, or of the judge or a surrogate judge thereof. 41 V., c. 1, s. 1.

Any judicial act begun or partly proceeded with by Continuation surrous he proceeded of proceedings a surrogate judge may, under general rules, be proceeded begun before surrogate with or completed by the judge. 40 V., c. 21, s. 13.

tom every decision of the court having the force and effect Supreme Court.

Court addr. 40 V. c. 21, s. 19. of a definitive sentence or final order. 40 V., c. 21, s. 19.

The practice, procedure and powers as to costs, and Procedure in the practice, procedure and powers as to costs, and Procedure in other ap-The practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice, procedure and powers as to costs, and procedure in the practice in the practice in the procedure in the proced peals shall, so far as applicable, and unless such court therwise. shall, so far as applicable, and unless such therwise orders, apply and extend to appeals under this act or when no other provision is made, either by this Act or under "The general rules made under this Act, or under "The Seneral rules made under this Act, of Land Exchequer Courts Act." 40 V., c. 21, s. 20.

GENERAL PROVISIONS.

The judge, any surrogate judge, the registrar; any By whom oaths may administed The judge, any surrogate judge, the registrar; any By whom patty registrar, and any person who has power to admin-oaths may be administered. noaths and affirmations in matters pending in the Exchequer Court of oaths and affirmations in matters pending in the Court of Canada or the Exchequer Court of Canada or the Exchequer Court of Canada or the Canada or relation Theme Court of Canada or the Exchequer court of Canada or the Exchequer court and affirmations in relation was administer oaths and affirmations in relation 40 V., c. 21, s. 16, part. may administer oaths and affirmations in lower matter pending in the court. 40 V., c. 21, s. 16, part.

in Council from time to time, make, alter and rescind genpractice and tariff of fees
may be made etal rules from time to time, make, alter and rescind gentariff of fees to practitioners and write, procedure, costs and fees to practitioners and fees to practitioners. writs, procedure, costs and fees to practitioners in suits instituted under this Act, and for the effectworking of this Act; and such rules may extend to any the but for all and such rules may extend to the but for or otherwise, not provided for by this hotter Let of procedure, or otherwise, not provided 101 by to insure the which it is found necessary to provide, in order at the sure the which it is found necessary to provide, in order this Act and the better to hat for which it is found necessary to provide, in case the proper working of this Act and the better and every such rule, not attainment of the proper working of this Act and the percentage income:

the proper working of this Act and the percentage income:

the objects thereof; and every such rule, not Their effect. half have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof; and every such that have for the objects thereof is the objects the o have force and effect as if herein enacted:

2 Copies of all such rules shall, as soon as possible, be Copies for before bell such rules shall, as soon as possible, be Parliament laid before sof all such rules shall, as soon as possible, be Copies for before both Houses of Parliament and entered on the Parliament. records of the court, and published in the Canada Gazette:

Rule or order may be suspended. 3. The Governor in Council may, by proclamation published in the Canada Gazette, or either House of Parliament may, by a resolution passed at any time within pardays after such rules and orders have been laid before act; liament, suspend any rule or order made under this act and such rule or order shall thereupon cease to have force or effect until the end of the then next session of Parliament. 40 V., c. 21, s. 8.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be consolidated with.
41 V., c. 1	part), and 21.	ss. 6 (part), 16 (part), and 21. ss. 2 and 3.		a Waters
42 V., c. 40 45 V., c. 34	ss. 1 and 5	ss. 3 and 4	s. 2	Inland Waters Seamen's Act

CHAPTER 134.

An Act respecting the Judges of Provincial Courts.

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

- In this Act, unless the context otherwise requires: Interpretation.
- (a) The expression "judge," as applied to a superior court, "Judge." includes the chief justice, and as applied to county courts, includes a junior judge;
- (b) The expression "county" includes district. 45 V., "County."

JUDGES OF COUNTY COURTS.

Canada Py judge of a county court in any of the Provinces Conditions of this Act, hold under which county court Canada shall, subject to the provisions of this Act, hold under which country good behavior and his residence within the judges hold the court is estab-office. that or union of counties for which the court is estab-

the Governor in Council for misbehavior, or for incaparemoval.

or inability to perform his duties properly, on account old age, ill health or any other cause; if—

(a) The pacity circumstances respecting the misbehavior, in Inquiry. The circumstances respecting the missing or inability are first inquired into; and—

(b) Such judge is given reasonable notice of the time Notice to the and place judge is given reasonable notice of the time notice of the time notice of the time notice of the time notice of the place appointed for the inquiry, and is afforded judge. th opportunity, by himself or his counsel, of being heard being and all himself or his counsels, and adducing thereat, and of cross-examining the witnesses and adducing evidence on his own behalf:

8. If any such judge is removed from office for any of Report to reasons 11 judge is removed providing for such re-Parliamen then reasons, the order in council providing for such re-Parliament. hoval, and all reports, evidence and correspondence relatthe thereto, shall be laid before Parliament within the first thereto, shall be laid before random days of the next ensuing session:

The Governor General in Council may, for the pur-Commission of makes of mak The Governor General in Council may, for the purtible of making inquiry into the circumstances respecting of inquiry
may be appointed.

Misbehavior, inability or incapacity of such judge, pointed.

Powers may be conferred. issue a commission to one or more judges of the Supremo Court of Canada, or to any one or more judges of any superior court in any Province of Canada court in any Province of Canada, empowering him or such to make such inquiry and to make such inquiry and to report,—and may, pointed, commission, confer upon the commission, confer upon the person or persons appointed, full power to summer before full power to summon before him or them any person of witnesses, and to require 11 witnesses, and to require them to give evidence on orthogorally or in writing or on a recorded the results of t orally or in writing or on solemn affirmation, if they are persons entitled to affirm persons entitled to affirm in civil matters, and to produce such documents and things and things are the such documents and the such documents and the such documents are the such document such documents and things as the commissioner or commissioners deem requisite to the C. W. commissioner or the material commissioner sioners deem requisite to the full investigation of the matters into which they are arreful.

Attendance of witnesses.

5. The commissioner or commissioners shall have the me power to answer to same power to enforce the attendance of such person in witness, and to compare the such person in the such p witness, and to compel him to give evidence, as is, in civil cases, vested in any civil cases, vested in any superior court of the province in which the inquiry is being the per in the province of the per in the province of the per in t in which the inquiry is being conducted; but no such person or witness shall be compared to the Province in which the inquiry is being conducted; but no such person or witness shall be compared to the province in which the inquiry is being conducted; but no such person or witness shall be compared to the province in son or witness shall be compelled to answer any question, by his answer to which have by his answer to which he would render himself liable to seriminal prosecution.

Application of this section.

6. This section shall apply to judges now holding now well as to those hereafter as well as to those hereafter appointed, and a judge mist holding office may be remarked. holding office may be removed under this section for behavior, incapacity or included the section for missing be behavior, incapacity or inability, occurring or existing before the passing of this had fore the passing of this Act. 45 V., c. 12, ss. 2, 3, 4 and 5.

SALARIES.

Salaries of Judges of Supreme Court of Judicature, Ontario.

3. The salaries of the judges of the Supreme Court of adicature of Ontario shall be The Chief Justice of Ontario.......\$6,000 per annum. The Chief Justice of the Queen's Bench. 6,000 Two judges of the High Court of Justice, 5,000 Queen's Bench Division, each..... 6,000 The Chancellor of Ontario..... " Two judges of the High Court of Justice, 66 The Chief Justice of the Common Pleas. 6,000 Two judges of the High Court of Justice, Common Pleas Division, each...... 5,000

Salary of Chief Justice, &c., if appointed to Court of Appeal.

2. If the Chief Justice of the Queen's Bench, the Pleas is r of Ontario or the Chief Tradi lor of Ontario or the Chief Justice of the Common Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Council appointed to the Court of Annual of the Court of Annual of the Council appointed to the Court of Annual of the Court o appointed to the Court of Appeal, the Governor in that promany direct that he be paid a solution of the court of Appeal, the Governor in that promain the may direct that he be paid a salary not less than that proviously enjoyed by him as such City not less than that the desired to the Chancellot with the chancellot with the chancellot and the chancellot with viously enjoyed by him as such Chief Justice or Chancellor, 45 V., c. 11, s. 1;—46 V., c. 0

1813	
Rench and of the Superior Court, in the Province of Quebe The Cu.	Queen a
Alla Ot .	Superior
The Chief Justice of the Queen's Bench\$6,000 per annur The Chief judges of the said court, each 5,000 "	n. Court, Que-
The Culture of the said court each 5,000 "	bec.
Five Puisné Justice of the Queen's Bench\$6,000 per annur The Chief Justice of the said court, each 5,000 "Eleven Puisné judges of the Superior Court 6,000 "Whose recit judges of the said court,	
Duien the Superior Court 0,000	
Whose raise Judges of the said court,	
Eleven Puisné judges of the Superior Court. 6,000 " Whose residences are fixed at Montreal Thirts 1,000 "	
Thirt quebec, each 5 000 "	
or Quebec, each	
whose pulsné judges of the said court, tricts residences are fixed within dis- Gass other than Bonayenture and	•
tricts residences are fixed within dis- Gaspé or Saguenay, each	
Who pulané judges of the said court	
diet residences are fixed within the	
1'L 0'4C1107-	
ne senior, each	
bec is Puisné judge residing at Que-	
Mone the Chief Instice resides at	
bec, if the Chief Justice resides at Montreal, or the senior puisné judge tice resident at Montreal, if the Chief Jus-	
residing at Montreal, if the Chief Jus- tice resides at Quebec, in addition to his	
regider montreal, if the Chief Jus-	
tice resides at Quebec, in addition to his Ty contact the Chief Justine other salary	
1.000 "	•
other salary	19
5, 8, 1, 1200,	10
T. m.	
Province of Nova Scotia shall be as follows:— The Chief Justice of the said court \$5,000 per graphs	
nce of Maries of the judges of the Supreme Court of the	1e Salaries of
The country Nova Scotia shall be as follows:—	judges, Nova Scotia.
The Chief Justice of the said court\$5,000 per annur kive puisné judges of the said court, each 4,000 " No. C. 31, 8, 6	Decema.
Refude of the said court\$5,000 per annur	n.
Judge in Equity	
** Puisné judges of the said court, each 4,000 " ** ** ** ** ** ** ** ** **	
42 V., C. 3, S. 2.	
Provide golding	
of the judges of the Supreme Court of the	1e Salaries of
Province of New Brunswick shall be as follows:— The Chief Justice of the said court\$5,000 per annur Four puisné judges of the said court each 4000	judges, New Brunswick.
1 K - 4101 F	Diunswick.
Roll Judge Ustice of the said court \$5.000 per annur	n.
and prise in Equity 4000 "	
Transition 1,000	
Province of Prince Edward Island shall be as follows:—	
The of Price of the Judges of the Supreme Court of the	1e Salaries of
the Ch. Lince Edward Island shall be as follows:—	judges, Prince
	Island.
Unavy the Court of Vice-Admir-	
41 "881et	n.
One Roll Judge being also Moster of	
and the state of the same and the state of the same and t	
One assistant judge, being also Master of Chancery	
the Rolls in Chancery	
One Rolls in Chancery	
Chancery	•

Salaries of judges, Manitoba.

8. The salaries of the judges of the Court of Queen's Bench for the Province of Manitoba shall be as follows:

The Chief Justice of the said court.......\$5,000 per annual. Three puisné judges of the said court, each 4,000 36 V., c. 31, s. 8;—47 V., c. 13, s. 1, part.

Salaries of judges, British Columbia.

9. The salaries of the judges of the Supreme Court for the Province of British Columbia the Province of British Columbia shall be as follows:

The Chief Justice of the said court......\$5,000 per annum. Four puisné judges of the said court, each 4,000

Proviso.

Provided, that during the incumbency of the present Chief Justice, his salary shall continue to be \$5,820 per annum, and that while annum, and that while the present senior puisné justo remains in office his selection. remains in office, his salary shall continue to be 14,850 per annum. 35 V c 200 a remainder to be 14,850 per annum. per annum. 35 V., c. 20, s. 5;—36 V., c. 31, s. 9;—43 V., c. 4.

Salaries of

10. The salaries of the judges of the county courts shall as follows: county courts. be as follows:—

Untario.

The judge of the County Court of the county of York, 2,400 per annum \$2,400 per annum;

The judges of other county courts, each \$2,000 per inum, during the first three annum, during the first three years of service, and after three years of service as such in 3. years of service as such judge, each \$2,400 per annum;

The words "service as a junior judge not to be taken into account," are omitted at the suggestion of the Parliamentary Committee.

Junior judges of county courts, each \$2,000 per annum;

The salary of any judge now receiving a greater salary has in the maximum harding horizontal salary and his in the maximum harding horizontal salary and salary harding hardin than the maximum herein allowed, shall, during his incumbency, remain of its and incumbency.

Nova Scotia.

Nova Scotia.

The judge of the County Court of the county of Halifax, 2,400 per annum: \$2,400 per annum;

Six other county court judges, each \$2,000 per annum, of the first three veers of during the first three years of service, and after three years of service, each \$2,400 per annual

The judge of the County Courf of the city and county of John, \$3,000 per annum. New Bruns-St. John, \$3,000 per annum;

Five other county court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum.

Prince Edward Island.

Three county court judges, each \$2,000 per annum, during Prince Edelies three years of service, ward Island the first three years of service, and after three years of service, ward Island. each \$2,400 per annum.

Manitoba.

Four county court judges, each \$2,000 per annum, during Manitoba. the first three years of service, and after three years of service, each \$2,400 per annum.

British Columbia.

The judge of the County Court of Cariboo, \$2,400 per British Columb Judge of the County Court of Cariboo, \$2,400 per Columbia. V. c. 36 V., c. 31, s. 10, part;—39 V., c. 29, s. 1, part;—Columbia. V, c. 4, s. 1;—45 V., c. 11, s. 2, part, and ss. 3 and 4;—46 V, c. 4, s. 1;—45 V., c. 11, s. 2, part, and ss. o unu 1, 1, now 5, part;—47 V., c. 12, s. 1, part;—48-49 V., c. 55,

VICE-ADMIRALTY COURTS.

The salaries of the judges of the Vice-Admiralty Salaries of judges of Vice-Admiralty Vice-Admir Courts, as such judges, shall be as follows:—

judges of Vice-Admiralty Courts.

The judge of the Vice-Admiralty Court of Quebec, \$2,000 per annum;

The judge of the Vice-Admiralty Court of Nova Scotia, per annum;

The judge of the Vice-Admiralty Court of New Bruns-Wick, stage of the Vice-Admiralty Court of New 2.3. 8. 8. 9 Per annum. 31 V., c. 33, sch. part;—32-33 V.,

TRAVELLING ALLOWANCES.

There shall be paid to the judges, for travelling Travelling allowances. There shall be paid to the judges, the sums following, that is to say:—

In the Province of Ontario,—

Ontario.

To each of the judges of the High Court of Justice of the Province and Judges of the High Court of Justice of the Province and the province the province the province and the province the pr that Province, one hundred dollars for each time he holds country of Value of Country of C county of York and city of Toronto;

In the Province of Quebec,—

To each of the judges of the Court of Queen's Bench, for ch term (appeal side and arrived to the court of Queen's Bench, him each term (appeal side and criminal side) attended by him elsewhere than at his place. elsewhere than at his place of residence, one hundred dollars;

To each of the judges of the said Court of Queen's Bench, a attending any other court of Queen's absent for attending any other court, for each day he is absent

To each of the judges of the Superior Court, attending, which ich, any court held at any all such, any court held at any place other than that at which he is directed to reside for a large of the superior Court, attending the such as the superior court, attending to such as the superior court attending to such as the superi he is directed to reside, for each day he is absent from his said place of residence six della

Provided that any judge of the Superior Court, required attend, as such the Court of to attend, as such, the Court of Queen's Bench, appeal or criminal side alsowhere 11 or criminal side, elsewhere than at his said place of residence, during the whole of the dence, during the whole of the term, shall receive the same allowance as a judge of the C allowance as a judge of the Court of Queen's Bench per forming the like duty. but it forming the like duty; but this provision shall not apply to a judge of the Superior C to a judge of the Superior Court attending the Court of Queen's Bench, appeal side of the superior court attending the court only Queen's Bench, appeal side or criminal side, for a part of a term, or for the purpose of a term, or for the purpose of disposing of cases heard; and in the two cases heard; heard; and in the two cases last mentioned, the allowance shall be six dollars for each shall be six dollars for each day's absence from his place shall residence,—except that the residence,—except that three days' absence at least shall always be allowed for:

In the Province of Nova Scotia.— Nova Scotia.

To each of the judges of the Supreme Court of that pronce, and to the Judge in E vince, and to the Judge in Equity, one hundred dollars (not each time he holds any court of that for each time he holds any court for the trial of causes (not being an adjourned court) in the county being an adjourned court) in any county except the county of Halifax;

New Brunswick.

To each of the judges of the Supreme Court of that for nce, and to the judges in vince, and to the judge in equity, one hundred dollars (not each time he holds any court of that for vince, and to the judge in equity, one hundred dollars (not each time he holds any court of that for vince, and to the judge in equity, one hundred dollars (not each time he holds any court of that for vince, and to the judge in equity, one hundred dollars (not each time he holds any court of that for vince, and to the judge in equity, one hundred dollars (not each time he holds any court of that is not expected to the supreme court of that is not expected to the supreme court of that is not expected to the supreme court of that is not expected to the supreme court of that is not expected to the supreme court of that is not expected to the supreme court of that is not expected to the supreme court of the supreme court each time he holds any court for the trial of causes (not being an adjourned court) in the county being an adjourned court) in any county except the county of York;

Prince Edward Island.

To each judge of the Supreme Court, such a sum, not executed in Council and dollars two hundred dollars. ceeding two hundred dollars, as the Governor in Council prescribes;

Manitoba.

To each of the judges of the Queen's Bench, such traveling to time, allowances as the Governor in Council, from time to determines; In the Province of British Columbia,—

British Columbia.

To each of the judges of the Supreme Court of that Province, such travelling allowances as the Governor in Council, from time to time, determines;

In the Provinces of Ontario, Nova Scotia, New Bruns-Allowances to judges of wick and Prince Edward Island,—

county courts.

To each judge of a county court, an annual sum of two hundred dollars;

In the Provinces of Manitoba and British Columbia,—

To each judge of a county court, such a sum as the Govemor in Council prescribes:

Except in the case of the annual sums paid to judges of Certificate rethe Supreme Court of Prince Edward Island, and to judges of tain cases. County Courts in the Provinces of Ontario, Nova Scotia, Rew Brunswick and Prince Edward Island, every application can be allowance shall be estion for the payment of any such allowance shall be companied by a certificate of the judge applying for it, the number of circuits or days for which he is entitled claim. claim such allowance. 32-33 V., c. 8, s. 1;—35 V., 21:—30 V., 24 s. 2. part;—39 V., c. 21 : 36 V., c. 31, s. 10; -37 V., c. 4, s. 2, part; -39 V., 29; 50 V., c. 31, s. 10; -37 V., c. 4, s. 2, part; -39 V., c. 45 V. c. 11. s. 2, part; -39 V., 16 V. c. 31, s. 10;—37 V., c. 4, s. 2, part; 16 V. c. 1, part;—40 V., c. 24;—45 V., c. 11, s. 2, part;—48-18 V, c. 9, s. 5, part, and s. 7;—47 V., c. 11, s. 2, part;—48-19 V, c. 55, s. 1, part;—48-

Ite Admin judge of a Superior Court, or of a Court of Superannua-tion Admin judge of a Superior Court, or of a Court of Superannua-tion allow-ance to judge ice-Admiralty, in any of the Provinces, who has continued ance to judges of the Superior Courts, of Superior Courts, or of a Courts of Superior Courts of Superior Courts of Superior Courts, or of a Court of Superior Courts of Superior Court the office of judge of one or more of the Superior Courts, of Superior Courts. of the Court of Vice-Admiralty, in any one of the said p of the Court of Vice-Admiralty, in any one of the court dicted with some permanent infirmity, disabling him from the due of the due o the due execution of his office, resigns his office, Her Majesty, has the Great Seal of Canada, hay, by letters patent, under the Great Seal of Canada, eciting letters patent, under the Great Seal of Canada, Reciting such period of office or permanent infirmity, the salary such judge an annuity equal to two thirds of the salary annexed to the office he held at the time of his salary annexed to the office he held at the time of his anishation. reaignation, to commence immediately after his resignation, to commence immediately after his resignation, and the commence immediately after his resignation. and to commence immediately after his resignation, to commence immediately after his resignation of the resignati c. 33, s. 3, part;—39 V., c. 28, s. 1, part;—46 V., c. 9, s. 3.

in office as such judge for a period of at least ten courts.

Decomposition of the country of th Years, becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, and in the due execution of his office, and it is a factor of the due execution of his office. resigns him from the due execution of his office, or if a judge of a county court, after have twenty-five din office as such judge for a period of at least later the distribution of the distribution o twenty five years, resigns his office, Her Majesty may, by letters patent, under the Great Seal of Canada, grant to

him a pension equal to two thirds of the annual salary of which he was in receipt at the time of his resignation, to continue thenceforth during his natural life:

When pension may be reduced in amount.

2. If any person, receiving a pension under this section, becomes entitled to any salary in respect of any public office under the Government of Canada, such salary c. 12, be reduced by the amount of such pension. 45 V., c. 13, s. 6, part, and s. 8.

GENERAL PROVISIONS.

Payment out of Con. Rev. Fund.

15. The salaries and retiring allowances or annuities of the judges shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada:

Pro ratâ payment. 2. For any period less than a year, the salaries and tetring allowances or annuities shall be paid pro ratu:

Payments to be clear of deductions. 3. The salaries and retiring allowances or annuities shall be free and clear of all taxes and deductions whatsoever, imposed under any Act of the Parliament of Canada 17., c. 33, s. 2, part, and s. 3;—32–33 V., c. 8, ss. 4 and 8; 36 V., c. 31, s. 11, part;—37 V., c. 4, s. 7;—39 V., c. 12, s. 1, part, and c. 29, s. 1, part;—45 V., c. 11, s. 5, and c. 18, s. 7;—46 V., c. 9, s. 6;—47 V., c. 12, s. 2;—48-49 V., c. 55, s. 2

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 33	ss. 2 (part),3 and part of sche- dule.			
32-33 V., c. 8		ss. 2, 3, 5 and 9.		7.8 -
35 V., c. 20 35 V., c 21	e 5 (part).			
36 V., c. 31	ss. 6, 8, 9, 10 and 11 (part).	s. 7.		
37 V., c. 4		Remainder ex-		
39 V., c. 28 39 V., c. 29	The whole.] -		
42 V., c. 3	The whole.	l		
43 V., c. 4 44 V., c 5	The whole.			
45 V,, c. 11	The whole.			100
	The whole except	; g. 9.		1 1
46 V., c. 9 47 V., c. 12	The whole.			
48-49 V., c. 55 48-49 V., c. 56				

CHAPTER 135.

An Act respecting Evidence.

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

28. Short title. 28. Short title.

Prima fucie evidence of any proclamation, order, regula-Prima facie
evidence of the Governor Geneevidence of any proclamation, order, regulaevidence of any proclamation or tion or appointment, made or issued by the Governor Geneproclamation, by the Governor Geneproclamations, &c., or or appointment, made or issued by the Governor Geneproclamative of the Governor in Council or by or under the authotions, &c., of the Governor overnor in Council or by or under the autho- Governor Governor General, &c. Government of Canada, may be given in all courts of justice rocead: of Canada, may be given in an course and in all legal rocead: proceedings whatsoever, civil or criminal, over which the reliament of Canada has legislative authority in all or mantioned that is to say: of the modes hereinafter mentioned, that is to say:—

- (a) By the production of a copy of the Canada Gazette Canada of Canada purof a volume of the Acts of the Parliament of Canada pur-Gazette, &c. orting to contain a notice of such proclamation, order, relation or appointment;
- (b) By the production of a copy of such proclamation, Copy printed by Q. P. the production of a copy of such proclamation, by Q. P. the Occasion or appointment, purporting to be printed by Q. P. the Queen's Printer for Canada; and—
- (c) By the production, in the case of any proclamation, Copy or ex-Governor Governor Grand or appointment made or issued by the tract certified by proper in Council, of a copy authority. Governor General or by the Governor in Council, of a copy authority. or extract purporting to be certified to be true by the clerk, or Canada or acting clerk of the Queen's Privy Council tor Canada,—and in the case of any order, regulation or appointment of the Queen's live or under the authority of appointment made or issued by or under the authority of such made or issued by or under the authority of by such minister or head of a department, by the production of a copy or extract purporting to be certified as by the minister, or by his deputy or acting deputy, or the same of the department over by the minister, or by his deputy or acting ueputy, which he secretary or acting secretary of the department over c. 28, s. 1 Presides. 44 V., c. 25, s. 90, part, and s. 91, and

Rulation facie evidence of any proclamation, order, Prima facie evidence of any proclamation or issued by a Lieutenant evidence of proclamation. Prima facie evidence of any proclamation, order, Frima Jacobsenhor or appointment made or issued by a Lieutenant evidence of proclamations, &c., or in Council of any Pro-Governor or appointment made or issued by a Lieutenant proclama-prince, or har Lieutenant Governor in Council of any Pro-tions, &c., of the Lieutenant Governor &c. Vince, or by or under the authority of any member of the Lieutenant Governor, &c.

Executive Council, being the head of any department of the Property of the Pro the Government of the Province, may be given in all control of justice established by the province of the province in all control of justice established by the Parliament of Canada and in all legal proceedings whether all legal proceedings whatsoever, civil or criminal, which the Parliament of Canada and over which the Parliament of Canada and over the control of Canada and over all legal proceedings whatsoever, civil or criminal, over the control of Canada and over all legal proceedings whatsoever, civil or criminal, over the control of Canada and over which the Parliament of Canada has legislative authority, in all or any of the modes. in all or any of the modes hereinafter mentioned, that is to say: say:--

Official Gazette.

(a) By the production of a copy of the official gazette for e Province purporting to the Province, purporting to contain a notice of such proclar mation, order regulation

(b) By the production of a copy of such proclamation, der, regulation or appointed ment Printer, order, regulation or appointment, purporting to be printed by the Government Printer.

Copy or extract certified by the proper authority.

(c) By the production of a copy or extract of such procletion, order regulation mation, order, regulation or appointment, certified trees true by the clerk or assistant true by the clerk or assistant or acting clerk of the Executive Council. or by the book of the protive Council, or by the head of any department of a vincial Government or har har before as vincial Government, or by his deputy or acting deputy, as the case may be 44 V 2000 deputy or acting deputy.

Proof of handwriting, &c., not requisite.

4. No proof shall be required of the handwriting of ficial position of any parameters of official position of any person certifying, in pursuance of this Act, to the truth of any this Act, to the truth of any copy of or extract from any proclamation. order proclamation, order, regulation or appointment; and any such copy or extract manufacture or appointment; and any such copy or extract manufacture. such copy or extract may be in print or in writing, or partly in print and partly in writing

Order signed by Secretary of State.

5. Any order in writing, signed by the Secretary of ate of Canada, and purpose. State of Canada, and purporting to be written by command of the Governor Ganaral of the Governor General, shall be received in evidence as the order of the Governor General, shall be received in evidence as the order of the Governor General. 41 V., c. 7, s. 6, part.

Copies of notices, &c., in Canada Gazette.

6. All copies of official and other notices, advertisements addressed be documents. and documents, printed in the Canada Gazette shall be prima facie evidence of the prima facie evidence of the originals, and of the contents thereof. 32-33 V c 7 c 4

7. A copy of any entry in any book of account kept all in tries in books of account kept all tries in books of account kept all tries in books of Government of the Government of Canada shall, in all courts established by the Dall courts established by the Parliament of Canada and in parlegal proceedings, civil and legal proceedings, civil and criminal, over which the liament of Canada has locally proof thereof. liament of Canada has legislative authority, be received as primâ facie evidence of such primâ facie evidence of such entry and of the matters, transactions and accounts therein actions and accounts therein recorded, if it is proved by the bath or affidavit of an officer of oath or affidavit of an officer of such department that such book was, at the time of the male book was, at the time of the making of the entry, one of was ordinary books kept in such department that sthe ordinary books kept in such department, that the entry made in the usual and ordinary made in the usual and ordinary course of business thereof. department, and that such copy is a true copy thereof. 48-49 V., c. 48, s. 1.

Addition to and not in derogation of any powers of proving shall be concomments given by any existing statute or existing at common law. 44 V., c. 28, s. 5.

Canada has legislative authority, the laws of evidence in laws of laws of evidence in the Province in which such proceedings are taken evidence.

Paliament of Canada, apply to such proceedings.

Proposed to be Coasolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
7 C. 7			Remainder	Act respecting Department of Secretary of State.
V, c 48	s. 6 (part). s. 90 (part), and s. 91. The whole, except s. 4 The whole.		s. 4	Act respecting forgery.

CHAPTER 136.

An Act respecting the taking of Evidence relating to proceedings in Courts out of Canada.

ER Majesty, by and with the advice and consent of the Senate and House of Communications Senate and House of Commons of Canada, enacts as 78: follows :-

Interpretation.

1. In this Act, unless the context otherwise requires

"Court."

(a) The expression "court" means and includes the appreciation of Canada and includes and includ Supreme Court of Canada, and every Superior Court in any Province of Canada.

"Judge."

(b) The expression "judge" means and includes and dge of the Supreme Count of the supreme Cou judge of the Supreme Court of Canada and any judge of any Superior Court in any Pro-

" Cause."

(c) The expression "cause" includes a proceeding against criminal. 31 V. c. 76 ° 6 a criminal. 31 V., c. 76, s. 6, part;—46 V., c. 35, s. 1,

Order may be made for examination in Canada of a witness in relation to a matter pending out of Canada.

2. Whenever, upon an application for that purpose, ade to appear to any account of made to appear to any court or judge, that any of He tribunal of competent invisability tribunal of competent jurisdiction, in any other before Majesty's dominions or in Majesty's dominions, or in any foreign country, which any civil commercial which any civil, commercial or criminal matter is pending is desirous of obtaining the is desirous of obtaining the testimony in relation matter, of any party or with matter, of any party or witness within the jurisdiction such first mentioned court such first mentioned court, or of the court to which may judge belongs or of such judge, such court or judge in its or his discretion in its or his discretion, order the examination upon interrogatories or of the examination upon interrogatories or other than the examination upon the examination up upon interrogatories, or otherwise, before any persons persons named in such and a such a suc ingly, and by the same or any subsequent order may command the attendance of such and subsequent order. mand the attendance of such party or witness for the purpose of being examined, and for the purpose of the purp of being examined, and for the production of any writings of other documents mentioned in other documents mentioned in such order, and of any writings or documents relationships or documents r writings or documents relating to the matter in question that are in the possession or matter of witness. that are in the possession or power of such party or witness 31 V., c. 76, s. 1;—46 V

3. Upon the service upon such party or witness of the der and of an appointment of an appointment of the app of such order. Of an appointment of a time and place for the examination of such party. examination of such party or witness, signed by more than one named in such order for tabina its named in such order for taking the same, or if more named one person is named, then her and and are named. one person is named, then by one of the persons and upon payment or tender of the persons money as is present and upon payment or tender of the like conduct anch order is properly payable as upon attender of the like conduct anch order may be a supen attender of the like conduct anch order may be a supen attender of the like conduct anch order to the like conduct and the like conduct anch order to the like conduct and the is properly payable as upon attendance at a trial, such may be enforced in like manner. may be enforced in like manner as an order made by court or judge in a cause depending in such court or before such judge. 31 V., c. 76, s. 2.

Every person whose attendance is required in manner Conduct foresaid shall be entitled to the like conduct money expenses. and payment for expenses and loss of time as upon attendance at a trial. 31 V., c. 76, s. 3.

5. Any person examined under any order made under this witness to Act shall have the like right to refuse to answer questions have like right to refuse to answer which a fuel as a tending to criminate himself, and other questions, which a fusal as at a party party or criminate himself, and other questions, which cause trial. Dendin or Witness, as the case may be, in any cause trial. pending in the court by which, or by a judge whereof, such order is made, would be entitled to, and no person shall be any such order, any witing compelled to produce, under any such order, any writing or other document that he could not be compelled to produce at a trial of such a cause. 31 V., c. 76, s. 4.

Partian person authorized to take the examination of Examination partian pursuance of this to be upon coth or affirm Parties or Witnesses by any order made in pursuance of this to be upon oath or affirmation. or witnesses by any order made in pursuance of the parties mation. witnesses, or upon affirmation, in cases in which by the law of the Province wherein such examination is taken, affirmation is 130 to 150 to on is allowed instead of oath; and such oath or affirmation hall be administered by the person so authorized, or, if more 31 V. c. 76, s. 5, han one, then by one of such persons. 31 V., c. 76, s. 5,

The court may frame rules and orders in relation to Rules and orders in support of the orders may made by the orders may be supported in support of the orders in support of the order or orde Pocedure, to the evidence to be produced in support of the orders may be made by the policest. pplication for an order for examination of parties and court. thesses under this Act, and generally for carrying this t into effect; and in the absence of any order in relation such evidence, letters rogatory from any court of justice any other of the dominions of Her Majesty, or from any reign tribunal, in which such civil, commercial or criminal natter is pending, shall be deemed and taken to be sufficient evidence and taken to be sufficient at V., c. 76, s. 6, evidence in support of such application. 31 V., c. 76, s. 6, Part; 46 V., c. 35, s. 1, part.

This Act shall not be so construed as to interfere Powers of the the Act shall not be so construed as to interfere Powers of the Thorislature of any local legis With the Act shall not be so construed as to interiere Powers of Province right of legislation of the Legislature of any local legislature not tures not tures not affected. Province right of legislation of the Legislature of tures not blects hereafter the desirable for the carrying out the affected. objects hereof. 31 V., c. 76, s. 7.

Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
The whole except s. 5 (part). The whole.	s. 5 (part).		
	The whole except	rhe whole except s. 5 (part).	Consolidated. for Repeal. Consolidated elsewhere.

CHAPTER 137.

An Act respecting Extra-judicial Oaths.

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

Penalty for administering oath without lawful warrant. 1. Every justice of the peace or other person who administers, or causes or allows to be administered, or receives or causes, or allows to be received, any oath, affidavit or solemn affirmation, touching any matter or thing whereof such justice or other person has not jurisdiction or cognizance of some law in force at the time being, or authorized and required by any such law, is guilty of a misdemeanor liable to a fine not exceeding fifty dollars, or to imprison ment for any term not exceeding three months. 37 V., c. 37, s. 1, part, and s. 2.

Act not to extend to certain oaths, affidavits and affirmations.

2. Nothing herein contained shall be construed to extend to any oath, affidavit or solemn affirmation before any justice in any matter or thing touching the preservation of the peace, or the prosecution, trial or punishment of any offence, or to any oath, affidavit or affirmation required or authorized by any law of Canada, or by any law of the Province wherein such oath, affidavit or affirmation is received or administered, or is to be used, or to any oath, affidavit or affirmation which is required by the laws of any foreign affirmation which is required by the laws of any designed country to give validity to instruments in writing designed to be used in such foreign countries respectively.

Solemn declaration may be received. 3. Any judge, justice of the peace, public notary or other functionary authorized by law to administer an oath, receive the solemn declaration of any person voluntarily making the same before him, in the form in the schedule to this Act, in attestation of the execution of any written or instrument, or allegations of fact, or of any account rendered in writing. 37 V. c. 87 s. 1 mark

Before whom affidavits to be used in insurance cases may be made. 4. Any affidavit, affirmation or declaration required by any fire, life or marine insurance company, authorized law to do business in Canada, in regard to any loss of property or life insured or assured therein, may be taken before any commissioner authorized to take affidavits, or any justice of the peace, or before any notary public for any justice of Canada; and any such officer is hereby required

to take such affidavit, affirmation or declaration. 32-33 V.,

SCHEDULE.

LA. B., do solemnly declare that (state the fact or facts tientiously believing the same to be true, and by virtue of the "Act respecting extra-judicial Oaths." 7 y, c. 37, schedule.

Proposed to be Conselidated.	Part Consolidated. s. 4 The whole, except part of s. 1.	Left for Repeal. s. 1 (part).	To be Consolidated elsewhere. Remainder	To be Consolidated with. Perjury.

CHAPTER 138.

An Act respecting the Extradition of Fugitive Criminals.

ER Majesty, by and with the advice and consent of the Senate and House of Communications Senate and House of Commons of Canada, enacts follows:-

SHORT TITLE.

Short title.

1. This Act may be cited as "The Extradition Act." 40, c. 25, s. 24. V., c. 25, s. 24.

INTERPRETATION.

Interpretation.

2. In this Act, unless the context otherwise requires

"Extradition arrangement.

(a) The expression "extradition arrangement," or "at made ngement," means a treaty course. rangement," means a treaty, convention or arrangement made by Her Majesty with a formal of by Her Majesty with a foreign state for the surrender of fugitive criminals, and which fugitive criminals, and which extends to Canada;

"Extradition crime."

(b) The expression "extradition crime" may mean any ime which, if committed in C crime which, if committed in Canada, or within the jurisdiction. would be one of the jurisdiction, would be one of the crimes described in the first schedule to this Act first schedule to this Act,—and, in the application of this act to the case of any extradition to the case of any extradition arrangement, means any or the described in such arrangement described in such arrangement, whether comprised in said schedule or not

person."

(c) The expressions "conviction" and "convicted "do not by clude the case of a condernation. "Convicted." include the case of a condemnation under foreign reason of contumacy. but the reason of contumacy; but the expression "accused person includes a person so condemnation under foreign includes a person includes a person so condemnation under foreign includes a person includes a person includes a person includes a person so condemnation under foreign includes a person includes a person so condemnation under foreign includes a person so condemn

"Fugitive criminal.

(d) The expressions "fugitive" and "fugitive criminal" who ean a person being or suspected and "fugitive criminal" mean a person being or suspected of being in Canada, who is accused or convicted of an accused or convicted of accused or convicted or convicte is accused or convicted of an extradition crime committed within the jurisdiction of an extradition crime

"Foreign state."

(e) The expression "foreign state" includes every colony, pendency and constitute and dependency and constituent part of the foreign state; and every vessel of any such state about the state within every vessel of any such state shall be deemed to be within the jurisdiction of and to be recorded to be within

"Warrant."

(f) The expression "warrant," in the case of a foreign ate, includes any judicial door. state, includes any judicial document authorizing the arrest of a person accused or convicted.

(g) The expression "judge" includes any person author-"Judge." ized to act judicially in extradition matters. 40 V., c. 25, s. 1.

APPLICATION OF ACT.

- In the case of any foreign state with which there is, at or As to existing the that the time when this Act comes into force, an extradition arrangements. arangement, this Act shall apply during the continuance of such of such arrangement; but no provision of this Act, which is incompared to the arrangement, is inconsistent with any of the terms of the arrangement; shall have been small because the same of th thall have effect to contravene the arrangement; and this act shall be effect to contravene the arrangement; and this Act shall be so read and construed as to provide for the execution of the arrangement:
- 2. In the case of any foreign state with respect to which As to limitate anni: of the Act of the tions, qualifications, qualif the application to the United Kingdom of the Act of the tions, qualifications and the United Kingdom, passed in the year exceptions. one thousand eight hundred and seventy, and intituled An Act for amending the Law relating to the Extradition of Criminals," is made subject to any limitation, condition, qualification or exception, the Governor in Council hall make the application of this Act, by virtue of this action condition, qualificamake the application of this Act, by virtue of the subject to any such limitation, condition, qualificaon or exception:

8. The Governor in Council may, at any time, revoke or Orders under the Rock and order made this Act may be revoked. The Governor in Council may, at any time, revoke or order made this Act may him is better to the restrictions of this Act, any order made be revoked. him in council under this Act, and all the provisions of Act with respect to the original order shall, so far as pplicable, apply mutatis mutandis to the new order. 40 V.,

This Act, so far as its application in the case of any If the application of this state, depends on or is affected by any Order in Act depends on an Order in Act depends on an Order in Council. ouncil made under this Act or referred to therein, shall on an Order the Council. the specified in the order, or, if no time is specified, after date of in the order, or, if no time is specified, after date of in the order, or, if no time is specified, after date of in the order, or, if no time is specified, after date of in the order in the Canada the date of the publication of the order in the Canada

2. Any order of Her Majesty in Council, referred to in Publication of Orders in Council made of Orders in Council. this Any order of Her Majesty in Council, referred to in runnian and of Orders in Council made of Orders in Council made of Council. under this Act, and any Order of the Governor in Council Published act, and any extradition arrangement not already shall be, as soon as pospublished in the Canada Gazette, shall be, as soon as posbible, published in the Canada Gazette, shall be, as soon as property of the Canada Gazette and laid before both Rouses of Parliament:

8. The publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Cazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition in the Canada Gazette The publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of publication in the Canada Gazette of an extradition Effect of Effect and subject thereto; the arrangement or order, and of the terms thereon, and the application of this Act, pursuant and subject thereto; the countries of the countr the court or judge shall take judicial notice, without proof,

of such arrangement or order, and the validity of the and the application of this Act and the application of this Act, pursuant and subject there to, shall not be questioned. to, shall not be questioned. 40 V., c. 25, s. 5.

JUDGES AND COMMISSIONERS.

What judges may act in cases under this Act.

5. All judges of the superior courts and of the county ourts of any Province and all courts of any Province, and all commissioners who are, from time to time appointed for the time to time, appointed for the purpose, in any Province the Governor in Council and t the Governor in Council, under the Great Seal of Canada by virtue of this Act or by virtue of this Act, are authorized to act judicially in extradition matters under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council, under the Great Seal of University in the Council extradition matters under this Act, within the Province have every such person shall, for the purposes of this Act, have all the powers and inviscion and inviscion of the purposes of this Act, within the Province have all the powers and jurisdiction of any judge or magistrate of the Province:

No habeas corpus power.

2. Nothing in this section shall be construed to confet on the judge any invisition in the construed to confet on the judge any invision in the construed to confet on the judge any invision in the construed to confet on the judge and the judge and the construed to confet on the judge and t any judge any jurisdiction in habeas corpus matters. c. 25, s. 8.

EXTRADITION FROM CANADA.

On what grounds a warrant may issue.

6. Whenever this Act applies, a judge may issue his warrant nt for the apprehension of the state rant for the apprehension of a fugitive on a foreign warrant of arrest, or an information of arrest, or an information or complaint laid before him, and on such evidence or after and on such evidence or after such proceedings, as in his opinion would, subject to the providence would, subject to the provisions of this Act, justify the issue of his warrant if the crime of t of his warrant if the crime of which the fugitive is accused or alleged to have been considered in or alleged to have been convicted had been committed in Canada:

Report to Minister of Justice.

2. The judge shall forthwith send a report of the fact of e issue of the warrant to the same of the issue of the warrant, together with certified copies of the evidence and foreign warrant. the evidence and foreign warrant, information or complaints to the Minister of Justice 1000

Execution of warrant.

7. A warrant issued under this Act may be executed in the part of Canada in the control of the part of Canada in the control of the control o any part of Canada, in the same manner as if it had been originally issued or subset of originally issued, or subsequently indorsed, by a justice of the peace having jurisdiction. the peace having jurisdiction in the place where it is executed. 40 V. c. 25 s 10

&c.

S. Every fugitive criminal of a foreign state, in the case which state this Act applies time when the of which state this Act applies, shall be liable to be applied to the offence was committed, hended, committed and surrendered in the manner provided in this Act, whether the in this Act, whether the crime or conviction, in respect of which the surrender is sometiment. which the surrender is sought, was committed or took place before or after the data of the before or after the date of the arrangement, or of the inthe into force of this Act or of the into force of this Act, or of the application of this Act in the case of such state, and whather the case of such state, and whether there is or is not any inal jurisdiction in any court inal jurisdiction in any court of Her Majesty's domination over the fugitive, in respect of the over the fugitive, in respect of the crime. 40 V., c. 25,

- The fugitive shall be brought before a judge, who Fugitive to be shall, subject to the provisions of this Act, hear the case, in brought before the same like same the case, in fore the fugitive was indee. the same manner, as nearly as may be, as if the fugitive was judge. brought before a justice of the peace, charged with an indictable of able offence committed in Canada:
- 2. The judge shall receive upon oath, or affirmation if Evidence of the charge. affirmation is allowed by law, the evidence of any witness tendance or the fact of the tendered to show the truth of the charge or the fact of the
- 8. The judge shall receive, in like manner, any evidence Evidence that tendered to show that the crime of which the fugitive is the crime is not an extralolitical of alleged to have been convicted is an offence of a dition crime. political character, or is, for any other reason, not an extradition crime; or that the proceedings are being taken with a view to the proceedings are being taken with a view to prosecute or punish him for an offence of a political character. 40 V., c. 25, s. 12.
- Depositions or statements taken in a foreign state on Depositions at taken out of t Of the of the affirmation, where affirmation is allowed by the Canada. of the state, and copies of such depositions or stateof the state, and copies of such depositions of states, and foreign certificates of, or judicial documents the fact of conviction, may, if duly authenticated, received fact of conviction, may under this Act: received in evidence in proceedings under this Act:

- Such papers shall be deemed duly authenticated if When to be deemed authenticated. thenticated in manner provided, for the time being, by deemed authoricated. or if authenticated as follows:
- (a) If the warrant purports to be signed by, or the certifipurports to be signed by, or the depositions or statepurports to be certified by, or the depositions of the copies thereof, purport to be certified to be the copies thereof, purport to be certified to be the copies thereof, purport to be certified to be the copies thereof, purport to be certified to be the copies thereof, purport to be certified to be the copies thereof. the copies thereof, purport to be cerument to be form; or true copies, by a judge, magistrate or officer of foreign state;
- and if the papers are authenticated by the oath or And if the papers are authenticated by the control of some witness, or by being sealed with the facial seal of lustice, or some other minisofficial seal of the Minister of Justice, or some other minister of the foot the Minister of Justice, or some other minister of the foot the Minister of Justice, or some other minister of the foot the ter of the seal of the Minister of Justice, or some other the foreign state, or of a colony, dependency or constitution of which seal the judge shall of the foreign state, or of a colony, dependency or constitute judge shall judicial notice without proof. 40 V., c. 25, s. 9.

If, in the case of a fugitive alleged to have been con-What evidence of an only of the case of a fugitive alleged to have been con-What evidence is produced be sufficient. wicted of an extradition crime, such evidence is produced dence shall be sufficient by the committed of Canada, subject to the to justify Would, according to the law of Canada, subject to the to justify the law of Canada, subject to the to justify that he was so convicted,—and provould, according to the law of Canada, subject to the to justify in the case of this Act, prove that he was so convicted,—and committal. the case of a fugitive accused of an extradition crime, evidence of a fugitive accused of an extradition to the law the case of a fugitive accused of an extradition of the case of a fugitive accused of an extradition of the evidence is produced as would, according to the law compared as subject to the provisions of this Act, justify his compared to the Chaital subject to the provisions of this Act, justing, if the crime had been committed in his warrant for the com-Committal for trial, if the crime had been committee the judge shall issue his warrant for the com-

mittal of the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign state, or shall charged according to large charged according to law; but otherwise the judge shall order him to be discharged. order him to be discharged. 40 V., c. 25, s. 13.

12. If the judge commits a fugitive to prison, he shall a such committed — Judge shall,-on such committal,—

Give certain information to fugitives,-

(a) Inform him that he will not be surrendered until after expiration of fifteen down the expiration of fifteen days, and that he has a right to apply for a writ of habers are apply for a writ of habeas corpus; and—

Transmit evidence to Minister of Justice.

(b) Transmit to the Minister of Justice a certificate of the mmittal, with a copy of all its large and the matter of the matter committal, with a copy of all the evidence taken before him, not already so transmitt him, not already so transmitted, and such report upon the case as he thinks fit 40 W

By whom requisition for surrender may be made.

13. A requisition for the surrender of a fugitive criminal a foreign state who is a reof a foreign state who is, or is suspected to be in Canada, may be made to the Minister and the the Minister a may be made to the Minister of Justice by any person recognized by him as a constant recognized by him as a consular officer of that state resident at Ottawa; or by any minister of Justice by any period at Ottawa; or by at Ottawa; or by any minister of that state resulting with the Minister of Instinct of Tractice of the state communicating with the Minister of Justice through the diplomatic representative of Her Mojosty in All Property of these sentative of Her Majesty in that state; or if neither of them modes is convenient then modes is convenient, then in such other mode as is settled by arrangement. 40 V

When the fugitive shall not be liable to surrender.

- 14. No fugitive shall be liable to surrender under this Act it appears, if it appears,-
- (a) That the offence in respect of which proceedings are ken under this Act is one of taken under this Act is one of a political character;
- (b) That such proceedings are being taken with a view prosecute or punish him a to prosecute or punish him for an offence of a political character. 40 V. c. 25 s. 2

In cases specified, Minister may refuse to make

- Minister of Justice at any time deter **15.** If the
- (a) That the offence in respect of which proceedings are sing taken under this Act. already made. being taken under this Act is one of a political character;
 - (b) That the proceedings are, in fact, being taken with view to try or punish the first fact, being taken with a view to try or punish the fugitive for an offence of a political character: or—
 - (c) That the foreign state does not intend to make a relation for surrender quisition for surrender-

He may refuse to make an order for surrender, and may order under his hand and by order under his hand and seal, cancel any order made by

him, or any warrant issued by a judge under this Act, and order the forestedy on any order the fugitive to be discharged out of custody on any committed made under this Act; and the fugitive shall be discharged. charged accordingly. 40 V., c. 25, s. 16;—45 V., c. 20, s. 1.

Diration of his committal for surrendered. entiration of fifteen days from the date of his committal for surrender. thrender; or if a writ of habeas corpus is issued, until ter the decision of the court remanding him:

2. A fugitive who has been accused of an offence If fugitive is an offence for an offender under Canwithin Canadian jurisdiction, not being the offence for an offender canthich his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction, not being the offence for under Canthick his second jurisdiction is undergoing second jurisdiction. which his surrender is asked, or who is undergoing sen-adian law. tence under a conviction in Canada, shall not be surrendered after he has been discharged, whether by acquittal or otherwise. 40 V., c. 25, by expiration of his sentence, or otherwise. 40 V., c. 25,

Subject to the provisions of this Act, the Minister of Minister may, order surfered state. may, order surfered of Subject to the provisions of this Act, the Minister of minister of minister of minister of minister of may, order surreder him of the foreign state, may, order of fugitive who has been fugitive who has been fugitive to the provisions of the first of the control der, upon the requisition of the foreign state, may, render or his hand and seal, order a fugitive who has been fugitive to officer of a foreign state. in the name and on behalf of the foreign state, and he be so surrendered accordingly:

2. Any person to whom such order is directed may Powers of liver, and the person so authorized may receive, hold in such officer. tody and convey the fugitive within the jurisdiction of fore; and convey the fugitive within the jurisdiction of foreign state; and if he escapes out of any custody to hich he is delivered, on or in pursuance of such order, he the is delivered, on or in pursuance of such of the retaken in the same manner as any person accused the laws of Canada may convicted of any crime against the laws of Canada may retaken on an escape. 40 V., c. 25, s. 18.

time of thing found in the possession of the fugitive at Property found on the material as evidence fugitive. the time of his arrest, which may be material as evidence fugitive. in making proof of the crime, may be material as existing proof of the crime, may be delivered up with the Regitive on his surrender, subject to all rights of third perwith regard thereto. 40 V., c. 25, s. 19.

anada mili sitive is not surrendered and conveyed out of Fugitive to be conveyed out of Canada Canada If a fugitive is not surrendered and conveyed out of rugilive was conveyed out that within two months after his committal for sur-of Canada of Canada is is issued within within a certain time. render, or if a writ of habeas corpus is issued within within a certain time. with over and after the decision of the court on such comwit months after the decision of the court o convey him from the prison to which he has been comof the independent way out of Canada, any one or more or may be independent way out of Canada, any one or more or may be released by the readiest way out of Canada, any one or more or may be independent way out of the Province habeas of the by the readiest way out of Canada, any one or more or may be the judges of the superior courts of the Province released by which such person is confined, having power to corpus. which such person is confined, having power to him or the of habeas corpus, may, upon application made writ of habeas corpus, may, upon application or them by or on behalf of the fugitive, and on proof

that reasonable notice of the intention to make such application has been given to the action to make such application has been given to the action to make such application has been given to the action to make such application to make such application to make such application to the action to make such application to make such application to make such application to the control of the intention to make such application to the control of the intention to make such application to the intention to make such application to the control of the intention to make such application to the intention to make such application to the control of the intention to make such application to the control of the intention to make such application to the control of the intention to make such application to the control of the intention to make such application to the control of the intention to the control of the intention to the control of the intention to the control of the cation has been given to the Minister of Justice, order fugitive to be discharged and a superior of su fugitive to be discharged out of custody, unless sufficient cause is shown against such discharged. cause is shown against such discharge. 40 V., c. 25, s.

Forms valid.

20. The forms set forth in the second schedule to this ct, or forms as near the second schedule to this Act, or forms as near thereto as circumstances admit of med be used in the matters to be used in the matters to which such forms refer, when used, shall be deemed with and such forms refer, and when used, shall be deemed with a such forms refer, and when used, shall be deemed with a such forms refer, and when used, shall be deemed with a such forms refer, and when used, shall be deemed with a such forms refer, and the such forms refer to the such forms rearly refer to the such forms refer to the such forms refer to the when used, shall be deemed valid. 40 V., c. 25, s. 21.

EXTRADITION FROM A FOREIGN STATE.

Requisition for a fugitive from Canada, how made.

21. A requisition for the surrender of a fugitive criminal om Canada, who is or is a surrender of a fugitive criminal or constant. from Canada, who is or is suspected to be in any state with which there is any state with which there is an extradition arrangement, may be made by the Minister of be made by the Minister of Justice to a consular officer of that state resident at Ottothat state resident at Ottawa, or to the Minister of Justice or any other minister of the distance of the dist or any other minister of that state, through the diplomatic representative of Her Mojester representative of Her Majesty in that state; or, if neither of these modes is convenient the these modes is convenient, then in such other mode as is settled by arrangement

Conveyance of fugitive surrendered.

22. Any person accused or convicted of an extradition the ime, who is surrendered by crime, who is surrendered by a foreign state, may, under be warrant for his surrender warrant for his surrendered by a foreign state, may, under be warrant for his surrender issued in such foreign state, be brought into Canada and distributions. brought into Canada and delivered to the proper authorities, to be dealt with according New.

able contrary to arrangement.

23. Whenever any person accused or convicted of an exact addition crime is surrounded accused or convicted of an exact accused or convicted or convic rendered by a tradition crime is surrendered by a foreign state, not punish ance of any person accused or convicted of pursured foreign state, in pursured foreign state, and not punish ance of any person accused or convicted of any pursured foreign state, and not punish ance of any person accused or convicted of any pursured foreign state. ance of any extradition arrangement, such person shall not until after he has been received. until after he has been restored, or has had an opportunity of returning to the forces. of returning to the foreign state within the meaning of the arrangement be subject arrangement be subject, in contravention of any of the terms of the arrangement terms of the arrangement, to any prosecution of punishment in Canada for any other contravention of any prior to ment in Canada for any other offence committed prior his surrender, for which had his surrender, for which he should not, under the arrangement, be prosecuted 40 W

How list of crimes in schedule shall be construed.

24. The list of crimes in the first schedule to this act canada shall be construed according to the law existing in law of at the date of the alleged arrived according to the law existing in law of at the date of the alleged arrived according to the law existing in law of a at the date of the alleged crime, whether by common law of by statute made before or after 11 by statute made before or after the passing of this Act, and as including only such arising of this Act, and as including only such crimes, of the descriptions of the description of the d prised in the list, as are, under that law, indictable offences.

40 V., c. 25, second schedule

FIRST SCHEDULE.

List of Crimes.

- (1) Murder, or attempt or conspiracy to murder;
- (2) Manslaughter;
- (3) Counterfeiting or altering money, and uttering counter-leit or altered money;
- (4) Forgery, counterfeiting or altering, or uttering what is lay Forgery, counterfeiting counterfeited or altered;
 - (5) Larceny;
 - (6) Embezzlement;
 - Obtaining money or goods, or valuable securities, by
 - (8) Crimes against bankruptcy or insolvency law;
 - Fraud by a bailee, banker, agent, factor, trustee, or by rand by a bailee, banker, agent, Iactor, traction, fraud made or member or officer of any company, which fraud nade criminal by any Act for the time being in force;
 - (10) Rape;
 - (11) Abduction;
 - Child stealing;
 - Kidnapping;
 - [14] False imprisonment;
 - (15) Burglary, house-breaking or shop-breaking;
 - (16) A_{rson};
 - (17) Robbery;
 - (18) Threats, by letter or otherwise, with intent to extort;
 - (19) Perjury or subornation of perjury;
 - board of by municipal law or law of nations, committed board of or against a vessel of a foreign state;
 - whether on the high seas or on the great lakes of North on the high seas or on the great or attempting or conspiring to do so;

- (22) Assault on board such vessel at sea, whether on the great labor and intentions are the contract to the season of the season high seas or on the great lakes of North America, with intent to destroy life or to do grievers!
- (23) Revolt, or conspiracy to revolt, by two or more per ns on board such a wagest of sons on board such a vessel at sea, whether on the high seasor or on the great lakes of North A or on the great lakes of North America, against the authority of the master:
- (24) Any offence under either of the following Acts, and it included in any foregoing. not included in any foregoing portion of this schedule;
 - (a) "An Act respecting Offences against the Person;"
 - (b) "The Larceny Act;"
 - (c) "An Act respecting Forgery;"
 - (d) "An Act respecting Offences relating to the Coin;"
 - (e) "An Act respecting Malicious Injuries to Property;"
- (25) Any offence which is, in the case of the principal fender, included in any factories offender, included in any foregoing portion of this schedule, and for which the fraction and for which the fugitive criminal, though not the principal, is liable to be tried principal, is liable to be tried or punished as if he were the principal. 40 V. c. 25 second

SECOND SCHEDULE.

FORM ONE.

Form of Warrant of Apprehension.

To wit:-

To all and each of the constables of

Whereas it has been shown to the undersigned, a judge adder "The Extradition 4.4" is accused (or convicted) of the under "The Extradition Act," that late of within the jurisdiction of crime of

This is therefore to command you, in Her Majesty's name, and to bring him before me, or some other judge under which Act, to be further dealt with according to the said Act, to be further dealt with according to law; for which this shall be your warrant forthwith to apprehend the said

Given under my hand and seal at A.D. day of

FORM TWO.

Form of Warrant of Committal.

To wit:

æ

 T_0 one of the constables of and to the keeper of the

Be it remembered that on this in the year day of brought before me at Extradition Act," a judge under "The to law. according to law; and forasmuch as I have determined that he should be some and forasmuch as I have determined that he ground be surrendered in pursuance of the said Act, on the ground his being accused (or convicted) of the crime of Within the jurisdiction of

This is therefore to command you, the said constable, in Majesty's name, forthwith to convey and deliver the into the custody of e keeper of the into the custody of the said keeper, to receive the said

into your custody, and him there salely the is thence delivered pursuant to the provisions of he is thence delivered pursuant to Act, for which this shall be your warrant.

Given under my hand and seal at A.D day of

this

FORM THREE.

Form of Order of Minister of Justice for Surrender.

and to To the keeper of the

at

 W_{hereas} within the convicted) of the crime of within the jurisdiction of late of

delivered into the custody of you, the keeper of the by warrant

pursuant to "The Extradition

Now I do hereby, in pursuance of the said Act, order you the said keeper, to deliver the said into the custody of the said; and I command you, into said to receive the said your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons (or of appointed by the said

receive him: for which this shall be your warrant.

Given under the hand and seal of the undersigned Minister of Justice of Canada, this day of

A.D.

40 V., c. 25, third schedule.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
40 V., c. 25 45 V., c. 20	The whole except ss. 2 and 3 and first sch. The whole.	ss. 2 and 3 and first sch.		

0. p. 189.

CHAPTER 139.

Act respecting fugitive offenders in Canada from other parts of Her Majesty's Dominions.

HER Majesty, by and with the advice and consent of the senate and House of Commons of Canada, enacts as

SHORT TITLE.

This Act may be cited as "The Fugitive Offenders Act." Short title. 46 V., с. 21, в. 1.

INTERPRETATION.

In this Act, unless the context otherwise requires:— Interpretation.

(a) The expression "magistrate" means any justice of the "Magistrate." The expression "magistrate" means any jumped of offences, and to comapprehension of persons accused of offences, and to comanch persons for trial;

The expression "deposition" includes every affidavit, "Deposition." The expression "deposition incanation, or statement made upon oath;

The expression "court" means,—in the Province of "Court." Pario, the High Court of Justice for Ontario; in the Province of Quebec, the Superior Court; in the Province of New Wick in the Supreme Court; in the Province of Prince in the Province of Prince trio, the High Court of Justice for Ontario; in the and Total Court; in the Province of Prince of Indicature; in the wick, the Supreme Court; in the Province of Indicature; in the Supreme Court of Judicature; in the Province of Indicature; in the Supreme Court; in the Su Naiesty's Court of Queen's Prince of British Columbia, the Supreme Court, in the Supreme Court of Queen's Manitoba, Her Majesty's Court of Queen's in the North-West Territories and Replace of Manitoba, Her Majesty's Court of Manitoba, Her Majesty's Court of Manitoba; and in the North-West Territories and the histories and in the North-West Territories and the District of Keewatin, a stipendiary magistrate and the court of Keewatin, a stipendiary magistrate as is delicourt or magistrate or other judicial authority as is the District of Keewatin, a stipendiary magistrate or other judicial authority as is the proclamation of the Govdesignated or magistrate or other judicial autnority or in Constitution time to time, by proclamation of the Government of the Canada Gazette. 45 V., engliated, from time to time, by proclamation of the c. 21, 8, 16 man, published in the Canada Gazette. 45 V., c. 21, 8. 16, part.

This Act shall apply to the following offences, To what to biracy, and to every offences to Act appli that This Act shall apply to the following offences, To what offence, whether called felony, misdemeanor, crime or shall be for the time being punishing the property of the state of the s by the name, which is for the time being punishable in the part of Her Majesty's dominions in which it was

committed, either on indictment or information, by imprisonment with hard labor or information, months prisonment with hard labor for a term of twelve the pur or more, or by any greater punishment; and for the purposes of this section poses of this section, rigorous imprisonment, and for the any poses of this section, rigorous imprisonment, and what confinement in a prison combined with labor, by ever name it is called shall be decreased. ever name it is called, shall be deemed to be imprisonment with hard labor:

Application to acts not offences by Canadian law.

2. This Act shall apply to an offence, notwithstanding at, by the law of Consider the control of that, by the law of Canada, it is not an offence or not offence to which this Act and the control of the contro offence to which this Act applies; and all the provisions of this Act, including those relationships and all the provisions of the provisi this Act, including those relating to a provisional warrant and to a committal to prison and to a committal to prison, shall be construed as if the offence were in Canada offence were in Canada an offence to which this applies:

Application to persons unlawfully at large.

3. This Act shall apply, so far as is consistent with the nor thereof, to every page. tenor thereof, to every person convicted by a court in any part of Her Maiesty's damining part of Her Majesty's dominions, of an offence committed either in Her Majesty's dominions, of an offence who is united to the committed either in Her Majesty's dominions. either in Her Majesty's dominions, of an offence communication who is unlawfully at large before the lawfully at large before the expiration of his sentence, in like manner as it applies in like manner as it applies to a person accused of the like offence committed in 11 like offence committed in the part of Her Majesty's do minions in which such minions in which such person was convicted:

4. This Act shall apply in respect to offences committed if committed before the commencement of this Act, in like manner and mencement of such offences were committed before the commencement of this Act, in like manner and mencement of such offences were committed before the commencement and the commencement are also before the commencement are also before the commencement are also before the commencement and the commencement are also before the mencement of such offences were committed after such commencement 45 V., c. 21, ss. 8, 14 and 15

Apprehension and return of fugitive offenders.

4. Whenever a person accused of having committed at fence to which this Act and the state of the offence to which this Act applies in any part of Her such jesty's dominions. except Carrier any part, such jesty's dominions, except Canada, has left that part, if person, in this Act referred person, in this Act referred to as a fugitive from that part found in Canada, shall be light found in Canada, shall be liable to be apprehended and returned, in the manner provided here. turned, in the manner provided by this Act, to the part from which he is a fugitive

Warrant.

2. A fugitive may be so apprehended under an indorsed arrant or a provisional warrant warrant or a provisional warrant.

Proceedings in Canada on warrant issued elsewhere.

5. Whenever a warrant has been issued in a part of from a jesty's dominions for the Majesty's dominions for the apprehension of a fugitive from that part who is or is suggested. that part who is or is suspected to be in or on the way if Canada, the Governor Ganaral Canada, the Governor General or a judge of a court, satisfied that the wormant satisfied that the warrant was issued by some person having lawful authority to issue the same the same having sanch was rant in lawful authority to issue the same, may indorse such the rant in manner provided by the same and indorse warrant the rant in manner provided by this Act, and the manner the indorsed shall be a sufficient indorsed shall be a sufficient authority to apprehend if fugitive in Canada and bring him before to apprehend V c 21 fugitive in Canada and bring him before a magistrate. V., c. 21. s. 3

A magistrate in Canada may issue a provisional war- Issue of prorant for the apprehension of a fugitive who is or is visional warrant. suspected of being in or on his way to Canada, on such information of a fugitive with a such information of the apprehension of a fugitive with a such information of the apprehension of a fugitive with a such information of the apprehension of a fugitive with a such information of the apprehension of a fugitive with a such information of the apprehension of the ap information and under such circumstances as would, in his opinion in the offence of which opinion, justify the issue of a warrant, if the offence of which the function is the function of the function the fugitive is accused had been committed within his jurisdiction. diction; and such warrant may be backed and executed

2. A magistrate issuing a provisional warrant shall forth-Report to with send a report of the issue, together with the informa-Governor. General: tion or a certified copy thereof, to the Governor General; and the Governor General may, if he thinks fit, discharge the Governor may discharge the Governor General may, if he thinks fit, discharge the Governor may discharge. person apprehended under such warrant. 45 V., c. 21, s. 4. may discharge.

fore a magistrate, who, subject to the provisions of this Act, before a magistrate. shall hear the case in the same manner and have the same istrate. jurisdiction and powers, as nearly as may be, including the charged within his jurisdiction: charged with an offence committed within his jurisdiction:

2. If the indorsed warrant for the apprehension of the Committal of lighting is pro-fugitive. figitive indorsed warrant for the apprehension of the community is duly authenticated, and such evidence is profugitive. the law ordinate to the provisions of this Act, according to the law ordinarily administered by the magistrate, raises a trong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall comwit the fugitive to prison to await his return, and shall Report to Governor General. forthwith send a certificate of the committal and such re-Governor General. Port of the case, as he thinks fit, to the Governor General:

Nison, he shall inform the fugitive that he will not be surfugitive that he has certain rights. hendered until after the expiration of fifteen days, and that he has certain rights. he has a right to apply for a writ of habeas corpus or other tain rights. like process:

hom time to time, be remanded for such reasonable time, fugitive. not exceeding seven days at any one time, as under the circumstances at a circumstance seven days at a circumstance seve Chinstances seems requisite for the production of an indorsed Warrant. 45 V., c. 21, s. 5.

Sen committee expiration of fifteen days, after a fugitive has Order for the committee expiration of fifteen days, after a fugitive has Order for the fugitive. been committed expiration of fifteen days, after a fugitive has order for the labeas committed to prison to await his return,—or if a writ of fugitive. reference to or other like process is issued by a court, with reference to such fugitive, after the final decision of the hist in the such fugitive, after the final decision to the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the hist in the such fugitive, after the final decision of the such fugitive, after the final decision of the such fugitive, after the final decision of the such fugitive the such fu court in the such fugitive, after the final decision is his hand if case,—the Governor General, by warrant under may order the fugitive to be returned to the thinks it just, may order the fugitive to be warrant. returned to the part of Her Majesty's dominions from which

he is a fugitive, and for that purpose to be delivered into the custody of the persons in the delivered into the custody of the persons to whom the warrant is addressed, or some one or more of the custody of the persons to whom the warrant in customs of the custody of the persons to whom the warrant in customs of the custody of the customs of the custody of the custody of the customs of the custody of the customs of the customs of the custody of the customs of the custom dressed, or some one or more of them, and to be held in custody, and conveyed to the tody, and conveyed to the said part of Her Majesty's dominions, to be dealt with it. dominions, to be dealt with there, in due course of law, as if he had been those as if he had been there apprehended; and such warrant shall be forthwith executed. shall be forthwith executed according to the tenor thereof. 45 V., c. 21. s. 6.

within a certain time.

9. If a fugitive who, in pursuance of this Act, has been mmitted to prison in Canada and the state of the Act, has been mmitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the Act, has been mitted to prison in Canada and the state of the fugitive if not committed to prison in Canada to await his return, is not returned conveyed out of Canada within a conveyed ou conveyed out of Canada within two months after such committal, the court upon continuous continuous and the such continuous continuo mittal, the court, upon application, by or on behalf of the fugitive, and upon proof that fugitive, and upon proof that reasonable notice of the intention to make such application. tion to make such application has been given to the Governor General, may unless and the such application has been given to the to the nor General, may, unless sufficient cause is shown to the contrary, order the function to the contrary. contrary, order the fugitive to be discharged out of custody. 45 V., c. 21. s. 7

Court may discharge fugitive in trivial cases.

10. Whenever it is made to appear to the court that by ason of the trivial nature of the appear to the court that by reason of the trivial nature of the case, or by reason of the return of a framework of the spin good plication for th plication for the return of a fugitive not being made in good faith, in the interests of inclination faith, in the interests of justice or otherwise, it would, having regard to the distance to th ing regard to the distance, to the facilities for communication, and to all the circumstate tion, and to all the circumstances of the case, be unjust or oppressive or too severe a new contraction. oppressive or too severe a punishment to return the fugitive either at all or until the arrangement to return the such either at all or until the expiration of a certain period, such court may discharge the first such as court may discharge the fugitive, either absolutely or the bail, or order that he shall bail, or order that he shall not be returned until after make expiration of the period expiration of the period named in the order, or may make such other order in the named in the order, or may just. such other order in the premises, as to the court seems just. 45 V., c. 21, s. 9.

Fugitive who is undergoing sentence, &c.

11. A fugitive who has been accused of an offerce for ithin Canadian invision. within Canadian jurisdiction, not being the offence which his surrender is coloring. which his surrender is asked, or who is undergoing sentence under a conviction in General and a conviction in Gene under a conviction in Canada, shall not be surrendered until after he has been discharged. until after he has been discharged, whether by acquittal or by expiration of his sentences. by expiration of his sentence, or otherwise. New. See "The Extradition Act, 1877," s. 17, sub-s 2.

Search warrant may be granted.

12. Whenever a warrant, for the apprehension of a person of cused of an offence has accused of an offence, has been indersed in pursuance this Act, in Canada any married in pursuance that have this Act, in Canada, any magistrate in Canada shall have the same power of issuing the same power of issuing a warrant to search for any property alleged to have been stalled as the search for all the search for any property alleged as the search for all the search f perty alleged to have been stolen or to be otherwise to be fully taken or obtained by fully taken or obtained by such person, or otherwise units the subject of such offence and the subject of the subject of such offence, as that magistrate would fully if the property had been stallif the property had been stolen or otherwise unlawfully taken or obtained or the committee taken or obtained, or the offence had been to wholly within the jurisdiction of wholly within the jurisdiction of such magistrate. c. 21, s. 10.

- 13. Any judge of the court may, either in term time or Exercise of acation judicial Vacation, exercise in chambers, all the powers conferred by judicial powers. this Act upon the court. 45 V., c. 21, s. 16, part.
- 14. An indorsement of a warrant in pursuance of this effect of indorsement of a warrant in pursuance of this effect of indorsement. Act shall be signed by the authority indorsing the same, a warrant of and shall be signed by the authority indorsing the same, a warrant. and shall be signed by the authority indorsing the indorson authorize all or any of the persons named in the indorsement, and of the persons to whom the warrant was original. originally directed, and also every constable, to execute the warranty directed, and also every constable, to execute the warrant Within Canada by apprehending the person named in it. in it, and bringing him before a magistrate in Canada, whether i bringing him before a magistrate or Whether he is the magistrate named in the indorsement or

2. Every Warrant, summons, subpæna and process, and As to death fery in a Warrant, summons, subpæna and process, and As to death of signer or independent of the second signer or independent signer signer or independent signer or i every warrant, summons, subpæna and process, and as to descript indorsement made in pursuance of this Act thereon, of signer or indorser. shall, for the purposes of this Act, remain in force, notwithstanding that the person signing the warrant or such in-dorsement 1: hold office. 45 V., c. 21, s. 11. dorsement dies or ceases to hold office. 45 V., c. 21, s. 11.

15. Whenever a fugitive or prisoner is authorized to be How the turned the never a fugitive or prisoner is authorized to be How the fugitive he return returned to how the many part of Her Majesty's dominions in purfactive may be returned. mance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada or belonging to the Government of Canada:

the Governor General, for the purpose aforesaid, may, Order to make warrant for the return of the fugitive, order the master master of any ship to the said part of ships to any ship registered in Canada, bound to the said part of ships to Her Majesty's dominions, to receive such fugitive or convey to yage to him having him in custody, Voyage to him, and to the person having him in custody, and to the him, and to the person having him in customy, to receive Witnesses; but such master shall not be required Proviso. to the witnesses; but such master shall not be required to more than one fugitive or prisoner for every hundred to make to make, or more than one dred tons of his ship's registered tonnage, or more than one withess for the ship's registered tonnage: witness for every fifty tons of such tonnage:

8. The Governor General shall cause to be indorsed upon Indorsement upon agreement of the the agreement of the ship such particulars with respect to upon agreement of the ship such particulars with respect to upon agreement of the ship such particulars with respect to upon agreement of the ship such particulars with respect to upon agreement of the ship. Marine and Prisoner or witness sent in her, as the Minister ship. Marine and Fisheries, from time to time, requires:

4. Every such master shall, on his ship's arrival in the Duty of master of the part of the Every such master shall, on his ship's arrival in the Duty of master of part of Her Majesty's dominions, cause such fugitive at destination. part of Her Majesty's dominions, cause such sugaryen into the is not in the custody of any person, to be dealt given into the is not in the custody of any person, with according custody of some constable there, to be dealt With according to law:

5. Every master who fails, on payment or tender of a Penalty for and an order and an order ance. reasonable amount for expenses, to comply with an order ance.

Prince in pure pure prince or to cause a fugitive or made in pursuance of this section, or to cause a fugitive or complete committee of this section. prisoner committed to his charge to be given into custody

as required by this section, shall be liable, on summary conviction, to a penalty not exceeding two hundred dollars. 45 V., c. 21, s. 12.

EVIDENCE.

Depositions.

16. A magistrate may take depositions for the purposes of this Act, in the absence of a person accused of an offence, in like manner as he might take the same if such person was present and accused of the offence before him.

45 V., c. 21, s. 13. part.

Their use in evidence.

17. Depositions whether taken in the absence of the fugitive or otherwise and copies thereof, and official certificates of, or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 45 V.. c. 21 s 12 next

Authentication of warrants and other documents.

18. Warrants and depositions, and copies thereof, and facts, ficial certificates of or indicates and copies thereof, and official certificates of, or judicial documents stating facts, shall be deemed duly outleast. shall be deemed duly authenticated for the purposes of the Act if they are authenticated Act if they are authenticated in manner provided for the time being by law or if the time being by law, or if they purport to be signed by or authenticated by the signed. authenticated by the signature of a judge, magistrate of officer of the part of Her Western and the signature of a judge, magistrate the officer of the part of Her Majesty's dominions in Which the same are issued taken or majesty. same are issued, taken or made, and are authenticated either by the oath of some with by the oath of some witness, or by being sealed with seal official seal of a Secretary of St. official seal of a Secretary of State, or with the public seal of a British possession and sealed with seal of a British possession and sealed with seal of sealed with sealed with seal of sealed with seal of sealed with seal of sealed with seal of sealed with sealed with sealed with seal of sealed with sealed wit of a British possession, or with the official seal of a British possession. nor of a British possession, or of a Colonial Secretary, or of some secretary or minimum or minimum or minimum or minimum or minimum of some secretary or minister administering a department of the government of a Deliving of the government of a British possession; and all courts and magistrates shall tale and magistrates shall take judicial notice of every such seal as is in this section. seal as is in this section mentioned, and shall admit in evidence without further mentioned, and shall admit and evidence without further mentioned. evidence without further proof the documents authenticated by it. 45 V. c. 21 a 12

Judicial notice of authentication.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
45 V., c. 21	The whole except ss. 16 (part), and 17.	ss. 16 (part), and 17.		

CHAPTER 140.

An Act respecting the application of the Criminal Law of England to the Provinces of Ontario and British Columbia.

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

ONTARIO.

The criminal law of England, as it stood on the seven- Criminal law of England, as it stood on the seven- of England continued in teenth day of September, in the year one thousand seven of England continued in the pealed and ninety-two, and as the same has since been Ontario. repealed, and ninety-two, and as the same has simple parlial tered, varied, modified or affected by any Act of the Parlial tered, varied, modified or affected by any Act of the Parlial tered. the Parliament of the United Kingdom having force of law the D. Act of the Parliament of the United Kingdom having force of law the Province of Ontario, or by any Act of the Parliament of the Ontario, or by any Act of the Parliament of the Province of Ontario, or by any Act of the Province Ontario, or by any Act of the Parliament of the United Kingdom naving Indiana. Ment of the late Province of Upper Canada, or of the Pro-Vince of Canada, still having force of law, or by any Act of Parliament of Canada, shall be the criminal law of the Province of Ontario. C. S. U. C., c. 94.

BRITISH COLUMBIA.

The criminal law of England, as it stood on the Andin British cight hundred and fifty-eight, and as the same has since repealed. the hundred and fifty-eight, and as the same has repealed, altered, varied, modified or affected by any indinance and altered, varied, modified or affected by any or Act (still having the force of law) of the colony of Act (still having the force of law, of British Columbia, or of the colony of Vancouver Island, before the union of such colonies or of the colony of British Columbia, or of the colony or vancou. of British Columbia, passed since such union, or by any Act the Parliament of Canada, shall be the criminal law of R. S. B. C., c. 70, s. 2, part. the Parliament of Canada, shall be the criminal and the Province of British Columbia. R. S. B. C., c. 70, s. 2, part.

Proposed Consolidated. C. S. H. C.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
8. B. C., c. 94	The whole s. 2, as respects Criminal Mat- ters.			4.9

CHAPTER 141.

An Act respecting Accessories.

ER Majesty, by and with the advice and consent of the Senate and House of Consent as Senate and House of Commons of Canada, enacts as follows:-

FELONIES.

Accessories before the fact to felony punishable as principals.

1. Every one who becomes an accessory before the fact to the fact any felony, whether the same is a felony at common law, or by virtue of any Act may be and and by virtue of any Act, may be indicted, tried, convicted and punished in all respects as if punished in all respects as if he were a principal felon. 31 V., c. 69, s. 9. nart and a 12 31 V., c. 69, s. 9, part, and c. 72, s. 1;—32-33 V., c. 20, s. 8, part, and c. 21. s. 107

Punishment of person counselling, &c., the com-mitting of a felony.

2. Every one who counsels, procures or commands is a her person to commit one file. other person to commit any felony, whether the same is a felony at common law or belong to the same is a felony at the same is felony at common law, or by virtue of any Act, is guilty of felony, and may be indicted felony, and may be indicted, and convicted either as accessory before the fact to accessory before the fact to the principal felony, together with the principal felon and convicted either about the principal felon or an accessory before the fact to the principal felon or an accessory before the fact to the principal felon or accessory before the fact to the fact to the principal felon or accessory before the fact to the principal felon or accessory before the fact to with the principal felon, or after the conviction of the principal felon,—or may be indicated. cipal felon,—or may be indicted and convicted of a substantive felony, whether the principal and convicted of a substantive felony, whether the principal and convicted of a substantive felony. tive felony, whether the principal felon has or has not been convicted, or is or is not amount of the principal felon has or has not there. convicted, or is or is not amenable to justice,—and may there upon be punished in the convicted. upon be punished in the same manner as any accessory before the fact to the same file. before the fact to the same felony, if convicted as an accessory, may be punished at the same felony, if convicted as an accessory, may be punished as an accessory, may be punished as an accessory.

Punishment of principal in second degree.

3. In every felony, every principal in the second degree in tall be punishable in the second degree in the second degree. shall be punishable in the same manner as the principal in the first degree is punishable. the first degree is punishable. 31 V., c. 69, s. 9, part, and c. 72, s. 3;—32-33 V. c. 21 a 107

Accessories after the fact may be indicted as such or as substantive felons.

4. Every one who becomes an accessory after the fact to the fact of the fact o any felony, whether the same is a felony at common either by virtue of any Act may be by virtue of any Act, may be indicted and convicted, felony, as an accessory after as an accessory after the fact to the principal together with the principal fellows. together with the principal felon, or after the conviction of the principal felon, or may be included as a substitute of the principal felon felo the principal felon, or after the convicted of substantive felony. Whather the indicted and convicted has or has substantive felony. substantive felony, whether the principal felon has or and not been convicted. or is a size of the substantive felony, whether the principal felon has or and not been convicted. not been convicted, or is or is not amenable to justice, and may thereupon be punished in 1212 may thereupon be punished in like manner as any accessory after the fact to the same following manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished 21 V. c. 20, sory, may be punished. 31 V., c. 72, s. 4;—32-33 V., c. 20, s. 8, part.

5. Every accessory after the fact to any felony (except hen it is otherwise specially and the same of accessories when it is otherwise specially enacted), whether the same after the fact.

is a felony at common law, or by virtue of any Act, shall be liable to less than two years. liable to imprisonment for any term less than two years. 31 V, c. 69, s. 9, part, and c. 72, s. 5, part;—32-33 V., c. 19, 8. 57, part.

If any principal offender is, in any wise, convicted of Prosecution of facessory or after the fact. of accessory any felony, any accessory, either before or after the fact, of accessory after principal offender as if such pal offender may be proceeded against in the same manner as if such pal offender principal convicted, & principal felon had been attainted thereof, notwithstanding convicted, &c. such principal felon had been attainted thereon, notwinstantivered principal felon dies or is pardoned or otherwise deshall, not before such attainder; and every such accessory shall, upon conviction, suffer the same punishment as he would be conviction, suffer the same punishment as he would have suffered if the principal had been attainted.

MISDEMEANORS.

The Every one who aids, abets, counsels or procures the Abettors in misses. commission of any misdemeanor, whether the same is a mismisdemeanors punishable as principals. demeanor at common law, or by virtue of any Act, is guilty principals. is hed as a principal as ished as a principal offender. 31 V., c. 72, s. 9;—32-33 V., 2. 19, s. 5. Principal offender. 31 V., c. 72, s. 9;—32-33 V., 2. 19, s. 5. Principal offender. 31 V., c. 72, s. 9;—32-33 V., 2. 25 V., c. 32, s. 13; c. 19, as a principal offender. 31 V., c. 72, s. 5, -22 (19, 8, 57, part, and c. 21, s. 107, part; -35 V., c. 32, s. 13; -40 V., c. 32, s. 1, part.

OFFENCES PUNISHABLE ON SUMMARY CONVICTION.

Every one who aids, abets, counsels or procures the com- Abettors in offences pun offences pun ishable sumhission of any offence punishable on summary conviction, ishable summarily punishable time of its commission, or for the first and marily punishable as only. Shall, on consistable as principals. econd time only, or for the first and marry purished as principals.

Stellar, be liable for every first, second or subsequent

Stellar, of aid: offence, of aiding, abetting, counselling or procuring, to the the forfeiture and punishment to which a person guilty of street, second and punishment to which a person guilty of a ffence as a principal offender, first, second or subsequent offence as a principal offender, and c. 22, s. 70, and c. 31, s. 15, is liable. Second or subsequent offence as a principal offence, 32-38 V., c. 21, s. 108, and c. 22, s. 70, and c. 31, s. 15, part; 32-33 V., c. 21, ... V., c. 31, s. 5, part.

Proposed to be to be didated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidate l with.
31 Y', c. 69	s. 9. The whole except s. 5 (part); ss. 7, 8 and 10 s. 57. ss. (part). ss. 107 and 108. s. 70. s. 15 (part). s. 5 (part). s. 5 (part). s. 13. s. 1 (part).	s. 10	s. 5 (part) ss. 7 and 8	

CHAPTER 142.

An Act respecting Treason and other Offences against the Queen's authority

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

Compassing death of the Sovereign, treason.

1. Every one who compasses, imagines, invents, devises or intends death or destruction, or any bodily harm, tending to death or destruction, maiming or wounding, imprison to death or destruction, maiming or wounding, imprison ment or restraint of our Sovereign Lady the Queen, Her Heirs or Successors, and expresses, utters or declares such compassings, imaginations, inventions, devices or intentions, or passings, imaginations, inventions, devices or intentions, or by any of them, by publishing any printing or writing, or by any overt act or deed, is guilty of treason and shall suffer death. 31 V., c. 69, s. 2:—32-33 V. 2. 17 s. 1

Corresponding with the enemy, treason.

2. Every officer or soldier in Her Majesty's army, Maholds correspondence with any rebel, or enemy of Het respect, or gives him advice or intelligence, either by letters, messages, signs or tokens, or in any manner or way what messages, signs or tokens, or in any manner or way into soever, or treats with such rebel or enemy, or enters any condition with him without Her Majesty's chief compander, is guilty of treason and shall suffer death.

Certain offences declared felonies.

3. Every one who compasses, imagines, invents, devises intends to deprive and the or intends to deprive or depose Our Sovereign Lady or Queen, Her Heirs or Special Control of C Queen, Her Heirs or Successors, from the style kingdom, royal name of the imperial royal name of the imperial crown of the United Kingdom, or of any other of Hor Maries, or or of any other of Her Majesty's dominions or countries, to levy war against Her Majesty's dominions or countries, to levy war against Her Majesty's dominions or countries, to levy war against Her Majesty's dominions or countries, to levy war against Her Majesty's dominions or countries, to levy war against Her Majesty's dominions or countries. to levy war against Her Majesty, Her Heirs or Successors, within any part of the United Successors, Canada, in within any part of the United Kingdom or of Canada, to order, by force or constraint order, by force or constraint, to compel her order to change her or their massives. change her or their measures or counsels, or in order to put any force or constraint. put any force or constraint upon, or in order to intimidate or overawe both Houses or of the state of the sta or overawe both Houses or either House of Parliament, of the United Kingdom or of Carrier House of Parliament, of Carrier Hous the United Kingdom or of Canada,—or to move or stir and foreigner or stranger with stran foreigner or stranger with force to invade the United King dom or Canada or any other control of the United Stranger with force to invade the United Stranger with force to invade the United Stranger with force to invade the United Stranger with the Canada or any other with the dom or Canada, or any other of Her Majesty's dominions of countries under the obeisance of II countries under the obeisance of Her Majesty's dominions of Her Majesty's dominions of Successors, and expresses utton. Successors, and expresses, utters or declares such continuings, imaginations. inventions ings, imaginations, inventions, devices or intentions, any of them, by publishing any printing or writing, open and advised speaking or by open and advised speaking, or by any overt act or deed,

guilty of felony, and liable to imprisonment for life. 31 V., Punishment. c. 69, 8. 5; —32-33 V., c. 17, s. 1.

With any person to do any act of violence, in order to in-legislative imidate person to do any act of violence, in order to in-legislative any Legisla-body a felony. timidate, or to put any force or constraint upon any Legisla-body a felony. tive Council, Legislative Assembly or House of Assembly in any Province of Canada, is guilty of felony, and liable to fourteen years' imprisonment. 31 V., c. 71, s. 5.

this A person shall be prosecuted for any felony by virtue Time within which prosecutions imaginations, entire shall of this Act in respect of such compassings, imaginations, which prose-inventions in respect of such compassings, imaginations, cution shall inventions, devices or intentions as aforesaid, in so far as be commenciate as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid as a foresaid, in so far as be commenciated as a foresaid, in so far as be commenciated as a foresaid as a foresaid, in so far as be commenciated as a foresaid as a f the same are expressed, uttered or declared by open and ed, warrant advised are expressed, uttered or declared by open and ed, warrant issued, &c. advised speaking only, unless information of such compassings. ings, imaginations, inventions, devices and intentions and of the maginations, inventions, devices are expressed, uttered or of the words by which the same were expressed, uttered or declared by which the same were iustices of the declared, is given upon oath to one or more justices of the peace, within six days after such words are spoken, and unless 2 the person by Whom warrant for the apprehension of the person by whom such words were spoken is issued within ten days now words were spoken is given as aforesaid; days such words were spoken is issued with all no next after such information is given as aforesaid; and no person shall be convicted of any such compassings, Evidence. inaginations, inventions, devices or intentions as aforesaid, in 80 far as the same are expressed, uttered or declared by Open or advised speaking as aforesaid, except upon his own confession in open court, or unless the words so spoken are stored have a spoken are spo proved by two credible witnesses. 31 V., c. 69, s. 6.

If any person, being a citizen or subject of any foreign Trial of cititate or country at peace with Her Majesty, is or continues foreign power arms again to the country at peace with Her Majesty, is or commits taken in arms again. h arms against Her Majesty, within Canada, or commits taken in arms are act of heart of heart are antered Canada with design in Canada. by act of hostility therein, or enters Canada with design in Canada. of intent to levy war against Her Majesty, or to commit any felony therein, for which any person would, in Canada, be liable to suffer death, the Governor General may order the to suffer death, the Governor General ma, tial of such ing of a militia general court martial for the martial of such ing of a militia general court martial for the martial of such ing of such ing militia Act"; and upon being trial of such person, under "The Militia Act"; and upon being found on the person, under "The Militia Act"; and upon being found guilty by such court martial of offending against the provisions of this section, such person shall be sentenced by such court martial of offending against by such of this section, such person shall be sentenced by such court martial to suffer death, or such other punishment as +1. Ment as the court awards. 31 V., c. 14, s. 2.

Vies war subject of Her Majesty, within Canada, who Trial of sublevies War against Her Majesty, in company with any of the leving war habjects or country then at in Canada in Canad blects or citizens of any foreign state or country then at in Canada in company with trizens of any foreign state or country then at in Canada in company with trizens of any foreign state or country then at in Canada in company with trizens of any foreign state or country then at in Canada in company with foreigners. peace with Her Majesty, or enters Canada in company with foreigners. any such subjects or citizens with intent to levy war on the Maiost Diects or citizens with intent to levy war on section of felony as afore-said or who, with the design or intent to aid and assist, said himself. With the design whomsoever, whether joins himself to any person or persons whomsoever, whether subjects or aliens, who have entered Canada with design or

intent to levy war on Her Majesty, or to commit any such felony within the same man it is not to commit any such felony within the same, may be tried and punished militia court martial in the militia court martial, in the same manner as any citizen or subject of a foreign state or subject of a foreign state or country at peace with Her Majesty, may be tried and are interested and are Majesty, may be tried and punished under the next pre-ceding section 21 V 214 ceding section. 31 V., c. 14, s. 3.

sections.

8. Every subject of Her Majesty, and every citizen of bject of any foreign state. or persons of fending under subject of any foreign state or country, who offends against preceding the provisions of the two coating sections the provisions of the two sections next preceding, is guilty of felony and may not with a large in the provisions of the two sections next preceding, is herein of felony and may not with a large in the large in th of felony and may, notwithstanding the provisions herein of before contained, he prosecuted and the provisions and or before contained, be prosecuted and tried in any county of district of the Province district of the Province in which such offence was in the mitted, before any court of mitted, before any court of competent jurisdiction, in such same manner as if the offence. same manner as if the offence had been committed in such county or district and was county or district, and, upon conviction, shall suffer death as a felon. 31 V c 14 c 4

9. Nothing herein contained shall lessen the force of or any manner affect and its statute nerein to affect 25 Edw. in any manner affect anything enacted by the statute passed in the twenty-fifth year of the reign of His which King Edward the Third intitulation which King Edward the Third, intituled "A declaration which offences shall be adjudged to the control of the reign of His which offences shall be adjudged to the control of the reign of His which which the control of the reign of His which which the control of the reign of His which which the control of the reign of His will be adjudged to the reign of His which which the control of the reign of His which which the reign of the reign of His which which the reign of the reign of the reign of His which the reign of the reign of His which the reign of the reign of His which the reign of the r offences shall be adjudged treason." 31 V., c. 69, s. 1.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated With.
				:chments.
31 V., c. 14	The whole except	ss. 1 and 5	s. 4	Punisa
31 V., c. 14 31 V., c. 69	ss. 1 and 5.	la 10	s 7 and 8	Proeedur
01 1., 0. 00	ss. 4, 7, 8, 9, 10.			
31 7., 6. 11	s 5 s. 1	g 2	8. 9	Accesso
02-00 1., 6. 11	3. 1	5. 4		!

CHAPTER 143.

An Act respecting Riots, unlawful Assemblies and

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

Levery sheriff, deputy sheriff, mayor or other head Sheriff, &c., may enjoin may enjoin nersons riot officer, and justice of the peace, of any county, city or town, may enjoin persons riotwho has notice that there are within his jurisdiction per-ously assemand tumples of twelve or more unlawfully, riotously person to the number of twelve or more unlawfully, riotously person tumples. and to the number of twelve or more unlawfully, riotously perse. the public pub the fumultuously assembled together to the unclassification peace, shall resort to the place where such unclassification is assembly is, and among lawful, riotous and tumultuous assembly is, and among the riotous and tumultuous assembly can safely come, with the rioters, or as near to them as he can safely come, with a loud voice, or as near to them as he can salely come, and, after the sale of and, after that, openly and with loud voice, make or cause to be mad words. or to the like to be made a proclamation in these words, or to the like

Derson Lady the Queen charges and commands Form of probeaceably to depart to their habitations or to their lawful basiness, upon the pain of being guilty of an offence, on the pain of being guilty of an offence, on the pain of being guilty of an offence, on the pain of being guilty of an offence, on the pain of be sentenced to imprisonment ton life which they may be sentenced to imprisonment

81 V., c. 70, s. 1, part, and ss. 2 and 3. "GOD SAVE THE QUEEN."

All persons who,—

Persons making opposition or con-

(a) With force and arms wilfully oppose, hinder or hurt tinning assembled outly of any With force and arms wilfully oppose, hinder or nurt unung mation, who begins or is about to make the said proclaguilty of felony. mation, whereby such proclamation is not made, or—

(b) Continue together to the number of twelve, for one hour after such proclamation has been made, or if they that its hour hour thow that its making was hindered as aforesaid, continue as themselves within one hour together and do not disperse themselves within one hour after such hindrance,—

Are guilty of felony and liable to imprisonment for life: Punishment.

2. No person shall be prosecuted for any offence under Time for prothis section unless such prosecuted for any offence unual limited. twelve months after the offence is committed. 31 V., c. 70, ss. 1, part, 6, 7 and 8.

Persons continuing assembled may be apprehended.

3. If the persons so unlawfully, riotously and tumultuously assembled together as aforesaid, or twelve or more of them, continue together, and do not disperse themselves, after such hindrance as aforesaid, every such sheriff, mayor, after such hindrance as aforesaid, every such sheriff, mayor, justice and other officer as aforesaid, and every constable of other peace officer, and all persons required by them to assist, other peace of the peace; and if any of the persons so fore a justice of the peace; and if any of the persons so assembled is killed or hurt, in the apprehension of persons or in the endeavor to apprehend or disperse them, by reason of their resistance, every person ordering them to reason of their resistance, and every person executing be apprehended or dispersed, and every person executing such orders, shall be indemnified against all proceedings of every kind in respect thereof. 31 V. c. 70, ss. 4 and 5.

Persons suppressing riot justified.

Unlawful

hibited.

meetings for drill pro4. All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions, without law ful authority for so doing, are unlawful and prohibited. 31 V., c. 15, s. 1. part

Punishment of persons acting as instructors. 5. Every one who is present at or attends any such meeting or assembly for the purpose of training any other person or persons to the use of arms or to the practice of military exercises, movements or evolutions, or who, other out lawful authority for so doing, trains or drills any other person or persons to the use of arms, or to the practice of military exercises, movements or evolutions, or who aids or military exercises, movements or evolutions, or who aids or assists therein, is guilty of a misdemeanor and liable to two years' imprisonment. 31 V. c. 15 s 1 nart.

And of persons receiving instruction.

6. Every one who attends or is present at any such meeting or assembly, for the purpose of being, or who, at any such meeting or assembly, is trained or drilled to the any such meeting or assembly, is trained or drilled to the use of arms, or to the practice of military exercises, movements or evolutions, is guilty of a misdemeanor and liable to two years' imprisonment. 31 V. c. 15, s. 1, part.

Meeting may be dispersed and persons attending it 'arrested. 7. Any justice of the peace, constable or peace officer, or any person acting in his aid or assistance, may disperse sec such unlawful meeting or assembly as in the three such unlawful meeting or assembly as in the and detain tions next preceding mentioned, and may arrest and detain any person present at or aiding, assisting or abetting any such assembly or meeting as aforesaid; and the justice of such assembly or meeting as aforesaid; and the justice of person so arrested is brought, may commit such person for trial for such offence, unless such person gives bail for the appearance at the next court of competent jurisdiction, and any indictment which is preferred against him for any such offence. 31 V., c. 15, s. 2.

No one shall be prosecuted for any offence under the Time for profour sections next preceding unless such prosecution is secution commenced. commenced within six months after the offence is committed mitted. 31 V., c. 15, s. 9.

9. All persons who, being riotously and tumultuously Rioters demolishing of the public shurch, but assembled together to the disturbance of the public molishing church, buildpeace, unlawfully and with force demolish, pull down or ing, &c. destroy, or begin to demolish, pull down or destroy, any thurch, chapel, meeting-house or other place of divine worhouse or any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, held, home, shop, mill, malt-house, hop-oast, barn, granary, hop-oast, barn, grana shed, hovel or fold, or any building or erection used in farming less or fold, or any building or manufacture, farming land, or in carrying on any trade or manufacture, or any hand, or in carrying on any trade or manufacture, or any branch thereof, or any building, other than such as are this balancing to Her Majesty, in this section before mentioned, belonging to Her Majesty, or to an editor city. town, village, or to any county, municipality, riding, city, town, village, parish or place, or to any university or college or hall of any university or college or hall of any university or college or hall of any unincorporated university, or to any university or conege of name of body or to any corporation, or to any unincorporated for any lawful purpose, body or society or persons associated for any lawful purpose, devoted or persons associated for any lawful purpose, or devoted or dedicated to public use or ornament, or erected main. or maintained by public subscription or contribution, or mach: my machinery, whether fixed or movable, prepared for or employed representations or community of the property employed in any manufacture or in any branch thereof, or sinking, working, ventilation engine or other engine for sinking, working, Ventilating or draining any mine, or any staith, building or the business of any mine, or bridged in conducting the business of any mine, or track for conveying minerals bom and liable to imprison-

bond any mine, are guilty of felony, and liable to imprison-Punishment. tent for life. 32-33 V., c. 22, s. 15.

**Sembled persons who, being riotously and tumultuously Rioters injurnal wildings, ing buildings, machinery, when the disturbance of the public peace, machinery, when the disturbance are damage any such &c. while together to the disturbance of the public party and with force injure or damage any such &c. church, enapel, meeting-house, place of divine worship, bouse stall pel, meeting-house, place of divine worship, house, chapel, meeting-house, place of divine with mill, malt, k, coach-house, out-house, warehouse, office, shop, oranary, shed, hovel, fold, mill, malt-house, hop-oast, barn, granary, shed, hovel, fold, building staith, bridge, wagbuilding, erection, machinery, engine, staith, bridge, wag-On way or track, as in the next preceding section men-years, imprisoned a misdemeanor, and liable to seven Punishment. years' are guilty of a misdemeanor, and made to solve the simprisonment. 32-33 V., c. 22, s. 16, part;—R. S. N. S. (8rd 8.), c. 162, s. 6.

Three or more persons who, having assembled, con-Punishment togeth or more persons who, having assembled, con-Punishment for unlawful assembly. tinue together with intent unlawfully to execute any comfor unlawfully to creat to creat are ouilty of an unlawful lated to create terror and alarm, are guilty of an unlawful wears' imprisonment. R. S. assembly, and liable to two years' imprisonment.

1. S. N. B., c. 147, s. 6. N. S. (3rd S.), c. 162, s. 5;—1 R. S. N. B., c. 147, s. 6.

Three or more persons who, having assembled, con-Punishment together rout. Three or more persons who, having assembled, con-runsult together with intent unlawfully to execute any common purpose with force and violence, or in any manner calculated to create terror and alarm, and who endeavor to execute such purpose, are, although such purpose is executed, guilty of a rout, and liable to three years prisonment. 1 R. S. N. B. c. 147 s. 7

Punishment for riot.

13. Three or more persons who, having assembled, comtinue together with intent unlawfully to execute any or mon purpose with force and violence, and who, wholly to in part, execute such purpose in a manner calculated to create terror and alarm, are guilty of a riot, and liable four years' imprisonment. 1 R. S. N. B., c. 147, s. 8.

Punishment for affray.

14. Two or more persons who fight together and public place, in a manner calculated to create terror conalarm, are guilty of an affray, and liable, on summary conviction, to three months' imprisonment. R.S.N. S. (3rd S.), c. 162, s. 7;—1 R. S. N. B. c. 147 s. 9

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
R. S. N. S., 3rd S., c. 162. 1 R. S. N. B, c 147. 31 V., c. 15 31 V., c. 70 32-33 V., c. 22	ss. 6, 7, 8 and 9. ss. 1, 2 and 9. The whole, ex- cept s. 9.			•

CHAPTER 144.

An Act respecting the improper use of fire-arms and

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

ithont one who has upon his person a pistol or air gun Person carry-Without reasonable cause to fear an assault or other injury ing pistol or air gun Person carry to his person or his family or property, may, upon complaint be bound to he before the required to find keep the reace. made person or his family or property, may, upon complaint be bound sureties for keeping the peace for a term not exceeding six months; and in the peace for a term not exceeding six months; and in default of finding such sureties, may be imprisoned and in default of finding such sureties, which is the peace for a term not exceeding the peace for a term not exceed t prisoned for any term not exceeding thirty days. 40 V., c.

Every one who, when arrested either on a warrant Having such and apply one who, when arrested either on a warrant Having such arrested, &c. Every one who, when arrested either on a warrant having such dence against him for an offence or whilst committing an weapon when arrested, &c. offence, has upon his person a pistol or air-gun, shall, on mmary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars and not less than in the hour dollars and not exceedtwenty dollars, or to imprisonment for any term not exceedbe three months. 40 V., c. 30, s. 2.

R. Every one who has upon his person a pistol or air Or with intent to injure any maliciously to person. tvery one who has upon his person a pistol or air or with intent therewith unlawfully and maliciously to person. do injury to any other person, shall, on summary conviction to the torustion before two any other person, shall, on summary conviction to the torustion to the before two justices of the peace, be liable to a penalty not leveding justices of the peace, be liable to a penalty not leveding justices of the peace, be liable to a penalty not leveding justices of the peace, be liable to a penalty not leveding six etceeding two justices of the peace, be liable to a penallate, or to two hundred dollars and not less than fifty dollars, or to two hundred dollars and not exceeding six North imprisonment for any term not exceeding six berson shall the fact of the pistol or air-gun being on the person shall be prima facie evidence of such intent. 40 V.,

another person any firearm or air-gun, whether loaded or arm at any person.

Capacital ded. Shall any firearm or air-gun, whether loaded or arm at any person. bulloaded, shall, on summary conviction before two justices and peace I., on summary not exceeding fifty dollars of the peace, be liable to a penalty not exceeding fifty dollars that not less the liable to a penalty not imprisonment for any and not less than twenty dollars, or to imprisonment for any not not are than twenty dollars, or to imprisonment for any term not less than twenty dollars, or to imprisonment exceeding thirty days. 40 V., c. 30, s. 4.

this Every one who carries about his person any bowie- Carrying daggers of the carries about his person any bowie- Carrying daggers of the carrying daggers da knife, dagger or dirk, or any weapons called or known as daggers or sive weapons, skull-crackers or slung shot, or other offen-weapons. his weapons of a like character, or secretly carries about person and a like character, or secretly carries about his weapons of a like character, or secretly carries person any instrument loaded at the end, or sells or

exposes for sale, publicly or privately, any such weapon, shall, on summary conviction before the such means. shall, on summary conviction before two justices of the peace, be liable to a negative not conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars and not less than ten dollars and in default of the property of the propert than ten dollars, and in default of payment thereof, to in prisonment for any tarm not not payment thereof, 32.33 prisonment for any term not exceeding thirty days. V., c. 20, s. 72.

Carrying sheath knives in seaport towns.

6. Every one who is found, in any of the seaport towns cities of Canada commission in the seaport towns or cities of Canada, carrying about his person any sheather the shall, on summary carrying about his person any times of knife, shall, on summary carrying about his person any times of knife, shall, on summary carrying about his person any times of knife, shall, on summary carrying about his person any times of knife, shall, on summary carrying about his person any times of the seaport lovely and the seaport l knife, shall, on summary conviction before two justices of the peace, be liable to a next the the peace, be liable to a penalty not exceeding forty dollars and not less than ton dollars and not less than ten dollars, and in default of payment thereof, to imprisonment for thereof, to imprisonment for any term not exceeding thirty days: but nothing in this carries and in default of payment to days: days: but nothing in this section contained shall apply for seamen or riggers when contained shall apply ful seamen or riggers when occupied or engaged in their lawful trade or calling. 39-22 V cool

Exception.

7. The court or justice before whom any person is conceed of any offence against 1 victed of any offence against the provisions of the preceding sections, shall impound the Weapon to be impounded. Disposal

thereof.

ing sections, shall impound the weapon for carrying nistol, such person is convicted and in weapon for carrying nistol, such person is convicted, and if the weapon is not a pistol, shall cause it to be destroyed. shall cause it to be destroyed; and if the weapon is not a pistol, shall cause it to be destroyed; and if the weapon is a pistol, the the court or instice shall cause the court or justice shall cause it to be handed over to the corporation of the municipality corporation of the municipality in which the conviction takes place, for the public warms takes place, for the public uses of such corporation:

If there is no municipality.

2. If the conviction takes place where there is no muni-pality, the pistol shall be t cipality, the pistol shall be handed over to the Lieutenant Governor of the Province Governor of the Province in which the conviction takes place, for the public uses it place, for the public uses thereof in connection with the administration of instignth administration of justice therein. 32-33 V., c. 20, s. 75; 45 V., c. 39, ss. 1 and 2

Openly carrying dangerous weapons.

8. If two or more persons openly carry dangerous unusual weapons in any analysis. or unusual weapons in any public place, in such a manner and under such circumstant and under such circumstances as are calculated to create terror and alarm. terror and alarm, each of such persons shall, on summary viction before two instances as viction before two justices of the peace, be liable to a penalty not exceeding forty dollars. not exceeding forty dollars and not less than ten dollars, and in default of payment to immediate to a pending default of payment to imprisonment for any term not exceeding thirty days. R. S. N. S. 19-1 S. N. B. R. S. N. S. (3rd S.), c. 162, s. 8;—1 R. S. N. c. 147, s. 10.

Extended to the whole of Canada, and punishment reduced.

Time for prosecution limited.

9. No prosecution under this Act shall be commenced aless within one month offence unless within one month after the commission of the offence charged. 32-33 V. c. 20 ~ 70

Exception as to soldiers, &c.

10. Nothing hereinbefore contained shall affect the right any soldier, sailor or voluntary states and shall affect the right any soldier, sailor or voluntary of any soldier, sailor or volunteer in Her Majesty's services constable or other policement constable or other policeman, to carry loaded pistols in discharge of his duty. 40 V 2 20

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 20 40 V., c. 30 45 V., c. 39 8, 8, N. 8, 3 rd 1 R. 8, N. B., c. 147.	ss 72, 73, 75 and 76 The whole except ss. 5 and 6. The whole. s 8.	s. 5	s. 6	Punishments.

CHAPTER 145.

An Act respecting the seizure of Arms kept for dangerous purposes.

HER Majesty, by and with the advice and consent of the Senate and House of Communications as Senate and House of Commons of Canada, enacts as 75: follows:-

Interpretation. "Arms."

1. In this Act, unless the context otherwise requires, the pression "arms" includes expression "arms" includes any pike, pike-head, spear, gundagger, sword. pistol dagger, sword, pistol, gun, rifle or other weapon, gun powder, lead, cartridges ball. powder, lead, cartridges, bullets and other ammunition or munitions of war. New.

Arms kept for any unlawful purpose may be seized.

2. Any justice of the peace, upon information on oath of ne or more credible witnesses. one or more credible witnesses, that any arms are, for any purpose dangerous to the public purpose dangerous to the public peace, in the possession of any person, or in any house any person, or in any house or place, may issue his warrant to any constable or any other place, may issue his warrant to any constable or any other peace officer, to search for any seize any such arms which seize any such arms which are in the possession of and such person, or in any such 1 such person, or in any such house or place as aforesaid, and to arrest any person having to arrest any person having such possession as aforesaid, and if admission into such and if admission into such house or place is refused, or not obtained within a reasonable obtained within a reasonable time after it has been demanded, to enter by form demanded, to enter by force, by day or by night, into every such house or place who to such house or place whatsoever,—and to detain or cause in be detained such person be detained such person, and to keep in safe custody, in such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the same such place as the said institute of the said such place as the said justice appoints and directs, the arms so found or seized as affine appoints and directs, thereof so found or seized as aforesaid, unless the owner proves, to the satisfaction of proves, to the satisfaction of such justice, that such arms were not kept for any purpose. were not kept for any purpose dangerous to the public peace; and every such Person in pos- peace; and every such person who has the possession be session thereof custody of any such arms. session thereof custody of any such arms, and is so arrested, be dealt may be arrested. before any justice of the session thereof custody of any such arms, and is so arrested, be dealt arrested. brought before any justice of the peace, and may be with, tried and punished in the with, tried and punished in the manner hereinafter provided. 31 V., c. 15 s 2

3. Any person from whom any such arms are so warrant ay, if the justice of the many such arms warrant may, if the justice of the peace upon whose the same are taken, upon applications.

Decision of claims tor restitution of such arms.

the same are taken, upon application made for that purpose, refuses to restore the same refuses to restore the same, apply to a judge of a superior county court for the restitution or county court for the restitution of such arms, giving ten days' previous notice of a superior to such arms, giving ten days' previous notice of such arms, such justice; and such judge shall make and application to resti justice; and such judge shall make such order for the restr tution or safe custody of such arms as, upon such application, appears to him to be proper. 31 V., c. 15, s. 4.

4. Any justice of the peace, constable, peace officer or Persons carryother person acting under the warrant of any justice of the may be beace person acting under the warrant of any justice of arrested. peace, or any person acting with or in aid of any justice of arrested. the peace, or of any constable or peace officer, having such warrant as aforesaid, may arrest and detain any person found carre: carrying any such arms, in such manner and at such times as, in the judgment of such justice of the peace, affords just grounds of suspicion that the same are for purposes dangerounds of suspicion that the same are for purposes dan grounds of suspicion that the same are 101 period who are to the public peace; and the justice of the peace whom any person who arrests any such person, or before whom any person arrests. arrested upon such warrant is brought, may commit such person for trial for a misdemeanor; and such person shall be liable for trial for a misdemeanor for carrying such be liable to be tried for a misdemeanor; and such possession for carrying such arms and to be tried for a misdemeanor for carrying such arms and, on conviction, shall be punished by fine or imprison of the court; but prisonment, or both, in the discretion of the court; but May be admitted to be any such person may, before conviction, give good and sufficient person may, before conviction, give better bail for his appearance at the next court of competent. petent bail for his appearance at the next country preferred jurisdiction, to answer to any indictment which is preferred against him. 31 V., c. 15, s. 5.

city, town or place, in Canada, shall have concurrent juris-justices of the peace with the justices of any peace. diction as justices of the peace, with the justices of any peace. other district, county, city, town or place, in all cases with respect to the carrying into execution the provisions of this Act, and with respect to all matters and things relating to the preservation of the public peace under this Act, as fully effective was in the compreservation of the public peace under this interpretation, and effectually as if each of such justices was in the complexion of the peace bission of the peace, or was ex officio a justice of the peace cities towns or places. for each of such districts, counties, cities, towns or places. Ty, c. 15, s. 6.

No person shall be prosecuted for any offence done or Time for pro-mulities. Act unless such limited. committed against the provisions of this Act, unless such limited. prosecution is commenced within six months after the offence is commenced within the committed. 31 V., c. 15, s. 9.

The Governor in Council may, from time to time, by This Act may province of G. suspend the operation of this Act in any and again localince of G. suspend the operation and district, county or brought into force. proclamation, suspend the operation of this Act in any and again locality specified in the proclamation; and from and after the period specified in the proclamation; the powers the period specified in the proclamation; and from any siven has pecified in any such proclamation, the powers are hardened in such Province, given by this Act shall be suspended in such Province, at the suspended in such Province, district, county or locality; but nothing herein contained prevently or locality; but nothing herein declaring, thall prevent the Governor in Council from again declaring, proclamate the Governor in Council from again declaring, by proclamate the Governor in Council from again declaring, by proclamate the Governor in Council from again declaring, by proclamate the Governor in Council from again declaring, by proclamate the Governor in Council from again declaring, and proclamate the Governor in Council from again declaring, but nothing herein control to the council from again declaring, and the council from again declaring, and the council from again declaring the by Prevent the Governor in Council from again upological proclamation, that any such Province, district, county or healthy shall in the first to this Act and the powers locality shall be again subject to this Act and the powers hereby shall be again subject to this Act and the problemation this Act shall be revived and upon such proclamation this Act shall shall are revived as a subject to this Act and the revived as a subject to the revived as a subject to this Act and the revived as a subject to this Act and the revived as a subject to this Act and the revived as a subject to this Act and the revived as a subject to the be revived, and upon such proclamation this revived and in force accordingly. 31 V., c 15, s. 8.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
31 V., c. 15	The whole except ss. 1, 2 and 7.		ss. 1, 2 s. 7	Unlawful Assemblies Action against justices.

CHAPTER 146.

An Act respecting Explosive Substances.

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

- Act." This Act may be cited as "The Explosive Substances Short title. 48-49 V., c. 7, s. 1.
- In this Act, unless the context otherwise requires,— Interpretation.
- (a) The expression "Attorney General" means the AttorGeneral of the Province of Canada in which any pro-Ceedings are taken under this Act, and, with respect to the North Ware taken under this Act, and the North to the North Ware taken under this Act, and the North Ware taken under the North Ware take North West Territories and the District of Keewatin, the Attorney General of Canada;
- (b) The expression "explosive substance" includes any "Explosive substance" also any apmaterials for making any explosive substance: also any apsubstance." Paratus, machine, implement, or materials used, or intended to be used. 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. 48-49, c. 7, s. 2.
- A Every person who unlawfully and maliciously causes Punishment for malicious of a nature likely for malicious ly causing by any explosive substance an explosion of a nature likely ly causing by danger like substance in the control of the control o to end anger life or to cause serious injury to property is, dangerous explosions. whether any injury to person or property is actually caused explosions. And, guilty injury to person or property is actually caused explosions. of not, guilty of felony, and liable to imprisonment for life.

4. Every person who unlawfully and maliciously— (a) Does any act with intent to cause by an explosive conspiring to cause such a ca any act with intent to cause by an explosion.

an explosion or conspires to cause by an explosive substance, explosions.

Basic Explosion of conspires to cause by an explosive substance, explosions. an explosion of a nature likely to endanger life, or to cause serious injury to property; or—

(b) Makes or has in his possession or under his control Maliciously making or having explosive any explosive has in his possession or under his control making or endanger life substance with intent by means thereof to having explosive enal, ger life ces with endanger life, or to cause serious injury to property or to sive substance with intent by means thereof or to sive substance of the any of the cause serious injury to property or to sive substances, or to cause serious injury to property or to sive substances, or to cause serious injury to property or to sive substances, or to cause serious injury to property or to sive substances. enable life, or to cause serious injury to property or to sive substance with intent of the life, or to cause serious injury to property or to sive substance with the life, or to cause serious injury to property or to sive substance with intent. or to cause serious injury to property—

Is, whether any explosion takes place or not, and whether Punishment. any injury to person or property is actually caused or not,

guilty of felony, and liable to fourteen years' imprisonment.

48-49 V., c. 7 s. J 48-49 V., c. 7, s. 4.

and lawful cause. Burden of

5. Every person who makes or knowingly has in his ossession or under his country. sives without possession or under his control any explosive substance under such circumstance under such circumstances as to give rise to a reasonable suspicion that he is not make suspicion that he is not making it or does not have it in his possession or under his control of the control of possession or under his control for a lawful object, is, unless he can show that he made it he can show that he made it or had it in his possession and under his control for a lawful or had it in his possession and under his control for a lawful object, guilty of felony, and liable to seven years' immigration.

proof. Punishment.

Accused and his wife, or vice versà may be witnesses.

2. In any proceeding against any person for any offence ider this section such parts. under this section such person and his wife, or her husband, as the case may be may if and his wife, or her husband, as the case may be, may, if such person thinks fit, be called, sworn, examined and areas are person thinks fit, be called sworn, examined and areas are person thinks fit, be called sworn, examined and areas are person thinks fit, be called a sworn thinks fit and the sworn thinks fit as a sworn t sworn, examined, and cross-examined as an ordinary witness in the case:

Attorney General's consent for further proceedings.

3. If any person is charged before a justice of the peace ith any offence under this continue. with any offence under this section, no further proceeding shall be taken against and shall be taken against such person without the consent of the Attorney General the Attorney General, except such as the justice peace thinks necessary by peace thinks necessary by remand or otherwise, to secure the safe custody of such peace that the safe custody of such peace 48-49 V., c. 7, s. 5.

As to counts of indictment.

6. The same criminal act may be charged in different unts of an indictment counts of an indictment as constituting different offences under this Act, and upon the constituting different sixtment under this Act, and upon the trial of any such indictment the prosecutor shall not be the prosecutor shall not be put to his election as to the count on which he must 48-49 V., c. 7, s. 6.

Venue, &c.

7. Every person accused of any offence under this Act ay be dealt with indicated any offence under this the may be dealt with, indicted, tried and punished in the district, county or place in the district, county or place in the district, county or place in the district and punished in the district, county or place in the district and punished in the dis district, county or place in which the offence is committed or in which he is approbable. or in which he is apprehended, or is in custody. c. 7, s. 7.

Attorney General may order inquiry.

Jurisdiction of a justice of the peace under such order.

8. If the Attorney General has reasonable ground to be eve that any offence lieve that any offence under this Act has been committed, he may order an inquire he may order an inquiry, and thereupon any justice of peace for the district country peace for the district, county or place in which the offence was committed or is suspected. was committed or is suspected to have been committed, who is authorized in that have been denoted. who is authorized in that behalf by the Attorney with the may, although no person is although the may althou may, although no person is charged before him with the commission of such crime commission of such crime, examine on oath concerning the crime any witness appearing her crime any witness appearing before him, and may take the deposition of such witness and in the may take the deposition of such witness, and, if he sees cause, may denote such witness by recognizance to the sees cause, avidence at the sees cause at the sees cause. such witness by recognizance to appear and give evidence at the next court of competent at the next court of competent jurisdiction, or when called upon within three months from 11. upon within three months from the date of such recognitions and the law relating to the ance; and the law relating to the compelling of the attention ance of a witness before a institute of the state of the sta ance of a witness before a justice of the peace, and

Witness attending before a justice of the peace and required Certain provision provision or application or appl to give evidence concerning the matter of an information or applicable to complaint, shall apply to compelling the attendance of a witness for examination, and to a witness attending under this section. this section:

execused from answering any question on the ground that answer on the answer. the answering any question on the ground that answer on the answer thereto may criminate, or tend to criminate, him-ground of self crimination, in answer to but his self; but any statement made by any person in answer to but his answer this answer to but his answer t any question put to him on any examination under this answer adection, shall not, except in the case of an indictment or against him other criminal not, except in the case of an indictment or against him other criminal not, except in the case of an indictment or against him other criminal not, except in the case of an indictment or against him only on the case of an indictment or against him only on the case of an indictment or against him only on the case of an indictment or against him only on the case of an indictment or against him only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him on any examination under this answer admissible in only on the case of an indictment or against him only on the case of an indictment or against him only on the case of an indictment of the case of other criminal proceeding for perjury, be admissible in only on charge evidence criminal proceeding for perjury. evidence against him in any proceeding, civil or criminal: perjury.

8. A justice of the peace who conducts the examination Examining and offence, shall justice not commit for under this section, of a person concerning any offence, shall commit for taken section, of a person concerning any offence, shall commit for trial. not take part in the committing for trial of such person for trial. anch offence. 48-49 V., c. 7, s. 8.

Whenever any person is bound by recognizance to Arrest and count, in reason before a justice of the peace, or any criminal of absconding and or this Act, any justice wituesses. court, in respect of any offence under this Act, any justice wituesses. of the peace, if he sees fit, upon information being made in writing acce, if he sees fit, upon information being made in a second, Writing and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of the person, and if such person is arrested any justice of person, and if such person is arrested any justice beace, upon being satisfied that the ends of justice would oth upon being satisfied that the ends of justice Would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recogdizance to give evidence, unless in the meantime he produces sufficient sureties: Provided that any person so Witness to the information be entitled on demand to receive a copy of of information. the information upon which the warrant for his arrest was tion. issued. 48-49 V., c. 7, s 9.

10. Any justice of the peace for any district, county or Search warace, in ____ justice of the peace for any district, county or Search warrants for rants for explosives. place, Any justice of the peace for any district, county or realist for hade, kent which any explosive substance is suspected to be explosives. made, in which any explosive substance is suspected to the substance is substance is suspected. teasonable or carried for any unlawful object, may, warrant no cause assigned upon oath by any person, issue a warrant under his hand and seal for searching any house, marganic his hand and seal for searching any house, warehouse, shop, cellar, yard, mill magazine, storehouse, warehouse, shop, cellar, yard, harf or all a storehouse, warehouse, wagon, cart, ship, wharf or other place, or any carriage, wagon, cart, ship, boat or vascal place, or any carriage, wagon, cart, ship, boat or other place, or any carriage, wagon, care, sept or carrier, in which the same is suspected to be made, 48-49 V., c. 7, s. 10. kept or vessel, in which the same is suspected carried for such object. 48-49 V., c. 7, s. 10.

Every person acting in the execution of any such Seizure under search warrant. Warrant Every person acting in the execution of any such search may seize any explosive substance which he has warrant. good cause to suspect is intended to be used for any unlawful object, and shall, with all convenient speed, after the seignie, and shall, with all convenient speed, and shall, with all convenient speed, and shall, with all convenient speed, and thinks proceeding the same to such proper place as he thinks proceeding and dotter the same to such proper place as he thinks proceeding ordered by a judge of a on such seizure. At and snall, with all controlled as ne thinks receed the same to such proper place as ne thinks receed detain the same until ordered by a judge of a on such seizure.

superior court to restore it to the person who claims the same. 48-49 V 0.7 s. 11 48-49 V., c. 7, s. 11.

Disposal of explosives seized under this Act.

12. Any explosive substance seized under the provisions of this Act, shall, in the event of the person in whose possession the same is formal session the same is found, or of the owner thereof, being convicted of any offense convicted of any offence under this Act, be forfeited; and the same shall be destroyed. the same shall be destroyed or sold under the direction of the court before which the court before which such person is convicted, and, in the case of sale the proceed and the case of sale the proceed and the proceed and the proceed and the proceed and the proceed are the proceed as the proceed are the procedure the case of sale, the proceeds arising therefrom shall be paid to the Minister of Finance to the Minister of Finance and Receiver General, for the public uses of Canada 40 40 Tr public uses of Canada. 48-49 V., c. 7, s. 12.

neglect only.

13. The person who so searches or seizes shall not be able to any suit for details. searching or seizing liable to any suit for detaining such explosive substance, or seizes shall have for wilful for any loss or damage which is for any loss or damage which happens thereto, without the wilful act or neglect of himself wilful act or neglect of himself or of the person whom intrusts with the keeping the intrusts with the keeping thereof. 48-49 V., c. 7, s. 13.

Offender not exempt from punishment for other offences.

14. This Act shall not exempt any person from any incoment or proceeding for the company in the dictment or proceeding for any offence which is punishable at common law or by any att at common law, or by any other Act; but no person shall be twice punished for the common law. be twice punished for the same criminal act. 7, s. 14.

Imprisonment may be shorter than that prescribed.

15. Every person who is liable under this Act to imprisonment for life or for any the onment for life or for any term of years, may be sentenced to imprisonment for any shorter of years, may be sentenced. to imprisonment for any shorter term. 48-49 V., c. 7, s. 15-

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated With.
48-49 V., c. 7	The whole except s. 16.	s. 16.		

CHAPTER 147.

An Act respecting the Preservation of Peace in the vicinity of Public Works.

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

INTERPRETATION.

- 1. In this Act, unless the context otherwise requires:—
- (a) The expression "this Act" means such section or "This Act." sections thereof as are in force, by virtue of any proclamation, in the place or places with reference to which the Act is to be construed and applied;
- (b) The expression "commissioner" means a commis-"Commissioner." Coner under this Act;
- (c) The expression "weapon" includes any gun or other "Weapon." blade, bayonot or any part thereof, or any sword, sworddagger, or other pike, pike, pike-head, spear, spear-head, dirk, or other pike-head, spear, spear-head, dirk, or o dagger, bayonet, pike, pike-head, spear, spear-nead, or any steal her instrument intended for cutting or stabbing, being steal or other deadly or dangerous weapon and or metal knuckles, or other deadly or dangerous Weapon, and any instrument or thing intended to be used as a weapon, and any instrument or thing intended to be the for any instrument on thing intended to be used with or for any weapon;
- des any of "intoxicating liquor" means and in-"Intoxicating liquor" means and in-"Intoxicating liquor." cludes any alcoholic, spirituous, vinous, fermented or other societing liquor, a part of which is intoxicating liquor, or any mixed liquor, a part of which is printing liquor, or any mixed liquor, a part of which is intoxicating; **Pirituous or vinous, fermented or otherwise intoxicating;
- (e) The expression "district, county or place," includes "District, county or place," includes "county or place." any division of any Province for the purposes of the ad-place." ministration of any Province for the purposes of the lates; of justice in the matter to which the context
- (f) The expression "public work" means and includes "Public work" and any way, canal, road, bridge or other work of any kind, "Over mining and includes "Public work." and railway, canal, road, bridge or other work of any mining operation constructed or carried on by the pany municipal and or by any municipal and or by any incorporated company municipal and or by any incorporated company municipal and by any municipal corporation, or by any incorporated coms. of by partial corporation, or by any incorporated com32-33 V., c. 24, s. 2, part, and pany municipal corporation, or by any incorporated comes. 21;—33 V., c. 28, s. 2, part;—48-49 V., c. 80, s. 1.

PROCLAMATION.

Act may be declared in force at any place designated.

2. The Governor in Council may, as often as occasion relatives, declare, by proplamatically as often as occasion relatives. quires, declare, by proclamation, that upon and after a day therein named this Act or contherein named, this Act, or any section or sections thereof shall be in force in any place or sections in such shall be in force in any place or places in Canada in such proclamation designated within the control of the co proclamation designated, within the limits or in the vicinity whereof any public work in whereof any public work is in course of construction, or in such places as are in the in such places as are in the vicinity of any public work, within which he deems it necessary that this Act, or Act, section or sections thereof should be at the section of section or sections thereof, should be in force, and this are or any such section or sections. or any such section or sections thereof, shall, upon and after the day named in such media and after the day named in such media. the day named in such proclamation, take effect within the places designated therein

Revocation and renewal of order.

2. The Governor in Council may, in like manner, from me to time, declare this Act time to time, declare this Act, or any section or section thereof, to be no longer in f thereof, to be no longer in force in any such place, places,—and may again from the such places,—and m places,—and may again, from time to time, declare this act, or any section or sections thereof or any section or sections thereof, to be in force therein:

As to cities.

3. No such proclamation shall have effect within the mits of any city: limits of any city:

To be judicially noticed.

4. All courts, magistrates and justices of the peace shall ke judicial notice of average judicial noti take judicial notice of every such proclamation. c. 80, s. 2.

WEAPONS.

Delivery of arms to commissioner.

3. On or before the day named in such proclamation, to wery person employed as every person employed on or about any public work, to which the same relates shall be which the same relates, shall bring and deliver up, of this commissioner or officer appearance. commissioner or officer appointed for the purposes from Act, every weapon in his same for the purposes. Act, every weapon in his possession, and shall obtain 32-33 such commissioner or officer such commissioner or officer a receipt for the same. V., c. 24, s. 3.

Seizure of arms not delivered.

4. Every weapon found in the possession of any person nployed, as aforesaid affairly employed, as aforesaid, after the day named in any proclar mation and within the limit in day named in any proclams. mation and within the limits designated in such proclams tion, may be seized by any interest of the such proclams. tion, may be seized by any justice of the peace, commission er, constable or other peace. er, constable or other peace officer,—and shall be forfeited to the use of Her Majasty 22 22

Punishment for keeping arms when Act is in force.

5. Every one employed upon or about any public work, within the place or places in which this Act is then in force, who, upon or after the in force, who, upon or after the day named in such process mation, keeps or has in his action. mation, keeps or has in his possession or under his care a control, within any such place control, within any such place, any weapon, shall include penalty not exceeding four dellars. penalty not exceeding four dollars and not less than dollars for every such was not less than 190,229 W dollars for every such weapon found in his possession. 32-33 V., c. 24, s. 2, part.

t, recoil one who, for the purpose of defeating this Punishment or, recoil or concealing, for unlawfull Act, receives or conceals, or aids in receiving or concealing, for unlawfully procured to concealing, or aids in receiving any place in arms. or procures or conceals, or aids in receiving or concealed, within any place in arms. which the to be received or concealed, within any place in arms. which this Act is at the time in force, any weapon belonging to or in the custody of any person employed on or about and the custody of any person employed on or exabout any public work, shall incur a penalty not exceeding any public work, shall incur a penalty not dollars, ceeding one hundred dollars and not less than forty dollars, and a moiety of such penalty shall belong to the informer and the other moiety to Her Majesty, for the public uses of Canada. 32-33 V., c. 24, s. 6.

Any commissioner or justice of the peace, constable or Persons unpeace officer, or any person acting under a warrant, in aid of carrying arms constable or reasons any constable or any person acting under a warrant, in aid of carrying arms are constable or reasons and detain any may be any constable or peace officer, may arrest and detain any may be seen and person arrest and detain any may be seen arrest and detain any may be person employed on any public work, found carrying any arrested. Weapon, within any place in which this Act is, at the time, in force, at such time and in such manner as, in the judgment of such time and in such manner as, in the jump-officer, or maissioner, justice of the peace, constable or peace of the peace, constable or peace of officer, or person acting under a warrant, affords just cause of anapicion that it is carried for purposes dangerous to the public peace. That it is carried for purposes dangerous to the public peace. to peace; and every one so employed, who so carries any And comthe peace, is guilty of a misdemeanor, and the justice of mitted. the Weapon, is guilty of a misdemeanor, and the peace or commissioner arresting such person, or before warrant, may commit him hom he is brought under such a warrant, may commit him trial for for trial for a misdemeanor, unless he gives sufficient bail for a phearman a misdemeanor, unless he gives sufficient bail for his appearance at the next term or sitting of the court before hich the offence can be tried, to answer to any indictment be then 32-33 V., c. 24, s. 8. be then preferred against him. 32-33 V., c. 24, s. 8.

tice of the missioner appointed under this Act, or any Search warjustice of the peace having authority within the place in rant may be in this Act, or any search waited the peace having authority within the place in rant may be upon the oath of a which this Act is at the time in force, upon the oath of a redible Mitness that he believes that any weapon is in the possession of any person or in any house or place contrary by the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary on the provision of any person or in any house or place contrary of the provision of the provisio to the provisions of this Act, may issue his warrant to any constable or peace officer to search for and seize the same, the or peace officer to search for and seize the same, and he, or peace officer to search for and seize the same in the same in the person in his aid, may search for and seize has same in the s the he, or any person in his aid, may search for any bouse or place of the possession of any person, or in any such house or place. 32-33 V., c. 24, s. 7, part.

ter demand to any such house or place is refused, Right of entry to demand to any such house officer, and any person for search. after demand, such constable or peace officer, and any person for search.

and search to search to search to search to search. in his aid, such constable or peace officer, and any personal selize and selize and deliver it to such commission or in and seize any enter the same by force by day or by sioner; and such weapon and deliver it to such commissioner; and such weapon in whose possession or in four sioner; and unless the person in whose possession or in Forfeiture of day. whose house or premises the same is found, within four arms found. days house or premises the same is found, within commissioner the seizure, proves to the satisfaction of such commissioner or justice of the peace that the weapon so that was not in Justice of the peace that the weapon so that the weapon or in his house or place contains the satisfaction of the peace that the weapon so that the weapon or in his house or place contains the satisfaction of the s seized was not in his possession or in his house or place contrany to the meaning of this Act, such weapon shall be forto the meaning of this Act, such weapon snan to the use of Her Majesty. 32-33 V., c. 24, s. 7, part.

Disposal of forfeited arms.

10. All weapons declared forfeited under this Act shall esold or destroyed under the line in the line be sold or destroyed under the direction of the commissioner by whom or by whose and by whom or by whose authority the same are seized, the proceeds of such sale and the proceeds of such sale, after deducting necessary paid penses, shall be received by penses, shall be received by such commissioner and fenover by him to the Minister of E. over by him to the Minister of Finance and Receiver eral, for the public uses of Commissioner and Receiver eral, for the public uses of Canada. 32-33 V., c. 24, s. 10.

Restitution of arms when Act is no longer in force.

11. Whenever this Act ceases to be in force within the place here any weapon has been a line our where any weapon has been delivered and detained in pursuance thereof or whomever the suance thereof, or whenever the owner or person lawfully entitled to any such weapon ratio entitled to any such weapon satisfies the commissioner that he is about to remove immediately the commissioner than he is about to remove immediately from the limits within which this Act is at the time. which this Act is at the time in force, the commissioner the deliver up to the owner commissioner the deliver up to the owner or person authorized to receive same, any such weapon or authorized to receive same, any such weapon, on production of the receipt given for it. 32-33 V. c. 24 s. 4

Monthly returns to be made.

12. Every commissioner under this Act shall make a onthly return to the Samuel monthly return to the Secretary of State of all weapons delivered to him, and by him and livered to him, and by him detained under this Act. V., c. 24, s. 9.

INTOXICATING LIQUOR.

Sale of liquor prohibited.

13. Upon and after the day named in such proclamation ad during such period of and during such period as such proclamation remains in force, no person shall of force, no person shall, at any place within the limits specified in such proclamation remaining the limits specified in such proclamation, sell, barter or, directly or indirectly, for any matter this. indirectly, for any matter, thing, profit or reward, exchange, supply or dispose of any interesting of the supply supply or dispose of, any intoxicating liquor; nor expose, keep or have in possession keep or have in possession any intoxicating liquor; nor expeded to be dealt with in any such

Possession of liquors for sale prohibit-

Proviso.

2. The provisions of this section shall not extend to any present selling interiorisms. person selling intoxicating liquor by wholesale, and not retailing the same, if such a such as the provisions of this section shall not extend to and not person selling intoxicating liquor by wholesale, and not retailing the same if such a such as the provisions of this section shall not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling intoxicating liquor by wholesale, and not extend to another person selling the same if such a selling liquor by wholesale, and not extend to another person selling the same if such a selling liquor by wholesale, and not extend to another person selling the same if such a selling liquor by wholesale, and the same if such a selling liquor by the same if such a selling liquor by the same is such as the selling liquor by the same is such as the selling liquor by the same is such as the selling liquor by the same is such as the selling liquor by the same is such as the selling liquor by the selling retailing the same, if such person is a licensed distiller of brewer. 48-49 V. c. 80. a. 2

Penalty for contravention.

14. Every one who, by himself, his clerk, servant, agent other person, violates and first clerk, servant, agent or other person, violates any of the provisions of the preceding section is willing preceding section, is guilty of an offence against this act, and, on a first conviction and, on a first conviction, shall be liable to a penalty of forty dollars and costs and in the liable to a penalty of forty dollars and costs and in the liable to a penalty of the lia forty dollars and costs, and, in default of payment, to prisonment for a term not are prisonment for a term not exceeding three months; and the every subsequent conviction every subsequent conviction to the said penalty, and the said imprisonment in default said imprisonment in default of payment, and also to further imprisonment for a term not imprisonment for a term not exceeding six months. V., c. 80, s. 3, part.

15. Every clerk, servant, agent or other person who eing in the employment of liable to same penalty as principal.

Every clerk, servant, agent or other person where penalty as principal. person, violates or assists in violating any of the provisions of the the person in whose of the thirteenth section of this Act, for the person in whose employment or on whose premises he is, shall be equally shilty ment or on whose premises he is, shall be liable to guilty with the principal offender, and shall be liable to the penalties mentioned in the next preceding section. 48-49 V., c. 80, s. 3, part.

16. If any person makes oath or affirmation before any Search for that he has reason to and seizure that he has reason to light on the hear re commissioner or justice of the peace, that he has reason to liquor, on believe and or justice of the peace, that he has reason to liquor, on information believe, and does believe, that any intoxicating liquor with information tespect, and does believe, that any intoxicating liquor with information the spect. respect to which a violation of the provisions of the and warrant. thirteenth section of this Act has been committed or is section of this Act has been committed or is the limits specified intended to be committed, is within the limits specified any to be committed, is within the limits specified in any proclamation by which this Act has been proclaimed be in clamation by which this Act has been proclaimed, be in the steam-boat, vessel, boat, to be in force, on board of any steam-boat, vessel, boat, cance more about any building or canoe, in force, on board of any steam-boat, vesses, premises or other craft, or in or about any building or other conveyance, premises, or in any carriage, vehicle or other conveyance, or at any our instice of the peace or at any place, the commissioner or justice of the peace thall isen place, the commissioner or justice officer, shall any place, the commissioner or justice of the constabilities a search-warrant to any sheriff, police officer, constable a search-warrant to any sherin, point the steam is bailiff who shall forthwith proceed to search the steam-boat, vessel, boat, canoe, raft, other craft, building, memisses Remises, carriage, vehicle, conveyance or place described h such search-warrant; and if any intoxicating liquor is Seized liquor to be securely kept. found therein or thereon the person executing such search- to be securely kept. Warrant shall seize the intoxicating liquor and the barrels, iare like, iare like intoxicating liquor and the barrels, casks, jars, bottles or other packages in which it is contained and shall keep it and them secure until final action is had

No dwelling house in which, or in part of which, or Proviso:

the promise house in which, or is not kept, shall be where the is no sho on the premises whereof, a shop or bar is not kept, shall be is no shop as a loo makes oath or or bar. premises whereof, a shop or bar is not kept, shall be a shop or bar is not kept, shall be a shall be shall be a shall be mation that some offence in violation of the provisions of the thirteenth section of this Act has been committed therein or the section of this Act has been committed therein or the section of this Act has been committed the section of the se the thirteenth section of this Act has been community of the of male: bue of making his said information for a search-warrant:

8. The owner, keeper or person in possession of the Owner to be summoned. intoxicating liquor so seized, if he is known to the summoned.

the seizing liquor so seized, if he is known to the summoned that the summoned forthwith by officer seizing liquor so seized, if he is known to the commission the same, shall be summoned forthwith by the commissioner or justice of the peace who issued the tienth warrant it or property that the same is the peace who issued the tienth warrant it or peace who issued the peace warrant is the peace who is the peace warrant is the peace warra search warrant to appear before such commissioner or justice of the peace who issued the of the peace who issued to a pear before such commissioner or justice of the peace who issued the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who issued to appear before such commissioner or justice of the peace who is the to the peace; and if he fails so to appear, or if it appears backet satisfact: to the peace; and if he fails so to appear, or il it appears eatisfaction of such commissioner or justice of the peace that action of such provisions of the thirteenth peace satisfaction of such commissioner or justice of that a violation of the provisions of the thirteenth committed or is intended to be section of the violation of the provisions of the much baselitted will be intoxicating liquor, it shall committed or is intended to be declared with respect to such intoxicating liquor, it shall tain eclared for the property package in which it is constituted. be declared, with respect to such intoxicating liquor, it shall tailed, and shall be destroyed by authority of the written feited and the destroyed by authority of the written feited and the destroyed by authority of the written feited and the destroyed by authority of the written feited and the destroyed in tained, and forfeited, with any package in which it is con-Liquor forder to that of the destroyed by authority of the written feited and to be destroyed. order and shall be destroyed by authority of the will be destroyed by authority of the will be destroyed by authority of the will be destroyed of some person appointed the comby him to that effect of such commissioner or justice, and by him to with in the presence of some person appointed by the enect of such community to witness the destruction thereof; and the com-

Attestation of missioner or justice, or the person so appointed by him and the officer by whom the said intoxicating liquor has been destroyed, shall jointly attest, in writing upon the the said order, the fact that it has been destroyed:

Owner, keeper or person in possession may be convicted at once. 4. The owner, keeper or person in possession of any into toxicating liquor seized and forfeited under the provisions that of this section may be convicted of an offence against the thirteenth section of this Act without any further information laid or trial had, and shall be liable to the penalties mentioned in the fourteenth section of this Act. 48-49 V., c. 80, s. 3, part.

If owner is unknown.

Seizure to be advertised before liquor is destroyed. 17. If the owner, keeper or possessor of intoxicating liquor seized under the next preceding section is unknown to the officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure, with the her and description of the packages, as near as may be, has ber and description of the packages, as near as may be, has been advertised, for two weeks, by posting up a written or a printed notice and description thereof, in at least three public places of the place where it was seized:

When liquor may be delivered to owner.

2. If it is proved within such two weeks, to the satisfactor of the commissioner tion of the commissioner or justice by whose authority such intoxicating liquor was according to such as the such intoxicating liquor was according to such as the such intoxicating liquor was according to such as the such according to the such according intoxicating liquor was seized, that with respect to the intoxicating liquor no violet. intoxicating liquor was seized, that with respect to the intoxicating liquor no violation of the provisions of this thirteenth section of this Annual of the provisions of the thirteenth section of this Act has been committed or is intended to be committed in the section of this Act has been committed in the shall be the section of the section of the section of the provisions of the tended to be committed, it shall not be destroyed, but shall be delivered to the owner. be delivered to the owner, who shall give his receipt which for in writing upon the hard shall give his receipt which for in writing upon the back of the search-warrant, which shall be returned to the search-warrant, issued shall be returned to the commissioner or justice who issued the same; but if, after such the same; but if, after such advertisement as aforesaid, appears to such commissions. appears to such commissioner or justice that a violation of the provisions of the thirteentle the provisions of the thirteenth section of this Act has held committed or is intended. committed or is intended to be committed, then such intoxicating liquor with an entained, toxicating liquor, with any package in which it is contained, shall be forfeited and doctronic in which it is contained. shall be forfeited and destroyed, according to the provisions of the next preceding section. of the next preceding section. 48-49 V., c. 80, s. 3, part.

Forfeiture and destruction in other cases.

Money paid or consideration given for liquor sold contrary to Act, cannot be recovered.

18. Any payment or compensation, whether in money of securities for money, labor or property of any intoxicating liquor sold, bartered, exchanged, supplied of disposed of, contrary to the provisions of the criminal section of this Act, shall be held to have been equity and received without consideration, and against law, equity be good conscience, and the amount or value thereof paying recovered from the receiver by the person making, paying or furnishing such payment or compensation; and all sind, transfers, conveyances, liens and securities of every transfers, conveyances, liens and securities of every which either in whole or in part have been made or grade which either in whole or in part have been made or grade for or on account of intoxicating liquor sold, he provide exchanged, supplied or disposed of contrary to the provide

ions of the thirteenth section of this Act, shall be void against all person thirteenth section of this Act, shall be void against all persons, and no right shall be acquired thereby; and no No action to action of the chiral persons, and no right shall be acquired thereby; and no right shall be acquired thereby. action of any kind shall be maintained, either in whole or lie for or on in part fany kind shall be maintained, either in whole or lie for or on account of such liquor. in part, for or on account of intoxicating liquor sold, bar-such liquor. tered, exchanged, supplied or disposed of, contrary to the provision aged, supplied or disposed of, son s. 3, part. Provisions of the said section. 48-49 V., c. 80, s. 3, part.

ith respect prosecution under this Act for any offence Evidence of precise described not be necessary cription of with respect to intoxicating liquor, it shall not be necessary cription of cription of that any that respect to intoxicating liquor, it shall not be necessary, cription witness should depose directly to the precise description of the precise descriptio cription of the liquor with respect to which the offence has necessary, nor of personbeen committed, or to the precise consideration therefor, or al knowledge to the fact that the fact to the fact of the offence having been committed with his of sale, &c. participation or to his own personal and certain knowledge; but the commissioner or justice of the peace trying the case, so the circumstances in case, so soon as it appears to him that the circumstances in the complained of, evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and in default of Put the defendant on his defence, and in convict the defendant or discording. accordingly. 48-49 V., c. 80, s. 4.

GENERAL PROVISIONS.

Any commissioner or justice of the peace may hear Procedure and detail details and power any case arising and power any case arising of the com Any commissioner or justice of the peace may hear Procedure and determine, in a summary manner, any case arising of the commissioner this jurisdiction under this Act; and every person missioner than complete the person for violating or justice. his jurisdiction under this Act; and every person missions complaint against any other person for violating or justice. this Act, or any provision thereof, before such commissioner in itstice any provision thereof, before such commissioner and the com-Justice, may be admitted as a witness; and the com-Missioner or justice of the peace before whom the examinaon or justice of the peace before whom the examination or trial is had, may, if he thinks there was probable for the forth is had, may, if he thinks the defendant shall not or trial is had, may, if he thinks there was properties for the prosecution, order that the defendant shall not a prosecution fails. 32-33 V., c. bover costs, although the prosecution fails. 32-33 V., c.

All the provisions of every law respecting the duties Certain Acts to apply. of illestices of the provisions of every law respecting the duties to apply. The orders of the peace in relation to summary convictions the orders of the peace in relation to summary convictions, and for and orders, and to appeals from such convictions, and for the protection of the peace when acting as such, the protection of justices of the peace when acting as such, and to appeals from such convictions, and the protection of justices of the peace when acting as such, and the peace when acting as a peace when acting a peace when act or to facilitate proceedings by or before them in matters and orders, shall, in so far relating to summary convictions and orders, shall, in so far they are mary convictions and orders, apply to every they are not inconsistent with this Act, apply to every commission not inconsistent with this Act, apply to commissioner or justice of the peace mentioned in this Act or compowered to justice of the peace mentioned in this Act or compowered to justice of the peace mentioned in this Act or compowered to justice of the peace mentioned in this Act or compowered to justice of the peace mentioned in this Act or compowered to justice of the peace mentioned in this Act or composite this Act; and every such empowered to try offenders against this Act; and every such Commissioner to be deemed to try offenders against the peace within a justice. commissioner or Justice of the peace mental and every such to be deemed the ineaning of the deemed a justice of the peace within a justice. the meaning of any such law, whether he is or is not a justice of the peace of the of the peace for other purposes. 32-33 V., c. 24, s. 18.

ader this Act trial of any proceeding, matter or question Defendant and his corner this Act trial of any proceeding or defending, and the sort compe Under this Act, the person opposing or defending, and the sort competition husband or husband person opposing or defending and the sort competent witnesses. wife or husband of such person, shall be competent to give tent witnesses. evidence. 48-49 V., c. 80, s. 5.

Defect of form not to invalidate proceedings.

23. No action or other proceeding, warrant, judgment, or or other instrument or writing, authorized by this Act or necessary to carry out its provisions, shall be held void or be allowed to fail for defect of form. 32-33 V., c. 24, s. 20.

Limitation of time for actions against persons acting under this Act, &c.

24. Every action brought against any commissioner or justice of the peace, constable and commissioner or justice. tice of the peace, constable, peace officer or other person, any thing done in pursuance of the peace of the any thing done in pursuance of this Act, shall be commenced within six months next affect? within six months next after the alleged cause of action arises; and the venue shall be local and the venue shall be laid or the action instituted in the district or county or place. district or county or place where the cause of action agive and the defendant may place where the cause of action agive and the defendant may plead the general issue and the special matter. this Act and the special matter in evidence; and if such action is brought after the time. action is brought after the time limited, or the venue is laid or the action brought in action brought after the time limited, or the venue is laid. or the action brought in any other district, county of place than as above prescribed the district of the venue is place. than as above prescribed, the judgment or verdict shall be given for the defendant. given for the defendant; and in such case, or if the judgment or verdict is given for the defendant. ment or verdict is given for the defendant on the merits, or if the plaintiff becomes non-anital the plaintiff becomes non-suited or discontinues after appearance is entered or bestimated ance is entered, or has judgment rendered against him demurrer, the defendant of the state of th demurrer, the defendant shall be entitled to recover double costs. 32-33 V. c. 24 s. 10

Proposed to be Consolidated.	Part Consolidated	Left for Repeal.	To be Consolidated clsewhere.	To be consolidated with.
33 V., c 28	The whole except s. 22. The whole except part of s. 2 The whole except s. 6.	s. 2 (part).		,

CHAPTER 148.

An Act respecting the Preservation of Peace at Public Meetings.

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

1. Any justice of the peace within whose jurisdiction Justices of the poly bull. Justices of the held may demand, Peace may disarm nerany public meeting is appointed to be held, may demand, Peace may have and the meeting is appointed to be held, may demand, disarm person attending such meets sons attending to the meets of the peace may be and the meets of the peace may be and the meet meeting is appointed to be held, may demand, disarm person attending such meets sons attending to the peace may be and the meeting is appointed to be held, may demand, disarm persons attending to the peace may be and the meeting is appointed to be held, may demand, disarm persons attending to the peace may be and the meeting is appointed to be held, may demand, disarm persons attending to the meeting is appointed to be held. have and take of and from any person attending such meet-sons attending or offensive weapon, ing a meeting ing, or on his way to attend the same, any offensive weapon, ing a meeting.

Such as 6. which as fire-arms, swords, staves, bludgeons, or the like, with Which any such person is so armed, or which any such person be and every such person person has in his possession; and every such person Punishment who. The person is so armed, or which any the person person refuses to deliver of person refusing to sur who, upon such demand, declines or refuses to deliver of person refusing to surfuch offensive and quietly, to such justice of the peace, any render weapsuch offensive weapon as aforesaid, is guilty of a misde-ons. Meanor, and such justice may thereupon record the refusal of such person to deliver up such weapon, and adjudge him bay person to deliver up such weapon, and adjudge him to pay a penalty not exceeding eight dollars,—which penalty shall penalty not exceeding eight dollars,—which penalty shall penalties are levied thy shall be levied in like manner as penalties are levied as a levied in like manner as penalties are levied in like manner as penalties are levied as a levied as a levied are levied are levied as a levied are levied are levied as a levied are levied under the levied in like manner as penalues and the "Act respecting summary proceedings before may be proceeded against Justices of the "Act respecting summary proceedings by indicate Peace," or such person may be proceeded against indicate the peace, or such person may be proceeded against in other cases of misdeby indictment or information, as in other cases of misdemeanor; but such conviction shall not interfere with the Conviction power of the peace, not to preve disarming. power of such justice, or any other justice of the peace, not to prevent take such justice, or any other justice of the peace, not to prevent disarming. to take such justice, or any other justice of the from such weapon, or cause the same to be taken from and against his will, by and such weapon, or cause the same to be taken the person, without his consent and against his will, by formally formally designed to be taken to be t the person, without his consent and against his consent his consent his co

hom any reasonable request to any justice of the peace, to Restitution of the any page ably and quietly de-weapons. whom any such weapon has been peaceably and quietly de-weapons. livered as aforesaid, made on the day next after the meeting finally are before, such weapon shall, if has finally dispersed, and not before, such weapon shall, if of the value of one dollar or upwards, be returned by such batice of the of one dollar or upwards, be returned by such lustice of the peace to the person from whom the same was received. C.S.C., c. 82, s. 16.

In any such justice of the peace shall be held liable to re- No liability any such justice of the peace shall be held liable to re- No liability and the value thereof, if in case of accidental loss turn any such justice of the peace shall be held liable to re- No maning the same be weapon, or make good the value thereof, if in case of accidental loss. the same, by unavoidable accident, has been actually unavoidable accident with destroyed or lost out of the possession of such justice without his Wilful default. C. S. C., c. 82, s. 17.

Punishment

4. Every person who is convicted of a battery, nlace mitted within the distance of two miles of the appointed for the boldings of battery near a appointed for the holding of such public meeting and the meeting. ing any part of the derivative of two miles of the public meeting and has ing any part of the day whereon any such meeting has been appointed to be half all your such meeting has been appointed to be held, shall be liable to a penalty not exceeding one hundred and the liable to a penalty not exceeding one hundred and the liable to a penalty of the liable to a not exceeding one hundred dollars, or to imprisonment of a term not exceeding three results. a term not exceeding three months, or to both. 82, s. 18.

Punishment of persons approaching a meeting armed.

5. Every person, except the sheriff, deputy sheriff and stices of the peace for the distriction. justices of the peace for the district or county, or the mayor and justices of the peace for the district or county, or the mayor and justices of the peace for the and justices of the peace for the city or town respectively, in which any such meeting is held to respect and which any such meeting is held, and the constables special constables employed hand the constables for special constables employed by them, or any of them, the preservation of the public who, the preservation of the public peace at such meeting, is during any part of the large peace at such meeting is during any part of the day upon which such meeting is appointed to be held comes with the place appointed to be held, comes within two miles of the place appointed for such meeting. appointed for such meeting, armed with any offensive weap on of any kind, as fire-arms on of any kind, as fire-arms, swords, staves, bludgeons, the like, is guilty of a midden the like, is guilty of a misdemeanor, and liable to a penalty not exceeding one hundred. not exceeding one hundred dollars, or to imprisonment a term not exceeding three controls. a term not exceeding three months, or to both. 82, s. 19.

Punishment of persons lying in wait.

6. Every person who lies in wait for any person returns, g, or expected to return the same person returns, and the same returns, and the same returns are the same returns. ing, or expected to return, from any such public meeting, with intent to commit an expected to return any such public meeting, with intent to commit an assault upon such person, or other intent, by abusive languages. intent, by abusive language, opprobrious epithets or offensive demeanor directed opprobrious epithets or offensive demeanor directed opprobrious epithets or offensive demeanor directed opprobrious epithets or other parts on, offensive demeanor directed opprobrious epithets or other parts on, offensive demeanor directed opprobrious epithets or other parts on the parts of the parts offensive demeanor, directed to, at or against such person, to provoke such person to to provoke such person, or those who accompany a liable a breach of the peace, is guilty of a misdemeanor, and liable to a penalty not exceeding the to a penalty not exceeding two hundred dollars, or to both. prisonment for a term not prisonment for a term not exceeding six months, or to both. C. S. C., c. 82. s. 20

Time for actions limited.

7. No action shall be brought against any person for any ing done by him under contact and person for any thing done by him under authority of this Act, unless within twelve months next after 1 in twelve months next after the cause of such action accrued. C. S. C., c. 82, s. 21

This Act is made	general, and appl	ied to the whole o	of Canada.	
Proposed to be Consolidated.	Part Consolidated.	Left for Kepeal.	To be Consolidated elsewhere.	To be Consolidated with.
C. S C., c. 83	ss. 15 to 21.			

CHAPTER 149.

An Act respecting Prize Fighting.

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

1. In this Act, unless the context otherwise requires, Interpretathe expression "prize fight" means an encounter or fight "prize fight" means who have met "Pri fight. with fists or hands, between two persons who have met "Prize fight" such by or for for such purpose by previous arrangement made by or for them. them. 44 V., c. 30, s. 1.

The torpy one who sends or publishes, or causes to be punishment or publishes. to fight a blished, or otherwise made known, any challenge of person challenge of person challenge of person challenge or causes to or preparation of person challenge or causes to or preparation of person challenge. to fight a prize fight, or accepts any such challenge, or causes to or prepartosuch fight, or accepts any such challenge, or causes to or prepartosuch fight, or accepted, or goes into training preparatory information intends to accepted, or goes into training preparatory infight. intends to engage in a prize fight, is guilty of a misdeneanor, and liable, on summary conviction, to a penalty exceed liable, on summary and not less than one not exceeding one thousand dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding six manuals, or to imprisonment for a term not exceedsix months, or to both. 44 V., c. 30, s. 2.

Builty of one who engages as a principal in a prize fight punishment of principal in a prize fight. guilty of a misdemeanor, and liable, on summary convic-principal in by, to immediately of a misdemeanor, and liable, on summary convic-principal in prize fight. tion, to imprisonment for a term not exceeding twelve prize fight.

1. The months and prize months and prize fight. nonths and not less than three months. 44 V., c. 30, s. 3.

Every one who is present at a prize fight as an aid, And of aiders could some who is present at a prize fight as an aid, And of aiders are consistent or reporter, or who and abettors. Record, surgeon, umpire, backer, assistant or reporter, or who and abettors. advises, encourages or promotes such fight, is guilty of a summary conviction, to a wisdemeanor, and liable, on summary conviction, to a hundred dollars and not less penalty not, and liable, on summary conviction, than fifty delivered five hundred dollars and not less in fifty delivered for a term not exceedthan fifty dollars, or to imprisonment for a term not exceeding twelve at V. c. 30, s. 4. ing twelve months, or to both. 44 V., c. 30, s. 4.

anada, leavon who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Punishment of Revery one who, being an inhabitant or resident of Revery one Canada to a punishment of Revery one who, being an inhabitant or resident of Revery one Canada to a punishment of Revery one who, being an inhabitant or resident of Revery one Canada to a punishment of Revery one who, being an inhabitant or resident of Revery one Canada to a punishment of Revery one who are resident of Revery one who are revery one who Canada, leaves Canada with intent to engage in a prize for leaving and without to engage in a misdemeanor, engage in a prize fight. fight without the limits thereof, is guilty of a misdemeanor, engage in a prize to a liable on the limits thereof, and penalty not exceed-prize fight. and liable, on summary conviction, to a penalty not exceed-prize fight. ing four hundred dollars and not less than fifty dollars, or but prison and dollars are exceeding six months, or to to imprisonment for a term not exceeding six months, or to both. 44 V., c. 30, s. 5.

strict in Computing, the sheriff of any county, place or Proceedings any police officer, or when prize district in Canada, any chief of police, any police officer, or when prize

Arrest.

fight is about any constable, or other peace officer, has reason to believe to take place that any person within his half and the constable to take place. to take place that any person within his bailiwick or jurisdiction is about to engage as principal in a constant of the peace officer, has reason to be about the take place as principal in a constant of the peace to engage as principal in any prize fight within Canada, he shall forthwith arrest such shall forthwith arrest such person and take him at this some person having authority the some person having authority to try offences against half, Act, and shall forthwith main Act, and shall forthwith make complaint in that person upon oath, before such person upon oath, before such person; and thereupon such person shall inquire into the charge shall inquire into the charge, and if he is satisfied that person so brought before him. person so brought before him was, at the time of his shall about to engage as a principal. about to engage as a principal in a prize fight, he sufficed require the accused to antoning. require the accused to enter into a recognizance, With sufficient sureties, in a sum not cient sureties, in a sum not exceeding five thousand dollars and not less than one thousand in the

Recognizance.

Commitment in default.

and not less than one thousand dollars, conditioned that the accused will not engage in accused. accused will not engage in any such fight within one from and after the data of from and after the date of such arrest; and in default of such recognizance the percent of such arrest; such recognizance, the person before whom the accused the been brought shall commit it been brought shall commit the accused to the gaol of takes county, district or city within county, district or city within which such inquiry place, or if there is no comment place, or if there is no common gaol there, then to the common gaol which is nearest to 11 mon gaol which is nearest to the place where such inquiry is had, there to remain until he place where such mizance is had, there to remain until he gives such recognizance with such sureties 44 V

Sheriff may prevent prize fight by force.

7. If any sheriff has reason to believe that a prize fight taking place or is about to be about the contract of the contract o is taking place or is about to take place within his jurisdiction as such sheriff or that tion as such sheriff, or that any persons are about to come into Canada at a point will be place within his jurisome tion as such sheriff, or that any persons are about to can any into Canada at a point within his jurisdiction, from to be place outside of Canada with place outside of Canada, with intent to engage in, or to attend a concerned in, or to attend concerned in, or to attend any prize fight within canada he shall forthwith summer and fight within canada. he shall forthwith summon a force of the inhabitants of his district or county sufficients his district or county sufficient for the purpose of suppressing and preventing such fight ing and preventing such fight,—and he shall, with their suppress and prevent the second suppress and prevent suppress su suppress and prevent the same, and arrest all persons present thereat, or who come into C thereat, or who come into Canada as aforesaid, and try take them before some take them before some person having authority to law, offences against this Act to L. offences against this Act, to be dealt with according to enter and fined or imprisonal and fined or imprisoned, or both, or compelled to into recognizances with into recognizances with sureties, as hereinbefore provided, according to the nature of the nature of

S. Every person offending against any of the provisions to this Act, except the provisions of this Act, except the principals engaged or intending lengage in a prize fight shall engage in a prize fight, shall be competent and compellate to give evidence in any process. to give evidence in any proceeding under this Act, in and same manner and to the same under this Act, in and same manner and to the same extent as other persons; and no person examined as a witness shall be excused will answering any question on the same extent as other persons. answering any question on the ground that his answer well tend to criminate him: but his answer well against a second that his against a second that h tend to criminate him; but his evidence shall not be used against him in any proceeding. against him in any proceeding or prosecution whatsoever, and he shall not be liable to and he shall not be liable to punishment for the offence respecting which he is required. s. 8.

9. If, after hearing evidence of the circumstances con- If the fight ected with the region of the circumstances con- If the fight was not a prize fight, the was not a nected with the origin of the fight or intended fight, the was not at person before whom a complaint is made under this Act is an actual satisfied that satisfied that such fight or intended fight was bonâ fide the quarrel. consequence or result of a quarrel or dispute between the principle or result of a quarrel or dispute between the principals engaged or intended to engage therein, and that the that the same was not an encounter or fight for a prize, or the same was not an encounter or fight for a prize, or on the same was not an encounter or ngmt for a printing the result of which the handing over or transfer of money areas may, in his dismoney or property depends, such person may, in his discretion of property depends, such person him a penalty cretion, discharge the accused or impose upon him a penalty not exceeding fifty dollars. 44 V., c. 30, s. 9.

judge of a superior court or of a county court, Certain police the sessions of the peace, stipendiary magistrate, powers of court or of Canada justices of the police magistrate, and commissioner of police of Canada justices of the shall, with strate, and commissioner of police of canada justices of the peace. shall, within the limits of his jurisdiction as such judge, peace. magistrate or commissioner, have all the powers of a justice of the powers of a justice of the powers of a justice. of the peace with respect to offences against this Act. 44 V.,

Proposed to be Consolidated.		Left for Repeal.	To be Consolidated clsewhere.	To be Consolidated with.
, c. 30	The whole except part of s. 10.	Part of s. 10.		٠

CHAPTER 150.

An Act respecting Perjury.

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

Punishment of perjury.

1. Every one who commits perjury or subornation of perjury is guilty of a misdemeanor, and liable to a fine in discretion of the court and to fourteen years' imprisonment 32-33 V., c. 23, s. 1.

Who are guilty of perjury. Oath &c., required by any Act in force falsely taken.

- 2. Every one who,-
- (a) Having taken any oath, affirmation, declaration of affidavit in any case in which by any Act or law in force in Canada, or in any Province of Canada, it is required or authorized that facts, matters or things be verified, or other wise assured or ascertained, by or upon the oath, affirmation, declaration or affidavit of any person, wilfully and cortion, declaration or affidavit, ruptly, upon such oath, affirmation, declaration or affidavit, ruptly, upon such oath

False statement of fact. (b) Knowingly, wilfully and corruptly, upon oath or affirmation, affirms, declares, or deposes to the truth of any statement for so verifying, assuring or ascertaining such fact, matter or thing, or purporting so to do, or subingly, wilfully and corruptly takes, makes, signs or scribes any such affirmation, declaration or affidavit, any such fact, matter or thing,—such statement, affidavit, affirmation or declaration being untrue, in the whole or any part thereof; or—

Wilful omission.

(c) Knowingly, wilfully and corruptly omits from any such affidavit, affirmation or declaration, sworn or the under the provisions of any law, any matter which, by the provisions of such law, is required to be stated in such affidavit, affirmation or declaration—

Is guilty of wilful and corrupt perjury, and liable to be punished accordingly:

As to perjury at common law. 2. Provided, that nothing herein contained shall affect any case amounting to perjury at common law, or the case of any offence in respect of which other or special provision is made by any Act. 32-33 V., c. 23. s. 2.

8. Every person who wilfully and corruptly makes any Making false false affidavit, affirmation or declaration, out of the Province the Province the Province the Province the Province to the Province the Province to the Provi in which it is to be used, but within Canada, before any in which it is function of the companion of the purpose of to be used. functionary authorized to take the same for the purpose of to be used. being used in any Province of Canada, shall be deemed guilty of guilty of perjury, in like manner as if such false affidavit, affirmation the Province in affirmation or declaration had been made in the Province in which in or declaration had been made before a competent Which it is used, or intended to be used, before a competent authority. 33 V., c. 26, s. 1, part.

4. Any judge of any court of record, or any commissioner Judge may efore will judge of any court of record, and which he is direct prosecution of ne before whom any inquiry or trial is held, and which he is direct prosecution of person law any inquiry or trial is held, and which he is direct prosecution of person guilty of by law required or authorized to hold, may, if it ap-son guilty of pears to liquid perjury before hears to liquid perjury before him. pears to him that any person has been guilty of wilful perjury before him. and corrupt that any person has been guilty of davit. The perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer afternation, declaration, deposition, examination, answer or other proceeding made or taken before him, direct and other proceeding made or such perjury, if direct such person to be prosecuted for such perjury, if there appears to such judge or commissioner a reasonable cause appears to such judge or commissioner a reasonable to directed for such prosecution,—and may commit such person commitment to directed to be prosecuted until the next term, sittings or or admission to bail. Bession of any court having power to try for perjury, in the juisdiction of any court having power to try for perjuly, permit on within which such perjury was committed, or recognizance, with one permit such person to enter into a recognizance, with one nore sufficient sureties, conditioned for the appearance of More sufficient sureties, conditioned for the appearance will then at such next term, sittings or session, and that he Will then surrender and take his trial and not depart the court without 1 without leave,—and may require any person such judge or commissioner thinks fit, to enter into a recognizance conditioned to prosecute or give evidence against such person directal prosecute or give aforesaid. 32-33 V., c. 23, directed to prosecute or give evidence against such personal 6. 6. 32-33 V., c. 23,

All evidence and proof whatsoever, whether given or All evidence material with respect to per made orally, or by or in any affidavit, affirmation, declaration or material with respect to perto be material or deposition, shall be deemed and taken jury. be material with respect to the liability of any person to be material with respect to the liability of any person perjury, or a against and punished for wilful and corrupt of periury. 32-33 V., c. 23, s. 7. perjury, or for subornation of perjury. 32-33 V., c. 23, s. 7.

D		•	·	
Proposed Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
33 V, c. 28	88. 1, 2, 6 and 7	ss. 3, 5 and 12	s. 4	Extra judicial oaths.
	8 1, part		ss. 8 to 11 s. 1, part	do

CHAPTER 151.

An Act respecting Escapes and Rescues.

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

Felonious rescue.

1. Every one who is convicted of a felonious rescue is liable to seven years' imprisonment, when no special punishment is otherwise provided by statute. 32-33 V. c. 29, s. 84, part.

Escape or rescue from lawful custody.

2. Every one who escapes from or rescues, or aids in rescuing any other person from lawful custody, or makes or causes any breach of prison, if such offence does not amount to felony, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 29. s. 84

Escape while being conveyed to a penitentiary. 3. Every one who, being a prisoner ordered to be detained in any penitentiary, escapes from the person or persons having the lawful custody of him, when peniconveyed thereto, or when being conveyed from one peniconveyed thereto, is guilty of felony, and liable to years' imprisonment.

Escape from a penitentiary while at work.

4. Every one who, being a prisoner in a penitentiary, the breaks prison or escapes, or attempts to escape from custody of any officer, guard or other servant of the penitentiary while at work, or passing to or from work, either within or beyond the prison walls or penitentiary limits, within or beyond the prison walls or penitentiary is guilty of felony, and liable to three years' imprisonment. 46 V., c. 37, s. 54. part

Breaking out of a penitentiary.

5. Every one who, being a prisoner in any penitentiary, at any time attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein not, is intent to escape therefrom, whether successful or not, guilty of felony, and liable to one year's imprisonment 46 V., c. 37, s. 55, part.

Rescuing prisoner from a penitentiary.

6. Every one who rescues or attempts to rescue while prisoner while being conveyed to any penitentiary, or one imprisoned therein, or while being conveyed from penitentiary to another, or while passing to or from penitentiary to another, or while passing to or from at or near any penitentiary,—and every one who, by supplied in garms, tools or instruments of disguise, or otherwise in

any manner aids any such prisoner in any escape or attempt of liable to five years' tempt at escape, is guilty of felony, and liable to five years' imprisonment. 46 V., c. 37, s. 57.

7. Every one who, having the custody of any such pri-Keepers allowing prisoner Soner as aforesaid, or being employed by the person having prisoner in a prisoner in a case of a secretary care-penitentiary such custody, as a keeper, turnkey, guard or assistant, care-penitentiary lessly all lessly allows any such prisoner to escape, is guilty of a to escape. misdemeanor, and liable to fine or imprisonment, or to both, in the state of the prison as in the discretion of the court; and every such person as aforesa; aforesaid, who knowingly and wilfully allows any such convict to escape, is guilty of felony, and liable to five years' imprisonment. 46 V., c. 37, s. 58.

& Every one who, knowingly and unlawfully, under Unlawfully lor of procuring discharge of procures the procuring color of any pretended authority, directs or procures the procuring of lightly of any prisoner not entitled to be so discharged, prisoner. is guilty of a misdemeanor, and liable to imprisonment for any term less than two years, and the person so discharged thall had been than two years, and the person so discharged shall be held to have escaped. 32-33 V., c. 29, s. 85.

by Every one who, being sentenced to be detained in Escape from reformatory or industrial school, reformatory prison or any reformatory prison or reformatory or industrial school, reformatory prison or reformatory the expiration of school. escapes therefrom, may, at any time before the expiration of school. his term of detention, be apprehended without warrant, and brought in detention, be apprehended without warrant, and brought before any justice of the peace or magistrate, who, school the peace of his identity, shall remand him to such prison or with spot of his identity, shall remand nim to such with spot to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such additional term, not exceeding one year, as to such Netice or magistrate seems proper. 32-33 V., c. 34, s 7;— 83 V., c. 32, s. 5;—43 V., c. 41, s. 4;—47 V., c. 45, s. 6. The words in italics are inserted at the suggestion of the Parliamentary Com-

10. Every one who,—

Assisting escape from such prison.

(a) Knowingly assists, directly or indirectly, any offender der detained in a reformatory prison or reformatory or such prison or school, industrial school, to escape from such prison or school,—

(b) Directly or indirectly induces such an offender to Inducing to escape. escape from such prison or school,—

(c) Knowingly harbors, conceals or prevents from return-Harboring to the mingly harbors, conceals or prevents from return-Harboring escaped prisoner. ing to the prison or school, or assists in harboring, conceal-prisoner. ing or preventing from returning to the prison or school,

offender in from such prison or school,

from such prison or school, offender who has escaped from such prison or school,—

the beside, on summary conviction before two justices Punishment. of the peace, to a penalty not exceeding eighty dollars, or how the peace are the peace and the peace are the peac to imprisonment with or without hard labor for any term exceed: not exceeding two months. 82-33 V., c. 34, s. 8.

How esca, ed prisoners shall be punished.

11. Every one who escapes from imprisonment shall, on being retaken, undergo, in the prison he escaped from, remainder of his term unexpired at the time of his escape, in addition to the punishment which is awarded for such escape; and any imprisonment awarded for such offence may be escape; and any imprisonment awarded for such offence may be to the penitentiary or prison from which the escape was made. 32-33 V., c. 29, s. 87.

Proposed to be Consolidated.	Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c 34 33 V., c 32 43 V., c. 41	s. 5. s 4. ss. 54 (part), 55 (part).57 and 58			

CHAPTER 152.

An Act respecting Offences against Religion.

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

le Every one who, by threats of force, unlawfully Obstructing or assaulting or assaulting or prevent, a clerryman obstructs or prevents, or endeavors to obstruct or prevent, or assaulting any clerony prevents, or endeavors to obstruct or prevent, a clergyman or from celebrating in the disany clergyman or other minister in or from celebrating in the dis-divine syman or other minister in any church, charge of duties. divine service, or otherwise officiating in any church, charge of his chapel manufactures. chapel, service, or otherwise officiating in any divine meeting-house, school-house or other place used for divine Worship, or in or from the performance of his duty in the land church-yard or other in the worship, or in or from the performance of his burial of the dead, in any church-yard or other burial place, or strikes or offers any violence to, or upon any civil place, or strikes or offers any violence w, or approcess, or under the pretence of executing any civil Process, or under the pretence of executing and engaged; arrests any clergyman or other minister who is engaged in or, to the knowledge of the offender, is about to engage in or, to the knowledge of the offender, is accurately any of the rites or duties in this section mentioned, or who, to the knowledge of the offender, is going perform the performance to perform the same, or returning from the performance thereof, is guilty of a misdemeanor, and liable to imprison-Punishment. hent for any term less than two years. 32-33 V., c. 20,

Livery one who wilfully disturbs, interrupts or dis-Disturbing thets and the religious worship, congregation and for religious worship, met for re-Quiets any assemblage of persons met for religious worship, congregation di. for any assemblage of persons met for religious worship, met for rediscourse horal, social or benevolent purpose, by profane ligious works. discourse, by rude or indecent behavior, or by making a ship. Noise, by rude or indecent behavior, or by making to disturb within the place of such meeting or so near it of the meeting, is guilty of a misdam the order or solemnity of the meeting, is guilty of a misdemeanor and liable, on summary conviction, to a Punishment does not not a dollars and costs, and in behalty not exceeding twenty dollars and costs, and in in the last of the last default not exceeding twenty dollars and costs, and the one manufacture, to imprisonment for a term not exceeding one manufacture. ing one month,—and may be arrested on view by any peace officer present at such meeting, or by any other person present at such meeting, or by any other peace present, verbally authorized thereto by any justice of the peace present thereat, and detained until he can be brought a institute a such modern a institute and detained until he can be brought a institute a solution a solut before present thereat, and detained until no call state a justice of the peace. 32-33 V., c. 20, s. 37.

Section 3 of the peace. 32-33 v., c. 20, ...

Proposed				
onsolidated.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
, c. 20	ss. 36 and 37.			

CHAPTER 153.

An Act respecting Offences against Public Morals and

Title amended at the suggestion of the Parliamentary Committee.

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

Sodomy.

1. Every one who commits the crime of buggery, either is ith a human being or with with a human being or with any other living creature, 32-33 guilty of felony, and liable 1. guilty of felony, and liable to imprisonment for life. V., c. 20, s. 63.

Attempts.

2. Every one who attempts to commit buggery, or assaults by person with intent to commit buggery, being any person with intent to commit buggery, or who, being a male, indecently assented a male, indecently assaults any other male, is guilty 32.33 misdemeanor, and liable to the misdemeanor, and liable to ten years' imprisonment. V., c. 20, s. 64.

Section 3 of the original draft is omitted at the suggestion of the Parliamentary amittee. Committee.

Persons who-

3. Every one who, by false pretences, false representations, or other fraudulent means,-

Procure defilement of girl under age, or-

(a) Procures any woman or girl, under the age of twenty man one years, to have illicit carnal connection with any man other than the procurer.

(b) Inveigles or entices any such woman or girl to be ouse of ill-fame or assignation bawdy house, house of ill-fame or assignation, for the purpose of ill-fame tercourse or prostitution or the purpose of ill-fame tercourse tercourse or prostitution, or who knowingly conceals in such house any such woman or girl and in the purpose of illicit in house any such woman or girl so inveigled or enticed,

Punishment.

Is guilty of a misdemeanor, and is liable to two years' apprisonment.

Search for person so

2. Whenever there is reason to believe that any such coman or girl has been invoiced imprisonment. woman or girl has been inveigled or enticed to a house ill-fame or assignation as of the second seco ill-fame or assignation, as aforesaid, then, upon master h found in such thereof being made under oath by the parent, not guardian of such woman guardian of such woman or girl, or in the event of such woman or girl having neither woman or girl having neither parent, master nor guardien in the province in which the ofference in the province in the province in which the ofference in the province in the in the province in which the offence is alleged to have peace, committed, by any other peace in the peace or to the peace. committed, by any other person, to any justice of the peace, or to a judge of any court and any justice of marrants in or to a judge of any court authorized to issue warrants cases of alleged offences against the period of the period of the period or to a judge of any court authorized to issue warrants are cases of alleged offences against the period of the cases of alleged offences against the criminal justice of the peace or indee of the criminal cases are a warranted to issue war justice of the peace or judge of the court may issue a rant to enter, by day or night rant to enter, by day or night, such house of ill-fame assignation, her, 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 of the peace or judge of the connection order her to be delivthe court, who may, on examination, order her to be delivered to b. ered to her parent, master or guardian, or to be discharged, as law and justice require. 48-49 V., c. 82, s. 1.

4. All persons who,—

(a) Not having visible means of maintaining themselves, idle or discoverants. live without employment,-

What persons deemed loose. vagrants.

- (b) Being able to work and thereby or by other means to maintain themselves and families, wilfully refuse or neglect
- dece or Livexpose or exhibit in any street, road, public place or highway, any indecent exhibition, or openly or indecently expose their persons,—
- (d) Without a certificate signed, within six months, by a Mithest, clergyman or minister of the gospel, or two justices in the necessity of the neces of the peace, residing in the municipality where the alms are being act, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, ander about from door to door, wander about and beg, or go about from door to door, or place themselves in any street, highway, passage or public place themselves in any successful place to beg or receive alms,—
- (e) Loiter on any street or highway, and obstruct pas-Loiter on any street or highway, and obstruct grangers by standing across the footpaths or by using insultlanguage, or in any other way,—
- Cause a disturbance in any street or highway by Deaning, swearing or singing, or by being drunk, or by being drunk, or by peding or incommoding peaceable passengers,—
- duct in any street or highway, wantonly or maliciously disturb the nay street or highway, wantonly or maticiously near such the peace and quiet of the inmates of any dwelling house near such street or highway,—
- (h) Tear down or deface signs, break windows, doors or door plates, or the walls of houses, roads or gardens, or
- in the fields, public streets or night walkers, wandering public most public streets or highways, lanes or places sain blic most public streets or highways, lanes or places of bublic meeting or gathering of people, and not giving a satisfactory account of themselves,—
- (j) Are keepers or inmates of disorderly houses, bawdyhouses or houses of ill-fame, or houses for the resort of houses of ill-fame, babit of frequenting such prostitutes, or persons in the habit of frequenting such houses of miname, or houses, or persons in the habit of frequenting a satisfactory account of themselves,—

(k) Have no peaceable profession or calling to maintain emselves by but who are not calling to maintain themselves by, but who do, for the most part, support themselves by caming or critical to maintain themselves by caming or critical themselves by the critical themselves by caming or critical themse themselves by gaming or crime, or by the avails of prosti-tution,—

Are loose, idle or disorderly persons or vagrants, within e meaning of this section the meaning of this section:

Punishment of such persons.

2. Every loose, idle or disorderly person or vagrant shall peace, upon summary conviction before two justices of the peace, be deemed guilty of a mind. be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding for the property. to a fine not exceeding fifty dollars or to imprisonment, with or without hard labor of with or without hard labor, for any term not exceeding six months, or to both.

Justices may cause such persons to be brought before them.

3. Any stipendiary or police magistrate, mayor or warden, any two justices of the contract of or any two justices of the peace, upon information a loose, them made, that any person is them made, that any person hereinbefore described as a loose, idle or disorderly person idle or disorderly person, or vagrant, is or is reasonably suspected to be harbored or suspected to be harbored or concealed in any disorderly house, bawdy-house house hou house, bawdy-house, house of ill-fame, tavern or boarding house, may by warrant and house, may, by warrant, authorize any constable or and to person to enter at any time. person to enter at any time such house or tavern, instices apprehend and bring her apprehend and bring before them or any other justices of the peace, every person for the peace of the peace, every person for the peace of the peace, every person found therein so suspected as aforesaid:

To what places of detention they shall be committed.

4. If provision is made therefor by the laws of the loose, nce in which the conviction is vince in which the conviction takes place, any such idle or disorderly person idle or disorderly person may, instead of being committed to to the common gool or other. to the common gaol or other public prison, be committed to any house of industry or committee to the common gaol or other public prison, be committed to any house of industry or committee to the common gaol or other public prison, be committed to any house of industry or correction, alms house, work house or reformatory prison or reformatory prison. 32-33 V., c. 28;—37 V., c. 43;—44 V., c. 31;—R. S. N. S. (3rd S.), c. 162, s. 9;—1 R. S. N. B., c. 145, s. 1.

The provision in italics is taken from R. S. N. S. (3rd S.), c. 162, s. 9.

Proposed			To be	To be Consolidate
to be Consolidated.	Part Consolidated.	Left for Repeal.	Consolidated elsewhere.	WILL
			-	
2-33 V., c. 20 2-33 V., c. 28	The whole.			
7 V., c. 43 4 V., c. 31	The whole.			
R.S.N.S., c 162 R.S.N.B, c 145 8-49 V., c. 82	s 1.			

CHAPTER 154.

An Act respecting Gaming Houses.

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

- In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "chief constable" includes chief of "Chief conpolice, city marshal or other head of the police force of any stable." city, town or place;
- deputy chief of police, deputy city marshal or other deputy chief constable."

 deputy chief of police, deputy city marshal or other deputy chief constable." head of the police force of any city, town or place.

If the chief constable or deputy chief constable of Police magistrate, &c., being of the chief constable or deputy chief constable of rolled may on re-ball nce, represent the commissioners of portauthorized to act in his may, on re-tall nce, represent the commissioners of portauthorized to act in his may, on reblice or town, or other officer authorized to act in his may, on re-bolice, reports in writing to any of the commissioners of port authorize town, or to the police entry of common gaming bolice, reports in writing to any of the commissioners of port authorized or mayor of such city or town, or to the police entry of combelleving of any town, that there are good grounds for house. believing, and that he does believe, that any house, room place within the said city or town is kept or used as a thited to the docs within the said city or town is kept or used to the said ci gaming house, whether admission thereise, the said commissioner, or mayor, or the commissioner, or mayor, or the commissioner. the saming nouse, which to those possessed of entrance keys or other the police mayor, or the the police mayor, authorize said commissioners or commissioner, or mayor, or the police magistrate, may, by order in writing, authorize thief constable, or other Police magistrate, may, by order in writing, authorized chief constable, deputy chief constable, or other with such constable, deputy chief constable, room or place, such such constable, deemed requisite by the chief With such constable, deputy constable constables as are deemed requisite by the chief constables as are deemed requisite by the constables as are deemed requisite by the constable, deputy chief constable or other officer,—and, if hecessary, deputy chief constable or other officer,—and, taky, whath use force for the purpose of effecting such doors or otherwise,—and to entry, deputy chief constants of effecting such take, whether by breaking open doors or otherwise,—and to Arrest of persent into chief by breaking open doors or otherwise, and to and seizure of instruments. take into custody all persons who are found therein, and to sons therein hope all tables of gaming found in such instruments. seize into custody all persons who are found therein, and we and seizure thouse or brane and instruments of gaming found in such instruments. house or premises, and also to seize all moneys and secutitles or premises, and also to seize all moneys and so v., s. 33, s. 1.

Noney found therein. 38 V., c. 41, s. 1;—40 V.,

The chief constable, deputy chief constable or other Powers of the making constable, deputy chief constable or other powers of the making constable, deputy chief constable or other powers of the making constable, deputy chief constable or other powers of the making constable, deputy chief constable or other powers of the making constable or other powers or other powers of the making constable or other powers of the making constable or other powers or other powers of the making constable or other powers or other powers or other powers of the making constable or other powers or other p officer making constable, deputy chief constable or other rowers may, with the such entry, in obedience to any such order, search. making such entry, in obedience to any such entry, hatte assistance of one or more constables, search or place which he has so Parts of the house, room or place which he has so saming are he suspects that tables or instruments of all persons whom he finds ganing are concealed, and all persons whom he finds

therein, and seize all tables and instruments of gaming which he so finds 38 V of T

4. When any cards, dice, balls, counters, tables or other struments of gaming used in counters, tables or other struments of gaming used in dence of gam instruments of gaming, used in playing any unlawful game, are found in any bouse game, are found in any house, room or place suspected to be used as a common gaming house. used as a common gaming house, and entered under a war rant or order issued under the A rant or order issued under this Act, or about the person any of those who are found in any of those who are found therein, it shall be evidence, until the contrary is made to until the contrary is made to appear, that such house, the or place is used as a comment or place is used as a common gaming house, and that or persons found in the room persons found in the room or place where such tables or instruments of gaming are f instruments of gaming are found were playing therein, although no play was actually although no play was actually going on in the presence of the chief constable deputy at a constable deputy at the chief constable, deputy chief constable or other or other under entering the same under a warrant or order issued this Act, or in the presence of the this Act, or in the presence of those persons by whom accompanied as aforesaid 20 Tr accompanied as aforesaid. 38 V., c. 41, s. 3; 40 V., c. 33, s. 2.

Instruments to be destroyed.

5. The police magistrate or other justice of the peace be re whom any person is the peace of the peace of the peace be rewarded or the peace be reader or the peace be reader or the peace be reader. fore whom any person is taken by virtue of any order or warrant under this Act shall. warrant under this Act, shall direct any cards, dice, used in counters, tables or other interest and cards, dice, used in counters, tables or other instruments of gaming, used in playing any game, and soired playing any game, and seized under this Act in any place used as a common gaming have used as a common gaming house, to be forthwith destroyed, and any money or securities and any money or securities so seized shall be forfeited to the Crown for the public uses of Grand Shall be for 3. Crown for the public uses of Canada. 40 V., c. 33, s. 3.

The words in italics are inserted at the suggestion of the Parliamentary Comeee. mittee.

Punishment of persons playing or looking on.

6. Every one who plays or looks on while any other erson is playing in a comment of the state of person is playing in a common gaming house is guilty of an offence, and liable on summer hards two an offence, and liable, on summary conviction one justices of the peace to justices of the peace, to a penalty not exceeding in hundred dollars and not less the hundred dollars and not less than twenty dollars, and default of payment. to improve that the state of the st default of payment, to imprisonment for a term not exceeding two months. 40 V 200

Punishment of persons obstructing constables.

7. Every one who wilfully prevents any constable of her officer, authorized under the sections other officer, authorized under any of the preceding sections to enter any house, room or all of the preceding the same, to enter any house, room or place, from entering the same, or any part thereof. or who leaves the same any such or any part thereof, or who obstructs or delays who, al constable or officer in so entering, and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external any bolt, chain or other continuous and every one external and any bolt, chain or other contrivance, secures any external or internal door of, or manner of or internal door of, or means of access to, any means in or place so authorized to be entered, or uses any ning or contrivance whatsoever for the contrivance whatsoever for the purpose of preventing or structing or delaying the anter any structure or delaying the anter of the purpose of preventing or delaying the purpose of preventing the purpo structing or delaying the entry of any constable or place, authorized as aforesaid into any authorized as aforesaid, into any such house, room he liable or any part thereof. shall for or any part thereof, shall, for every such offence, be liable, on summary conviction before on summary conviction before two justices of the peace,

and to it not exceeding one hundred dollars, with costs, and to imprisonment with or without hard labor for any term not post of the state o term not exceeding six months. 38 V., c. 41, s. 4.

enter of constable or officer authorized, as aforesaid, What shall be enter wilfully prevented evidence that to enter any constable or officer authorized, as atoresaid, what shows the enter any house, room or place, is wilfully prevented a house is a common gametre. from, or obstructed or delayed in entering the same or any common gambart there are the same of the sa part thereof,—or if any external or internal door of, or means ing house.

of access 1. of access to any such house, room or place so authorized to be entered any such house, room or place with any bolt, be entered, is found to be fitted or provided with any bolt, bar, chair of the purpose of bar, chain or any means or contrivance for the purpose of prevent: preventing, delaying or obstructing the entry into the same, or any new delaying or obstructing the entry into the same, or any part thereof, of any constable or officer authorized, as aforesa; a research such entry,—or if aforesaid, or for giving an alarm in case of such entry,—or if any such house, room or place is found fitted or provided with an income of place is found fitted or provided or p with any means or contrivance for unlawful gaming, or with any means or contrivance for unlawful gaming or with any means or contrivance for untawtus games or destroy; means or contrivance for concealing, removing or destroy; means or contrivance for concealing, removing or destroy; destroying any instruments of gaming, it shall be evidence, that such house, room until the contrary is made to appear, that such house, room or place: bouse and that the or place is used as a common gaming house, and that the persons is used as a common gaming house, and that the persons found therein were unlawfully playing therein. 88 V., c. 41, s. 5.

The police magistrate, mayor or justice of the peace, Magistrate may require the bas been found in may require any of the peace. before whom any person is brought who has been found in may require any house may person is brought who has been found in may require any of the person is brought who has been found in may require any of the person is pursuance of any war-sons appreany house, room or place, entered in pursuance of any war-sons appre-tant or oral room or place, entered in pursuance any such hended tog evidence. tent or order issued under this Act, may require any such hended to give evidence. person to be examined on oath and to give evidence touching any unlawful gaming in such house, room or place, or touching while gaming in such house, room or place, or preventing, obtouching any act done for the purpose of preventing, obtructing any act done for the purpose of preventing, place, or delaying the entry into such house, from or place, or delaying the entry into such nouse, related as any part thereof, of any constable or officer authorled as aforesaid; and no person so required to be examined witnesses with a witnesses with a witnesses wit a witness shall be excused from being so examined when brought before such police magistrate, mayor or justice of the peace of such police magistrate, mayor or justice of the peace of the peace of the police magistrate, mayor or justice of the peace of th the peace, or from being so examined at any subsequent time by or from being so examined at any substitute by or before the police magistrate or mayor or any prohatice of the peace, or by or before any court, on any proceeding the peace, or by or before any court, information, ceeding, or on the trial of any indictment, information, or on the trial of any indictment, information, action or on the trial of any indictment, into or on the or on the or of the or any such acts as aforesaid, or from answering any question but to him touching the matters aforesaid, on the should that him touching the matters aforesaid, on the should that him touching the matters aforesaid, on the should that him touching the matters aforesaid, on the should that him touching the matters aforesaid, on the should that him touching the matters aforesaid, on the should be should ground to him touching the matters aloresaid, and any his evidence will tend to criminate himself; and any such person so required to be examined as a wit- Punishment of persons required to be examined as a wit- persons refusing to give hess who refuses to make oath accordingly, or to answer fusing to give such greatest to be dealt with in all evidence. any such question, shall be subject to be dealt with in all evidence. respects as any person appearing as a witness before any to a summons or subpœna and instice or court in obedience to a summons or subpæna and silve to be sworn or to refusing without lawful cause or excuse to be sworn or to the evidence to a summons or suppose the sworn or to the evidence to a summons or suppose to be sworn or to the evidence to a summons or suppose to be sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summons or suppose to the sworn or to the evidence to a summon or suppose to the sworn or to the evidence to a summon or suppose to the sworn or to the evidence to a summon or suppose to the sworn or to the evidence to the give evidence, may, by law, be dealt with; but nothing in section 1, may, by law, be dealt with; but nothing in under the sixth secthis section shall render any offender, under the sixth sec-

tion of this Act, liable on his trial to examination hereunder. 38 V., c. 41, s. 6;—40 V., c. 33, s. 4. nart.

Such witnesses making a full discovery to be free from all penalties, on certificate.

What the certificate must set forth.

10. Every person so required to be examined as a witness to the who, upon such examination, makes true disclosure, examined as a with the who, upon such examination, makes true disclosure, examined as a with the who, upon such examination, makes true disclosure, examined as a with the who, upon such examination, makes true disclosure, examined as a with the who, upon such examination, makes true disclosure, a with the who, upon such examination, and the who will be a such as a with the who, upon such examination, and the who will be a such as a with the who, upon such examination, and the who will be a such as a will be a best of his knowledge, of all things as to which he is magisticated shall receive from the interval of the standard shall receive from the interval of the int ined shall receive from the judge, justice of the peace, magistrate, examiner or other indicate, justice of the peace, such trate, examiner or other judicial officer before whom proceeding is had a continuate of the peace, master and proceeding is had a continuate of the peace, master and proceeding is had a continuate of the peace, master and proceeding is had a continuate of the peace, master and peac proceeding is had, a certificate in writing to that effect, and shall be freed from all arises. shall be freed from all criminal prosecutions and penal actions, and from all panaltic for a prosecutions and penaltic for a p actions, and from all penalties, forfeitures and punishments to which he has become little forfeitures and punishments to which he has become liable for anything done before that time in respect of the matter. time in respect of the matters regarding which he been examined: but such actual been examined; but such certificate shall not be effectual for the purpose aforesoid and for the purpose aforesaid, unless it states that such witness made a true disclosure in made a true disclosure in respect to all things as to which he was examined: and and another true disclosure in respect to all things as to which he was examined; and any action, indictment or proceedings pending or brought; ings pending or brought in any court against such witness, in respect of any act of in respect of any act of gaming regarding which he was so examined, shall be started so examined, shall be stayed, upon the production and proof such certificate and manufactures and manufactur of such certificate, and upon summary application is court in which such action court in which such action, indictment or proceeding is pending, or any indees the court in the pending of the pending or any indees the court in the pending of the pendin pending, or any judge thereof, or any judge of any of the superior courts of any Province. 38 V., c. 41, s. 7.

			- Address - Company	
Proposed to be Consolidated	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To he consolidated Consolidated
38 V., c. 41 40 V., c. 33	The whole. ss. 1, 2, 3 and 4.	ss. 5 and 6.		

CHAPTER 155.

An Act respecting Lotteries, Betting and Pool-selling.

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

- In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "personal property" includes every "Personal property." description of money, chattel and valuable security, and property. every kind of personal property;
- (b) The expression "real property" includes every de-"Real pro. C. S. C. of land, and all estates and interests therein. 0. 8. C., c. 95, s. 7.

LOTTERIES.

- Every one who makes, prints, advertises or publishes, Penalty for making or making or advertising or causes or procures to be made, printed, advertised or pubadvertising a
 lished are procures to be made, printed, advertised or pubadvertising a lished, any proposal, scheme or plan, for advancing, lend-lottery. ing, any proposal, scheme or plan, for advanced, either roads, selling or in any way disposing of any property, either real or personal, by lots, cards, tickets, or any mode of chance and or personal, by lots, cards, tickets, or any mode of chance whatsoever, or sells, barters, exchanges or otherwise disposes. Or side or assists in the disposes of, or causes or procures, or aids or assists in the sale, barter, exchange or other disposal of, or offers for sale, barter exchange or other disposal or other means or barter, exchange or other disposal of, or once device or exchange, any lot, card, ticket or other means or device of exchange, any lot, card, ticket or other means or device, for advancing, lending, giving, selling or otherwise disposition advancing, lending, giving, selling or otherwise disposing of any property, real or personal, by lots, tickets, or any mode any property, real or personal, by lots, tickets, or any mode of chance whatsoever, shall be liable, on summary could be considered by the country dollars. C. S. C., mary mode of chance whatsoever, shall be made, on c. 95. s. viction, to a penalty of twenty dollars. C. S. C.,
- Every one who buys, barters, exchanges, takes or re-Penalty for the annual be buying or re-penalty for other device, shall be ceiving lotceives any such lot, card, ticket, or other device, shall be buying or reliable, on liable, on summary conviction, to a penalty of twenty dol- tery tickets. lars. C. S. C., c. 95, s. 2.
- Revery sale, loan, gift, barter or exchange of any real or sales, &c., personal property, by any lottery, ticket, card or other mode founded on chance related by the chance related of chance whatsoever, depending upon or to be determined or chance whatsoever, depending upon or to be determined or by chance whatsoever, depending upon or to be chance or lot, shall be void, and all such real personal property so sold, lent, given, bartered or exchanged, shall be for the same by shall be forfeited to any person who sues for the same by action or information in any court of competent jurisdiction. C. S. C., c. 95, s. 3.

As to purchaser with-out notice.

5. No such forfeiture shall affect any right or title to such all or personal property and any right or title to such real or personal property acquired by any bond fide purchaser for valuable considerations. chaser for valuable consideration, without notice. c. 95, s. 4.

Act to extend to publication of foreign lottery schemes.

6. The provisions of this Act shall extend to the printing publishing or concern to the printing of any or publishing, or causing to be printed or published, of any advertisement scheme advertisement, scheme, proposal or plan of any foreign lot-tery, and to the sale or officers. tery, and to the sale, or offer for sale, of any ticket, chance or share, in any such lottery or talk. or share, in any such lottery, or to the advertisement for sale of such ticket, change or share of such ticket, chance or share. C.S.C., c. 95, s. 6.

in common.

7. Nothing in this Act contained, shall prevent joint nants, or tenants in common tenants in common tenants. fide division of tenants, or tenants in common, or persons having joint from in common tenants (decite in division of tenants) terests (droits indivis) in any real or personal property, anner dividing such property by the dividing such property by lot or chance in the same manner as if this Act had not been recorded in the same of as if this Act had not been passed. C. S. C., c. 95, s. 9.

Act not to applyS. Nothing in this Act shall apply,—

To raffles at bazaars.

(a) To raffles for prizes of small value, at any bazaar held r any charitable object if for any charitable object, if permission to hold the same has been obtained from the same has been obtained from the city or other municipal council, or from the mayor recovery. or from the mayor, reeve or other chief officer of the city, town or other municipality. town or other municipality, wherein such bazaar is held, and the articles raffled for and the articles raffled for have thereat first been offered for sale, and none of them. for sale, and none of them are of a value exceeding dollars: dollars;

Or to distribution by lot of works of art.

(b) To any distribution by lot, among the members of the eket holders of any incorporate ticket holders of any incorporated society established for the encouragement of art of areas and any other encouragement of art, of any paintings, drawings or of or work of art, produced by the land of the state of t work of art, produced by the labor of the members of published by or under the published by or under the direction of such incorporated society. 23 V. (Can) 2 22

BETTING AND POOL-SELLING.

Persons who---

9. Every one who,—

Use premises for pool selling, &c.

(a) Uses or knowingly allows any part of any premises and relating of the control to be read of the control to the control under his control to be used for the purpose of recording or registering any bet or weekers. registering any bet or wager, or selling any pool,

Keep apparatus for such purpose.

(b) Keeps, exhibits, or employs, or knowingly allows to kept, exhibited or employs, or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control any daries under his control, any device or apparatus, for the purpose of recording or registering of recording or registering any bet or wager or selling any pool,—

Become custodians of wagers.

(c) Becomes the custodian or depositary of any money, operty, or valuable thing stale. property, or valuable thing staked, wagered or pledged, or,

(d) Records or registers any bet or wager, or sells any Record bets or sell pools.

Of any race, or of any contest or trial of skill or endurance specified. of man or beast,—

Is guilty of a misdemeanor, and liable to a fine not ex-Punishment. ceeding one thousand dollars, and to imprisonment for any term not exceeding one year:

2. Nothing in this section shall apply to any person by Act not to exreason of his becoming the custodian or depositary of any holders of honey. Dream the custodian or depositary of the stakes in money, property or valuable thing staked, to be paid to the stakes in certain cases. winner of any lawful race, sport, game or exercise, or to tain cases. the owner of any lawful race, sport, game or excluse, the owner of any horse engaged in any lawful race, or to bets hot. bets between individuals. 40 V., c. 31, ss. 1 and 2.

Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
The whole except ss 5 and 8. The whole. ss 1 and 2 The whole.	ss. 5 and 8.	s. 3	Summary Trials.
	Consolidated	Part Left Consolidated for Repeal. The whole except ss 5 and 8. The whole. ss 1 and 2. The whole.	Consolidated for Repeal. Consolidated elsewhere.

CHAPTER 156.

An Act respecting Gambling in Public Conveyances.

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

Punishment of persons obtaining money by gambling in public conveyances. 1. Every one who in any railway car, or steam-boat, 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, is guilty of the misdemeanor of obtaining the same guilty by false pretences, and liable to imprisonment for any term less than one year:

And of attempts.

2. Any attempt to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him, is a misdement punishable in like manner as the offence itself.

40 V. 6. 32, s. 1, part.

Where the offence may be tried and punished.

2. Every such offence may be dealt with, inquired of, tried, determined and punished as being committed either at the place where it actually took place, or in any district, county or place through or adjoining to or by the boundary county or place through or adjoining to or by the boundary of any part whereof the railway car or steam-boat passed in the course of the journey or voyage during which that offence was committed, in the same manner as if it had offence was committed in such district, county or place. 40 V., c. 32, s. 2.

Arrest of offenders.

3. Every conductor, master or superior officer in charge of, and every clerk or employee when authorized by the conductor or superior officer in charge of any railway any or steam-boat, station or landing place, in or at which such offence, as aforesaid, is committed or attempted, shall, such offence, as aforesaid, is committed or attempted, shall with or without warrant, arrest any person whom he has with or without warrant, arrest any person whom he to good reason to believe to have committed or attempted to commit the same, and shall take him before a justice writpeace, and make complaint of such offence on oath, in out a ling; and the offender, whether arrested with or without a warrant, shall be dealt with, and other proceedings shall be warrant, shall be dealt with, and other proceedings of such had, as if he had been arrested upon a warrant of

How dealt with after arrest.

Penalty for 2. Every conductor, master or superior officer in charge of arrest offendary railway car or steam-boat to which this Act applies, der.

who makes default in the discharge of any duty imposed on to a penalty not exceeding one hundred dollars, and not less than twenty dollars. 40 V., c. 32, ss. 3 and 5, part.

against the first section of this Act, shall be dealt with as be deemed obtained by larceny from the person. 40 V., c. 32, s. 4, part. larceny.

without a warrant, and taking him before a justice of the sons arresting and otherwise complying with this Act in respect of the same manner, as if he had so done under a warrant of justice. 40 V., c. 32, s. 4, part.

Every company or person who owns or works any Copies of Act keep a copy thereof posted up in some conspicuous part of who makes default in the discharge of such duty, shall be default in the discharge of such duty, shall be less than twenty dollars. 40 V., c. 32, s. 5, part.

Proposed to be Consolidated Part for Repeal.

To be Consolidated Consolidated with

The whole except part of s 1 and part of s. 4....... Part of s. 1..... Accessories.

CHAPTER 157.

An Act respecting Offences relating to the Law of

HER Majesty, by and with the advice and consent of the Senate and House of Communications and consent of the Senate and House of Communications and consent of the Senate and Communications and Communicat Senate and House of Commons of Canada, enacts as ws: follows:-

Unlawfully solemnizing or procuring unlawful solemnization of marriage.

- 1. Every one who,—
- (a) Without lawful authority, the proof of which shall lie him, solemnizes or proton described. on him, solemnizes or pretends to solemnize any marriage, or—
- (b) Procures any person to solemnize any marriage to lowing that such person. knowing that such person is not lawfully authorized to solemnize such marriage or lawfully authorized such solemnize such marriage, or knowingly aids or abets such person in performing such

Punishment.

Is guilty of a misdemeanor, and liable to a fine or to two pars' imprisonment or to liable to a fine or to 109, 85.1 years' imprisonment, or to both. C. S. U. C., c. 102, ss. 146, and 2;—R. S. N. S. (3rd S.) and 2;—R.S. N. S. (3rd S.), c. 161, s. 3;—1 R. S. N. B., c. 146, s. 2.

Solemnizing marriage in violation of provincial law.

2. Every one who, being lawfully authorized, knowingly and wilfully solemnized and wilfully solemnizes any marriage in violation of laws of the Province in which laws of the Province in which the marriage is solemnized, is guilty of a misdemanner. is guilty of a misdemeanor, and liable to a fine or to one year's imprisonment.

Time for prosecution limited.

2. No prosecution for any offence against this section is commenced except with the section of the section is be commenced except within two years after the offence R. committed. C. S. H. C. and the committed of the co committed. C. S. U. C., c. 102, ss. 3, part, and 4, part;
S. N. B., c. 146, s. 3, part - B S B S. N. B., c. 146, s. 3, part;—R. S. B. C., c. 89, s. 14.

Bigamy.

3. Every one who, being married, marries any other per on during the life of the son during the life of the former husband or wife, whether the second marriage takes all the second marriage takes place in Canada, or elsewere, guilty of felony, and liable guilty of felony, and liable to seven years' imprisonment:

Exceptions.

Punishment.

2. Nothing in this section contained shall extend to,

Marriage by an alien out of Canada.

(a) Any second marriage contracted elsewhere than in anada by any other than a subject to the resident Canada by any other than a subject of Her Majesty resident in Canada and leaving the same it the in Canada and leaving the same with intent to commit the offence;

- or wife has been continually absent from such person for seven years. known by such person to be living within that time;
- (c) Any person who, at the time of such second marriage, Divorce. Was divorced from the bond of the first marriage; or—
- Void by the sentence of any court of competent jurisdiction. marriage annulled. ..., c. 20, s. 58, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
1. O. N	i i	ss 3 and 4, parts.		
R. S. B. C., c. 89	ss. 2 and 3, part. s. 14. s. 58, part.			

CHAPTER 158.

An Act respecting Offences against the Person.

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

Interpretation. 1 arms."

1. In this Act, unless the context otherwise requires, the pression "loaded arms" included expression "loaded arms" includes any gun, pistol or other arm loaded in the barral with substance, and ball, shot, slug or other destructive material or charged with compressed or charged with compressed air and having ball, shot, slug or other destructive material or other destructive material in the barrel, although 18. attempt to discharge the same fail. 32-33 V., c. 20, s. 18.

Murder.

2. Every one who is convicted of murder shall suffer eath as a felon. 32-33 V 200 death as a felon. 32-33 V., c. 20, s. 1.

Conspiracy to murder.

3. Every one who,—

(a) Conspires, confederates or agrees with any person to urder any other person what murder any other person, whether the person intended to be murdered is a subject of U.S. T. be murdered is a subject of Her Majesty or not, or is within the Queen's dominions or not

Proposal to murder.

(b) Solicits, encourages, persuades, endeavors to persuade proposes to any person, or proposes to any person to murder any other person whether the person whose whether the person whose murder is solicited, encouraged or attempted to be procured in or attempted to be procured is a subject of Her Majesty of not, or within the Queen's dark in the Open of the Majesty of the M

Is guilty of a misdemeanor, and liable to ten years, im-isonment. 32-33 V 2000 prisonment. 32-33 V., c. 20, s. 3.

4. Every accessory after the fact to murder is liable to apprisonment for life 22 22 Tr Accessory after the fact. imprisonment for life. 32-33 V., c. 20, s. 4.

Manslaughter.

5. Every one who is convicted of manslaughter is liable imprisonment for life or to imprisonment for life, or to pay such fine as the court awards, in addition to or with the court awards. awards, in addition to or without any such imprisonment. 32-33 V., c. 20, s. 5.

Excusable homicide.

6. No punishment or forfeiture shall be incurred by any necessary who kills another be shall be incurred by any his own person who kills another by misfortune, or in his 32.33 defence, or in any other manual person who kills another by misfortune. defence, or in any other manner without felony. V., c. 20, s. 7.

Petit treason. Special treason. of petit treason, would have amounted to petit treason, shall deemed as greater offence. 32-33 be deemed to be murder only, and no greater offence. 32-33 V., c. 20, s. 8, part.

S. Every one who, with intent to commit murder, ad-Attempt to ministers on to be taken by Ministers, or causes to be administered, or to be taken by person or causes to be administered, or by any any person, any poison or other destructive thing, or by any beans by any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily to an to a felony, and liable to imharn to any person, is guilty of felony, and liable to imprisonment for life. 40 V., c. 28, s. 1.

her erning one who, by the explosion of gunpowder or Damaging building we have any build-intent to m other tvery one who, by the explosion of gunpowder or pamaging ing explosive substance, destroys or damages any build-building with intent to murtic with intent to murtic guilty of felony, and der. hable to:

1. 1. 2. 2. 2. 2. V. c. 20, s. 11. hable to imprisonment for life. 32-33 V., c. 20, s. 11.

the to any one who, with intent to commit murder, sets Setting fire to, as the to any of with intent to the to any ship or vessel, or any part thereof, or any part of with intent to chattels hair appared or furniture thereof, or any goods or any murder. chattels, apparel or furniture thereof, or any goods being therein, or casts away or destroys any ship or hable to imprisonment for ressel, is guilty of felony, and liable to imprisonment for 32.29 tr hte. 32-33 V., c. 20, s. 12.

Every one who, with intent to commit murder, at-Attempts to poison, shoo drown, &c., tempts to administer to, or attempts to cause to be administer to cause to be administer to, or attempts to cause to be administer to cause to be ad it to administer to, or attempts to cause to be administered to, or to be taken by any person, any poison or other any person with intent to higger or in any person, or by drawing a murder. higger or in any other manner, attempts to discharge any man of load any other manner, attempts to drown, of loaded arms at any person, or attempts to discussion whether any bodily injury of loaded arms at any person, or attempts to the effected strangle any person, whether any bodily injury bisonment could be supposed by the supposed of strangle any person, whether any bound in liable to im-Prisonment for life. 32-33 V., c. 20, s. 13.

Every one who, by any means other than those spe- Attempting murder by any other cified in any one who, by any means other than those spe-Attempts to commit must be preceding sections of this Act, attempts any other means. to commit murder, is guilty of felony, and liable to imprisonment for life ment for life. 32-33 V., c. 20, s. 14.

ACTS CAUSING BODILY HARM OR DANGEROUS TO LIFE. Bable any Done who, with intent to maim, disfigure or Attempts to main, disfigure or Attempts to any Done who, with intent to maim, disfigure, &c. disable any person, or to do some other grievous bodily harm figure, &c. to any person, or to do some other grievous poundable hension, or with intent to resist or prevent the lawful mail the hension. apprehension, or with intent to resist or prevent and and ciously or detainer of any person, unlawfully and and apprehension or detainer of any person, wounds or causes Malicionally, by any means whatsoever, wounds or causes beneficionally, by any means whatsoever, wounds at any person, or shoots at any person, or shoots at any person. person, or harmon or in any other manner, person, or should be bodily harm to any person, is the bodily drawing a trigger, or in any other manner, is a bodily harm to any person, is the bodily harm to any person, is the bodily harm to any person, or should be bodily b attempts to discharge any kind of loaded arms at any person, is stailty of felony, and liable to imprisonment for life.

weapon.

14. Every one who unlawfully and maliciously wounds inflicts any grievous bodiljuries with or without a weapon.

Every one who unlawfully and maliciously would without a weapon.

Every one who unlawfully and maliciously would would be inflicted any grievous bodily harm upon any other person, without a wi either with or without any weapon or instrument, is guilty of a misdemeanor, and liable to the contract of the of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 19 nart

indictable offence.

15. Every one who, with intent thereby to enable him thereby choke, &c., with intent to self or any other person to commit, or with intent to assist any other resonance of the committee to assist any other resonance of the committee of t to assist any other person to commit, or with intent the to assist any other person in committing any indictable offence, or by any means what offence, or by any means whatsoever, attempts to chake suffocate or strangle any set. suffocate or strangle any other person, or by any means calculated to choke suffocate or strangle any other person, or by any render calculated to choke, suffocate or strangle, attempts to render any other person insensible of any other person insensible, unconscious or incapable of resistance, is guilty of felony, and liable to imprisonment for life, and to be whinned.

Administering chloroform, &c., with like intent.

16. Every one who, with intent thereby to enable him thereby self or any other person to commit, or with intent thereby to enable thereby self or any other person to commit, or with intent thereby to assist any other person in the self-or self to assist any other person to commit, or with intent there of to assist any other person in committing any indictable of fence, unlawfully applies or admitting any indictable of fence, unlawfully applies or administers to, or causes to taken by, or attempts to applies taken by, or attempts to apply or administer to, or causes to or causes to be administered. or causes to be administered to or taken by any person, and chloroform, laudanum or other characteristics. chloroform, laudanum or other stupefying or overpowering drug, matter or thing is drug, matter or thing, is guilty of felony, and liable 20, imprisonment for life and to 1 s. 21.

Administering poison so as to endanger life, åτc.

17. Every one who unlawfully and maliciously adminters to, or causes to be adminded by any isters to, or causes to be administered to or taken noxious other person. any poisson other person, any poison or other destructive or norson, or thing, so as thereby to and thing, so as thereby to endanger the life of such person, or so as thereby to inflict many so as thereby to endanger the life of such person, us so as thereby to inflict upon such person any grievous bodily harm, is guilty of felony, and liable to imprisonment. 32-33 V., c. 20, s. 22.

Administering poison with intent to injure or annoy.

18. Every one who unlawfully and maliciously admiristers to, or causes to be administered to or taken by any other person, any poison other person, any poison or other destructive or now such thing, with intent to intend to other destructive or now such thing, with intent to injure, aggrieve or annoy person, is guilty of a misdamanning three years person, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V c 20 C 20

19. Every one who, being legally liable, either as a hustress, and, parent, guardian liable, to provide food, &c., whereby life is nurse or otherwise tank whereby life is nurse or otherwise, to provide for any person as wife, there endangered. ward, lunatic or idiot approximation ward, lunatic or idiot approximation. ward, lunatic or idiot, apprentice or servant, infant or with wise, necessary food clothing and with wise, necessary food, clothing or lodging, wilfully and with out lawful excuse, refuses and wilfully and wilf out lawful excuse, refuses or neglects to provide the same, and unlawfully or maliciously does unlawfully or maliciously does, or causes to be done, the bodily harm to any such appropriate the same of the done, the bodily harm to any such appropriate the same of the sa bodily harm to any such apprentice or servant, so that the life of such apprentice or servant, so or the bodily harm to any such apprentice or servant, so or the bodily harm to any such apprentice or servant, so that the bodily are the servant of life of such apprentice or servant is endangered, of health of such apprentice or servant is endangered. health of such apprentice or servant is endangered, or is likely health of such apprentice or servant has been, or is

to be, permanently injured, is guilty of a misdemeanor, and 20-23 V.. c. 20, s. 25. liable to three years' imprisonment. 32-33 V., c. 20, s. 25.

Every one who unlawfully abandons or exposes any Exposing whereby the life of children. child, being under the age of two years, whereby the life of children. such child is endangered, or the health of such child has been, or is its endangered, or the health of such child has been child is endangered, or the health or such this constraint of a misdeman likely to be, permanently injured, is guilty of a three years' imprisonment. misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 26.

Every one who, unlawfully and maliciously, by the Causing plosion of one who, unlawfully and maliciously, by the Causing bodily in by explosive substance, burns, by explosive substance, burns, by explosive substance, burns, but the causing by explosive substance, burns, but the causing burns, burns, but the causing burns, but the causing burns, but the causing burns, but the causing burns, burns, but the causing burns, bur explosion of gunpowder or other explosive substance, burns, by explosives. mains, disfigures, disables or does any grievous bodily harm to any person, is guilty of felony, and liable to im-Prisonment for life. 32-33 V., c. 20, s. 27.

Every one who, with intent to burn, maim, disfigure Causing explosion, sening explos or disable any person, or to do some grievous bodily harm plosion, sending explosives any person, or to do some grievous bodily harm ing explosives to any person, or to do some grievous bodily main ing explosive substance to explode, or corrosive substances. ends or dal; or other explosive substance to explode, or stances. sends or delivers to, or causes to be taken or received by person over to, or causes to be taken or received by or delivers to, or causes to be taken or received or horizon any explosive substance, or any other dangerous the substance, or casts or any place, or casts or or noxious thing, or puts or lays at any place, or casts or comes at any person, any throws thing, or puts or lays at any place, or case.

On sat or upon, or otherwise applies to any person, any
any sive first pon, or otherwise applies to any person, any Consider a destructive of explosive substance, and whether or any destructive or explosive substance, and whether or explosive substance, and the substance telony, and it is bodily harm is effected or not, is guilty of any ment for life. 32-33 V., c. telony, and liable to imprisonment for life. 32-33 V., c.

Every one who unlawfully and maliciously places Placing ex-throws in one who unlawfully and maliciously places Placing ex-plosive near any building, ship places placing or near any building or of throws in, into, upon, against or near any building, ship plosive near a building or bu or vessel, into, upon, against or near any building, bui intent to do any bodily injury to any person, whether or to do any bodily injury to any whether or not any injury injury injury to felony, and liable to bodily explosion takes place, and whether or not burteen very is effected, is guilty of felony, and liable to forteen years' imprisonment. 32-33 V., c. 20, s. 29.

Every one who sets or places, or causes to be set or Setting spring or other engine calcuplaced, Every one who sets or places, or causes to be set or setting or lated to destroy 1 guns, man-trap, or other engine calcu-guns, according to destroy 1 guns, according to destroy 1 guns, according to destroy 1 guns, according to the contract of the lated to destroy human life or inflict grievous bodily harm, dant the internal human life or whereby the same may with the destroy human life or inflict grievous boung destroy or incl. that the same or whereby the same may or any or incl. or other person coming in contact therewith, is guilty of a misdemeanor coming in contact therewith, is guilty of a hisdemeanor, and liable to three years' imprisonment:

Every one who knowingly and wilfully permits any Allowing gut spring which has been spring gut acc, to remain the spring which has been spring gut acc, to remain the spring spring gut acc, to remain the spring gut account the spring gut account the spring gut account the spring gut account to the spring gut account to the spring gut account et or placed by, man-trap or other engine which has been spring gun, or an placed by, man-trap or other engine which is, so set. set of spring-gun, man-trap or other engine which has so set.

or afterwards by some other person, in any place which is, so set.

continuous to possession or occupation, to or placed by some other person, in any place wards comes into his possession or occupation, to place to have set or continue so set or placed, shall be deemed to have set or said such metals with such intent as aforeplaced so set or placed, shall be deemed to nave said: such gun, trap or engine, with such intent as afore-

As to traps for vermin.

3. Nothing in this section contained shall extend to make illegal to set or place any contained shall extend to make its state of the section it illegal to set or place any gin or trap such as is set or placed with the intent of set or placed with the intent of destroying vermin. V., c. 20, s. 30.

Placing obstacles on a railway or removing rails, &c.

25. Every one who, with intent to injure or to endanger e safety of any person travell: the safety of any person travelling or being upon any way, unlawfully and maliciously way, unlawfully and maliciously puts or throws after of across such railway. any wood across such railway, any wood, stone, or other matter of thing, or unlawfully and maliciously takes up, removes of displaces any rail, railway switch displaces any rail, railway switch, sleeper, or other nestrons or thing belonging to such railor thing belonging to such railway, or injures or nortion any track, bridge or fence of any track, bridge or fence of such railway, or any portion thereof, or unlawfully and many railway, or any portion thereof. thereof, or unlawfully and maliciously turns, to such diverts any point or other machinery belonging shows, railway, or unlawfully and maliciously turns, moves to such railway, or unlawfully and maliciously turns, moves to such that the such terms of the such term railway, or unlawfully and maliciously makes or to such hides or removes any signal hides or removes any signal or light upon or near to be railway, or unlawfully and maliciously makes of shuch railway, or unlawfully and maliciously makes to be railway, or unlawfully and maliciously does or causes to be done any other matter or thindone any other matter or thing, with such intent, is voc. of felony, and liable to impose the such intent, is voc. of felony, and liable to imprisonment for life. 32.33 V., s. 20, s. 31;—42 V., c. 9, s. 22 20, s. 31;—42 V., c. 9, s. 88, part, and s. 89;—44 V., c. 116, part, and 117.

Throwing missiles at a railway carriage.

26. Every one who unlawfully and maliciously throws causes to fall or stribe or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck and any resistant engine, tender, carriage or truck used upon any months any wood, stone or other ways any wood, stone or other matter or thing, with intention injure or endanger the safety of any injure or endanger the safety of any person being in or approach engine, tender, carriego other such engine, tender, carriage or truck, or in or train, at which other engine, tender, carriage or truck, or in or train, other engine, tender, carriage or truck of any which such first mantions. which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or forms part, is guilty of felony and train to truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such first mentioned engine, tender, carriage or truck of any train, which such a such as a suc forms part, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20. s. 30

27. Every one who, by any unlawful act, or by any be in omission or neglect of darks. endanger persons on a rail-endangered the safety of any unlawful act, or by any to be causes in sons on a rail-endangered the safety of any any unlawful act, or by any to be endangers or causes in sons on a rail-endangered the safety of any any or being, and or being, sons on a rail- endangered the safety of any person conveyed or being way.

or upon a railway. or aids or only untawith act, or causes to in sons on a rail endangered the safety of any person conveyed or uity to or upon a railway. or aids or or upon a railway, or aids or assists therein, is guilty less misdemeanor, and liable to important then the safety of any person conveyed or being or upon a railway, or aids or assists therein, is guilty less than the safety of any person conveyed or being the property of the safety of any person conveyed or being the safety of any person conveyed or being the property of the safety of any person conveyed or being the property of the safety of any person conveyed or being the safety of a sa misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V

28. Every one who, having the charge of any carriage of the chicle, by wanton or furious distance of any carriage of the chicle, by wanton or furious distance of the charge of the chicle, by wanton or furious distance of the charge of the c Every one who, having the charge of any carriage of sons by furious driving.

Every one who, having the charge of any carriage of the other vehicle, by wanton or furious driving, or racing wilful misconduct or by wilful wilful misconduct, or by wilful neglect, does or causes nilty done any bodily harm to any done any bodily harm to any person whatsoever, is guilty of a misdemeanor, and liable to of a misdemeanor, and liable to imprisonment for any less than two years. 32-32 V

29. Every one who, by any unlawful act, or by duty egligently or omitting to do bodily injury. negligently or omitting to do any act which it is his is to do, causes grievous hodily injury. to do, causes grievous bodily injury to any other person for guilty of a misdemeanor and living any town. guilty of a misdemeanor, and liable to imprisonment any term less than two years any term less than two years. 32-33 V., c. 20, s. 35.

ASSAULTS.

80. Every one who assaults any person with intent to Assault with intent to commit resists or wilfully intent to commit resists or wilfully intendictable commit any indictable offence,—or assaults, resists or wilfully intent to combitmets obstructs any revenue or peace officer, or any officer seizing offence and assaults on the due officers. trees, logs, timber or other products thereof, in the due assaults on officers. execution of his duty, or any person acting in aid of such officer. officer, or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other lawful apprehension or detainer of himself, or wilany other person for any offence,—or assaults, resists or wilfully obstructs any person in the lawful execution of any process against any person in the lawful execution of any process against any person in the lawful execution of any factors or seizement lands or goods, or in making any lawful distress process, distress or seizure, is guilty of a misdemeanor, and tarm less than two years. liable to imprisonment for any term less than two years. 32.33 V imprisonment for any term less than two, s. 8, 8, part; -46 V., c. 16, 8. 6, part, and c. 17, s. 66, part.

Note This offence, so far as relates to certain revenue officers, is provided for the Customs and Inland Revenue Acts, and a greater punishment imposed.

Every one who commits any assault which occasions Assault had:, y one who commits any assault which occasions and liable occasion bodily h actual Every one who commits any assault which occasions Assault to three work harm, is guilty of a misdemeanor, and liable occasioning bodily harm. to three years' imprisonment. 32-33 V., c. 20, s. 47, part.

Rivery one who commits a common assault is guilty Common assault. Every one who commits a common assault is guilty commits a common assault is guilty assault. tion, to one year's imprisonment, and, on summary conviction, to one year's imprisonment, and, on summary two months not exceeding twenty dollars and costs, or to month or without hard labor. two months' imprisonment, with or without hard labor. Nonths' imprisonment, with V., c. 20, ss. 43, part, and 47, part.

RAPE.

felony one who commits the crime of rape is guilty Rape. of felony, and liable to suffer death as a felon, or to imprison-Rent for life, or for any term not less than seven years. 36 V., c. 50, s. 1, part.

ABDUCTION AND DEFILEMENT OF WOMEN.

Every one who assaults any woman or girl with Assault with to comintent to commit rape is guilty of a misdemeanor, and liable mit rape. to imprisonment rape is guilty of a misdemeanor, and and not less that for any term not exceeding seven years and not less than two years. 36 V., c. 50, s. 1, part.

Roses and Carnally knows and Car abuses any girl under the age of ten years, is guilty of knowing a not less than 5. Not less than five years. 40 V., c. 28, s. 2.

Every one who unlawfully and carnally knows and The same between the abuses any girl above the age of ten years and under the tween the

ages of ten and twelve. age of twelve years is guilty of a misdemeanor, and liable to seven years' imprisonment and remainder of the seven years' in the seven years seven years' imprisonment. 32-33 V., c. 20, s. 52.

Attempts to commit such offence and indecent assault.

37. Every one who commits any indecent assault upon ny female, or attempts to hear any female, or attempts to have carnal knowledge of any girl under twelve years of any girl under twelve years of age, is guilty of a misdement and liable to imprisonment for and liable to imprisonment for any term less than two years, and to be whinned

Abduction of a woman, against her will, from motives of lucre.

38. Every one who,—

(a) From motives of lucre, takes away or detains against or will, with intent to married away or detains or to her will, with intent to marry or carnally know her, other cause her to be married or carnally know her, other cause her to be married or carnally known by any person, any woman of any person, any woman of any age who has any interest, whether legal or equitable whether legal or equitable, present or future, absolute, or who ditional or contingent in any age who has any intercontingent in any age who has a single contingent in a single con ditional or contingent in any real or personal estate, or who is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate, or next is a presumptive heiress or or lead to the personal estate. is a presumptive heiress or co-heiress or presumptive of kin, or one of the presumptive of kin, or one of the presumptive next of kin to any one having such interest or

Abduction of a girl under age.

(b) Fraudulently allures, takes away or detains such oman, being under the account of the woman, being under the age of twenty-one years, out of the possession and against the age of twenty-one years, other, or possession and against the will of her father or mother, of of any other person having of any other person having the lawful care or charge her, with intent to marry or her, with intent to marry or carnally know her, or to cause her to be married or carnally know her, or to cause her to be married or carnally know her. her to be married or carnally known by any other person,

Punishment.

Is guilty of felony, and liable to fourteen years, in isonment: prisonment:

2. Every one convicted of any offence under this section all be incapable of taking taking any of shall be incapable of taking any estate or interest, legal of taking any equitable, in any real or parameters. her property. equitable, in any real or personal property of such woman, or in which she has any or in which she has any interest, or which comes to her as such heiress, co-heiress are which comes to heiress. such heiress, co-heiress or next of kin; and if any such marriage takes place such marriage takes place, such property shall, upon such viction, be settled in such viction, be settled in such manner as any court of competent jurisdiction, upon any information. jurisdiction, upon any information, at the instance of the Attorney General for the Province in which the property is situate, appoints. 32-33 V

The remainder of s. 54 of 32-33 V., c. 20, is restored as sub-3. 2 at the suggest of the Parliamentary Committee. tion of the Parliamentary Committee.

Forcible abduction of any woman.

39. Every one who, by force, takes away or detains ainst her will any work. against her will any woman, of any age, with intented marry or carnally know her are marry or carnally know her, or to cause her to be married or carnally known by any other or carnally know her, or to cause her to be marry or carnally known by any other person, is guilty of felony, and liable to fourteen years' immediately of the state of the st s. 55.

40. Every one who unlawfully takes or causes to be Abduction of the age of sixteen a girl under sixteen vears. taken any unmarried girl, being under the age of sixteen a girl under years. years, out of the possession and against the will of her father or the possession having the lawful father or mother, or of any other person having the lawful care or of any other person having the lawful care or mother, or of any other person maxing to imprise of her, is guilty of a misdemeanor, and liable to imprise of her, is guilty of a misdemeanor, and liable to imprise than two years. 32-33 to imprisonment for any term less than two years. 32-33 V., c. 20, s. 56.

CHILD STEALING.

41. Every one who,—

Taking away, enticing and detaining

(a) Unlawfully, either by force or fraud, leads or takes children. away or decoys or entices away or detains any child under the age coys or entices away or detains to deprive any the age of fourteen years, with intent to deprive any parent. parent, guardian or other person having the lawful care or with intent child, of the possession of such child, or with intent to steal any article upon or about the person of and intent to steal any article upon or about the child, to whomsoever such article belongs, or—

(b) With any such intent, receives or harbors any such Receiving child, knowing the same to have been, by force or fraud, stolen child. led, knowing the same to have been, by lorce of taken, decoyed, entired away or detained, as in this. before mentioned,—

Is guilty of felony, and liable to seven years' imprison-Punishment.

No person who has claimed any right to the possession Persons pre-such chila of No person who has claimed any right to the possession ferring certain claims an illustration or is the mother, or has claimed to be the father tain claims to be prosecuted by not lead to be prosecuted by not lead to be prosecuted. of an illegitimate child, shall be liable to be prosecuted by not liable to be prosecuted by not liable to be prosecuted by not liable to be prosecution. Firthe hereof on account of the getting possession of such prosecution.

And or take the possession of any perchild or taking such child out of the possession of any perton having such child out of the possession of the having the lawful charge thereof. 32-33 V., c. 20, s. 57.

Parliamentary Committee.

KIDNAPPING.

Every one who, without lawful authority, forcibly Seizing, con-Seizes and confines or imprisons any other person within fining, or imprisoning without law-Canada, or kidnaps any other person with intent,—

ful authority.

aprisoned : Such other person to be secretly confined or imprisoned in Canada against his will,—

(b) To cause such other person to be unlawfully sent or transported out of Canada against his will, or—

(c) To cause such other person to be sold or captured as a alaye, or in any way held to service against his will,—

Is guilty of felony, and liable to seven years, imprison ent: Punishment. ment:

Non-resistance not a defence.

2. Upon the trial of any offence under this section, fully on-resistance of the pareer. non-resistance of the person so kidnapped or unlawfully confined thereto shall not be a linear state of the person so kidnapped or unlawfully confined thereto shall not be a linear state of the person so kidnapped or unlawfully confined thereto shall not be a linear state of the person so kidnapped or unlawfully confined thereto shall not be a linear state of the person so kidnapped or unlawfully confined the person so kidnapped or unlawfully c confined thereto, shall not be a defence, unless it appears that it was not caused by that it was not caused by threats, duress or force exhibition of force 20 20 W exhibition of force. 32-33 V., c. 20, ss. 69 and 70.

ABORTION.

Administering drugs or using instruments to procure abortion.

43. Every woman, being with child, who, with the tent to procure her own misses. intent to procure her own miscarriage, unlawfully administers, or permits to be administers, ters, or permits to be administered, to herself any poison of other noxious thing or will all the design of the second of the se other noxious thing, or unlawfully uses, or permits to be used on herself any instrumental variables. used on herself, any instrument or other means whatsoever with the like intent and

Every one who, with intent to procure the miscarriage any woman, whether she of any woman, whether she is or is not with child, unlawfully administers to have a second to the child, any fully administers to her or causes to be taken by her any poison or other povious poison or other noxious thing, or unlawfully uses like instrument or other manner. instrument or other means whatsoever with the like intent,—

Punishment.

Is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 59.

The words in italics are inserted at the suggestion of the Parliamentary Committee

Procuring

44. Every one who unlawfully supplies or procures any bison or other novious thing poison or other noxious thing, or any instrument of the whatsoever, knowing that it such purpose. Whatsoever, knowing that the same is intended to the unlawfully used or ample unlawfully used or employed with intent to procure with miscarriage of any woman miscarriage of any woman, whether she is or is not with child, is guilty of a misday. child, is guilty of a misdemeanor, and liable to two years' imprisonment. 39-33 V

CONCEALING THE BIRTH OF A CHILD.

Concealing birth of a child.

45. Every one who, by any secret disposition of the dead ody of any child of the dead, body of any child of which any woman is delivered, whether such child died in any woman is delivered, whether such child died before, at or after its mise endeavors to conceal the little and the little mise. endeavors to conceal the birth thereof, is guilty of a less demeanor, and liable to demeanor, and liable to imprisonment for any term less than two years 20,29 W

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidatsd with.
³²⁻³³ V., c. 20	The whole except—ss. 6, 9, 19 (part),		ss. 6, 9, 19 (part),	
	88. 6, 9, 19 (part), 24, 48, 61 (part), 62, 65, 71, 78, 79, 82, 83, 84 and 85		24,48, 61 (part), 62, 65, 71, 78,79, 82, 83, 84 and 85.	
	ss. 2, 20 (part), 21 (part), 40 (part), 41 (part), and 77.		ss 2, 20 (part), 40 (part), 41 (part), and 77.	Punishments.
	88. 15, 40 (part),41 (part), and 42.		ss. 15, 40, 41 and 42.	specting Threats.
	s 8 (part) ss. 16 and 38 ss. 36 and 37		s. 8 (part) ss. 16 and 38 ss. 36 and 37	Offences
	ss. 43 (part),44,45, 46 and 80.	······	ss 43, 44, 45, 46 and 80.	against Religion. Summary convictions.
	s. 58	ł	s. 58	Marriage and Procedure.
	88. 50, 63 and 64		ss 50, 63 and 64	against pub- lic morals.
	88. 66, 67 and 68	}	ss. 66, 67 and 68 ss. 72, 73, 74, 75	of Fire-arms.
36 V 40 V', c. 50 42 V', c. 28 3 V', c. 9	ss. 72, 73, 74, 75 and 76. s. 81	s. 81.	and 76.	stances.
43 V' C. 28 43 V' C. 9 43 V' C. 9 44 V' C. 28	The whole. The whole. 88. 88 and 89.			
44 Y' C. 28 46 Y' C. 25 46 Y', C. 16	8. 65 (part). 8. 116 and 117. 8. 6 (part).			
	(part).			

CHAPTER 159.

An Act respecting Libel

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

matter with intent to extort money.

1. Every one who publishes or threatens to publish any polynomial of the parameters of the publishes of threatens to publish any other parameters. threatening to publish any matter with tens to print or publish any matter with tens to print or publish, or proposes to abstain from printing or publishing of or offere to or publishing of, or offers to prevent the printing or publishing of any matter or thing to propose to abstain from proposes to abstain from propo ing of any matter or thing touching any other person, any intent to extort any money. intent to extort any money or security for money or valuable thing, from such necessary to money or security for money or person, valuable thing, from such person or from any other person or with intent to induce any or with intent to induce any person to confer upon of cure for any person and person any cure for any person any appointment or office of profit or trust, is guilty of a misday and not trust, is guilty of a misdemeanor, and liable to a fine not exceeding six hundred dollars. exceeding six hundred dollars, or to imprisonment for any term less than two wars or to imprisonment 1 part. term less than two years, or to both. 37 V., c. 38, s. 1, part.

Publishing defamatory libel knowing it to be false.

2. Every one who maliciously publishes any defamatory publishes any defamatory publishes any defamatory libel, knowing the same to be false, is guilty of a misder meanor, and liable to a first meanor. meanor, and liable to a fine not exceeding four hardred dollars, or to imprisonment for dollars, or to imprisonment for any term less than two years, or to both. 37 V c 38 c 2

Publishing any defamatory libel.

3. Every one who maliciously publishes any defamatory bel is guilty of a middle not libel is guilty of a misdemeanor, and liable to a fine not exceeding two hundred dellargest dellargest any defamiliant to a fine not exceeding two hundred dellargest dellargest to a fine any exceeding two hundred dollars, or to imprisonment for any term not exceeding one was a second term not exceeding one year, or to both. 37 V., c. 38, s. 3.

Truth of defamatory matter a defence.

4. It shall, if pleaded, be a defence to an indictment of formation for a defence to an indictment of information for a defamatory libel, that the defamatory matter was true, and that it matter was true, and that it was for the public benefit that such matter should be seen to be something that the benefit that such matter should be seen to be seen t such matter should be published. 37 V., c. 38, ss. 5 and 6, parts.

Evidence by defendant of the publicabeen without his authority.

5. Whenever, upon the trial of any indictment or infor-ation for the publication. mation for the publication of a defamatory libel, to which plea of not guilty has been all plea of not guilty has been pleaded, evidence is given which establishes against the decidence is given where establishes against the defendant a presumptive case publication by his authority. publication by his authority, by the act of any other person, the defendant may prove the defendant may prove, and, if proved, it shall be a good defence, that such publication defence, that such publication was made without his authority, consent or knowledge at the made without his authority, consent or knowledge. rity, consent or knowledge, and that such publication not arise from want of due care or caution on his part. 37 V.,

Every person against whom any criminal proceedings Publication by order of a manner for or on by order of a manner for or on trainleting are commenced or prosecuted in any manner for or on by order of a account of a prosecuted in any manner for or on Legislative body may be account of or in respect of the publication of any report, body may be paper and or in respect of the publication of the public paper, votes or proceedings, by such person or by his servant, pleaded. by or under the authority of any Legislative Council, Legislative A bring before lative Assembly or House of Assembly, may bring before the commenced or the court in which such proceedings are so commenced or prosecut in which such proceedings are so commenced or prosecuted, or before any judge of the same, first giving twenty-four hours' notice of his intention so to do, to the prosecute. prosecutor in such proceedings, or to his attorney or solicitor, a certificate under the hand of the speaker or clerk of any Certificate to Legislative Council, Legislative Assembly or House of be produced. Assembly, as the case may be, stating that the report, paper, votes or the case may be stating that the report whereof votes or proceedings, as the case may be, in respect whereof such criminal proceedings have been commenced or prosecuted by such person, or by his secuted, was or were published by such person, or by his servant, was or were published by such person, or by his servant, was or were published by such person, Council, by order or under the authority of any Legislative Conneil, Legislative Assembly or House of Assembly, as the case may be, together with an affidavit verifying such certificate be, together with an affidavit thereupon immecertificate; and such court or judge shall thereupon imme-Its effect. diately stay such criminal proceedings, and the same shall be and at such criminal proceedings. be and shall be deemed and taken to be finally put an end E.I.). C 21 E.I.), c. 31, s. 1.

7. In case of any criminal proceedings hereafter com- Copy of report or in respect of the &c., with menced or prosecuted for or on account or in respect of the affidity of publication prosecuted for or on account or in paper, votes or correctness publication of any copy of such report, paper, votes or correctness proceedings, may be laid proceedings, the defendant, at any stage of the proceedings, may be laid before the before the before the court. may lay before the court or judge such report, paper, votes court. or proceedings, and such copy, with an affidavit verifying such reports, and the correctness such report, paper, votes or proceedings, and the correctness of such copy; and the court or judge shall immediately stay such criminal proceedings, and the same shall be and shall be dearn and to determined and be deemed to be finally put an end to, determined and supersold to be finally put an end to, c. 31, s. 2. superseded by virtue hereof. 24 V. (P.E.I.), c. 31, s. 2.

8. In any criminal proceeding commenced or prosecuted, In prosecution printing criminal proceeding commenced or prosecuted, In prosecution printing for publishing for printing any extract from or abstract of any such report, extract, report, votes or port, &c., may paper, votes or proceedings, such report, paper, votes or port, &c., may that such any be given in evidence, and it may be shown be given in evidence. that such extract or abstract was published bona fide and without extract or abstract was published bona fide and without extract or abstract was published contained a verdict malice, and if such is the opinion of the jury, a verdict of the defendant. a verdict of not guilty shall be entered for the defendant. 24 V. (P.E.I.), c. 31, s. 3.

Proposed to be Consolidated.	Part Consolidated	Left for Repeal	To be Consolidated elsewhere.	To be Consolidated with.
37 V., c. 38 24 V. (P.E.I.), c. 31.	ss 1 (part), 2, 3, 5 (part), 6 (part), and 10. ss 1, 2 and 3, so far as relates to Criminal Proceedings.		Remainder	Procedure.

CHAPTER 160.

An Act respecting Larceny and similar Offences.

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

SHORT TITLE.

This Act may be cited as "The Larceny Act."

Short title.

INTERPRETATION.

- 2. In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "document of title to goods" in- "Document of title to goods "in- "Document of title to goods." cludes any bill of lading, India warrant, dock warrant, of title to goods." warehouse-keeper's certificate, warrant or order for the delivery or keeper's 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 souls, and authorize, either by 800ds, authorizing or purporting to authorize, either by transfor or by delivery, the possessor of such document to transfer or by delivery, the possessor of such accurate therein man or receive any goods thereby represented or therein mentioned or referred to;
- (b) The expression "document of title to lands" includes "Document of title to lands" includes "Document of title to lands" or of title to lands." any deed, map, paper or parchment, written or printed, or of title to lands."

 Written and partly printed, being or containing brokence of the lands." roperty, or to any interest in any real property, or any interest in any duplicate instrunotarial or registrar's copy thereof, or any duplicate instru-Ment, memorial, certificate or document authorized or shall by any interest in force in any part of Canada, rerequired by any law in force in any part of Canada, repecting registration of titles, and relating to such title;
- (c) The expression "trustee" means a trustee on some "Trustee." expression "trustee" means a trustee on writing, or a treated by some deed, will or instrument in any increased by parol, writing, or a trustee of personal property created by parol, included in the personal representative of any such and includes the heir or personal property created by purchastee, and the heir or personal representative of any such days the heir or personal representative of any such days the heir or personal representative of any such days are the heir or personal representative of any suc trustee, and every other person upon or to whom the ere, of such every other person upon or to whom the ere. duty of and every other person upon or to whom executor such trust has devolved or come, and also an analysis and an official manager, executor such trust has devolved or come, and an official manager, and administrator, and an official manager, and an officer acting under any assignee, and administrator, and an official moder any let relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting under any relating tidator or other like officer acting tidator or other like offi Act relating to joint stock companies, bankruptcy or insolvency, and to joint stock companies, but the law of the Prorelating to joint stock companies, bankrupicy of any person who is, by the law of the Pro-

vince of Quebec, an "administrateur;" and the expression "trust," includes whatever is by that law an "administration;"

"Valuable security."

(d) The expression "valuable security" includes any der, exchequer acquittered order, exchequer acquittance or other security whatsoever, entitling or evidencing the till a security whatsoever, entitling or evidencing the title of any person of body corporate to any share or interest. corporate to any share or interest in any public stock of fund, whether of Canada are any public stock of the reof, fund, whether of Canada or of any Province or of the United Kingdom, or of Great Britain or of any British colony or or of any British colony or possession, body society, whether within Canada in state. orforeign British colony of porate, company or possession, or in any foreign state or country, or to any deposit in any savings have deposit in any savings bank or other bank, and also in cludes any debenture cludes any debenture, deed, bond, bill, note, warrant, order or other security what order or other security whatsoever, for money or for payment of money, whether of Canada of money, whether of Canada or of any Province nosses or of the United Kingdom or of the United Kingdom, or of any British colony or possession, or of any foreign state sion, or of any foreign state, and any document of title or lands or goods as hereinhoflands or goods as hereinbefore defined, and any stamp or writing which secures or services in writing which secures or evidences title to or interest or any chattel personal or any chattel persona any chattel personal, or any release, receipt, discharge of other instrument evidences. other instrument evidencing payment of money, or the delivery of any chattel payment of money, aluable delivery of any chattel personal; and every such valuable security shall. where value security shall, where value is material, be deemed to be of value equal to that of such value equal to that of such unsatisfied money, chattel per sonal, share, interest or deposit of the such unsatisfied money, chattel per sonal, share, interest or deposit of the such unsatisfied money, chattel per sonal, share, interest or deposit of the such unsatisfied money, chattel per sonal such unsatisfied money. sonal, share, interest or deposit, for the securing or payment of which, or delivery or transfer to the securing or payment. of which, or delivery or transfer or sale of which, or ble the entitling or evidencing the the entitling or evidencing title to which, such valuable security is applicable or to the security is applicable, or to that of such money or chattel personal, the payment or delipersonal, the payment or delivery of which is evidenced by such valuable security.

"Property."

(e) The expression "property" includes every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to a evidencing the title or right to any property, or giving so right to recover or receive any money or goods, and also not only such property as was originally in the possession or under the control of any person, but also any property or under the control of any person, but also any property and anything acquired by such conversion or exchange, and anything acquired by such conversion or exchange, whether immediately or otherwise,—and also any postal whether immediately or otherwise,—and also any postal issue by the authority of the Parliament of Canada, or the Legislature of any Province of Canada, for the payment of any fee, rate or duty whatsoever, and whether still in or possession of the Crown, or of any person or corporation, of any officer or agent of the Government of Canada, of the Province by the authority of the Legislature whereof

Was issued or prepared for issue; and such postal card or to the amount of the postage, rate or duty which can be or both;

- (f) The expression "cattle" includes any horse, mule, "Cattle." mal of the bovine species, and whatever is the age or sex of technical or trivial name it is known and shall apply to one animal as well as to many;
- (g) The expression "banker" includes any director of "Banker." incorporated bank or banking company;
- (h) The expression "writing" includes any mode in "Writing." or abridged are written, printed or otherwise expressed, or plan is inscribed;
- (i) The expression "testamentary instrument" includes "Testamenary will, codicil or any other testamentary writing or tary instrutestament, as well during the life of the testator whose whether the same relates to real or personal property, or
- ation of any city, town, village, township, parish or other interioral or local division of any Province of Canada, the holding property for any purpose;
- to commence at nine of the clock in the evening of each the next succeeding day, and the day shall include the remainder of the twenty-four hours;
- any person is in this Act expressed to be an offence, then if custody or possession has any such thing in his personal custody or in any dwelling-house or other building, lodging, aparting to or other place, open or inclosed, whether belongmatter or thing is so had for his own use or benefit or for matter or thing is so had for his own use or benefit or for matter or thing is so had for his own use or benefit or for matter or thing in his custody or possession within the sons, of this Act, and if there are two or more persons one or more of whom, with the knowledge

and consent of the rest, has any such thing in his or their custody or possession it about custody or possession, it shall be deemed and taken c. 21, in the custody and possession. in the custody and possession of all of them. 32-33 V., c. 21, s. 1;—35 V., c. 33 s. 1 most 40 T

SIMPLE LARCENY.

All larcenies to be of the same nature.

3. Every larceny, whatever is the value of the property olen, shall be deemed to be a constant. stolen, shall be deemed to be of the same nature, and shall be subject to the same incident be subject to the same incidents in all respects as grand larceny was before the distinction. larceny was before the distinction between grand and petit larceny was abolished.

Bailee fraudulentlyconverting property, guilty of larceny.

4. Every one who, being a bailee of any chattel, money valuable security fraudalenth the or valuable security, fraudulently takes or converts the same to his own use or to the same to his own use or to the use of any person other than the owner thereof. although he dank any person other the the owner thereof, although he does not break bulk or other wise determine the bailment wise determine the bailment, is guilty of larceny, and may be convicted thereof upon an arrival but the bailment of larceny, and but the bailment of larceny but the bailm be convicted thereof upon an indictment for larceny, and this section shall not extend the part of the this section shall not extend to any offence punishable on summary conviction 20 22 T

Punishment for simple larceny.

5. Every one who commits simple larceny or any felony creby made punishable in the hereby made punishable in the same manner as simple larceny, is guilty of a follow. larceny, is guilty of a felony, and, except in the cases here, inafter otherwise provided for inafter otherwise provided for, is liable to seven imprisonment. 82-88 V 23 imprisonment. 32-33 V., c. 21, s. 4;—40 V., c. 29, s. 3.

Larceny after a conviction pr felony.

6. Every one who, having been convicted either sun arily or upon indictment of the convicted either sun. marily or upon indictment of a felony, commits the offence of simple larceny is anite of a felony, commits the ten of simple larceny, is guilty of felony, and liable to ten years' imprisonment

In view of 40 V., c. 29, ss. 8 and 9 are omitted as unnecessary.

STEALING CATTLE, ETC.

Stealing cattle.

7. Every one who steals any cattle is guilty of felony, and liable to fourteen was and cattle is guilty of c. 21, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 10.

Killing animals with intent to steal the carcase. &с.

8. Every one who wilfully kills any animal, with intent steal the carcase skin or to steal the carcase, skin or any part of the animal so killed, is guilty of felony and light is guilty of felony, and liable to the same punishment as if he had been convicted of felony same, he had been convicted of feloniously stealing the same provided the offence of stealing the same provided the offence of stealing the same provided the offence of stealing the same punishment and th provided the offence of stealing the animal so killed would have amounted to felow have amounted to felony. 32-33 V., c. 21, s. 11.

Stealing dogs, beasts or birds

9. Every one who steals any dog, or any bird, beast of her animal ordinarily boot in the steal of the steal o other animal ordinarily kept in a state of confinement or for any domestic purpose and a state of confinement. for any domestic purpose, or for any lawful purpose of profit or advantage, not being it not subjects of fit or advantage, not being the subject of larceny at common law, or wilfully kills and heast or mon law, or wilfully kills any such dog, bird, beast of

animal, with intent to steal the same, or any part thereof, larceny at shall on with intent to steal the same, or any part thereof, larceny at shall, on summary conviction, be liable to a penalty not common law. exceeding twenty dollars over and above the value of the dog, bird, beast or other animal, or to one month's imprisonment with hard labor:

2. Every one who, having been convicted of any such Second of the Act or law. afterwards offence. offence either against this or any other Act or law, afterwards offence. commits any offence in this section mentioned, is liable to three many offence in this section mentioned, is 22-33 V., c. three months' imprisonment with hard labor. 32-33 V., c.

Lounds one who unlawfully and wilfully kills Killing or pigeon under such taking pigeons. Wounds, or takes any house-dove or pigeon under such taking pigeons. circumstances as do not amount to larceny at common law, shall, on summary conviction, be liable to a penalty not exceeding ten dollars over and above the value of the bird. \$2.33 V., c. 21, s. 13.

from any oyster bed, laying or fishery, being the property brood.

Stealing oyster any other bed, laying or fishery, being the property brood. of any oyster bed, laying or fishery, being the proposed state of the person, and sufficiently marked out or known the best of the person, and sufficiently marked as in as such, is guilty of felony, and liable to be punished as in the case of simple larceny:

2. Every one who unlawfully and wilfully uses any Unlawfully the limits of the instrument or engine whatsoever, within an oyster and limits of the fishery. the limits of any oyster bed, laying or fishery, being the fishery. property of any oyster bed, laying or fishery, being thown as such other person, and sufficiently marked out or the base of taking oysters or oyster hown as such, for the purpose of taking oysters or oyster bood, although none are actually taken, or unlawfully materiment or engine, drags and wilfully with any net, instrument or engine, drags pon the ground of any such fishery, is guilty of a misdeneanor, and liable to three months' imprisonment:

3. Nothing in this section contained shall prevent any As to floating from Sal. this section any floating fish within person from fishing in this section contained shall prevent any ast the limits of fishing for or catching any floating fish within fish. the limits of any oyster fishery with any net, instrument congine of any oyster fishery with any net, instrument any fish only. 32-33 V., or engine of any oyster fishery with any net, instrumed 21, 8, 14 adapted for taking floating fish only. 32-33 V.,

STEALING WRITTEN INSTRUMENTS.

Every one who steals or, for any fraudulent purpose, Stealing, destroys, cancel who steals or, for any fraudulent purpose, Stealing, destroys, cancel whole or any troying, &c., destroys, cancels, obliterates or conceals the whole or any troying, &c., title to lands is a land of the same nature, and itile to f any valuable security, other than a document in the lands, is guilty of felony, of the same nature, and in the had stall and punishable in the same manner as interest and punishable in the same manner as interest. if he same degree, and punishable in the same manning interest or deposit any chattel, of like value as the share as the stolen any chattel, or like value as the share security so stolen relates, or interest or deposit to which the security so stolen or secured than a stolen or secured the money due on the security so stolen resourced and security so stolen or secured the money due on the security so stolen or security and remaining unsatisfied, or as the value of

the goods or other valuable thing represented, mentioned or referred to in or by the security 32-33 V., c. 21, s. 15.

Deeds, &c., relating to real property.

13. Every one who steals or, for any fraudulent purposestroys, cancels, oblitarates destroys, cancels, obliterates or conceals the whole of part of any document of title to the conceals the whole felony, part of any document of title to lands, is guilty of felony, and liable to three wave, in-32-33 V., c. 21, s. 16. part.

Wills or codicils.

14. Every one who, either during the life of the testator after his death. steels are a or after his death, steals or, for any fraudulent purpose, destroys, cancels. oblitarates destroys, cancels, obliterates or conceals the whole or part of any will. codicil or all part of any will, codicil or other testamentary instruments whether the same relates to whether the same relates to real or personal property, or for both, is guilty of felows. both, is guilty of felony, and liable to imprisonment for life:

Other remedies not affected.

2. Nothing in this or the next preceding section had tioned, and no proceeding, conviction or judgment any or taken thereupon. shall proceeding section had or taken thereupon, shall prevent, lessen or impeach remedy at law or in agritude of the control remedy at law or in equity, which any person aggrieved by any such offence might or would be a significant this had a significant to be a signific by any such offence might or would have had if this Act had not been passed:

closures under compulsory process.

3. No conviction of any such offender shall be received evidence in any action or and viction in any in evidence in any action or suit against him; and no per civil action: son shall be liable to be convicted and sto disson shall be liable to be convicted of any of the felonies in this and the next preceding social any of the felonies in the same and the next preceding social any of the same and no principal to the sa this and the next preceding section mentioned by any if he dence whatever, in respect of dence whatever, in respect of any act done by him, if he has, at any time previously to him. has, at any time previously to his being charged with such offence, first disclosed such act offence, first disclosed such act, on oath, in consequence any compulsory process of any computation. any compulsory process of any court, in any action, suit of proceeding bona fide instituted by proceeding bonû fide instituted by any person aggrieved of if he has first disclosed the same if he has first disclosed the same in any compulsory examination or deposition before any computation of the same in a nation or deposition before any court upon the hearing any matter in bankruptev or included the same in any compulsory examples of the hearing of any matter in bankruptev or included the same in any possession of the hearing of the same in any compulsory examples of the same in any computation of the same in a 17. part.

Stealing, destroying, &c., records or other legal documents.

15. Every one who steals or, for any fraudulent pur of see, takes from its place of a pose, takes from its place of deposit, for the time being from any person having the from any person having the custody thereof, or unlawfully and maliciously cancels, obliterates, injures or destroys whole or any part of any record and maliciously cancels, obliterates, injures or destroys whole or any part of any record and maliciously cancels, obliterates, injures or destroys whole or any part of any record and record an whole or any part of any record, writ, return, affirmation, decree, cognizance, cognovit actions 131 cognizance, cognovit actionem, bill, petition, answer, decreepanel, process, interrogatory panel, process, interrogatory, deposition, affidavit, rule, or warrant of attorney or of or warrant of attorney, or of any original document whatso ever, of or belonging to any court of the state of ever, of or belonging to any court of justice, or relating to any cause or matter, begun deposition, amuse or relating to any such cause or matter, begun, depending or terminated in any succeourt, or of any original document. court, or of any original document in anywise relating the business of any office or employed and be anywise anywise and be anywise the business of any office or employment under Her Majos of and being or remaining in any office or employment under to is and being or remaining in any office appertaining fice, court of justice, or in any government under Majory to is court of justice, or in any government or public office, Stilty of felony, and liable to three years' imprisonment. 32-33 V., c. 21, s. 18, part.

16. Every one who steals any railway or steam-boat Stealing railticket, or any order or receipt for a passage on any railway way tickets, it any order or receipt for a passage on any railway way tickets, it any order or receipt for a passage on any railway way tickets, it is any order or receipt for a passage on any railway way tickets, it is any order or receipt for a passage on any railway way tickets, it is any order or receipt for a passage on any railway or steam-poat steams. or in any order or receipt for a passage on any lable to steamer or other vessel, is guilty of felony, and lable to less than two years. liable to imprisonment for any term less than two years. 32-33 V., с. 21, s. 19.

 ${
m 8TRALING}$ THINGS ATTACHED TO OR GROWING ON LAND.

Every one who steals, or rips, cuts, severs or breaks, Metal, glass, ith interpolation one who steals, or rips, cuts, severs or breaks, Metal, glass, with interpolation of the steal of the several work belonging to fixed to house with intent to steal, any glass or woodwork belonging to fixed to house to build; to steal, any glass or woodwork belonging to fixed to house to build; thent to steal, any glass or woodwork peronging other matter whatsoever, or any lead, iron, copper, brass or or land. other metal, or any utensil or fixture, whether made of the company of the compan metal, or any utensil or fixture, whether to any their material, or of both, respectively fixed in or any their material, or of both, respectively fixed in or anything made of metal to any building whatsoever, or anything made of metal any land, being private property, or for a fence to dy dwelling-house, garden or area, or in any square or met. welling-house, garden or area, or in any squared in any place dedicated to public use or ornament, have have been placed in any placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament, have been placed edicated to public use or ornament. be punish burial ground, is guilty of felony, and liable to public use of order punish burial ground, is guilty of felony, and liable to punish larceny. 32-33 V., be punished as in the case of simple larceny. 32-33 V., c. 21, 8. 20, part.

Letwise d one who steals, or cuts, breaks, roots up or Trees in pleasure wise d one who steals, or cuts, breaks, roots up or Trees in pleasure wise d one who steals, or cuts, breaks, roots up or Trees in pleasure with intent to steal, the of the value of therwise destroys or damages, with intent to steal, the of the value o hole or any part of any tree, sapling or shrub, or any five dollars. derwood, respectively growing in any park, pleasure mand, garden, orchard or avenue, or in any ground adhing or belonging to any dwelling-house (in case the the of the article or articles stolen or the amount of the the of the article or articles stolen or the amount of the article or articles stolen or the amount of the article or articles stolen or the amount of the article or articles at one of the article or articles at one are also as in the case of simple done exceeds the sum of five dollars), is guilty done exceeds the sum of five dollars), is guilty and liable to be punished as in the case of simple

Levery one who steals, or cuts, breaks, roots up or Trees elsewhere wise door with intent to steal, the where of the value of otherwise destroys or damages, with intent to steal, the where of the value of the value of sanling or shrub, or any twenty-five dollars. whole destroys or damages, with intent to steal, the value of the vood, respectively growing elsewhere than in any dollars. of the situations in this section before mentioned (if the Value situations in this section before mentioned the of the article or articles stolen, or the amount of shiplure A article or articles stolen, or the amount of twenty-five dollars), is the injury done, exceeds the sum of twenty-five dollars), is single of the article or articles stolen, or the amount will be of followed as in the case of stilly of felony, and liable to be punished as in the case of nple larceny. 32-33 V., c. 21, s. 21.

therwise door who steals, or cuts, breaks, roots up or Trees worth intent to steal, the twenty-five cents. otherwise Every one who steals, or cuts, breaks, roots up or trees whole or any destroys or damages, with intent to steal, the twenty-five cents. whole or destroys or damages, with intent to stead, the steading of the steading of the injury done, being to the stealing of such article, or the injury done, being to the amount of twenty-five cents at the least), shall, on amount of twenty-five cents at the least, share, conviction, be liable to a penalty not exceeding

twenty-five dollars over and above the value of the article stolen or the amount of the inch

Second offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, after wards commits any of the wards commits any of the said offences in this section before mentioned shall are section. before mentioned, shall, on summary conviction, be liable to three months' imprison

Third offence.

3. Every one who, having been twice convicted of any ich offence (whether both such offence (whether both or either of such convicted before and have taken place before and the such convicted Act), have taken place before or after the passing of this action afterwards commits any of the passing of this section. afterwards commits any of the offences in this section before mentioned is consistence of the offences in this section before mentioned is consistence of the offences in this section. before mentioned is guilty of felony, and liable to punished as in the case of size 1 32-33 V., c. 21, s. 22.

Purchasing or receiving stolen trees.

20. Every one who receives or purchases any tree of pling, or any timber model in value sapling, or any timber made therefrom, exceeding in value the sum of ten dollars been the sum of ten dollars, knowing the same to have of a stolen or unlawfully on stolen or unlawfully cut or carried away, is guilty of a misdemeanor, and liable to the same to have of a stolen or unlawfully cut or carried away, is guilty of a the misdemeanor, and liable to the same punishment as principal offender—and principal offender,—and may be indicted and convicted thereof, whether the principal thereof, whether the principal offender has or has not been convicted, or is or is not as

Other remedies saved.

- 2. Nothing in this or in either of the two sections next or ecceding contained and preceding contained, and no proceeding, conviction judgment had or taken there are the proceeding. judgment had or taken thereupon, shall prevent, lessen or impeach any remody by any of the said offences would have had if this Act had not been passed: neverthalass. not been passed; nevertheless, the conviction of the offender shall not be received in and the conviction of the or suit civil suits and shall not be received in evidence in any action of either of disclosures against him; and no person the disclosures against him against him against him; and against him against him against him against him against him against against him; and no person shall be convicted of either of the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action or such that him on the offences aforesaid by any action of the offences aforesaid by any action or such that him on the offences aforesaid by any action of the offences aforesaid by any action of the offences aforesaid by action o the offences aforesaid, by any evidence disclosed by him on oath, in consequence of the oath, in consequence of the compulsory process of a court in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in any action, suit or proceedings of a person in a person i in any action, suit or proceeding instituted by any person aggrieved. 82-33 V 2 21

21. Every one who steals, cuts or breaks or dead, down, with intent to steal, any part of any live or used fence, or any wooden post wooden fence, stile or gate. as a fence, or any stile or any stile or gate. as a fence, or any stile or gate, or any part thereof respectively, shall, on summary convictions tively, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars. not exceeding twenty dollars, over and above the value of the article or articles so stoler. the article or articles so stolen or the amount of the injury done:

Second offence.

2. Every one who, having been convicted of any after fence, either against this are offence, either against this or any other Act or law, section wards commits any of the section o wards commits any of the said offences in this section mentioned, shall, on summers and offences in this section mentioned. mentioned, shall, on summary conviction, be liable to three months' imprisonment with hard labor. 32-33 V., c. 21, 8. 24

Every one who, having in his possession, or on his Suspected remises whole or any persons in prospession Premises With his knowledge, the whole or any part of any possession tree, sant: tree, sapling or shrub, or any underwood, or any part of any wood, &c. any live or dead fence, or any post, pale, wire, rail, stile or not satisfactorily act the least, is taken or summoned before a justice of the it. peace, and does not satisfy such justice that he came lawfully by the same, shall, on summary conviction, be liable to a penalty not exceeding ten dollars, over and above the ralue of the penalty not exceeding ten dollars, over and above the value of the article so in his possession or on his premises. 32-33 V., c. 21, s. 25.

Every one who steals or destroys, or damages with Stealing, destroying or damages with stealing or damages with stealing or damages. intent to steal, any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, intent to steal any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, intent to steal and pleasure ground, intent to steal and pleasure ground, any fruit, &c. hursery ground, hot-house, green-house or conservatory, any fruit, &c. thall, on summary conviction, be liable to a penalty not exceeding summary conviction, be liable to a penalty not exceeding twenty dollars, over and above the value of the article so stolen or the amount of the injury done, or to one month, si stolen or the amount of the injury date. month's imprisonment, with or without hard labor:

Every one who, having been convicted of any such Second conce. Mards continued against this or any other Act or law, after-offence. wards commits any of the offences in this section menthe case of silvy of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 26.

tent to one who steals or destroys, or damages, with Stealing, &c., thent to steal, any cultivated root or plant used for the vegetable productions not of man are all of man are a dyeing. Or for beast, or for medicine, or for distilling, or for growing in gardens, &c. dyeing of man or beast, or for medicine, or for distilling, or for growing in the course of any manufacture, and gardens, &c. Rowing, or for or in the course of any manufactures, or for or in the course of any manufactures, or for or in the course of any manufactures, any land, open or inclosed, not being a garden, any land, open or inclosed, not being a garden, on the course of any manufactures. orchard, pleasure ground, or nursery ground, shall, on the art of the dollars represent the value of the article so tolen or the amount of the injury done, or to one month's imprisonment with hard labor:

2. Every one who, having been convicted of any such second of the contract of law, after-offence. Wards committee against this or any other Act or law, after-offence. wards, either against this or any other Act or law, mards committed any of the offences in this section mental is light. tioned commits any of the offences in this section albor, is liable to three months' imprisonment with hard labor. 32-33 V., c. 21, s. 27.

STEALING ORES OR MINERALS.

Every one who steals, or severs with intent to steal, Stealing ores any model who steals, or severs with intent to steal, Stealing ores lands calaminaris, manga-of metal, coal ore of any metal, or any quartz, lapis calaminaris, manga-of metal, coal mundia. hese, or mundic, or any piece of gold, silver or other metal,

or any wad, black cawlk, or black lead, or any coal, or cannel coal, or any markle start cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof mine, bed or vein thereof respectively, is guilty of felony, and liable to imprisonment of and liable to imprisonment for any term less than two years:

Exceptions as to scientific investigations.

2. No person shall be deemed guilty of any offence for avery for the purposes of any offence for a surface of any offence for a surface of a surface having, for the purposes of exploration or scientific investing gation, taken any specimen or scientific investing gation, taken any specimen or scientific investing gation. gation, taken any specimen or specimens of any ore or mineral from any piece of ground eral from any piece of ground uninclosed and not occupied or worked as a mine anamy process and not occupied. 32-33 V., c. 21, s. 28.

26. Every one who, being employed in or about any ore ine, quarry or digging takes with intent to of any metal, or any greats 1. of any metal, or any quartz, lapis calaminaris, manganese, mundic, or any piece of cold mundic, or any piece of gold, silver or other metal, or mineral found or being in and mineral found or being in such mine, quarry or digging, with intent to defraud any arrangement of the such mine, quarry or the such mine, quarry or the such mine, quarry or the such mines are such mines and the such mines are such mines with intent to defraud any proprietor of, or any adventure in the same, or any workers in the same, or any workman or miner employed therein, is guilty of felony, and liable to guilty of felony, and liable to imprisonment for any less than two years.

Concealing royalty, with intent to defraud.

27. Every one who, being the holder of any lease to cense issued under the need to license issued under the provisions of any Act relating gold or silver mining or by any gold or silver mining, or by any persons owning, land supposed to contain any gold or silver. posed to contain any gold or silver, by any fraudulent device or contrivance, defrauds and the silver, by any fraudulent desty, or contrivance, defrauds or attempts to defraud Her Majesty, or any person. of any cold in the cold in or any person, of any gold, silver or money payable of reserved by such lease or with reserved by such lease, or with such intent as aforesold, conceals or makes a falso state. conceals or makes a false statement as to the amount of gold or silver procured by him or silver procured by him, is guilty of a misdemeanor, liable to imprisonment for a misdemeanor, vests. liable to imprisonment for any term less than two years. 32-33 V., c. 21. s. 30

Selling or purchasing without per-

28. Every one who, not being the owner or agent of the reunito ining claims then being weekly mining claims then being worked, and not being thereinto authorized in writing by the state of t authorized in writing by the proper officer in that behalf, named in any Act relations. named in any Act relating to mines in force in any province of Canada, sells or purchassistic force in any howner gold or silver. of Canada, sells or purchases (except to or from such owner or authorized person) or authorized person) any quartz containing gold, or gold smelted gold or silver smelted gold or silver, at or within three miles of any gold district or mining district district or mining district, or gold mining division, is garly of a misdemeanor. and little of a misdemeanor, and liable to imprisonment for any term less than two years

29. Every one who purchases any gold in quartz, or any ismelted or smelted gold or silvers. gold in quartz, or smelted, or smelted or smelted gold or silver, or otherwise unmards factured gold or silver. factured gold or silver, of the value of one dollar or upwards (except from such owner or anthonic) going a proper receipt for (except from such owner or authorized person as in the next it.

preceding section mentioned) and described person as in the time, preceding section mentioned) and described person as in the time, preceding section mentioned) and does not, at the same the execute in triplicate an instrument execute in triplicate an instrument in writing, stating place and time of purchase, and the quantity, quality and rally and the name or names value of gold or silver so purchased, and the name or names of the same was purchased, of the person or persons from whom the same was purchased, and file. and file the same with the officer in the next preceding section mention. mentioned, within twenty days next after the date of such purchase, is guilty of a misdemeanor, and liable to a penalty not exceed the gold or not exceeding in amount double the value of the gold or silver silver purchased, and to imprisonment for any term less than two years. 32-33 V., c. 21, s. 32.

law in that behalf of any smelted gold or silver, or any be prima facie gold-hearing the provision of any Possession to be prima facie evidence in that behalf of any smelted gold or silver, or any evidence in cases. gold-bearing quartz, or any unsmelted gold or silver, or any evidence in ufacture. If quartz are quartz workman or ufactured gold or silver, by any operative, workman or laborar gold or silver, by any operative is prima facie laborer actively engaged in or on any mine, is primâ facie evidence actively engaged in or on any mine, is 2-33 V., evidence that the same has been stolen by him. 32-33 V.,

B1. Every one who, with intent to defraud his co-partner, Defrauding badyoni in any partners. co-adventurer, joint tenant or tenant in common, in any partners. claim, or in any share or interest in any claim, secretly keebs had keeps back or conceals any gold or silver found in or upon or talence or conceals any gold or silver felony, and liable to or taken from such claim, is guilty of felony, and liable to be bun; 1 32-33 V., c. be punished as in the case of simple larceny. 32-33 V., c.

 $\delta T_{\rm EALING}$ from the person, and other like offences.

Every one who robs any person, or steals any chattel, Robbery, or stealing from the person. money or valuable security from the person of another, is the person. Suilty of valuable security from the person of an analysis of felony, and liable to fourteen years' imprisonment. 32.33 V., c. 21, s. 39.

88. Every one who assaults any person with intent to Assault with rob, is guilty of felony, and, except in cases where a greater intent to rob. punishment of felony, and, except in cases where a greater intent to rob. punishment is provided by this Act, liable to three years' imprisonment. 32-33 V., c. 21, s. 41.

Readon are who, being armed with an offensive Robbery or assault by a server with intent to rob, nerson arme Weapon or instrument, robs, or assaults with intent to rob, person armed, person or or by two or any person, or together with one or more other person, or robbery and person, or together with one or more other person or more, or robbs, robs, or assaults with intent to rob any person, or robbery and tobs any person, or assaults with intent to rob any person, or robbery and to before, wounding. robs any person, and at the time of, or immediately before, wounding. or immediately after such robbery, wounds, beats, strikes or uses any person, is guilty of uses any other personal violence to any person, is guilty of felon v other personal violence to any person, is guilty of 32-33 V., c. 21, felony, other personal violence to any person, is a second set 42. and liable to imprisonment for life. 32-33 V., c. 21,

BURGLARY AND HOUSE-BREAKING.

Bt. Every one who breaks and enters any church, chapel, Breaking and entering a entering a church, the com-church, &c., Meeting house or other place of divine worship, and com-entering a church, &c.,

and committing a felony.

mits any felony therein, or being in any church, chapel, meeting-house or other place. meeting-house or other place of divine worship, commits any felony therein and break of any felony therein and breaks out of the same, is guilty of felony, and liable to imprison the same, is guilty of felony, and liable to imprison the same, is guilty of the same of t s. 49.

What build. ing within curtilage to be deemed part of dwelling-house.

36. No building, although within the same curtilege ith any dwelling-bouse and with any dwelling-house, and occupied therewith, shall be deemed to be part of such and accupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act unless the purposes of this Act, unless there is a communication between such building and development is a communication between such building and development. tween such building and dwelling-house, either immediate or by means of a covered and local property and such as a covered and such as a communication and suc or by means of a covered and inclosed passage leading from the one to the other and inclosed passage from the one to the other. 32-33 V., c. 21, s. 52.

Burglary.

37. Every one who enters the dwelling-house of another ith intent to commit any fall with intent to commit any felony therein, or being in such dwelling-house commits any felony therein, dwelling-house, commits any felony therein, or being in either either case, breaks out of such arealistics. case, breaks out of such dwelling-house in the night, is guilty of burglary 29.29 V

Punishment for burglary.

38. Every one who commits the crime of burglary is able to imprisonment for life and crime of burglary liable to imprisonment for life. 32-33 V., c. 21, s. 51.

Entering in the night with intent to commit felony.

39. Every one who enters any dwelling-house in the ght, with intent to commit of night, with intent to commit any felony therein, is guilty of felony, and liable to saven when the saven were the saven when t felony, and liable to seven years' imprisonment. c. 21. s. 53.

Breaking into any felony.

40. Every one who breaks and enters any building and mithin commits any felony therein, such building being within the curtilage of a dwalling being with, curtilage, and the curtilage of a dwelling-house and occupied therewith, committing but not being part thereof but not being part thereof, according to the provision here inbefore mentioned or being to the provision here. inbefore mentioned, or being in any such building commits any felony therein and broad any felony therein any felony the any felony the any felony therein any felony therein any felony the any felony the any fe any felony therein and breaks out of the same, is guilty of felony, and liable to fourteen felony, and liable to fourteen years' imprisonment. V., c. 21, s. 54.

Breaking into any house, shop, &c., and committing any felony.

41. Every one who breaks and enters any dwelling ouse, school-house show and enters any dwelling ouse, house, school-house, shop, warehouse or counting house and commits any follows the same fol and commits any felony therein, or being in any dwelling house, school-house short and short any short and short any short any short and short and short any short and short and short any short and short and short any short and short any short and short any short and house, school-house, shop, warehouse or counting house, commits any felony therein. commits any felony therein, and breaks out of the same, is guilty of felony and liable to guilty of felony, and liable to fourteen years' imprisonment 32-33 V., c. 21. s. 55

House breaking with intent to commit a felony.

42. Every one who breaks and enters any dwelling ouse, church changl most house, church, chapel, meeting-house or other place of divine worship, or any building meeting-house or other place of divine worship, or any building within the curtilage, or school house, shop, warehouse or occurrent to house, shop, warehouse or counting-house, with intent to commit any felony therein commit any felony therein, is guilty of felony, and liable to seven years' imprisonment seven years' imprisonment. 32-33 V., c. 21, s. 56.

Every one who is found by night armed with any Being armed angeron or disguised, by the with indangerous or offensive weapon or instrument whatsoever, or disguised, with intent to break or enter into any dwelling-house or tent to break on the build: other building whatsoever, and to commit any felony and enter any therein his possession, night. therein, or is found by night having in his possession, night. Without lawful excuse, the proof of which excuse shall lie on him, any picklock key, crow, jack, bit or other implement of house, 1 of house-breaking, or any match or combustible or explosive substance substance, or is found by night having his face blackened or other. or otherwise disguised, with intent to commit any felony, or is formal is formal intent to commit any felony, or its formal intent to commit any felony, or other building is found by night in any dwelling-house or other building whatson by night in any dwelling-house or therein, is Whatsoever, with intent to commit any felony therein, is Suilty of which there were imprisonguilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 21, s. 59.

44. Every one who, having been convicted of any such The like after specified mentioned, a previous conviction. misdemeanor as in the next preceding section mentioned, a previous conviction. or of any felony, commits any such misdemeanor, is liable to ten y felony, commits any such misdemeanor, is liable to ten years' imprisoment. 32-33 V., c. 21, s. 60.

STEALING IN THE HOUSE.

45. Every one who steals in any dwelling-house any Stealing in a cattel very one who steals in any dwelling to the value in the dwelling house to the chattel, money or valuable security, to the value in the dwelling house to the house to the house of the house to the security of felony, value of whole of twenty-five dollars or more, is guilty of felony, value of dollars.

32-33 V., c. twenty-five dollars. and liable to fourteen years' imprisonment. 32-33 V., c. twenty-five dollars.

46. Every one who steals any chattel, money or valuable Stealing in a chattel, money or wallable stealing in a chattel stealin Every one who steals any chattel, money or valuable Stealing in threat puts any dwelling-house, and by any menace or dwelling felony, and 12-13 one therein in bodily fear, is guilty of menaces. felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 62.

STEALING IN MANUFACTORIES.

Every one who steals, to the value of two dollars, any Stealing of the property of the steal of two dollars, any Stealing of two dollars, and the Woollen, linen, hempen or cotton yarn, or any goods or goods in process of manual control albaca or mohair, or facture. articles, linen, hempen or cotton yarn, or any good of any of any or silk, woollen, linen, cotton, alpaca or mohair, or facture. of any one or more of such materials mixed with each other mixed with each other whited or mixed with any other material, whilst laid, placed or progress of manufacexposed, with any other material, whilst raid, process of manufacture, in any stage, process or progress of manufacture, in any stage, process or progress of manufacture, in any stage, process or progress of manufacture, in any other place, is guilty of felony, thre, in any building, field or other place, is guilty of felony, liable building, field or other place, is guilty of felony, imprisonment. 32-33 V., and liable to fourteen years' imprisonment. 32-33 V.,

18. Every one who, having been intrusted for the pur-Stealing of of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one who, having been intrusted for the pur-Stealing one of very one o pose Every one who, having been intrusted for the pur- steaming with manufacture or for a special purpose connected goods intrust to make any felt or hat, or facture. with manufacture or for a special purpose to hat, or facture. preparation preparation in prepara to prepare or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, cotton, leath or work up any woollen, linen, fustian, leath or work up any woollen, linen, fustian, leath or work up any woollen, linen, iton, leather, fur, hemp, flax or silk, or any such materials with with with one another, or having been so intrusted, as

aforesaid, with any other article, materials, fabric or thing, or with any tools or apparatus for manufacturing the same, sells, pawns, purloins, secretes, embezzles, exchanges or otherwise fraudulently disposes of the same, or any part thereof, when the offence is not within the next preceding thereof, is guilty of a misdemeanor, and liable to imprison ment for any term less than two years. 32-33 V., c. 21, s. 64.

STEALING FROM SHIPS, WHARVES, ETC.

Stealing from ships, wharfs, &c.

49. Every one who steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, any any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal, or steals any goods or merchandise from any river, wharf or quay, adjacent to any such haven, port, river, wharf or quay, adjacent to any such haven, port, canal, creek or basin, is guilty of felony, and liable to four teen years' imprisonment. 32-33 V., c. 21, s. 65.

STEALING THINGS UNDER SEIZURE.

Straling property under seizure.

50. Every one who, whether pretending to be the owner or not, secretly or openly, and whether with or without force or violence, takes or carries away, or causes to taken or carried away, without lawful authority, any property under lawful seizure and detention, steals such property, and is guilty of felony and liable to be punished accordingly. 43 V., c. 28, s. 66, part;—46 V., c. 17, s. 67; C. S. C., c. 23, s. 10.

STEALING OR EMBEZZLEMENT BY CLERKS, SERVANTS OR PERSONS IN THE PROPERTY OF THE

Larceny by clerks or servants. being a clerk or servant, or being employed for the purpose or in the capacity of a clerk personant, steals any chattel, money or valuable security be longing to or in the possession or power of his master or employer, is guilty of felony, and liable to fourteen years imprisonment. 32-33 V at 21 a 20

Embezzlement by clerks or servants. being employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzles any chattel, money or valuable security, or any part thereof, delivered to or received able security, or any part thereof, delivered to or received or taken into possession by him, for or in the name steals the account of his master or employer, feloniously that the same from his master or employer, although such chattel, the same from his master or employer, although such chattel, money or security was not received into the possession of money or security was not received into the possession of master or employer, otherwise than by the actual possession of his clerk, servant or other person so employed, and is

liable to fourteen years' imprisonment. 32-33 V., c. 21,

Every one who, being employed in the public ser-Larceny by vice of Her Majesty, or of the Lieutenant Governor or persons in the public ser- Larceny by government of any Province of Canada, or of any munici- vice, or that pality, stools any Province of Canada, or valuable security of any Province of Canada, or of any munici- vice, or that we have the public ser- Larceny by government of the public ser- Larceny by governme pality, steals any chattel, money or valuable security of any Provincial Governbelonging to or in the possession or power of Her Majesty, ment, &c. or of such Lieutenant Governor, government or municipality pality, or intrusted to or received or taken into possession by him is multiple of felony, by him by virtue of his employment, is guilty of felony, imprisonment. 32-33 V., and liable to fourteen years' imprisonment. 32-33 V.,

Her Mary one who, being employed in the public service Embezzlement by possions employed in the public service Embezzlement by possions employed in the public service Embezzlement by possions employed in the public service Embezzlement or govern of Her Majesty, or of the Lieutenant Governor or governsons employed in the ment of any Province in Canada, or of any municipality, ed in the Queen's street interest of any Province in Canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the Queen's street or the canada, or of any municipality, ed in the canada, or of any municipality and or of any municipality. and intrusted, by virtue of such employment, with the vice, or that neceipt, custody, management or control of any chattel, of any Province of the control of any chattel, money cial Government, &c. money or valuable security, embezzles any chattel, money cial Government, &c. or valuable security, embezzles any chance, mion half security intrusted to or taken into possession half security into possession half security intrusted to or taken into po thereof him by virtue of his employment, or any part the reof, or in any manner fraudulently applies or disposes of the same the same, or in any manner fraudulently appnes of any for any part thereof, to his own use or benefit, or any part thereof, to his own use or benefit, or for any purpose whatsoever except for the public service, for the public service, or for the service of such Lieutenant Governor, government man: Municipality, feloniously steals the same from Her Majesty, or from such municipality, and is liable to fourteen year's imposition. Year's imprisonment. 32-33 V:, c. 21, s. 72, part.

Her Mary one who, being employed in the public service Refusal by person so e ployed to d of Her Majesty, or of the Lieutenant Governor or govern-ployed to dement of any Province of Canada, or of any municipality, liver up introduced i and intrusted by virtue of such employment with the keep-moneys, &c. intrusted by virtue of such employment with the body receipt, custody, management or control of any chattel, back paper, account or docu-Money, valuable security, book, paper, account or document, refuses or fails to deliver up the same to any one nent there is defined to deliver up the same to any ment there is demand it, is guilty of a fraudulent embezzlement thereof, and liable to fourteen years' imprisonment:

2. Nothing herein shall affect any remedy of Her Majesty, Other remedies not affected. of the Mothing herein shall affect any remedy of Her Majesty, other time his sureties and any person against the offender or dies not affected. his sureties, or any other person, nor shall the conviction of any other person, nor shall the conviction of any other person, nor shall the conviction of a suidence in any suit or action starties, or any other person, nor shall the contraction against him be receivable in evidence in any suit or action action. against him. 41 V., c. 7, s. 70, part;—C. S. C., c. 16, s. 40, part him. 41 V., c. 7, s. 70, part, 29-30 V. (Can.), c. 51, s. 187, part.

ther by will one who steals, or unlawfully or maliciously, Stealing eleceither by violence or stealth, takes from any person having tion docu-da. lawful or stealth, takes from the lawful place of the lawful custody thereof, or from its lawful place of state for the custody thereof, or aids counsels or assists in so deposit for the time being, or aids, counsels or assists in so atealing or taking any writ of election, or any return to a

writ of election, or any indenture, poll-book, voters, jight certificate, affidavit or report certificate, affidavit or report, or any document or paper made, prepared or draws and made, prepared or drawn out according to or for the requirements of any law in recording to or for the requirements of any law in recording to or for the requirements of any law in recording to or for the requirements of any law in recording to or for the requirements of any law in recording to or for the requirements. ments of any law in regard to provincial, municipal in civic elections is critical. civic elections, is guilty of a felony, and liable to a fine, in the discretion of the court the discretion of the court, or to seven years' imprisonments or to both fine and imprisonments. or to both fine and imprisonment. 29-30 V. (Can.), c. 51, s. 188, part:—R. S. R. C. a. 127 188, part;—R. S. B. C., c. 157, ss. 99 and 100, parts.

STEALING BY TENANTS OR LODGERS.

hire.

57. Every one who steals any chattel or fixture let to be sed by him or her in an incompany to the state of t ing chattel or used by him, or her, in or with any house or loging fixture let to whether the contract has her her, whether the contract has been entered into by him of or by her husband or by her him of or by her husband, or by any person on behalf of him or her or her husband is an inher or her husband, is guilty of felony, and liable to in prisonment for any term learning prisonment for any term less than two years, and liable to the prisonment for any term less than two years, and if the value of such chattel or fixture value of such chattel or fixture exceeds the sum of twenty five dollars, is liable to control of twenty go. 88 five dollars, is liable to seven years' imprisonment. V., c. 21, s. 75, part.

STEALING BY PARTNERS.

Stealing property of partnership.

58. Every one who, being a member of any co-partner of one of any co-partner of one of the company of the compa ship owning any money or other property, or being one of two or more beneficial owners of any money or other property, steals, embezzles or unlarged. perty, steals, embezzles or unlawfully converts the same any part thereof to his own any part thereof to his own use, or that of any person other than the owner is liable to than the owner, is liable to be dealt with, tried, convicted and punished as if he had a second to the dealt with tried, convicted and punished as if he had a second to the second to t and punished as if he had not been or were not a member of such co-partnership. of such co-partnership, or one of such beneficial owners. 32-33 V., c. 21, s. 38 32-33 V., c. 21, s. 38.

FRAUDS BY AGENTS, BANKERS OR FACTORS.

Stealing or embezzling by bank officer.

59. Every one who, being a cashier, assistant cashier, anager, officer clark or respectively. manager, officer, clerk or servant of any bank, or savings bank, secretes embaggles bank, secretes, embezzles or absconds with any bond, or gation, bill obligatory or of gation, bill obligatory or of credit, or other bill or note, to any security for manage of credit, or other bill or noted to any security for money, or any money or effects intrusted to him as such cashier assistant him as such cashier, assistant cashier, manager, officer, or be or servant, whether the or servant, whether the same belongs to the bank or longs to any person body. longs to any person, body corporate, society or institution, and is lodged with society or clony, and and is lodged with such bank, is guilty of felony, than liable to imprisonment for life. liable to imprisonment for life or for any term not less than two years. 34 V c 5 2 20

Agent, &c., intrusted, converting money, &c., to his own

60. Every one who,—

(a) Having been intrusted, either solely or jointly with my other person, as a hanker and solely or jointly or any other person, as a banker, merchant, broker, attorney other agent, with any money or account to payment other agent, with any money or security for the payment of money, with any direction in writing to apply, pay or delivery with any direction in writing to apply, pay or deliver such money or security, or any part thereof respectively ively, or the proceeds or any part of the proceeds of such security. security, for any purpose, or to any person specified in such direction for any purpose, or to any person specified in such direction,—in violation of good faith and contrary to the terms of such direction, in anywise converts to his own use or benefit, or the use or benefit of any person other than the person L. person by whom he has been so intrusted, such money, security whom he has been so intrusted, such money, security or proceeds, or any part thereof respectively, or—

(b) Having been intrusted, either solely or jointly with Orany chatany other person, as a banker, merchant, broker, attorney security or other person, as a banker, merchant, broker, attorney security or any nower of ator other person, as a banker, merchant, proker, according security or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or torney. interest in any public stock or fund, whether of the United Kingdom or any part thereof, or of Canada, or of any Province thereof, or of any British colony or possession, or of any force any foreign state, or in any stock or fund of any body corporate, company or society, for safe custody or for any special company or society, for safe custody or for any special company or society, for safe custody or for any special company or society, for safe custody or for any special company or society, for safe custody or for any special company or society. special purpose, without any authority to sell, negotiate, transfer purpose, without any authority to sell, negotiate, transfer or pledge,—in violation of good faith, and contrary to the object of the obje to the object or purpose for which such chattel, security or power of the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel, security or the object or purpose for which such chattel is the object of the object or purpose for which such chattel is the object of the Power of attorney has been intrusted to him, sells, negotiates, transfer converts to his ates, transfers, pledges, or in any manner converts to his own use or benefit, or the use or benefit of any person other than the than the person by whom he has been so intrusted, such chattel person by whom he has been so intrusted, such chattel or security, or the proceeds of the same, or any part thereof thereof, or security, or the proceeds of the same, or any part thereof, such power of attorney relates, or any part thereof,—

Is guilty of a misdemeanor, and liable to seven years' im-Punishment. pri_{80} ment:

2. Nothing in this section contained relating to agents Not to apply to trustees or mortagees. shall affect any trustee in or under any instrument what mortgagees. soever, or any mortgagee of any property, real or personal, in respect to any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall Nor to bankrestrain any banker, merchant, broker, attorney or other ers, &c., reserving banker, merchant, broker, attorney or other ers, &c., reserving money due of the become actually due of the become actual agent from receiving any money due or to become actually money due on the and non-receiving any money due or to become actually money due on the and non-receiving any money due or to become actually money due on the and non-receiving any money due or to become actually money due on the angle and non-receiving any money due or to become actually money due or to be actually due or to be actually due or to be actually due due and payable upon or by virtue of any valuable security, securities. according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor Or disposing to manner than the might have done if this Act had not been passed; nor Or disposing of any of securities on which from selling, transferring, or otherwise disposing of any of securities any lien classification in his possession, upon which he has they have a hard lien classification. any lien, claim or demand, entitling him by law so to do, lien. unless such sale, transfer or other disposal extends to a greater not sale, transfer or other disposal extends to a Reater number or part of such securities or effects than are requisite for satisfying such lien, claim or demand. 32-33. 76.

Bankers, &c., fraudulently selling, &c., property intrusted to their care.

attorney or agent, and being a banker, merchant, broker, attorney or agent, and being intrusted, either solely or jointly with any other person, with the property of any other person for safe custody,—with intent to defraud, sells, negotiates, ransfers, pledges or in any other manner converts or appropriates the same, or part thereof, to or for his own use of benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misder meanor, and liable to seven years' imprisonment.

Persons under powers of attorney fraudulently selling property.

62. Every one who, being intrusted, either solely or jointly with any other person, with any power of attorney, for the sale or transfer of any property,—fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so in trusted, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 78.

Factors obtaining advances on the property of their principals.

63. Every one who, being a factor, or agent intrusted, the nur either solely or jointly with any other person, for the purpose of sale or otherwise and in the purpose of sale or otherwise and the purp pose of sale or otherwise, with the possession of any goods, or of any document of title to or of any document of title to goods,—contrary to or without the authority of his principal the authority of his principal in that behalf, for his own use or benefit, or the use or benefit. use or benefit, or the use or benefit of any person than the person by whom he will be the person by the person than the person by whom he was so intrusted, and in violation of good faith makes tion of good faith, makes any consignment, deposit, transfer or delivery of any transfer or delivery of any goods or document of title so intrusted to him as in the intrusted to him as in this section before mentioned, as and by way of a plader live and by way of a pledge, lien or security for any money or valuable security hornows. valuable security borrowed or received by such factor of agent at or before the time of agent at or before the time of making such consignment, deposit, transfer or delivery deposit, transfer or delivery, or intended to be thereafter borrowed or received borrowed or received,—or contrary to or without such authority, for his own use or hereaft authority, for his own use or benefit, or the use or benefit of any person other than 11 of any person other than the person by whom he was so intrusted, and in violetice of the was so any intrusted, and in violation of good faith, accepts any advance of any money or and in good faith, accepts faith of advance of any money or valuable security on the faith of any contract or agreement any contract or agreement to consign, deposit, transfer of deliver any such goods or deliver any such goods or document of title, is guilty of a misdemeanor, and liable to a misdemeanor, and liable to seven years' imprisonment:

Persons wilfully assisting. 2. Every one who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, is guilty of a misdemeanor, and liable to the same punishment:

Exception when the pledge does not exceed

3. No such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, if the same

any great made a security for or subject to the payment of the amount of any greater sum of money than the amount which, at the their lien. time of such consignment, deposit, transfer or delivery, was justly and from his principal, justly due and owing to such agent from his principal, sether with a such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent. 32-33 V., c. 21, s. 79.

Any factor or agent intrusted, as aforesaid, and pos-when agent shall be deemed to be Resided of any such document of title, whether derived imblediately of any such document of title, whether derived by intrusted with mediately from the owner of such goods or obtained by intrusted with the possession of such factor or agent having been intrusted with the possession of such factor or agent having been intrusted with the possession of such factor or agent having been intrusted with the possession of such other document of the possession of the goods, or of any other document of the thousand of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title. of title; and every contract pledging or giving a lien upon What shall be deemed to be a deemed a pledge. such document of title as aforesaid, shall be deemed to be a pledge of the which the same repled ge of and lien upon the goods to which the same relates; and lien upon the goods to which the same resessed of such factor or agent shall be deemed to be pos- What shall be
deemed possession. Ressed of such factor or agent shall be deemed to be postured postular actual a his control custody or held by any other person subject to his actual custody or held by any other person subject to loan or advance is bonâ fide made to any factor or agent or advance on the bona fide made to any factor or such goods. intrusted with and in possession of any such goods or such goods. document of title, on the faith of any contract or agreement writing writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title is or the person making such the is or are actually received by the person making such was not advance, without notice that such lactor of agency authorized to make such pledge or security, every and not authorized to make such pledge or security, which loan or advance shall be deemed to be a loan or advance on it advance shall be deemed to be a loan or advance on its advance of title, Pance on the security of such goods or document of title, within the security of such goods or document of the meaning of the next preceding section, though ch goods or document of title are not actually reletiod by the person making such loan or advance till a Mether made direct with such factor or agent or with tract.

his bahalf shall be deemed a what shall be any clerk or other person on his behalf, shall be deemed a Contract or other person on his behalf, shall be deemed a payment made, whether by money or bill of exchange, or advance.

Possession to other negotiable security, shall be deemed to be an advance family the security of the preceding section; and a with negotiable security, shall be deemed to be an advance factor or account of the meaning of the next preceding section; and a Possession to done or account of the meaning of the next preceding section; and a Possession to done or account in the meaning of the next preceding section; and a Possession to done or account in the next preceding section; and a Possession to done or account in the next preceding section; and a Possession to done or account in the next preceding section; and a Possession to do not be an advance of the next preceding section; and a Possession to do not be an advance of the next preceding section; and a Possession to do not be an advance of the next preceding section; and a Possession to do not be an advance of the next preceding section; and a Possession to do not be advance of the next preceding section in the next preceding section in the next preceding section is not preceding section. factor or agent in possession, as aforesaid, of such goods or intrusting. document, shall be taken, for the purpose of the next preintrusted therewith by the ceding section, shall be taken, for the purpose of the many owner than to have been intrusted therewith by the solution, to have been intrusted therewith by the Note: the reof, unless the contrary is shown in evidence. 82.33 V., c. 21, s. 80.

le use or hands who, being a trustee of any property for frauduler disposing a trustees of any property for frauduler disposing a trustees or hands or in part, of some other disposing areas to the frauduler disposing a trustees frauduler disposing a trustee fra the use or benefit, either in whole or in part, of some other fraudulently tent. In or for the content of the c person, or for any public or charitable purpose, with in-property. tent to defraud, converts or appropriates the same, or any

part thereof, to or for his own use or benefit or the use of benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable or for any purpose as aforesaid, or otherwise disposes of or destroys purpose as aforesaid, or otherwise disposes of or destroys such property or any part thereof, is guilty of a misdement or, and liable to seven years' imprisonment:

No prosecution without sanction of the Attorney General.

2. No proceeding or prosecution for any offence mentioned in this section shall be commenced without the sametion of the Attorney General or Solicitor General for the Province in which the same is to be invalid.

When civil proceedings have been taken.

3. When any civil proceeding has been taken against any person to whom the provisions of this section apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the court or judge before whom such civil proceeding has been had or is pending. 39-33 V 2 21 2 21

Directors, &c., of any body corporate or public company fraudulently appropriating property.

66. Every one who, being a director, member, manager or officer of any body corporate or company, fraudulently or purpose other than the use or benefit, or for any use or purpose of such body corporate or company, any of the property of such body corporate or company, any of the property of such such corporate or company, is guilty of a misdemeanor, and corporate or seven years' imprisonment. 32-33 V., c. 21, s. liable to seven years' imprisonment. 32-33 V., c. 21, s.

Or fraudulently keeping false accounts or books. 67. Every one who, being a director, member, such reor officer of any body corporate or company, as such ceives or possesses himself of any of the property of such body corporate or company, otherwise than in payment of a just debt or demand, and, with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or company, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V. c. 21, s. 83.

Or wilfully destroying or falsifying books or papers, &c.

member of any body corporate or company, with intent to defraud, destroys, alters, mutilates or falsifies any body paper, writing or valuable security belonging to the making corporate or company, or makes or concurs in the many of any false entry, or omits or concurs in omitting any material particular in any book of account or document, is material particular in any book of account or document, in guilty of a misdemeanor, and liable to seven years in prisonment. 32-33 V. c. 21 s. 84

Or fraudulently publishing false statements or accounts.

69. Every one who, being a director, manager, officer of member of any body corporate or company, makes, circulating of lates or publishes, or concurs in making, circulating publishing any written statement or account which

knows to be false in any material particular, with intent to deceive to be false in any material particular, with intent to deceive or defraud any member, shareholder or creditor of such had such body corporate or company, or with intent to induce any name or partner therein, or any person to become a shareholder or partner therein, or interest to such body corporate to intrust or advance any property to such body corporate or compared or the benefit or company, or to enter into any security for the benefit thereof thereof, is guilty of a misdemeanor, and liable to seven years'; years' imprisonment. 32-33 V., c. 21, s. 85.

70. Every one who, being an officer or member of any Embezzle-mincorn together for any efficiers, together for any efficiers, together the state of unincorporated body or society, associated together for any officers, &c., lawful purpose, fraudulently takes or applies to his own of unincorporuse or benefit, or for any use or purpose other than the use ated societies. or purpose of such body or society, the whole or any portion of the face of such body or society, the whole or any portion of the funds, moneys or other property of the society, and continuous, moneys or other property after due demand has continues to withhold such property after due demand has been mad to withhold such property after due demand has been made for the restoration and payment of the same by some one or more of the members or officers duly appointed by and or more of the members or officers duly appointed by and on behalf of the body or society, is guilty of a misde-meanor behalf of the body or society. C. S. C., meanor, and liable to three years' imprisonment. C. S. C., c. 71, s. 8;—R. S. B. C., c. 162, s. 9.

Nothing in any of the twelve sections next preceding No person to sall enal, to make a full from answershall enable or entitle any person to refuse to make a full from answerand complete discovery by answer to any bill in equity, or ing questions to answer any question or interrogatory in any civil problem in any curt; but no person to he hearing of any matter in making a discourse in any court; but no person the hearing of any matter in making a discourse in any ceeding in any question or interrogatory in any crim pour no person shall be liable closure in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court, or upon the hearing of any matter in making a discourt in any court in a bankruptcy or insolvency; and no person shall be liable closure in any compulsory compulsory convicted of any of the misdemeanors in the said proceeding to be liable to be li tections mentioned by any evidence whatsoever, in respect to be liable to prosecution. egg of on oath, in consequence of any compulsory process act on oath, in consequence of any computer, in the consequence of any computer, in the consequence of any action, suit or is ceeding, court of law or equity, in any action, suit or action, court of law or equity, in any action, suit or action, court of law or equity, in any party aggrieved, or proceeding court of law or equity, in any action, if he had bond fide instituted by any party aggrieved, or if he has bond fide instituted by any party agging first disclosed the same in any compulsory exanination or deposition before any court, upon the hearing of any or insolvency. 32-33 V., of any or deposition before any court, upon and court, upon an

Nothing in the thirteen sections next preceding, nor No remedy at proceeding in the thirteen sections next preceding, nor No remedy at law or in equity to be Nothing in the thirteen sections next preceding, nor how the proceeding, conviction or judgment had or taken equity to be shallon again. thereon against any person under any of the said sections affected. thall prevent, lessen or impeach any remedy at law or in an inty, which lessen or impeach any remedy at law or in an inty, which equity, which any person aggrieved by any offence against been passed in sections would have had if this Act had not been passed in sections would have had if this Act had not been passed. been passed; but no conviction of any such offender shall any person used in this action. be received; but no conviction of any such one in evidence in any action or suit against him; but nothing the contained shall affect or and deceived in evidence in any action or suit against prejudice in the said sections contained shall affect or any action of security given by prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or paytheat of any trust property misappropriated. 32-33 V., s. 87 ^{c.} 21, 8. 87.

Keepers of warehouses. &c., giving false receipts.

73. Every one who,—

(a) Being the keeper of any warehouse, or a forwarder cover miller, master of a vessel, wharfinger, keeper of a cover yard, harbor or other slate. yard, harbor or other place for storing timber, deals, staves, boards or lumber cure and a staves, wool, boards or lumber, curer or packer of pork, or dealer in other carrier. factor agent or all carrier, factor, agent or other person, or a clerk or other person in his ampley person in his employ, knowingly and wilfully gives to any person a writing purporting any person a writing purporting to be a receipt for or acknowledgment of any good acknowledgment of any goods or other property as harf or been received into his work been received into his warehouse, vessel, cove, wharf or other place, or in any such other place, or in any such place about which he is enterplace, or in any other many about which he is enterplaced, or in any other many other person in or about whose business he is employed, before the goods or other property near the goods of the goods or other property named in such receipt, acknowledgment or writing have ledgment or writing have been actually delivered to or received by him as aforesaid will received by him as aforesaid, with intent to mislead, deceived injure or defraud any power. injure or defraud any person whomsoever, although such person is then unknown to h

Persons knowingly using false receipts.

(b) Knowingly and wilfully accepts, transmits or uses by such false receipt or color any such false receipt or acknowledgment or writing,

Punishment.

Is guilty of a misdemeanor, and liable to three years' in isonment. 32-33 V c 21 200 prisonment. 32-33 V., c. 21, s. 88;—34 V., c. 5, s. 64.

Owners selling after advance by consignees.

74. Every one who,—

(a) Having, in his name, shipped or delivered to the keeper any warehouse or to aver of any warehouse, or to any other factor, agent or carrier, to be shipped or carried any other factor, agent or carried to be shipped or carried any other factor. to be shipped or carried, any merchandise, upon which the consignee has advanced any consignee has advanced any money or given any valuable security, afterwards with interpretable and the security of the security afterwards with interpretable and the security of the security security, afterwards with intent to deceive, defraud or in jure such consigned in with the security of the sec jure such consignee, in violation of good faith, and without the consent of such consignee. the consent of such consignee, makes any disposition of merchandise different from a makes any disposition of such merchandise different from and inconsistent with the agreement made in that babale! ment made in that behalf between him and such consigned at the time of or before and at the time of or before such money was so advanced, or such negotiable security as

Persons wilfully assisting.

(b) Knowingly and wilfully acts and assists in making or the nating of such disposition for the purpose of deceiving, defrauding or injuring such consigned

Punishment.

Is guilty of a misdemeanor, and liable to three years' aprisonment: imprisonment:

No prosecution if advances are paid.

2. No person shall be subject to prosecution under this ction who, before making and the prosecution under the contract the contract that the contract the contra section who, before making such disposition of the merchandise aforesaid. Days on total dise aforesaid, pays or tenders to the consignee the amount of any advance making such disposition of the merchall the full dise aforesaid, pays or tenders to the consignee the consigner to the consistency to the consistenc amount of any advance made thereon. 32-33 V., c. 21, s. 89.

75. Every one who,—

Making false statements in receipts for

(a) Wilfully makes any false statement in any receipt, grain, &c. certificate or acknowledgment for grain, timber or other goods or goods or property, which can be used for any of the purposes mentioned in "The Bank Act," or—

(b) Having given, or after any clerk or person in his Fraudulently employ has, to his knowledge, given, as having been reretaining or
retaining or
r ceived by him in any mill, warehouse, vessel, cove or other property to place, any such receipt, certificate or acknowledgment for which receipt refers. any such receipt, certificate or acknowledges, such receipt, certificate or acknowledges, such receipt, certificate or acknowledges, any such receipt, certificate or acknowledges, and acknowledge having obtained any such receipt, certificate or acknowledgment ledgment, and after having indorsed or assigned it to any bank, and after having indorsed or assignment of the half or person, afterwards, and without the consent of the holder or indorsee, in writing, or the production and delivers or indorsee, in writing, or the production and willdelivery of the receipt, certificate or acknowledgment, wilfully ali fully alienates or parts with, or does not deliver to such holder or parts with, or does not deliver to such holder or parts with, or does not deliver to ledgment indorsee of such receipt, certificate or acknowledgment, the grain, timber, goods or other property therein

Is guilty of a misdemeanor, and liable to three years' Punishment. imprisonment. 32-33 V., c. 21, s. 90, part;—34 V., c. 5; · 8. 65.

ctions any misdemeanor mentioned in any of the three As to partthing in the preceding is committed by the doing of anything in the name of any firm, company or co-partnership persons. of persons, the person by whom such thing is actually done or who connives at the doing thereof, is guilty of the mis-demeanor 32-33 V., c. 21, s. 91; demeanor and not any other person. 32-33 V., c. 21, s. 91;

OBTAINING MONÉY BY FALSE PRETENCES.

Every one who, by any false pretence, obtains from False prewith intent on any chattel, money or valuable security, with other person any chattel, money or valuable intent to defraud, is guilty of a misdemeanor, and to the to the company of t liable to three years' imprisonment:

Ches to be paid, or any chattel or valuable paid to any than the person of the use or person than the person than the person to be paid. security money to be paid, or any chattel or valuable paid to any benefit or to be delivered to any other person, for the use or person other than the person making such false preson making and the person making such false preson making and the person making and t benefit to be delivered to any other person, for the use or person other tence or of account of the person making such false preson making a deemed to it other person, with intent to defraud, shall false presented to it other person, with intent to defraud, shall false presented to it other person, with intent to defraud, shall false presented to it other person, with intent to defraud, shall false presented to it other person, with intent to defraud, shall false presented to it of the person with intent to defraud, shall false presented to it of the person of the perso be deemed to have obtained such money, chattel or valuable tence. security within the meaning of the next preceding subwithin the meaning of the meaning of the section. 32-33 V., c. 21, s. 93, part, and s. 94.

Every one who, with intent to defraud or injure any Inducing persons by fraudulently causes or fraudulent Person, by any false pretence fraudulently causes or fraudulent and other instruments.

means to exe- induces any other person to execute, make, accept, indorse or destroy the whole or are accept, and other or destroy the whole or any part of any valuable security, or to write, impress or affect that or to write, impress or affix his name, or the name of other person, or of any comments. other person, or of any company, firm or co-partnership, or the seal of any body corporate the seal of any body corporate, company or society, after any paper or parchaest as all company or society. any paper or parchment, so that the same may be after wards made or converted in the same may be at the same wards made or converted into or used or dealt with as a valuable security is quilty of valuable security, is guilty of a misdemeanor, and liable to three years' imprisonment three years' imprisonment. 32-33 V., c. 21, s. 95.

Pretending to have inclosed money or other property in a post letter.

79. Every one who, for any purpose or with any intent rongfully and with wilfer to purpose or with any alleges wrongfully and with wilful falsehood, pretends or alleges that he inclosed and sout a sent that he inclosed and sent or caused to be inclosed and sent in any post letter any manufacture. in any post letter, any money, valuable security or chattel, which, in fact, he did not so which, in fact, he did not so inclose and send, or cause to be inclosed and sent therein be inclosed and sent therein, is guilty of a misdement, and liable to be punished as it is guilty of a misdement, and liable to be punished as if he had obtained the money, valuable security or chattel valuable security or chattel so pretended to be inclosed or sent by false pretences 2000 Tr sent by false pretences. 32-33 V., c. 21, s. 96, part.

Winning money by cheating at games.

80. Every one who, by any fraud or unlawful device of any practice in playing any ill practice in playing any game of cards or dice, or of other kind, or at any reconstruction of the state of other kind, or at any race, or in betting on any event, or obtains any money or person, or obtains any money or property from any other person, shall be held to have water or shall be held to have unlawfully obtained the same false pretences. and shall false pretences, and shall be punishable accordingly. 32-33 V., c. 21. s. 97

Obtaining passage in steamers, &c., by false tickets.

81. Every one who, by means of any false ticket or order, of any other ticket or order. or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain obtains or attempts to obtain any passage on any railway, or in any steam or other way. or in any steam or other vessel, is guilty of a misdemeanor, and liable to six manth. 21, s. 98.

Receiving where the principal is guilty of felony.

82. Every one who receives any chattel, money, valuable curity or other property will security or other property whatsoever, the stealing taking extorting, obtaining ambarding extorting, obtaining, embezzling and otherwise disposing whereof amounts to follow whereof amounts to felony, either at common law felon virtue of this Act. knowing it virtue of this Act, knowing the same to have been felow iously stolen, taken attention iously stolen, taken, extorted, obtained, embezzled or dis, posed of, is guilty of falony posed of, is guilty of felony, and liable to fourteen years' imprisonment. 32-38 V

Receiving where the principal is guilty of a misde. meanor.

valuable security or other property whatsoever, the steading, taking, obtaining converting ing, taking, obtaining, converting or disposing, same or made a misdemeanor by this Arian disposing same or made a misdemeanor by this Act, knowing the same of have been unlawfully stolen have been unlawfully stolen, taken, obtained, converted of disposed of, is guilty of a misdam, obtained, converted to seven disposed of, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-38 V

84. Every one who receives any property whatsoever, Receiving nowing the stealing where the stealing original of knowing the same to be unlawfully come by, the stealing where the or taking the same to be unlawfully come by, the stealing original of or taking of which property is by this Act punishable on fence is punishable on summary of which property offence or for the first is summary consummary c summary of which property is by this Act punishable on tence is punishable on summary conviction, either for every offence, or for the first ishable on summary conviction, be viction. liable, for every first, second or subsequent offence of receiving, for every first, second or subsequent offence of person, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence of sealing guilty of a first, second or subsequent and punishment to the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty of a first, second or subsequent offence of the sealing guilty guilty of the sealing guilty g tealing or taking such property is by this Act liable. 32-33 V., c. 21, s. 106.

OFFENCES NOT OTHERWISE PROVIDED FOR.

defraud, by taking, by embezzling, by obtaining by false a person is defrauded of to his own use of any other person, any protage, possession, or use of to his own use or to the use of any other person, any protage, possession, or use of
his property.

The description of the second of the person temhis property. porarily or absolutely of the advantage, use or enjoyment of benegerable absolutely of the advantage, use or enjoyment of in law or in equity, which absolutely of the advantage, use or enjoy.

Which are in interest in such property in law or in equity, which such other person has therein, is guilty of a misdeneanor, and liable to be punished as in the case of the large of such property exceeds imple larceny; and if the value of such property exceeds the hand chall be liable to fourtwo hundred dollars, the offender shall be liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 110, part.

Se. Every one who is convicted of an offence against Additional act have been punishment property this Act by stealing, embezzling or obtaining by false prepunishment if property stealing, embezzling or obtaining by false prepunishment if property stolen is warth more the Act by stealing, embezzling or obtaining by false pre-property whatsoever, the value of which is over stolen is in the dred of the property whatsoever, the value of which is over stolen is in the property whatsoever, the value of which is over stolen is in the property whatsoever, the value of which is over stolen is in the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the value of which is over stolen is the property whatsoever, the property whatsoever, the property whatsoever is the property whatsoever is the property whether the property whatsoever is the property whether the property whatsoever is the property whether the property whethe two hundred dollars, is liable to seven years' imprisonment, worth more than \$200. wise be liable for such offence. 32-33 V., c. 21, s. 110,

legeof, tal. one who, without the consent of the owner Appropriating timber ac, found thereof, takes, holds, keeps in his possession, collects, conting timber, blocures or appropriates, purchases, sells or causes or admit, defaction possession of, collected, contracting marks or refusing defactions of the contraction possession of collected. procures, noids, keeps in the procures, sells or causes or admit, denoted the sor assists to be taken possession of, collected, coning marks or refusing deleted, recoiled to be taken possession of any timelivery to owner. cealed, received, appropriated, purchased or sold, any tim-livery to which ast, specific appropriated, purchased or sold, any tim-livery to which ast, specific appropriated, purchased or sold, any tim-livery to which ast, specific appropriated, purchased or sold, any tim-livery to which ast, specific appropriated, purchased or sold, any tim-livery to which ast, specific appropriated appropriated appropriated. ber, nast, spar, saw-logs or other description of lumber owner. which is found adrift in any river, stream or lake, or cast or on the late of any river, stream or lake, behore on the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or without the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the bank or beach of any river, stream or lake,—

or with the or, without the bank or beach of any river, stream or par-ally defaces or procures to be defaced or procures to be defaced or procures to be defaced or procure to be defa delded, any such timber, mast, spar, addy defaces or adds, or causes or procures to be defaces or adds, or causes or procures to be defaced, any mark or number on any such timber, mast, spar, or number or any such timber, or makes or causes, the course or adds, or causes of process or adds, or causes or process or other description of lumber, or makes or causes, and ocurses to a description of lumber, or makes or causes, or counterfeit mark on any or brocures to be made any false or counterfeit mark on any tunhan timhan be made any false or other description of tunhan timhan be made any false or other description of the thereof. but timber, mast, spar, saw-log or other description of the proper owner thereof, timber, or refuses to deliver up to the proper owner thereof, or the parent on behalf of such owner, or to the person in charge thereof, on behalf of such owner, time thereof, or the person in charge thereof, on behalf of such owner, time thereof. or authorized by such owner to receive the same, any such other, mass by such owner to receive the same, any such timber, mast, spar, saw-log or other description of lumber,

is guilty of a misdemeanor, and liable to be punished as in the case of simple largery.

Bringing into Canada property stolen,

SS. Every one who brings into Canada, or has in his converses on therein, any property of the converse of the possession therein, any property stolen, embezzled, other verted or obtained by frond and a control of the cont verted or obtained by fraud or false pretences in any correction, in such manner that it obtained else- country, in such manner that the stealing, embezzling, by verting or obtaining it is 121 verting or obtaining it in like manner in Canada would, by the laws of Canada be a following the laws of Canada, be a felony or misdemeanor, knowing it to have been so stolen and misdemeanor, and would be in the laws of Canada, be a felony or misdemeanor, knowing it to have been so stolen and the laws of Canada would be in the laws of Cana it to have been so stolen, embezzled or converted, or unlaw fully obtained, is onlitty of fully obtained, is guilty of an offence of the same nature and punishable in like manufacture. and punishable in like manner as if the stealing, probezzling, converting or make a stealing, probezzling, converting or unlawfully obtaining such perty had taken all and taken all all and taken al perty had taken place in Canada. 32-33 V., c. 21, s. 112, part.

trial.

89. Every one who corruptly takes any money or reward, rectly or indirectly and a second to the second of the seco ward for helping to the directly or indirectly, under pretence or upon accountly helping any person to any observable. helping any person to any chattel, money, valuable security or other property whatsomer perty, without or other property whatsoever, which, by any felony or misdentinging the offender to meanor, has been stolen, taken, obtained, extorted, embezzled converted or disposed of actions. converted or disposed of, as in this Act before mentioned (unless he has used all drade) (unless he has used all due diligence to cause the offender to be brought to trial for the to be brought to trial for the same), is guilty of felony, 21, liable to seven vears' immediately and the other seven vears' immediatel s. 115.

Advertising a reward for the return of stolen property, &c.

90. Every one who publicly advertises a reward for the turn of any property what return of any property whatsoever, which has been stolen or lost, and in such adventises or lost, and in such advertisement uses any words purport ing that no questions will be and uses any words purport and the pur ing that no questions will be asked, or makes use of any words in any public advertisement uses any words of any words in any public advertisement uses any words are ward words in any public advertise. words in any public advertisement purporting that a reward will be given or paid for any public advertisement purporting that a reward will be given or paid for any public advertisement purporting the stolen and the stolen stolen are the stolen and the stolen are the stolen and the stolen are the stolen a will be given or paid for any property which has been stolen or lost, without seizing or making that a review or lost, without seizing or making the per the p or lost, without seizing or making any inquiry after the person producing such property. son producing such property, or promises or offers in such public advertisement to are the public advertisement to are the public advertisement to a the pub such public advertisement to return to any pawnbroker of other person who advanced with the pawnbroker of other person who advanced with the pawnbroker of the person who advanced with the payner of the person who advanced with the person with the person with the person which the person with the perso other person who advanced money by way of money has bought any property stolen or lost, the money advanced or paid, or any other services of such a s advanced or paid, or any other sum of money for the return of such property, or prints or any other sum of money for advertise of such property, or prints or any other sum of money for advertise of such property, or prints or any other sum of money for advertise of such property, or prints or any other sum of money for advertise of such property. of such property, or prints or publishes any such advertise ment, shall incur a parallel and such property. ment, shall incur a penalty of two hundred costs at dollars for every such offens dollars for every such offence, recoverable with costs any person who sues for the coverable with costs any person who sues for the coverable with costs any person who sues for the coverable with competent any person who sues for the coverable with competent any person who sues for the coverable with cove any person who sues for the same in any court of competent jurisdiction: jurisdiction:

Time for prosecution in certain cases limited.

2. No action to recover any forfeiture under this section all be brought against the area of a new section and the section and the section area of a new section area. shall be brought against the printer or publisher of a newspaper, defined as a newspaper paper, defined as a newspaper for the purposes of newspaper for the time being in force relationship. for the time being in force, relating to the carriage papers by post, except within a significant papers. papers by post, except within six months after the forfeiting is incurred. 32-33 V. c. 21 is incurred. 32-33 V., c. 21, s. 116;—35 V., c. 35, and 3.

91. Every one who, being a seller or mortgagor of land, Concealment of any one who, being a seller or mortgagor of land, Concealment or of any chattel, real or personal or chose in action, or the or falsification of pedigree by solicitor or agent of any such seller or mortgagor, and hav- of pedgree by has been agent of any such seller or mortgagor, and better of vendor or mortgagor. ing been served with a written demand of an abstract of vendor or mortgagor. title by or on behalf of the purchaser or mortgagee before the completion of the purchaser or mortgage, conceals any settlement material to the settlement, deed, will or other instrument, material to the title or or mortgage, title, or any incumbrance, from such purchaser or mortgagee, or fals; gary incumbrance, from such purchaser or mortgagee, or falsifies any pedigree upon which the title depends, with intent to accept the intent to defraud and in order to induce him to accept the title offen defraud and in order to induce him to accept the title offered or produced to him is guilty of a misdemeanor and light or produced to him is guilty of a misdemeanor imprisonment or to both: and liable to a fine or to two years' imprisonment or to both:

2. No prosecution for any such offence shall be commenced Consent of the Province Attorney Consent to without the consent of the Attorney General of the Province Attorney Within with consent of the Attorney General of the Province General to within which the offence is committed, given after previous prosecution notice to the applinotice to the person intended to be prosecuted of the application to the person intended to be prosecute: cation to the person intended to be prosecute:

8. Nothing in this section, and no proceeding, conviction other remedies not all property lessen or affected. or judgment had or taken thereon, shall prevent, lessen or affected. impeach any remedy which any person aggrieved by any such offer. Person aggrieved by any bad 29 V. (Can.), c. 28, such offence would otherwise have had. 29 V. (Can.), c. 28,

The three sections next following apply only to the Provisions applicable Ouebec. Province of Quebec.

88. Every one who, knowing the existence of any un-Fraudulent sate of property. registered prior sale, grant, mortgage, hypothec, privilege perty. hakes and the same or of any part hakes any subsequent sale of the same, or of any part thereof; thereof, is guilty of a misdemeanor, and liable to a fine not exceeding two thousand dollars, and to one year's imprisonment. C. S. L. C., c. 37, s. 113.

by Every one who pretends to hypothecate any real Fraudulent hypothecation of proproperty to which he has no legal title, is guilty of a misde-tion of promeanor, and liable to a fine not exceeding one hundred perty. dollars and liable to a fine not exceeding one n ownership of the real estate shall rest with the person so consider the real estate shall rest with the person so come. C. S. L. C., c. 37, s. pretending to hypothecate the same. C. S. L. C., c. 37, s.

Bs. Every person who, knowingly, wilfully and maliciseizing township lands residual and taken in execusing lands residual and taken in execusions. ously, causes or procures to be seized and taken in execusion, any land or procures to be seized and taken in execusion and taken in exec within any to and tenements, or other real property, situate belonging to defendant. within any lands and tenements, or other real property, situate defendant. at the time township in the Province of Quebec, not being, defendant. at the time of such seizure, the bona fide property of the person or persons against whom, or whose estate, the execution is issued, knowing the same not to be the property of the person or persons against whom the execution is

issued, is guilty of a misdemeanor, and liable to one $y^{e^{gr's}}$ imprisonment:

Other remedies not affected.

2. Nothing in this section, and no proceeding, conviction or judgment had or taken thereunder, shall prevent, lessen or impeach any remedy which any person aggrieved by any such offence would otherwise have had. C. S. L. C., c. 46, ss. 1 and 2.

Provisions applicable to B. C.

96. The following sections apply only to the Province of British Columbia.

False statements, &c., in relation to transactions in land. pregistration of any title to land or otherwise, or in the transaction relating to land, which is or is proposed to be transaction relating to land, which is or is proposed to be put on the register, acting either as principal or agent, knowingly and with intent to deceive, makes or assists or knowingly and with intent to deceive, makes or assists joins in, or is privy to the making of any material false statement or representation, or suppresses, conceals, assists statement or representation, or suppresses, conceals, or joins in, or is privy to the suppression, withholding or concealing from any judge or registrar, or any person entry ployed by or assisting the registrar, any material document, fact or matter of information, is guilty of a misdemeanor, and liable to three years' imprisonment.

Other remedies not affected.

2. Nothing in this section, and no proceeding, conviction or judgment had or taken thereon, shall prevent, lessen or impeach any remedy which any person aggrieved by any such offence would otherwise have had

Criminal liability not to protect against giving evidence.

3. Nothing in this section shall entitle any person to refuse to make a complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court; but no answer to any such bill, question or interrogatory shall be admissible against bill, question or interrogatory shall be admissible any such person in evidence in any criminal proceeding. R. S. B. C., c. 143, ss. 81, 82, 88, and 25

Injuring or removing anything from an Indian grave or purchasing such thing.

PS. Every one who steals, or without the sanction of the Lieutenant Governor of the Province, cuts, breaks, or stroys, damages or removes any image, bones, article or thing deposited in or near any Indian grave, or induces thing deposited in or near any Indian grave, or induces of article or thing after the same has been so stolen, or cut or broken, destroyed or damaged, knowing the same to have been so acquired or dealt with, shall, on summary conviction, be liable, for a first offence, to a penalty not exceeding one hundred dollars, or to three months' imprisonment, six for a subsequent offence, to the same penalty and to summit on the same penalty and to six months' imprisonment with hard labor.

Property may be stated to be in the Crown.

2. In any proceeding under this section it shall be sufficient to state that such grave, image, bones, article or thing, is the property of the Crown. R. S. B. C., c. 69, ss. 2, 3 and 4.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
°4-33 V , c. 21	The whole, except ss 5, 6, 14 (part), 16 (part), 17 (part), 18 (part), 20 (part), 33, 34, 36, 40, 57, 58, 72 (part), 73, 74, 75 (part), 99, 100 (part), 101, 102, 103, 104 (part), 105, 110 (part), 112 (part), 113, 114, 117 and 121.		ss. 5, 6, 14 (part), 16 (part, 17 (part, 18 (part), 20 (part), 33, 34, 36, 40, 57, 58, 72 (part), 73, 74, 75 (part, 92, 93 (part), 96 (part), 99, 100 (part), 101, 102, 103, 104, (part), 105, 110 (part), 101, (part), 112, 117 and 121.	
35 y' c. 33	ss 66, 67, 68 and 109. ss 90 (part), and 122. ss. 107 and 108 ss. 118-120 and 123. s 124 ss. 60, 64, 65 and 66 s 32 (part) ss. 2 and 3 s. 1 (part). ss. 1 and 3 s. 70 (part). s. 66 (part) s. 67. s. 40 (part). s. 10. s. 8. s. 20 (part)	s. 124. s. 124. ss. 1 and 4.	ss 43 to 48 ss. 66, 67, 68 and 109. ss 90 (part), and 122. ss. 107 and 108. ss. 118-120 and 123. Residue	Wrecks and Salvage. Punishments. Accessories. Summary Convictions. Bank Act.
R. B. B. C., c. 16:	88. 2, 3 and 4	ss. 1 and 5.		

CHAPTER 161.

An Act respecting Forgery.

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

INTERPRETATION.

Canada."

1. In this Act, unless the context otherwise requires, the pression "Province of C tion: "Province of expression "Province of Canada" includes the late Province of Canada" of Canada and of Canada and the late Provinces of Upper Canada New Lower Canada also the Provinces of Upper Canada New Lower Canada, also the Provinces of Nova Scotia, mbia, Brunswick Prince Edward Til Brunswick, Prince Edward Island and British Columbia, as they respectively as they respectively existed before they became part of Canada, and also the arrest D Canada, and also the several Provinces, Territories and Districts now or haracter form. Districts now or hereafter forming part of Canada. New.

Having in custody or possession.

2. When the having any matter or thing in the custody possession of any or possession of any person is, in this Act, expressed to be an offence, if any person because the second to be an offence. an offence, if any person as any such matter or thing in his personal custody and custo personal custody and possession, or knowingly and wilfully has any such matter or thing in has any such matter or thing in his any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in his personal custody and possession. has any such matter or thing in the actual custody and possession of any other possession in the actual custody and possession of any other possession. session of any other person, or knowingly and wilfully has any such matter or thing in any such matter or thing in any dwelling-house or other building, lodging apartment of dwelling-house or or building, lodging, apartment, field or other place, open or inclosed, whether belonging inclosed, whether belonging to or occupied by himself or not, and whether such matter not, and whether such matter or thing is so had for his own use, or for the use or bounds. use, or for the use or benefit of another, every such person shall be deemed and taken to be another. shall be deemed and taken to have such matter or thing in his custody or possession will be a possession with the custody or possession will be a possession with the custody of possession will be a possession with the custody of possession will be a possession with the custody of possession will be a possession with the custody of the his custody or possession within the meaning of this 32-33 V. c. 19 s 59 32-33 V., c. 19, s. 52.

What shall be deemed forgery.

3. The wilful alteration, for any purpose of fraud or de-it, of any document or it ceit, of any document or thing written, printed or other wise made capable of being a written, printed or or wise made capable of being read, or of any document of thing the forging of which thing the forging of which is made punishable by this Act, shall be held to be a forming the punishable by the state of th shall be held to be a forging thereof. 32-33 V., c. 19, s. 45, part. part.

THE GREAT SEAL, ETC.

Forging the great seal, privy seal, &c.

4. Every one who forges or counterfeits, or utters, known g the same to be formed ing the same to be forged or counterfeited, the Great Seal of the United Kingdom of the United Kingdom, or the Great Seal of Canada, or of any Province of Canada of Ca of any Province of Canada, or of any one of Her Majesty's Colonies or possessions, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, or an intermed by the twentyor any of Her Majesty's seals, appointed by the twentyfourth article of the union between England and Scotland to had the Great Seal to be kept, used and continued in Scotland, the Great Seal or the Privy Seal or of Ireland, or the Privy Seal of Ireland, or the Privy Seal or Seal of Ireland, or of the Seal at Arms of the Governor General of Canada, or of the Lieutenant Governor of any Province of Canada, or of any person who administers or, at any time, administered the Government of any Province of Canada, or of the Governor or Lious Har Maiestv's colonies or Lieutenant Governor of any one of Her Majesty's colonies or possessions,—or forges or counterfeits the stamp or impression of sion of any of the seals aforesaid,—or utters any document or Or uttering instrument or of the seals aforesaid,—or utters any document or or uttering document or or officed the rest of the document or of the seals aforesaid,—or utters any document or or uttering or officed the rest of the seals aforesaid,—or utters any document or or uttering or of the seals aforesaid,—or utters any document or or uttering or of the seals aforesaid,—or utters any document or or uttering or of the seals aforesaid,—or utters any document or or uttering or of the seals aforesaid,—or utters any document or or uttering or of the seals aforesaid,—or utters any document or or or uttering or of the seals aforesaid,—or utters any document or or or of the seals aforesaid,—or utters any document or or of the seals aforesaid,—or utters any document or or of the seals aforesaid,—or of instrument whatsoever, having thereon or affixed thereto the with forged stamp of the seals aforesaid,—or utters any document of document stamp of the seals aforesaid,—or utters any document of document with forged stamp of the seals aforesaid,—or utters any document of document with forged stamp of the seals aforesaid,—or utters any document of docume stamp or impression of any such forged or counterfeited seal, seal. knowing the same to be the stamp or impression of such formal or counterfeited forged or counterfeited seal, or any forged or counterfeited seal, or any forged or counterfeited stamp or counterfeited seal, or any lorged of co semble the stamp or impression of any of the seals aforesaid, know: knowing the same to be forged or counterfeited,—or forges, or alta. or alters, or utters, knowing the same to be forged or altered, any door of the said stamps any document or instrument having any of the said stamps or important or instrument having any of the said stamps or impressions thereon, or affixed thereto, is guilty of felony, and liet 1 and liable to imprisonment for life. 32-33 V., c. 19, s. 1.

5. Every one who forges or fraudulently alters any docu- Forging or the uttering an ment bearing or purporting to bear the signature of the uttering any document dovernoons or purporting to bear the signature of the Governbearing the Governor General of Canada, or of any deputy of the Governor bearing the Governor of any Province of forged signature of the nor General of Canada, or of any deputy of the Governor bearing the Canada, or of the Lieutenant Governor of any Province of forged signature of the administers or, at, any time, Governor, and Ministers of Canada, Lieutenant of any Province of Canada, Lieutenant Cavernor, &c. administered the Government of any Province of Canada, Lieutenant Governor, &c. or offers, utters, disposes of or puts off any such forged or handris, utters, disposes of or puts off any such forged or handris, utters, disposes of or puts off any such forged or handris. fraudulently altered document as aforesaid, knowing the same to be so forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 2.

LETTERS PATENT AND PUBLIC REGISTERS.

the same to be copies of let lishes, puts off, or utters as true, knowing the same to be copies of letforged or altered, any copy of letters patent, or of the enrol- ters patent, ment or of any certificate ment or altered, any copy of letters patent, or of the enforthereof enregistration of letters patent, or of any certificate thereof thereof, made or given or purporting to be made or given Canada is of any Act of Canada or of any Province of Canada is of any Act of Canada or of seven years' im-Canada, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 3.

blic row one who forges or counterfeits or alters any Forging or altering any by law to be made or altering any subject that he had by law to be made or altering any subject to be subject to the subjec public register or book appointed by law to be made or altering any public register or book appointed by law to be made or altering any writing any entry therein, or wilfully certifies or utters any ter, &c. writing as and for a true copy of such public register or book or as and for a true copy of such writing to be book or of any entry therein, knowing such writing to be

counterfeit or false, is guilty of felony, and liable to four teen years' imprison and liable to teen years' imprisonment. 32-33 V., c. 19, s. 4.

TRANSFERS OF STOCK, ETC.

Forging transfer of stock, &c.

8. Every one who, with intent to defraud, forges or alters, offers, netters, and or offers, utters, disposes of or puts off, knowing the same to be forged or altered to be forged or altered, any transfer of any share or interest of or in any stock any transfer of any share or interest of or in any stock, annuity or other public fund which now is or hereafter may be to is or hereafter may be transferable in any of the books of the Dominion of Canada are for the Dominion of Canada, or of any Province of Canada, of any bank at which the same is transferable, or of or the capital stock of any had the capital stock of any body corporate, company or society, which now is or borsect which now is or hereafter may be established by charter, or by, under or by virtue of by, under or by virtue of any Act of Parliament of the United Kingdom or of County United Kingdom or of Canada, or by any Act of the Legistature of any Province of Canada lature of any Province of Canada,—or forges or alters, or offers, utters, disposes of or putters. utters, disposes of or puts off, knowing the same thority forged or altered, any power of attorney or other authority to transfer any share or internal authority to transfer any share or interest of or in any such stock, annuity, public fund or are annuity, public fund or capital stock, or any claim scrip grant of land from the Cramer of the claim scrip. grant of land from the Crown in Canada, or for any sorip or other payment or allowers. or other payment or allowance in lieu of any such grant of land, or to receive any such grant in land, or to receive any dividend or money payable in respect of any such shared respect of any such share or interest,—or demands of endeavors to have any such alarmed, or endeavors to have any such share or interest transferred, or to receive any dividend arms. to receive any dividend or money payable in respect thereof, or any such grant of land or any such grant of land, or scrip or payment or allowance in lieu thereof as aforesaid because it is a second or in lieu thereof as aforesaid because it is a second or in lieu thereof as a foresaid because it is a second or in lieu the second or in lieu thereof as a second or in lieu thereof as a second or in lieu there is a second or in lieu thereof as a second or in lieu th in lieu thereof as aforesaid, by virtue of any such forged the altered power of attorners. altered power of attorney or other authority, knowing table same to be forged or altered same to be forged or altered, is guilty of felony, and liable to imprisonment for life 20 20 27

Forging power of attorney.

transferring or receiving, or endeavoring to transfer or receive the dividends.

9. Every one who falsely and deceitfully personates any over of any share or interest of the state of the sta certain stock, owner of any share, or interest of or in any stock, and transferring or other public fund which or other public fund, which now is or hereafter may be transferable in any of the hard transferable in any of the books of the Dominion of Canada, or of any Province of Canada or of any Province of Canada, or of any bank at which the same is transferable or are same is transferable, or any owner of any share or interest of or in the capital stock of of or in the capital stock of any body corporate, company of society which now is on here. society which now is or hereafter may be established by charter, or by, under or by charter, or by, under or by virtue of any Act of Parliament of the United Kingdom or any Act of Parliament of the United Kingdom or of Canada, or by any Act of Parliam the Legislature of any Province of Canada, or by any Act of for Legislature of any Province of Canada, or by any Act of the for Legislature of any Province of Canada, or by any Act of Parliam for Legislature of any Province of Canada, or by any Act of Parliam for Legislature of Canada, or by any Act of Parliam the Canada, or by any Act of the Ca Legislature of any Province of Canada, or by any Act of for claim a grant of land from the Canada, or of any claim scrip a grant of land from the Crown in Canada, or for any scrip or other payment or allowed in Canada, or for any scrip or other payment or allowed in Canada, or for any scrip land, or other payment or allowance in lieu of such grant of land, or any owner of any distributions. or any owner of any dividend or money payable in respect of any such share or interest of any such share or interest. of any such share or interest as aforesaid,—and thereby transfers or endeavore to a state of the transfers or endeavors to transfer any share or interest belonging to any such belonging to any such owner, or thereby receives of endeavors to receive any endeavors to receive any money due to any such owner, or thereby receives of endeavors to receive any money due to any such owner, or thereby receives of the obtain any such great of the order of the to obtain any such grant of land, or such scrip or allowance

in lieu thereof as aforesaid, as if such offender were the true and lawful owner, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 6.

10. Every one who forges any name, handwriting or Forging attessignature purporting to be the name, handwriting or roughly tation to power of attorney of a witness attesting the execution of any power of torney for transfer of the execution of any power of transfer of tran attorney or other authority to transfer any share or interest transfer of stock, &c. of or in any such stock, annuity, public fund, or capital stock and such stock, annuity, public fund, or capital stock and such stock, annuity, public fund, or capital stock and such stock annuity. stock, or grant of land or scrip or allowance in lieu thereof, as in either of the two sections next preceding mentioned, or to reacher of the two sections next preceding mentioned, or to receive any dividend or money payable in respect of any and dividend or money payable in respect of or any such share or interest,—or offers, utters, disposes of or puts of other authority, Puts off any such power of attorney or other authority, with any such power of attorney or signature with off any such power of attorney or other any thereon is such forged name, handwriting or signature forged is guilty of felony, thereon, knowing the same to be forged, is guilty of felony, and light wowing the same to be forged, is guilty of felony, 32-33 V., c. 19, s. 7. and liable to seven years' imprisonment. 32-33 V., c. 19, s. 7.

Akes any one who, with intent to defraud, wilfully Making false akes any word or hooks of makes any false entry in, or wilfully alters any word or books of the in or public funds. figure in any of the books of account kept by the Govern-public funds. ment of Canada, or of any Province of Canada, or of any Canada, or of account of the Canada, or of account of th bank at which any of the books of account of the Government of Canada are kept,—in ment of Which any of the books of account of the which Lanada or of any Province of Canada are kept,—in the current of any stock, which books the accounts of the owners of any stock, annuities or other public funds, which now are or hereafter and better and kept,—or may be transferable in such books, are entered and kept,—or in any manner wilfully falsifies any of the accounts of any manner wilfully falsifies any of the accounts of any of such owners in any of the said books, or wilfully makes Or any fraudrange transfer in any of the said books, or wilfully makes of or in any stock, fer. any transfer of any share or interest of or in any stock, fer. annuity or other public fund which now is or hereafter hay be to other public fund which name of any person may be transferable as aforesaid, in the name of any person in being the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the stransferable as aforesaid, in the name of any person in the stransferable as aforesaid, in the hot being the true and lawful owner of such share or interest, so guilt the true and lawful owner of such share or interest, state of the true and lawful owner of such snare of snare 82.38 V., c. 19, s. 8.

tother not one who, being a clerk, officer or servant of, Clerks making out false tother not one who, being a clerk officer or servant of the Government dividend was or other person employed or intrusted by the Government dividend war-or Canada or being a clerk, officer or servant of, Clerks making out false or Canada or being a clerk or rants, &c. of Canada or of any Province of Canada, or being a clerk or rants, &c. officer or servant of, or other person employed or intrusted and hand hand of, or other person employed or intrusted as any hand of, or other person employed or intrusted as a such books and accounts as by any bank in which any of such books and accounts as mention in which any of such books are kept, are the bank in which any of such books and account the mentioned in the next preceding section, are kept, and wingsty and in the next preceding section, are kept, and wingsty and account to the section of the sectio mentioned in the next preceding section, are many dividend with intent to defraud, makes out, or delivers and dividend with intent to defraud, makes out, or delivers are dividend. any dividend with intent to defraud, makes out, or users and mility in warrant, or warrant for payment of any warrant, in the warrant and warrant for payment of any warrant. or less amount or money payable as aforesaid, for a greater in the set or money payable as aforesaid, and warrant for payment of the set of the or less amount than the person on whose behalf such warrant and one is made one it than the person on whose behalf such warrant and one is a miltor of felony, and liable to is made out than the person on whose behalf such was seven years, is entitled to, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 9.

DEBENTURES, STOCK, EXCHEQUER BILLS, ETC.

Every one who, with intent to defraud, forges or Forging de-bentures, or ofference who, with intent to defraud, forges or Forging de-bentures, Duts off, knowing the minion notes alters, or offers, utters, disposes of or puts off, knowing the minion notes, exchequer bills, bonds, &c., or indorsements thereon, or any coupon certificate, &c. same to be forged or altered, any debenture or other security, issued under the authority of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, or any exchequer bill or exchequer bond, or any Dominion or Provincial note, or any indorsement on or assignment of any such debenture, exchequer bill or exchequer bond or any such debenture, exchequer bill or exchequer bond of the other security, issued under the authority of any Act of the Oraniament of Canada, or of the Legislature of any Province Parliament of Canada, or of the Legislature of any Province of Canada, or any coupon, receipt or certificate for interest accruing thereon, or any scrip in lieu of land as aforesaid, accruing thereon, and liable to imprisonment for life 32-33 V., c. 19, s. 10.

Making plates &c., in imitation of those used for debentures, exchequer bills, &c.

14. Every one who, without lawful authority or excuse, he proof whereof shall lie and lawful authority or excuse. (the proof whereof shall lie on him), makes or causes or procures to be made or aids or causes or causes or procures to be made or aids or causes. cures to be made, or aids or assists in making, or knowing that in his custody or possession. has in his custody or possession, any frame, mould or instru-ment, having therein any words of the lines ment, having therein any words, letters, figures, marks, of any or devices, peculiar to or appearance. or devices, peculiar to or appearing in the substance of such paper provided or to be provided or to b paper provided or to be provided and used for any such debentures, exchange bills or debentures, exchequer bills or exchequer bonds, pominion notes or Provincial notes or all notes or Provincial notes or other securities as aforesaid, or any machinery for working any machinery for working any threads into the substance of any such paper or any of any such paper, or any such thread, and intended of imitate such words latters for imitate such words, letters, figures, marks, lines, threads of devices,—or any plate population devices,—or any plate peculiarly employed for printing such debentures, exchequer bill debentures, exchequer bills or exchequer bonds, or used notes or other securities or exchequer bonds. notes or other securities, or any die or seal peculiarly for preparing any such plate. for preparing any such plate, or for sealing such debentures, exchequer bills or exchange. exchequer bills or exchequer bonds, notes or other securities, or any plate, die or sool or any plate, die or seal, intended to imitate any liable plate, die or seal as aforeseit plate, die or seal as aforesaid, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 11.

Making paper in imitation of that used for debentures, exchequer bills, &c.

15. Every one who, without lawful authority or excuses, or exposes, or proof whereof shall 1: the proof whereof shall lie on him, makes, or causes, or paper procures to be made or causes. procures to be made, or aids or assists in making any paper in the substance of which in the substance of which appear any words, letters, figures, marks, lines, threads or other and appear any words, letters, and appear any words, marks, lines, threads or other devices peculiar to and be pearing in the substance pearing in the substance of any paper provided or hills of provided or used for such line pro provided or used for such debentures, exchequer bonds notes or exchequer bonds, notes or other securities aforesaid, or any part of such words letter. part of such words, letters, figures, marks, lines, threads of other devices, and intended in the such words. other devices, and intended to imitate the same, or know ingly has in his custody. ingly has in his custody or possession any paper words, ever, in the substance ever, in the substance whereof appear any such words, letters, figures, marks lines the substance whereof appear any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any parts of such words. or any parts of such words, letters, figures, marks, lines, threads or other devices. threads or other devices, and intended to imitate letters, or causes or assists in or causes or assists in causing any such words, or any such words, or any figures, marks, lines, threads or devices as aforesaid, threads part of such words. letters for the such words. part of such words, letters, figures, marks, lines, threads

and other devices, and intended to imitate the same, to appear :- or takes, or pear in the substance of any paper whatsoever,—or takes, or Taking images the substance of any paper whatsoever, blate die or pression from the substance of th assists in taking an impression of any such plate, die or pression from plate, die or seal, as in taking an impression of any such plate, die or pression no of felon.

The next preceding section mentioned, is guilty seal. of felony, and liable to seven years' imprisonment. V., c. 19, s. 12.

16. Every one who, without lawful authority or excuse, Having in the proof whereof shall lie on him, purchases or receives, possession paper, &c. or knowingly has in his custody or possession, any paper for debenmanufactured and provided by or under the direction of tures, exchequer bills, for the Covernment of Canada or of any Province of Canada, &c. for the purpose of being used as such debentures, exchequer bills or exchequer bonds, notes or other securities as aforesaid, before such paper has been duly stamped, signed and issued for public use, or any such plate, die or seal, as in the control of a mantioned is guilty of a in the two sections next preceding mentioned, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 19, s. 13.

STAMPS.

Every one who forges, counterfeits or imitates, or Forging of the stamps procures to be forged, counterfeited or imitated any stamp stamped or stamped to be used by any paper. or stamped paper, issued or authorized to be used by any paper.

Act of the Legislature of Act of the Parliament of Canada, or of the Legislature of any Province of Canada, by means whereof any duty thereby portion of any thereby imposed may be paid, or any part or portion of any such strains imposed may be paid, or any part or exposes for anch stamp,—or knowingly uses, offers, sells or exposes for sale and or imitated stamp,—or sale any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing Or tools for making the components of the whereby to make or imitate such stamp or any part or pormaking the same. tion thereof, except by permission of an officer or person Who, being duly authorized in that behalf by the Government of Canada, may lawment of Canada or of any Province of Canada, may lawfully of Canada or of any Province of Canada, may plate distributed in the permission,—or has possession of any such permission, or, without plate, die or thing, without such permission, or, without auch die or thing, without such permission, or, with die or the or the second and such plate, and or made.—or tears off or die or thing lawfully engraved, cut or made,—or tears off or Removing temoves a lawfully engraved, cut or made,—or tears off or Removing stamps from the moves of the stamps from the moves of the stamps from removes from any instrument, on which a duty is payable, instruments. any stamp by which such duty has been wholly or in part paid, or removes from any such stamp any writing or mark indication of the stamp and the stamp and the payindicating that it has been used for or towards the paytwenty-only such duty, is guilty of felony, and liable to 32-33 V., c. 19, s. 14. twenty-one years' imprisonment. 32-33 V., c. 19, s. 14.

BANK NOTES.

ters, or one who, with intent to defraud, forges or Forging bank notes and hills. alters, or offers, utters, disposes of or puts off, knowing the notes and to have the have to have the have to have the of any had forged or altered, any note or bill of exchange or berson carrying on the of any be forged or altered, any note or bin of body corporate, company or person carrying on the

business of bankers, commonly called a bank note, a bank bill of exchange or bank note. bill of exchange or bank post bill, or any indorsement or assignment of any bank note. or assignment of any bank note, bank bill of exchange or bank post bill, is quilty of follows. bank post bill, is guilty of felony, and liable to imprisonment for life. 32-33 V and liable to imprisonment for life.

Purchasing or receiving or having forged bank notes or bills.

19. Every one who, without lawful authority or excuse, e proof whereof shall its and its analysis. the proof whereof shall lie on him, purchases or received from any other person or handle in him, purchases or received from any other person or handle in him, purchases or received from any other person or handle in him, purchases or received from any other person or handle in him, purchases or received from the person of him, purchases of him person of him, purchases from any other person, or has in his custody or possession any forged bank note bank hill a custody or post post any forged bank note, bank bill of exchange or bank post bill, or blank bank note blank blank bank post bill, knowing the same to be forged, guilty of felony, and liable to guilty of felony, and liable to fourteen years' imprisonment 32-33 V., c. 19. s. 16

making paper and engraving plates for bank $^{\text{NOTES}}$, $^{\text{ETC}}$.

Making or used for Dominion notes, bank notes, &с.

Or selling such paper or having it in

Or causing distinctive marks to appear thereon.

possession.

20. Every one who, without lawful authority or excuse, e proof whereof shall live and in the proof shall live and the proof shall live an the proof whereof shall lie on him, makes or uses, or know ingly has in his custody are making paper ingly has in his custody or possession, any frame, mould of with words instrument for the making of used for Dom- instrument for the used for Dom- instrument for Dom- instrume instrument for the making of paper used for Dominion used Provincial notes. or for book Provincial notes, or for bank notes, with any words in such notes. or any net and words words to in such notes, or for bank notes, with any words in such notes, or any part of such words, intended of resemble or pass for the same of such words, intended of resemble or pass for the same, visible in the substance of the paper, or for the making of the paper, or for the making of paper with curved or waving bar lines, or with laving bar lines, or with laying wire lines thereof, in a waving of curved shape, or with any or curved shape, or with any number, sum or amount, expressed in a word or words in letters. in a word or words in letters, visible in the substance to and the paper, or with any downs. the paper, or with any device or distinction peculiar to and appearing in the substance of appearing in the substance of the paper used for such notes or respectively.—or makes were respectively,—or makes, uses, sells, exposes for sale, utters or disposes of, or knowingled disposes of, or knowingly has in his custody or Possession any paper whatsoever with any paper whatsoever with any words used in such notes, or any part of such words. or any part of such words, intended to resemble and pass for the same, visible in the for the same, visible in the substance of the paper, or say paper with curved or war. paper with curved or waving bar lines, or with the laying wire lines thereof in a waving bar lines. wire lines thereof in a waving or curved shape, or with any number, sum or amount are number, sum or amount expressed in a word or words in letters appearing visible letters appearing visible in the substance of the paper, or with any device or distinct. with any device or distinction peculiar to and appearing the substance of the papearing in the substance of the paper used for any such notes, respectively,—or, by any art or any such notes, words tively,—or, by any art or contrivance, causes any such words or any part of such words or any part of such words, intended to resemble and for the same. or any decided to resemble and to and for the same, or any device or distinction peculiar such appearing in the substance of appearing in the substance of the paper used for any notes, respectively to appear notes, respectively, to appear visible in the substance of paper, or causes the number of the paper used for any such paper, or causes the numerical sum or amount of any such note, in a word or words in the note, in a word or words in letters to appear visible in or substance of the paper will be appear visible in or substance. substance of the paper, whereon the same is written printed, is guilty of follows. printed, is guilty of felony, and liable to fourteen years' imprisonment 32-32 V

Nothing in the next preceding section contained shall Exception as to paper used for bills of exchange or to paper used prevent any person from issuing any bill of exchange or for bills of exchange, &c. promissory note, having the amount thereof expressed in a change, &c. humerical figure or figures denoting the amount thereof in the substance of the pounds or dollars, appearing visible in the substance of the paper upon which the same is written or printed, or shall revent are written or selling any paper prevent apon which the same is written or prince, having any person from making, using or selling any paper having waving or curved lines, or any other devices in the nature of water marks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved, laying wire line. Wire lines or to resemble the waving or our, ..., for Domi. or bar lines, or the water-marks of the paper used for Dominion notes or Provincial notes or bank notes, as aforesaid. 32-33 V., c. 19, s. 18.

Le proof one who, without lawful authority or excuse, Engraving or having plate for making the Every one who, without lawful authority or excuse, England Nakes upon Whereof shall lie on him, engraves or in anywise for making Dominion or bank notes. Whereof shall lie on him, engraves or in anywise for making of other material plate whatsoever, or upon any wood, stone Dominion or bank notes. or other material, any promissory note or part of a promissory bank notes.

Dominion or Provincial note, or note naterial, any promissory note or part of a promatant note, purporting to be a Dominion or Provincial note, or hank note or part of a promision or Provincial note, or hank note or part of a promision or provincial note, or hank note or part of a provincial note, or hank note or part of a promision or provincial note, or hank note or part of a promision or provincial note, or hank note or part of a promision or provincial note, or hank note or part of a promision or provincial note, or hank note or part of a promision or provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note, or hank note or part of a provincial note or part of a pr bank note, or to be a blank Dominion or Provincial note, or home note. bank note, or to be a blank Dominion or Provincial note, or to be a part of any Dominion or Provincial or any name, word or character, or hand or any name, word or character, or hand or any name, word or character or any name, which was not considered or any name, which was no Note, or to be a part of any Dominion or I or letter, or bank note, as aforesaid, or any name, word or charter resembly intended to resemble, any teter resembling, or apparently intended to resemble, any back note as any such Dominion or Provincial note, or any such Dominion or Provincial note, or any such Dominion or Provincial note, or the on to any such Dominion or Provincial most, of ther mat aforesaid,—or uses any such plate, wood, stone instrument or device for the of other, as aforesaid,—or uses any such plate, wood, and there material, or any other instrument or device for the being or material, or any other instrument or device for the being or material. material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material, or any other instrument or device in the material in the materia Mowing or Printing of any such note, or part of such note, or part of such note, or part of such plate, and stop has in his custody or possession any such plate, are any such instrument or off or hood, stone or other material, or any such instrument or material, or any such instrument or other material device, stone or other material, or any such instrument of the in his continuous offers, utters, disposes of or puts off, or Unlawfully black in his continuous offers, utters, disposes of or puts off, or uttering su note or part paper upon which any note or part thereof. by in his custody or possession any paper upon which any note or part of thereof. h his custody or possession any paper upon which any note of thereof.

Such position or Provincial note, or bank note, or part of thereof. or apparential or any name, word or character resembling, is apparently or any name, word or character resembling, and the character resembling or character apparently intended to resemble, any such subscription, hade or printed, is guilty of felony and liable to fourteen imprisonment. 31 V., c. 46, s. 14;—32-33 V., c. 19,

Every one who, without lawful authority or excuse, Engraving on the proof whom who, without lawful authority or excuse, Engraving on a plate, &c., any word, any word, or the property of the the proof whereof shall lie on him, engraves or in anywise any word, or all street or upon any wood, stone number, or device, reproof whereof shall lie on him, engraves or in any wise any word, or other materials, plate whatsoever, or upon any wood, stone number, or device, respectively. or other material, any word, number, figure, device, chardevice, resembling part of or ornament, any word, number, from which resem- of a note. acter or or ornament, the impression taken from which resem- of a note. bles or ornament, the impression taken from which apparently intended to resemble any part of a back note, or uses or bank note, or uses or Dominion or Provincial note, or bank note, or uses or plantingly 1. Provincial note, or possession any such blate, wood at in his custody or possession any such plate, wood, stone or other material, or any other inthe wood, stone or other material, or any other or device for the impressing or making upon any chart or any word, number, figure, paper or device for the impressing or making upon that acter or any other material, any word, number, figure, resembles, or is apparently character or any other material, any word, number, no ornament, which resembles, or is apparently

Uttering or having any paper on which any such word, &c., is impressed.

intended to resemble any part of any such note as aforesaid, or knowingly offers uttore in or knowingly offers, utters, disposes of or puts off, or has in his custody or possession his custody or possession any paper or other material upon which there is an impression. which there is an impression of any such matter as a foresaid, is guilty of felony and little is guilty of felony, and liable to fourteen years, imprisonment. 32-33 V. c. 10, 2.20

Making or having mould for making paper with the name of any bank, or making or having such paper.

24. Every one who, without lawful authority or excuse, e proof whereof shall is the proof whereof shall lie on him, makes or uses any frame, mould or instrument for the mould or instrument for the manufacture of paper, with the name or firm of any book name or firm of any bank or body corporate, company of person carrying on the business. person carrying on the business of bankers, appearing his ble in the substance of the ble in the substance of the paper, or knowingly has in ble custody or possession and a substance of the paper, or knowingly has in the custody or possession and the paper, or knowingly has in the custody or possession and the paper, or knowingly has in the custody or possession and the paper, or knowingly has in the custody or possession and the custody of the custody or possession and the cus custody or possession any such frame, mould or instrument, or makes, uses, sells or are or makes, uses, sells, or exposes for sale, utters or disposes in —or knowingly has in his or knowingly has in his custody or possession any paper, in the substance of which the substance of which the name or firm of any such bank, body corporate. company body corporate, company or person appears visible, or, by any art or contrivance company or person appears visible, and such any art or contrivance causes the name or firm of any such bank, body corporate contributions. bank, body corporate, company or person to appear visible in the substance of the papear the substance of the paper upon which the same is Written or printed, is guilty of follows. printed, is guilty of felony, and liable to fourteen years, imprisonment. 32-33 V

Forging foreign bills and uttering the same.

25. Every one who forges or alters, or offers, utters, discovered, or offers, uttered, poses of or puts off, knowing the same to be forged or altered, any bill of exchange process. any bill of exchange, promissory note, undertaking or order for payment of money in the same to be forged or altrader any bill of exchange, promissory note, undertaking or order for payment of money in the same to be forged or altrader for the same to be forged or order for the same to be forged or o for payment of money, in whatsoever language or languages the same is expressed the same is expressed, and whether the same is or is not under seal, purporting to under seal, purporting to be the bill, note, undertaking or order of any foreign order of any foreign prince or state, or of any minister of of of order in the service of any foreign prince or state, or of any or of any officer in the service of any foreign prince or state, or of any ministrated or body corporate or body. body corporate or body of the like nature, constituted or recognized by any foreign recognized by any foreign prince or state, or of any person or company, or persons are or company, or persons resident in any country not under the dominion of Her Majost. dominion of Her Majesty,—and every one who, without lawful authority or excess the ful authority or excuse, the proof whereof shall lie on him, engraves, or in anywise engraves, or in anywise makes upon any plate whatsoever, or upon any wood store or upon any wood, stone or other material, any bill of exchange, promissory note change, promissory note, undertaking or order for payment of money, or any part of an artistic payment part of an artistic payment of money, or any part of an artistic payment part of an artistic payment part of artistic payment p of money, or any part of any bill of exchange, promissory note, undertaking or order for paymont of money, or any part of any bill of exchange, promissory note, undertaking or order for the promissory of the pr note, undertaking or order for payment of money, in what some language the some is a payment of money. soever language the same is expressed, and whether the same is or is not, or is or is not. is or is not, or is or is not intended to be under seal, purporting to be the bill not are not intended to be under or part of porting to be the bill not not intended to be under or part of the notation of of the nota porting to be the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or order, or part of the bill, note, undertaking or order, or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or part of the bill, note, undertaking or order, or o the bill, note, undertaking or order, or partice of the bill, note, undertaking or order of any foreign prince of state, or of any minister of any foreign prince of any foreign state, or of any minister or officer in the service of foreign prince or state. body of the like nature, constituted or recognized any foreign prince or state any foreign prince or state, or of any person or company of persons resident in any country to the dominion of the state o of persons resident in any country not under the dominion of Her Majesty,—or uses or leave to under the dominion of the Majesty the Majes of Her Majesty,—or uses or knowingly has in his custody of

Engraving plates for foreign bills or notes, or using or having such plates.

Which are any plate, stone, wood or other material, upon which any plate, stone, wood or other machine, any bart it such foreign bill, note, undertaking or order, or knowingly offers, any such foreign bill, note, undertaking of thereof, is engraved or made,—or knowingly offers, Uttering there did not be in his custody or pospaper on which are part thereof, is engraved or made,—or knowingly oncis, others, disposes of or puts off, or has in his custody or pospaper on which are part of any such foreign part of si bill, note, undertaking or order is made or printed, is guilty bill or note y, c. 19, and liable to fourteen years' imprisonment. 32-33

DEEDS, WILLS, BILLS OF EXCHANGE, ETC.

alters, or offers, utters, disposes of or puts off, knowing the deeds, bonds, with to be forged or altered, any deed or any bond or ing the same.

Of the goldinate of the same of the sam whiting obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or forges any name, handwrite bond or writing to be the name, handhandwriting or signature purporting to be the name, hand-miting or signature purporting to be the execution of writing or signature purporting to be the name, and dead signature of a witness attesting the execution of the dead signature of a witness attesting the execution of the dead signature of a witness attesting the execution of the dead signature of a witness attesting the execution of the dead signature of a witness attesting the execution of the dead signature of the dead deed, bond or writing obligatory, or offers, utters, disbeen of or writing obligatory, or oners, acceptainty of or puts off any deed, bond or writing obligatory, are handwriting or having the reon any such forged name, handwriting or felony, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged, is guilty of a corp, and link the same to be forged. felony, knowing the same to be forged, is guild, a.23. And liable to imprisonment for life. 32-33 V., c. 19,

Every one who, with intent to defraud, forges or Forging wills. Every one who, with intent to detraud, rought to he to he first utters, disposes of or puts off, knowing the any will, testament, codicil, or to be forged or altered, any will, testament, codicil, or in ments of control testament, course, unique to be forged or altered, any will, testament, course, inprison instrument, is guilty of felony, and liable to prisonment for life. 32-33 V., c. 19, s. 24.

Every one who, with intent to defraud, forges or Forging bills or of or outs off, knowing the of exchange or promissor. Every one who, with intent to defraud, forges or Forging ones to be forged or altered, any bill of exchange, or any notes. et to be forged or altered, any bill of exchange, or exchange, indorsement or assignment of any bill of exchange, indorsement or assignment of money, exchance, indorsement or assignment or any on any indorsement or assignment of any indorsement of any promissory note for the payment of money, any indorsement of any such promissory or any promissory note for the payment of any such promissory some liable to imprisonment for life. Note, is suilty of felony, and liable to imprisonment for life.

Every one who, with intent to defraud, forges or Forging orders, or officers of or puts off, knowing the dec, for puts off, knowing the dec, for alters, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, or offers, utters, disposes of or puts off, knowing the ders, receipts, dec., for same to be forged or altered, any undertaking, warrant, money, goods, to altered, any undertaking or warrant, money, goods, to altered, any undertaking or warrant, money, goods, to altered, any undertaking or warrant, money, goods, and the payment of money or we. or the forged or altered, any undertaking, warrant, and the delivery or request for the payment of money or section. tor the delivery or request for the payment or money, the delivery or transfer of any goods or chattels, or of the hote him for the payment of money, any note, bill or other security for the payment of money, assist process. or hote, bill or other security for the payment or meaning procuring or giving credit, or any indorsement on or any indertaking, warrant, order, assignment of any such undertaking, warrant, order, other equest, or any accountable receipt, acquittance of the ceipt for request, or any accountable receipt, acquittance independent of the ceipt for request, or any accountable receipt, acquittance of the ceipt for request or any accountable receipt, acquittance independent or request. of receipt for money or for goods, or for any note, bill or money or for goods, or any indorseother security for the payment of money, or any indorsement security for the payment of money, or any money or assignment of any such accountable receipt, or

any account, book or thing, written or printed or otherwise made capable of being read written or printed or otherwise made capable of being read, is guilty of felony, and liable to imprisonment for life and liable

Making or accepting any bill, &c., by procuration, without lawful authority, or uttering such bill.

30. Every one who, with intent to defraud, draws, makes, gns, accepts or indexes signs, accepts or indorses any bill of exchange or promissory note, or any undertaken sory note, or any undertaking, warrant, order, authority or request for the payment of request for the payment of money, or for the delivery of transfer of goods or chattal transfer of goods or chattels, or of any bill, note or in the security for money by processing the security for money by the secu security for money, by procuration or otherwise, for, in the name, or on the account name, or on the account of any other person, without lawful authority or excuse of any other person, without puts ful authority or excuse, or offers, utters, disposes of or puts off any such bill note and offers, utters, disposes of order, and offers, off any such bill, note, undertaking, warrant, order, thority or request so drawers. or request, so drawn, made, signed, accepted of d, by procuration indorsed, by procuration or otherwise, without heen so authority or excuse because authority or excuse, knowing the same to have been is drawn, made, signed according to the same to have been so drawn, made, signed according to the same to have been so drawn, made, signed according to the same to have been so drawn as a second s drawn, made, signed, accepted or indorsed, as aforesaid, is guilty of felony, and liable guilty of felony, and liable to fourteen years, imprisonment. 32-33 V. c. 19 s. or

Obliterating crossing on cheques.

31. Whenever any cheque or draft on any banker is cossed with the name of a large or draft on any banker is crossed with the name of a banker, or with two transverse lines with the words "and the words to the contract of the contract lines with the words "and company," or any abbreviates, thereof, every one who thereof, every one who, with intent to defraud, obliterates, adds to or alters any such adds to or alters any such crossing, or offers, utters, poses of or puts off any characters, and such poses of or puts off any cheque or draft whereon any such obliteration, addition or all obliteration, addition or alteration has been made, knowing the same to have been made, and liable the same to have been made, is guilty of felony, and liable to imprisonment for life and some state of the same to have been made, is guilty of felony, and liable to imprisonment for life and some state of the same to have been made, is guilty of felony, and liable to imprisonment for life and some state of the same to have been made, is guilty of felony, and liable to imprisonment for life and l to imprisonment for life. 32-33 V., c. 19, s. 28.

Forging debentures.

32. Every one who forges or fraudulently alters, or offers, to be ters, disposes of or any to be utters, disposes of or puts off, knowing the same to be forged or fraudulently alters, or one be utters, disposes of or puts off, knowing the same under forged or fraudulently alters. forged or fraudulently altered, any debenture issued Her any lawful authority what any debenture within Majesty's dominions or elsewhere, is guilty of felony, c. 19, liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 29.

Forging railway tickets, &c.

33. Every one who, with intent to defraud, forges, of be utters, disposes of or metallic and to be or utters, disposes of or puts off, knowing the same to forged, any ticket or order for a fraction of the same of any ticket or order for a fraction. forged, any ticket or order for a free or paid passage felony, railway or any steam or other forms. railway or any steam or other vessel, is guilty of felony, and liable to three years' imprisonments. and liable to three years' imprisonment. 32-33 V., c. 19, s. 32.

RECORDS, PROCESS, INSTRUMENTS OF EVIDENCE, ETC.

Forging proceedings of courts.

34. Every one who forges or fraudulently alters or offers, disposes of or puts off leaves and to be forged utters, disposes of or puts off, knowing the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered on the same to be forged or fraudulently altered or frau or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant into many manufactures, affidavit, cess, rule, order, warrant, interrogatory, deposition, affidavit,

affirmation, recognizance, cognovit actionem, warrant! of attorney, bill, petition, process, notice, rule, answer, pleading, interreinterrogatory, report, order or decree, or any original document whatsoever of or belonging to any court of justice, or any document or whatsoever of or belonging to any court or writing, or any copy of any document or writing, or any copy of any document or writing. writing, used or intended to be used as evidence in any such as evidence in any such as even years' in prisont, is guilty of felony, and liable to seven years' imprisonment.

Every one who, being the clerk of any court or other Uttering false copies or certificates of officer having the custody of the records of any court, or tificates of the records of any court, or tificates of the records of the records, or records, or being the deputy of any such clerk or officer, utters any records, or false come deputy of any such clerk or officer, utters any records, or process of courts, or false copy or certificate of any record, knowing the same to be courts, or lake. talse; and every one, other than such clerk, officer or deputy, using forged process. who signs or certifies any copy or certificate of any record process. as such clerk, officer or deputy,—and every one who forges of frank. or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any of or certificate of any record, or offers, utters, disposes of or certificate of any record, or oners, utility of puts off any copy or certificate of any record having handwriting or signature, thereon any false or forged name, handwriting or signature, thowing the same to be false or forged,—and every one who forges, the same to be false or forged, or forges or fraudlonges the same to be false or forged,—and every same to be false or forged, and every same to be false or forged or forged or false or forged or forged or false or the seal of any court of record, or long of ently alters any process of any court whatsoever, or serves of any court whatsoever, or enforces any process of any court whatsoever, and or delivers or causes to be delivered the same to be forged, or delivers or causes to be delivered to any person any paper, falsely purporting to be decree to any person any paper, talsely pulported to any person any paper, talsely pulported process or a copy thereof, or to be any judgment, the process or a copy thereof, decree or process or a copy thereof, or to be any jumper of copy thereof, or order of any court whatsoever, or a copy thereof, knowing the same to be false, or acts or professes to act and such false process, knowing the same to be false, such false process, knowing the same to be false, such false process, knowing the same to be false, such false process, knowing the same to be false, so that the same to be false, or acts or process. Rollty of felony, and liable to seven years' imprisonment. of felony, and liable to seven year.
c. 19, s. 34;—C. S. U. C., c. 16, s. 16, part.

tters. diamy one who forges or fraudulently alters, or offers, Forging instruments made evithe same poses of, puts off, or tenders in evidence, knowing made evidence same poses of puts off, or tenders in evidence, knowing made evidence by same poses. the same to be forged or fraudulently altered, any instrudence by any ment, when the same to be forged or fraudulently altered, any instrudence by any manufacturence of the same to be forged or fraudulently altered, any instrudence by any martly written and Act of Parlia ment, whether written or printed, or partly written and Act of Parliament, whether written or printed, or partly written and Act of Parliament, &c. partly brinted, which is made evidence by any Act of the parly printed, which is made evidence by any account Canada or of the Legislature of any Province of Canada or of the Legislature punishment is in of Canada or of the Legislature of any this Act and for which offence no other punishment is in this Act provided, is guilty of felony, and liable to seven rears, improvided, is guilty of felony, and liable to seven to 19. s. 35;—39 V., c. 26, years' imprisonment. 32-33 V., c. 19, s. 35;—39 V., c. 26, 14; Imprisonment. 52; C. S. C., c. 80, s. 7, part.

87. Every one who,--

(a) prints any proclamation, order, regulation or appointor not:

(a) prints any proclamation, order, regulation or appointpurport to be printed by heat, or notice thereof, and causes the same falsely to purpoint to have 1 t Port to have been printed by the Queen's Printer for Canada, as Queen's Province of Canada, as the Government Printer for any Province of Canada, as the Government Printer for any Province of Case may be, or tenders in evidence any copy of any

Causing pro-

proclamation, order, regulation or appointment, which falsely purports to have been processed as a process of the process of t falsely purports to have been printed as aforesaid, knowing that the same was not that the same was not so printed: or—

Forging or tendering forged certificate.

(b) Forges, or tenders in evidence, knowing the same to forged. any correspond to forged. be forged, any certificate authorized to be made given by any Act and a second authorized to be made given by any Act of the Parliament of Canada, or of the Legislature of any Province of Legislature of any Province of Canada, for the purpose of certifying or verifying concertifying or verifying any copy or extract of any proclamation, order, regulation tion, order, regulation, appointment, paper, document or writing, of which a cartifical writing, of which a certified copy may lawfully be offered as primâ facie evidence as primâ facie evidence,—

Punishment.

Is guilty of felony, and liable to seven years' imprisonent. 44 V. c. 28 s. 4 44 V., c. 28, s. 4. ment.

NOTARIAL ACTS, REGISTERS OF DEEDS, ETC.

Forging notarial instruments, or other authentic documents, or as to the registry of deeds.

38. Every one who forges or fraudulently alters, or offers, ters, disposes of organizations. utters, disposes of or puts off, knowing the same to be forged or fraudulently altered or or fraudulently altered, any notarial act or instrument or copy, purporting to be an arrival act or instrument. copy, purporting to be an authenticated copy thereof or any process verbal of a survey of the survey process verbal of a surveyor, or like copy thereof, or puts fraudulently alters or offers. fraudulently alters, or offers or utters, disposes of or puts off, knowing the companion of off, knowing the same to be forged or fraudulently altered, any duplicate of altered, any duplicate of any instrument, or any memorial, affidavit, affirmation affidavit, affirmation, entry, certificate, indorsement, document or writing made are ment or writing, made or issued under the provisions any Act of the Parliament of th any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, or of the the ture of any Province of Canada, for or relating to the registry of deeds or other resistance. registry of deeds or other instruments or documents respecting or concerning the real specting or concerning the title to or claims upon any real or personal property what or personal property whatsoever, or forges, or counterfeits the seal of or belonging to a counterfeits. seal of or belonging to any office for the registry of mpres or other instruments of or other instruments as aforesaid, or any stamp or impression of any such scal sion of any such seal,—or forges any name, handwriting or signature, purporting to signature, purporting to be the name, handwriting or signature of any person to nature of any person to any such memorial, affidavit, affirmation, entry certificate mation, entry, certificate, indorsement, document or writing required or directed. required or directed to be signed by or by virtue of such such Act, or offers uttors. Uttering such such Act, or offers, utters, disposes of or puts off any such documents.

Tequired or directed to be signed by or by virtue of such such Act, or offers, utters, disposes of or puts off any such documents. memorial or other writing as in this section mentioned, having thereon any such fi having thereon any such forged stamp or impression of signa-such seal, or any such forged stamp or impression of signasuch seal, or any such forged stamp or impression of such seal, or any such forged name, handwriting of felony, ture, knowing the same of such seals of felony, ture, knowing the same to be forged, is guilty of felouy, and liable to fourteen was a second of the same to be forged, is guilty of c. 19, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 37.

ORDERS OF JUSTICES OF THE PEACE.

39. Every one who, with intent to defraud, forges the ters, or offers, utters diameters to defraud, forges the alters, or offers, utters, disposes of or puts off, knowing the Forging orders of justices, recogbe forged or altered, any summons, conviction, order nizances, or we recognizence affidavits, or warrant, of any justice of the peace, or any recognizance affidavits, &c. purporting to have been entered into before any justice of the pool to take the same, or the peace or other officer authorized to take the same, or examination, deposition, affidavit, affirmation or solemn declaration, deposition, attidavit, amimation of the peace in taken or made before any justice of the peace, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 19, s. 38.

NAMES OF JUDGES, ETC.

40. Every one who, with intent to defraud, forges or Forging name indersement. declara- of judge, &c. alters any certificate, report, entry, indorsement, declara- of judge, &c. tion of trust, note, direction, authority, instrument or writing trust, note, direction, authority, instrument or Writing made or purporting or appearing to be made by any judge made or purporting or appearing to any court in Judge, commissioner, clerk or other officer of any court in Canada, or the name, handwriting or signature of any such judge, commissioner, clerk, or other officer, as aforesaid, or offers, commissioner, clerk, or other officer, as aforesaid, or offers, commissioner, clerk, or other officer, as aforesaid, or offers, utters, disposes of or puts off any such certificate, leport and disposes of or puts off trust, note, direction of trust, note, direction of trust. report, entry, indorsement, declaration of trust, note, direction and such tion and such tion and such tion and such tion and such trust. ton, authority, instrument or writing, knowing the same to be forged or altered, is guilty of felony, and liable to C. S. II Overseas imprisonment. 32-33 V., c. 19, s. 39;— C. S. U. C., c. 16, s. 16, part.

RECOGNIZANCES, ETC.

Every one who, without lawful authority or excuse, Acknowledge process one who, without lawful authority or excuse, Acknowledge process one half. the proof whereof shall lie on him, in the name of any other ing recognizance of bail, or any cog-cognovit, ac, person, acknowledges any recognizance of bail, or any cog-cognorit, ac., before any or judgment, or any deed or other instrument, in the name of another. before any court, judge, notary or other person lawfully seven vacant, that behalf, is guilty of felony, and liable to teven years' imprisonment. 32-33 V., c. 19, s. 40.

MARRIAGE LICENSES.

Every one who forges or fraudulently alters any Forging or offers utters, disposes of uttering forged mar. license or certificate for marriage, or offers, utters, disposes of uttering forged marriage forged marriage in puts off or puts of certificate for marriage, or offers, utters, unsposed forget marriage be forged any such license or certificate, knowing the same riage license like forged is guilty of felony, and or certificate to be forged or fraudulently altered, is guilty of felony, and or certificate. specificate to some riage means liable to some or fraudulently altered, is guilty of felony, and or certificate. liable to seven years' imprisonment. 32-33 V., c. 19, s. 41.

REGISTERS OF BIRTHS, MARRIAGES AND DEATHS.

Every one who unlawfully destroys, defaces or in-Forging or defacing, & registers of Jures, or causes or permits to be destroyed, defaced or injured, registers of registers of permits to be destroyed, defaced or burials, births, baptisms marriages. any registers or permits to be destroyed, detaced of injuries, or causes or permits to be destroyed, detaced of injuries, registers of authorized of births, baptisms, marriages, deaths or burials, births, baptisms, marriages, deaths or in any Protisms, marriages, deaths or burials, burnials or burnials, anthonized or required to be kept in Canada, or in any Proriages, deaths
riages, deaths
riages Vince of Canada, or any part of any such register, or any or burials. certified canada, or any part of any such register, or of any part thereof,—or forges or first of any such register, or of any part thereof,—or forges or fraudulently alters in any such register any entry

relating to any birth, baptism, marriage, death or burial, or any part of any such any part of any such register, or any certified copy of such register. or of any part it register, or of any part thereof,—or knowingly and in any fully inserts or convergence. fully inserts, or causes or permits to be inserted in any such register or in such register, or in any certified copy thereof, bap false entry of any matter relating to any birth, bap tism, marriage, death or burial,—or knowingly and birth, lawfully gives any false lawfully gives any false certificate relating to any baptism. marriage death baptism, marriage, death or burial, or certifies any writing to be a copy or arrival to be a copy or extract from any such register, fsuch ing such writing or the ing such writing, or the part of such register whereof such copy or extract is a convergence of such register whereof such register whereof such register whereof such copy or extract is a convergence of such register whereof such registers where registers were registers where registers where registers were registers and registers where registers were registers where registers were registers where registers were registers and registers where registers were registers where register copy or extract is so given, to be false in any material particular.—or forces or country in the control of the ticular,—or forges or counterfeits the seal of or belonging to any registry office or burnel. any registry office or burial board,—or offers, utters, disposes of or puts off any such and any such are such as a of or puts off any such register, entry, certified copy, thered, cate or seal. knowing the cate or seal, knowing the same to be false, forged or altered, or offers, utters dispessed or offers, utters, disposes of, or puts off any copy or any entry in any such register because the same to be false, forged or any such register because the same to be false, forged in any such register because the same to be false, forged or any such register because the same to be false, forged or any such register because the same to be false, forged or any such register because the same to be false, forged or any such register because the same to be false, forged or any entry or offers, utters, disposes of, or puts off any copy or any entry forged in any such register. in any such register, knowing such entry to be false, forged or altered, is guilty of false.

Or uttering the same.

or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V 2 10 - 40

Making false entries in copies of register sent to registrar.

44. Every one who, knowingly and wilfully, inserts or uses or permits to be a projected and wilfully, inserts or uses or permits to be a projected and wilfully, inserts or uses or permits to be a projected and wilfully, inserts or use of the projected and wilfully inserts or use or use of the projected and wilfully inserts or use of the projected and the projec causes or permits to be inserted, in any copy of any register directed or required by law to the copy of any register. directed or required by law to be transmitted to any regis-trar or other officer and for trar or other officer, any false entry of any matter relating to any baptism marriage. to any baptism, marriage or burial,—or forges or alters, or offers, utters disposes offers, utters, disposes of or puts off, knowing the same to be forged or altered on be forged or altered, any copy of any register so directed or required to be transmitted required to be transmitted as aforesaid,—or knowingly or wilfully signs or verifies any copy of any register so wilfully signs or verifies any copy of any register so directed or required to be transmitted as aforesaid,—or knowingly or which directed or required to be transmitted. directed or required to be transmitted as aforesaid, which copy is false in any part if copy is false in any part thereof, knowing the same to be false,—or unlawfully doct Destroying or false,—or unlawfully destroys, defaces or injures, or for any fraudulent purpose tolerance fraudulent purpose tolerance. fraudulent purpose, takes from its place of deposit, or conceals any such converge ceals any such copy of any register, is guilty of felony, and liable to imprisonment for life liable to imprisonment for life. 32-33 V., c. 19, s. 43.

such copies.

DEMANDING PROPERTY UPON FORGED INSTRUMENTS.

45. Every one who, with intent to defraud, demands, delivered obtaining pro-receives or obtains, or causes or procures to be delivered forged instru. or paid to any possible procures to be a obtain, perty upon forged instru- or paid to any person, or endeavors to receive or obtain, perty upon forged instru- or paid to any person, or endeavors to receive any perments. or to cause or procure to be delivered or paid to any person, any chattel son, any chattel, money, security for money or other property whatsoever made perty whatsoever, under, upon or by virtue of any forged or altered instrument what or altered instrument whatsoever, knowing the same to be forged or altered or under. forged or altered, or under, upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of any probate or letters of admiring the same upon or by virtue of admiring the same upon or by virt bate or letters of administration, knowing the will, testament, codicil or testament ment, codicil, or testamentary writing on which such probate or letters of administration bate or letters of administration were obtained, or letters been forged or altered or letters been forged or altered, or knowing such probate or letters of administration to have of administration to have been obtained by any false oath,

affirmation or affidavit, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 44.

CASES NOT OTHERWISE PROVIDED FOR.

46. Every one who, for any purpose of fraud or Forging any deceit, forges or fraudulently alters any document or thing document or written, printed or otherwise made capable of being read, whatsoever. or offers, utters, disposes of or puts off any such forged or altered document or thing, knowing the same to be forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 45, part.

punishment for forging or altering, or for offering, uttering, disposing of or putting off, knowing the same to be designated,
forged on the same to be designated in which is in forged or altered, any instrument or writing designated in which is in such Ar altered, any instrument or writing designated in which is in and such of exchange. such Act by any special name or description, and such of exchange, instruction in law a &c. instrument or writing, however designated, is in law a &c. will took or writing, however writing, or a deed, will, testament, codicil or testamentary writing, or a deed, bond or writing obligatory, or a bill of exchange, or a promissor writing obligatory of money. or an indorsepromissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange the payment of money, or an acceptance of a bill of erchange, or an undertaking, warrant, order, authority or request, or an undertaking warrant, order, authority or request for the payment of money, or an indorsement on or assign. assignment of an undertaking, warrant, order, authority or request for the payment of money, within the true intent and meaning of this Act, every one who forges or alters such ; and meaning of this Act, every one who forges or alters auch instrument or writing, or offers, utters, disposes of or puts of this Act, every one wno longes of or puts of the same to puts off such instrument or writing, or oners, unicis, and the same to be form be forged or altered, may be indicted as an offender against this half of the second o this Act, and punished accordingly. 32-33 V., c. 19, s. 46.

Every one who, in Canada, forges or alters, or offers, Forging, &c., utters, disposes of or puts off, knowing the same to be forged in Canada, documents altering, or the offering, uttering, disposing of or putting be made, or off, knowing the same to be forging or purporting to off, knowing the same to be forged or altered, is, in this Act, out of expressed to be forged in whatsoever country or place Canada. expressed to be an offence, in whatsoever country or place Canada. Out of Canada to be an offence, in whatsoever country or place Canada. ont of Canada, whether under the dominion of Her Majesty or not, such writing or matter purports to be made or has been made writing or matter purports to be made or any been made, and in whatsoever language the same or any part the same of any part thereof is expressed, and every one who aids, abets or counseless is expressed, and every offence shall be deemed counsels the commission of any such offence, shall be deemed to be an interest of this Act, and shall to be an offender within the meaning of this Act, and shall be bun; be punishable in the same manner as if the writing or matter barrels and in Canada. 32-33 ter purishable in the same manner as it the virginia virg V, c. 19, s. 47, part.

1281 Every one who, in Canada, forges or alters or offers, Forging, &c., 1281 in Canada, the same to be forged in Canada, bills, &c.,

purporting to or altered, any bill of exchange, or any promissory note for be payable out the payment of manay are also the payment of tender. be payable out the payment of money, or any indorsement on or assignment of Canada. of any bill of exchange or promissory note for the payment of money or any according of money, or any acceptance of any bill of exchange, or the undertaking warrant undertaking, warrant, order, authority or request for payment of money or for any payment of money, or for the delivery or transfer of any goods or security or transfer of any goods or security, or any deed, bond or writing obligatory for the payment of for the payment of money, whether such deed, bond or writing obligators. writing obligatory is made only for the payment of money, or for the payment of money. or for the payment of money together with some other purpose, or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond or writing obligatory in what or writing obligatory, in whatsoever place or country out of Canada, whether under the country of the canada. Canada, whether under the dominion of Her Majesty or not, the money payable and an indernot, the money payable or secured by such bill, note, under taking, warrant order taking, warrant, order, authority, request, deed, bond or writing obligatory is a request, deed, and in writing obligatory is or purports to be payable, and in whatsoever language the whatsoever language the same respectively or any part thereof is expressed thereof is expressed, and whether such bill, note, under taking, warrant order taking, warrant, order, authority or request is or is not under seal, and every one when the comseal, and every one who aids, abets or counsels the commission of any such affine mission of any such offence, shall be deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the means and the deemed to be an offender within the deemed to be a deemed to b offender within the meaning of this Act, and shall be punishable in the same punishable in the same manner as if the money purported to be payable or was a realist and summer as if the money purported 19, 32-33 V., c. ^{19,} to be payable or was payable in Canada. s. 47, part.

Forgeries wise punishable hereunder.

50. Whenever, by any Act, any person falsely making, rging, counterfaiting arrained, any person falsely making, forging, counterfeiting, erasing or altering any matter what soever, or uttering making matter what more severely soever, or uttering, publishing, offering, disposing of, putting than under this Act and off or making use of off or making use of any matter whatsoever, knowing the same to have been fully matter whatsoever, to be the same to have been fully matter whatsoever, to be the same to have been fully matter whatsoever, to be the same to have been fully matter whatsoever, to be the same to have been fully matter whatsoever, the same to have been fully matter whatsoever. this Act, and off or making use of any matter whatsoever, known are not other the same to have been falsely made, forged, counterfeited, wise punish. erased or altered, or any person demanding or endeavoring to receive or have appeted. to receive or have anything, or to do or to cause to be done any act. upon or by with any act, upon or by virtue of any matter whatsoever, knowing such matter to have ing such matter to have been falsely made, forged, counterfeited, erased or altered feited, erased or altered,—or whenever, by any such Act, any person falsely person person falsely personating another, or falsely acknowledging anything in the name of the personating another of falsely acknowledging anything in the name of the personating anything anything in the name of the personating anything anyt anything in the name of another, or falsely acknowledge anything in the name of another, or falsely representing any other person, then the any other person than the real person to be such real person, or wilfully making a fell or wilfully making a false entry in any book, account of document or in any pook, account of document, or in any manner wilfully falsifying any part of any book, account or december of the state of the any book, account or document, or wilfully making a transfer of any stock approximation and a transfer of any stock approximation. fer of any stock, annuity or fund in the name of any person not being the averaged not being the owner thereof, or knowingly taking any false oath, or knowingly made and the same of any point oath, or knowingly made and the same of any point oath. oath, or knowingly making any false affidavit or false affirmation. or demanding mation, or demanding or receiving any money or other thing by virtue of any money intration, thing by virtue of any probate or letters of administration, knowing the will are knowing the will on which such probate was obtained to have been false or form. have been false or forged, or knowing such probate or letters of administration to have administration to have been obtained by means of any false oath or false affirmation. oath or false affirmation; or whenever, by any such Act, any

person making or using, or knowingly having in his custody or possession any frame, mould or instrument for the making of home. of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the substance of any paper, and according to the substance of any paper, would, according to the substance of any paper, and according to the substance of any paper, and according to the substance of any paper, and according to the substance of according to the according to the provisions contained in any such Act, be guilty of felony, and be liable to any greater punishment than is provided by this Act, if any person is convicted of Punishment any and person is convicted of Punishment in such cases any such felony as is in this section mentioned, or of aiding, in such cases. abetting, counselling or procuring the commission thereof, and the same is not punishable under any of the other provisions shall be liable to visions of this Act, every such person shall be liable to imprisonment for life. 32-33 V., c. 19, s. 56.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
™ V., c. 26	59 8 14	ss. 55 and 59	s 58	Punishment Supreme and Exchequer
6. 8. 0. 28 6. 8. 0. 6. 28	s. 4s 7(part). s. 16.		Remainder of Act.	Courts Act. Evidence.

CHAPTER 162.

An Act respecting the fraudulent marking of Merchandise.

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

Short title.

1. This Act may be cited as "The Trade Marks Offences Act."
V., c. 32, s. 26. 35 V., c. 32, s. 26.

Interpretation. "Person."

- 2. In this Act, unless the context otherwise requires:
- (a) The expression "person" includes any person, whether subject of Her Majosta. a subject of Her Majesty or not, and any body corporate or body of the like nature body of the like nature, whether constituted according of the law of Canada or constituted according of the law of Canada or any of Her Majesty's dominions or colonies, or according to the colonies, or according to the law of any foreign country, and also any company association also any company, association or society of persons, whether the members thereof are also any foreign country, thereof the members thereof are subjects of Her Majesty or not, or some of such persons are subjects of Her Majesty and some some of such persons are subjects of Her Majesty and some of them not, and whather of them not, and whether such body corporate, body of the like nature, company association like nature, company, association or society is established or carries on business will or carries on business within Her Majesty's dominions and elsewhere, or partly within elsewhere, or partly within Her Majesty's dominions and partly elsewhere

" Mark."

(b) The expression "mark" includes any name, signature, ord, letter, device and stamp, word, letter, device, emblem, figure, sign, seal, descripdiagram, label ticket and descriptions. diagram, label, ticket or other mark of any other description; and—

"Trade Mark.

(c) The expression "trade mark" includes any such time, signature, word latter mark" includes any sign, name, signature, word, letter, device, emblem, figure, sign, seal, stamp, diagram, letter, device, emblem, figure, aforeseal, stamp, diagram, label, ticket or other mark as afore said, registered or uncertainty per said, registered or unregistered, lawfully used by any person to denote any chatter son to denote any chattel or article to be an article or marchan of the manufacture of the manufacture, workmanship, production or merchandise of such person or discontinuous of any dise of such person, or to be an article or thing of any peculiar or particular described and article or thing of such peculiar or particular description, made or sold by such person,—and also includes person,—and also includes any name, signature, word, letter, number, figure mark of the signature of any number, figure, mark or sign which, in pursuance of any statute relating to trade more and which, in pursuance of to statute relating to trade more signs. statute relating to trade marks or registered designs, is to be put or placed upon or all the pursuance of the pursuance of the statute relating to trade marks or registered designs, is to be put or placed upon or all the pursuance of the pursu be put or placed upon or attached to any chattel or article during the existence or carried any chattel or article during the existence or carried any chattel or article during the existence or carried any chattel or article during the existence or carried and the control of during the existence or continuance of any patent, copyright or other sole right account of any patent, right or other sole right acquired under the provisions of any such statute. 35 V c 30

8. Every addition to, alteration of, and imitation of any What shall be trade mark, which is made, applied or used with intent to deemed a defrand or which counterfeit defraud, or to enable any other person to defraud, or which counterfeited canage or addition. or trade mark. causes a trade mark with such alteration or addition, or trade mark. causes such imitation of a trade mark, to resemble any genuine trade mark so or in such manner as to be calculated or like trade mark so or in such manner as to be a false. or likely to deceive, shall be and be deemed to be a false, forged and counterfeited trade mark within the meaning of this A and counterfeited trade mark within the meaning of this Act; and every act of making, applying or otherwise Using, procuring, vending or delivering to another, any such anch addition to or alteration of a trade mark or any such imitation to a literation of a trade by any person initation to or alteration of a trade mark of any person with the strade mark as aforesaid, done by any person to with intent to defraud, or to enable any other person to defrant to defraud, or to enable any other person to defraud, shall be and be deemed to be forging and counter-feiting. feiting a trade mark within the meaning of this Act; and And what an every a trade mark within the meaning of this Act; and act of forging and mark. every act of making, applying, using, procuring, vending such mark. or delivering to another, or having in possession any forged or connecting to another, or having in possession any forged mark without the or counterfeited trade mark, or any trade mark without the by him by him authorized to use or apply the same, or other lawful and authorized to use or apply the same, or other lawful facie evidence of an ful and sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse, shall be prima facie evidence of an intent a sufficient excuse. intent to defraud, or to enable another person to defraud, and shall be prima juice or linear and shall be prima juice or linear and sounterfeiting such and shall be deemed to be forging and counterfeiting such trade. St. 35 V., c. 32, trade mark, within the meaning of this Act. 35 V., c. 32,

4. Every one who, with intent to defraud, or to enable Forging or counterfeit another to defraud any person,—

counterfeiting any trade mark.

(a) Forges or counterfeits, or causes or procures to be forged or counterfeits, or causes of process, or causes or counterfeited, any trade mark, or applies, or any causes or counterfeited, any trade mark, or any forged or procures to be applied, any trade mark, or any chattel or article, forged or procures to be applied, any trade main, not have counterfeited trade mark, to any chattel or article, not have counterfeited trade mark, to any chattel or article, not being the manufacture, workmanship, production or merchang, the manufacture, workmanship, production or merchandise of any person denoted or intended to be denoted by such by such trade mark, or denoted or intended to be denoted by snot trade mark, or denoted mark, or not being the by such trade mark, or denoted or intended to be mark, or not being the manner forged or counterfeited trade mark, or not being the manufacture, workmanship, production or merchandise of any named or counterfeited; any person whose trade mark is so forged or counterfeited;

(b) Applies, or causes or procures to be applied, any trade Unlawfully mark, or causes or procures to be applied, any many applying a chattel any forged or counterfeited trade mark, to any applying a chattel any forged or counterfeited trade mark. chattel or any forged or counterfeited trade man, description article, not being the particular or peculiar description of manufacture, workmanship, production or merchands of merchands merchandise denoted, or intended to be denoted, by such trade mark, trade mark, or by such forged or counterfeited trade mark,—

Is guilty of a misdemeanor, and shall forfeit to Her Articles marked to forfeited Majesty of a misdemeanor, and shall fortest to ner Articles which he is chattel and article belonging to him to marked to be forfested, and in the health and article belonging to him to marked to be forfested, and article belonging to him to marked to be forfested, and article belonging to him to marked to be marked in marked in marked in marked in marked in marked in the second of the secon which he has so unlawfully applied, or caused or pro- also instru-cured the has so unlawfully applied, or forged or ments used marking. cured he has so unlawfully applied, or caused or pro-assomstructured to be applied, any such trade mark or forged or ments used in marking. counterfeited trade mark as aforesaid; and also every

instrument in his possession or power, and by means of which any such trade more which any such trade mark, or forged or counterfeited trade mark as aforesaid has been mark as aforesaid, has been so applied, and every ment or mark in his person. ment or mark in his possession or power, for applying any such trade mark or count for applying and such trade mark or counterfeited trade mark as aforesaid; and the court before which and the court before which any such misdemeanor is tried may order such forfait. may order such forfeited chattels or articles as aforesaid, to be destroyed or otherwise. to be destroyed or otherwise disposed of as such court thinks fit. 35 V 2 20 5 2 thinks fit. 35 V., c. 32, s. 2.

How disposed

5. Every one who, with intent to defraud, or to enable nother to defraud any name Fraudulently attaching another to defraud any person,-trade mark.

(a) Applies or causes or procures to be applied, any trade ark, or any forced or court to be applied, any trade mark, or any forged or counterfeited trade mark, to any cask, bottle, stopper cork converted trade mark, to arranger, bottle, stopper, cork, capsule, vessel, case, cover, which band, reel. ticket label and band, reel, ticket, label or other thing in, on or with which any chattel or article is interested in the same of any chattel or article is intended to be sold, or is sold of uttered or exposed for selluttered or exposed for sale, or intended for any purpose of trade or manufacture

Inclosing, &c., anything in vessel, &c., so falsely marked.

(b) Incloses or places any chattel or article, or causes or occures any chattel or article, or caused in procures any chattel or article, or caused inprocures any chattel or article to be inclosed or placed input upon, under or with any or wit upon, under or with any cask, bottle, stopper, cork, capsuler vessel, case. cover wromand to be inclosed or places less upon, under or with any cask, bottle, stopper, cork, capsuler vessel, case. vessel, case, cover, wrapper, band, reel, ticket, label or other thing to which any trade thing to which any trade mark has been falsely applied, or to which any forced or communications and the second or communications are second or communications. to which any forged or counterfeited trade mark has been applied,—

Attaching case, &c., falsely marked to anything.

(c) Applies or attaches or causes or procures to be applied attached to any chattal or attached to any chattel or article, any case, cover, reel, ticket or label or other the ticket or label or other thing to which any trade mark has been falsely applied or to a label or the feited been falsely applied, or to which any forged or counterfeited trade mark has been applied. trade mark has been applied, or-

Inclosing, another person.

(d) Incloses, places or attaches any chattel or article, or uses or procures any chattel or article, or uses or procures any chattel or article, or uses or procures any chattel or article, or use of the chatter of th causes or procures any chattel or article to be inclosed, placed, or attached in cask, bearing trade placed, or attached in, upon, under, with, or to any cask, another perbottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other this. ticket, label or other thing having thereon any trade mark of any other person of any other person,—

Articles to be forfeited, and also instruments used.

Majesty every such chattel and article, and also every such cask, bottle, stopper and also every such cask, buttle, stopper and also every such cask, buttle cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thin ticket, label or other thing as aforesaid in his possession power, and also every still a stopper, power, and also every other similar cask, bottle, stopper, vessel, case, cover wranger is a stopper cask, bottle, stopper, vessel, case, cover wranger is a stopper cask, bottle, stopper vessel, case, cover wranger is a stopper cask, bottle, stopper vessel, case, cover wranger is a stopper cask, bottle, stop vessel, case, cover, wrapper, band, reel, ticket, label or other thing made to be used in the thing made to be used in like manner as aforesaid, means every instrument in him. every instrument in his possession or power, and by means of which any such trade of which any such trade mark, or forged or counterfeited trade mark as aforesaid by the such trade mark as a such trade trade mark as aforesaid, has been applied, and also every instrument or mark in his possession or power for applying any such trade mark or forged or counterfeited trade mark as aforesaid; and the court before which any such mis-How disposed demeanor is tried may order such forfeited articles as of. aforesaid, to be destroyed or otherwise disposed of as such court thinks fit. 35 V., c. 32, s. 3.

6. Every one who sells, utters or exposes, either for sale Selling and or for any purpose of trade or manufacture, or causes or articles bearing procurse. procures to be sold, uttered or exposed for sale or other puring forged trade mark, or causes of articles bearlose as aforesaid, any chattel or article, together with any trade mark, or mark wrongforged or counterfeited trade mark, which he knows to be fully applied. forged or counterfeited trade mark, which he knows any or counterfeited, or together with the trade mark of folsely or wrongfully, or without, person applied or used falsely or wrongfully, or without lawful authority or excuse, knowing such trade Mark of another person to have been so applied or used as forese: aforesaid, whether any such trade mark or forged or counter. Whether any such trade mark or forged or counterfeited trade mark as aforesaid, together with which such chattel or article is sold, uttered or exposed for sale or all chattel or with sale or other purpose as aforesaid, is in, upon, about or with such chatter purpose as aforesaid, is in, upon, about or with any cask, or other purpose as aforesaid, is in, upon, about or with any cask, bottle or article, or in, upon, about or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, and thing in upon, about or band, reel, ticket, label or other thing in, upon, about or with miles, ticket, label or other thing in the sold or uttered, or with which such chattel or article is so sold or uttered, orexposed for sale or other purpose as aforesaid—shall, for Penalty. every such offence, incur a penalty not exceeding twenty dollars over and above the dollars and not less than two dollars, over and above the value of the chattel or article so sold, uttered, offered or exposed the chattel or article so sold, uttered, offered or 2.20 a foresaid. 35 V., c. 32, exposed for sale or other purpose as aforesaid. 35 V., c. 32,

Whenever any person has sold, uttered or exposed for Person selling or other caused or procured any article hearing *ale or other purpose as aforesaid, or has caused or procured any article be sold, uttered or exposed for sale or other purpose as forged trade bearing foresaid.

**The content of the co aforesaid, uttered or exposed for sale or other purpose as forged trade counterfeited, any chattel or article together with any forged or mark bound of any other trade mark, or together with the trade mark mation when constructed trade mark, or together with the trade mark mation when constructed trade mark, or together with the trade mark mation when constructed trade mark, or together with the trade mark mation when constructed trade mark and the same an of any other person used without lawful authority or ex-required. or countries as aforesaid, whether such trade mark, or such forged or counterfeited trade mark as aforesaid, is in, upon, about or with specified trade mark as aforesaid, is in, upon, about or with any with such chattel or article, or in, upon, about or with any cask, bottle, chattel or article, or in, upon, about or wrap-per, band, stopper, cork, capsule, vessel, case, cover, wrapper, bottle, stopper, cork, capsule, vessel, case, cover, many band, reel, ticket, label or other thing in, upon, about or with which such chattel or article has been sold or exbosed for sale,—such person shall be bound, upon demand in thing daile,—such person shall be bound, upon demand in Writing delivered to him, or left for him at his last known dwelling delivered to him, or left for him at his last him.

by or on the line or at the place of sale or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
he or on the last or exposure for sale,
h by or on the behalf of any person whose trade mark has been so forged or counterfeited, or used without lawful authority or excuse as aforesaid, to give to the person requining to excuse as aforesaid, to give to the personal first hours are or his attorney or agent, within forty-of the same, or his attorney or agent, within forty-of the hours are full information in writing ght hours after such demand, full information in writing the name and address of the person from whom he pur-

In case of

Penalty for refusing to comply.

chased or obtained such chattel or article, and of the time when he obtained the gard when he obtained the same; and any justice of the peace may, on information on settle find any justice of refusal, may, on information on oath of such demand and refusal, summon before him the portains and refusal. by a justice of summon before him the person refusing, and on being satisthe peace. fied that such demand a not being satistic peace. fied that such demand ought to be complied with, may order such information to be order such information to be given within a certain time to be appointed by him. to be appointed by him; and any such person who refuses or neglects to comply with any such person who neglety or neglects to comply with such order shall incur a penalty of twenty dollars and arrived order shall incur a hall be of twenty dollars, and such refusal or neglect shall be prima facie evidence that the primâ facie evidence that the person so refusing or neglecting had full knowledge the primary of the primary of the person so refusing or neglect with the person so refusing or neglect with the person so refusing or neglect with the person so refusing or neglect spiritual primary and the person so refusing or neglect spiritual primary and the person so refusing the ing had full knowledge that the trade mark together with which such chattel or artist which such chattel or article was sold, uttered or exposed for sale or other purposes for sale or other purpose as aforesaid, at the time of such selling, uttering or experiences selling, uttering or exposing, was a forged, counterfeited and false trade mark, or was the false trade mark, or was the trade mark of a person which had been used without leaves as the had been used without lawful authority or excuse, as the case may be. 35 V 200

False ly designating any article with intent to defraud.

- S. Every one who, with intent to defraud, or to enable nother to defrand another to defraud,—
- (a) Puts or causes or procures to be put upon any chattel article, or upon any capsule, or article, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover vessel, case, cover, wrapper, band, reel, ticket, atticle is other thing, together with other thing, together with which any chattel or sale or intended to be or is sale intended to be, or is sold or uttered, or exposed for sale of for any purpose of trade for any purpose of trade or manufacture, or upon any chattel frame or other thing in frame or other thing, in or by means of which any chalse or article is intended to be or article is intended to be or is exposed for sale, any false description. statement description, statement or other indication of or respecting the quality. number of such the quality, number, quantity, measure or weight of such chattel or article o chattel or article or any part thereof, or of the place or country in which such country in which such chattel or article has been made, manufactured, bottled manufactured, bottled, put up or produced, or-

Attaching a letter, figure, &c., falsely indicating article to be patented, &c.

(b) Puts or causes or procures to be put upon any such attel or article cash hard chattel or article, cask, bottle, stopper, cork, capsule, vessel case, cover, wrapper hand real times as afore case, cover, wrapper hand real times as a fore case, cover, which case, cover, wrapper hand real times as a fore case, cover, which cover has a fore case, cover, cov case, cover, wrapper, band, reel, ticket, label or thing as afore said, any word. letter form said, any word, letter, figure, signature or mark, for the purpose of falsely indication. purpose of falsely indicating such chattel or article, or promode of manufacturing butters. mode of manufacturing, bottling or putting up, or grand ducing the same or the amount of putting up, or putting ducing the same, or the ornamentation, shape or configuration thereof, to be the content of the same patent, tion thereof, to be the subject of any existing patent privilege or copyright

Penalty.

Shall, for every such offence, incur a penalty not exceeding twenty dollars and not loss in ing twenty dollars and not less than two dollars, uttered, above the value of the chattal above the value of the chattel or article so sold or uttered, or exposed for sale.

Knowingly selling any

9. Every one who sells, utters or exposes for sale or procures by purpose of trade or manufactures any purpose of trade or manufacture, or causes or procures to be sold, uttered or exposed for sale or other purpose as article falsely aforesaid, uttered or exposed for sale or other purpose as article falsely aforesaid, any chattel or article, upon which has been, to his marked or designated. mowledge, put, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together With which such chattel or article is sold or uttered or error with which such chattel or aforesaid, has been of exposed for sale or other purpose as aforesaid, has been but of the purpose as aforesaid, has been a comparation of the purpose as aforesaid. put, or upon any case, frame or other thing used or employed or upon any case, frame or other thing used or sale, ployed to expose or exhibit such chattel or article for sale, has been so put, any false description, statement or other diagnostic so put, any false description and diagnostic statement or other diagnostic statement o indication of or respecting the number, quantity, measure of weight of such chattel or article, or any part thereof, or the nlast of such chattel or article has the place or country in which such chattel or article has been made, manufactured or produced, shall, for every such Penalty. offence, incur a penalty not exceeding twenty dollars and not less than two dollars. 35 V., c. 32, s. 8.

The provisions of this Act shall not be construed so Except that terms in get terms in get apply to any eral use man to The provisions of this Act shall not be construed so Except that chattel or article, or to any cask, bottle, stopper, cork, cap-be employed. other th: of case, cover, wrapper, band, reel, ticket, label or article is sold, or other thing, with which such chattel or article is sold, or expression generally intended to be sold, any name, word or expression generally particular indicating that such chattel or article is of some particular class or description of manufacture only; or so or expose it any offence for any person to sell, utter or offer or expose for sale any chattel or article to which, or to any chattel or article to which, or to any chattel or article to which, or to any cash, bottle, stopper, vessel, case, cover, wrapper, band, reel, thet late, stopper, vessel, case, cover, wrapper, band, reel, ticket, bottle, stopper, vessel, case, cover, wrapper, build, label or other thing sold therewith, any such generally bear as aforesaid, has been pplied name, word or expression as aforesaid, has been pplied. 35 V., c. 32, s. 9.

In every indictment, pleading, proceeding and docu-Specific description with the control of the ment In every indictment, pleading, proceeding and docu-be mention of trade mark is intended to trade mark mention or state the unnecessary be mentioned, it shall be sufficient to mention or state the unnecessary in indictment to the the unnecessary in indictment to the unnecessary in indictment in indic describing forth any copy or describing such trade mark, without further of similar such trade mark, or setting forth any copy or indictment, pleading, profac simile such trade mark, or setting forth any ceeding thereof; and in every indictment, pleading, proceeding and document whatsoever, in which it is intended to ment: to mention any forged or counterfeited trade mark, it shall be enflicient to mention or state the same to be a forged or counterfeited trace main, counterfeite counterfeited trade mark, without further or otherwise describing such forged or counterfeited trade mark, or setting such forged or counterfeited trade mark, or setting 35 V., c. 32, s. 10. toth any copy or fac simile thereof. 35 V., c. 32, s. 10.

The provisions in this Act contained, concerning any Remedy at or conviction for any law not to affected. act or any provisions in this Act contained, concerning any Remedy at act hereby proceeding, judgment or conviction for any law not to be a take declared to be a misdemeanor or offence, shall not take away, diminish or prejudicially affect any suit, process, proceeding, right or remedy which any person, and rieved level or otherw: or otherwise, and shall not exempt or excuse any person anappers, and shall not exempt or examination as from answering or making discovery upon examination as

Compulsory giving it.

a witness, or upon interrogatories, or otherwise, in any suit or or other civil proceedings. or other civil proceeding: but no evidence, statement or discovery, which any possession of the civil proceeding is not evidence, statement or discovery. discovery, which any person is so compelled to give make, shall be admissible prosecution of make, shall be admissible in evidence against such pertiate person giving it. son in support of any indictment for a misdemeanor the common law or otherwise common law or otherwise, or of any proceeding under the provisions of this Act.

Indictment stating intent to defraud generally shall be sufficient.

13. In every indictment, information, conviction, pleading proceeding against and proceeding against any person for any misdemeanor or other offence against 11 or other offence against the provisions of this Act, in which it is necessary to allow it is necessary to allege or mention an intent to fraud, or to enable another to mention an intent fraud, or to enable another to mention an intent fraud, or to enable another to mention an intent to defraud, or to enable another to defraud, it shall be sufficient to allege or mention that the to allege or mention that the person accused of having done any act which is hereby any act which is hereby made a misdemeanor or other fence, did such act with fence, did such act with intent to defraud, or with intent or enable some other personnel to defraud, or with intent of the control of the co enable some other person to defraud, without alleging or mentioning any intent to defraud, without alleging nerson; mentioning any intent to defraud any particular person for and on the trial of any gradients. and on the trial of any such indictment or information any such misdements. any such misdemeanor, and on the hearing of any information or charge of or for some on the hearing of any information or charge of or for some of or for so tion or charge of or for any such other offence as aforesaid, and on the trial of and on the trial of any action against any person id, recover a penalty for any action against any aforesaid, recover a penalty for any such other offence as aforesaid, it shall not be necessare. it shall not be necessary to prove an intent to defraud any particular person or an intent to defraud per particular person, or an intent to enable any particular person to defraud any particular person to son to defraud any particular person, but it shall be sufficient to prove with respect to every such misdemeanor of offence that the person accuracy and all the sharped with inoffence that the person accused did the act charged with intent to defraud or with intent to defraud. tent to defraud, or with intent to enable some other person to defraud, or with the to defraud, or with intent to enable some other person might be enabled to defraud.

defraud a particular person need not be proved.

Intent to

14. Every one who is convicted or found guilty of sulf fence which is by this A meanor under offence which is, by this Act, made a misdemeanor, is liable to a fine, in the discretion of the discretion to a fine, in the discretion of the court, or to two years, in prisonment, or to both prisonment, or to both, and also to imprisonment until the fine is paid. 35 V 2000

Recovery of penalties.

15. Every pecuniary penalty imposed by this Act may recovered in an action and may, be recovered in an action of debt, which any person and as plaintiff for and on the land as plaintiff for and on the land as person and as plaintiff for and on the land as plaintiff for an action of the land as plaintiff for a l as plaintiff for and on behalf of Her Majesty, commence the prosecute to independ the prosecute to judgment in any court of record, and action, amount of every such partitions. amount of every such penalty recovered in any such action, shall or may be determined to try shall or may be determined by the jury (if any) sworn then the issue in such action the issue in such action, and if there is no such jury, or by the court or some attentions. by the court or some other jury, as the court thinks fit; or such penalty may be recovery, Recovery in a such penalty may be recovered by a summary proceed the summary manner.

Synthecourt or some other jury, as the court thinks in, get the summary proceed before two justices of the peace having jurisdiction in place county or place where the offendament, jurisdiction any place county or place where the offender resides or has any place of business, or in the county of business, or in the county or place in which the offence has been committed and made in which the offence of the many place in which the offence has been committed. has been committed, and under the provisions of the respecting summary proceedings. I have peace." respecting summary proceedings before Justices of the Peace."
35 V., c. 32, ss. 15 and 16

Chap. 162.

tion as aforesaid, for the amount of any such penalty, how paid and amount of any such penalty, accounted for. the amount thereof shall be paid by the defendant to the sheriff or the officer of the court, who shall account for the same in 12 same in like manner as other moneys payable to Her Mathereof and if it is not paid, may be recovered, or the amount thereof and if it is not paid, may be recovered, or or other or other or the payment thereof enforced by execution or other majesty; or other proper proceeding, as money due to Her Majesty; and the proper proceeding, as money due to Her Majesty; and the proper proceeding, as money due to ner majesty, the plaintiff suing on behalf of Her Majesty, upon ob- Costs. thining plaintiff suing on behalf of Her majesty, and continue judgment, shall be entitled to recover and have execution for the shall include a full cotion for all his costs of suit, which shall include a full indemnit all his costs of suit, which he has expended indemnity for all costs and charges which he has expended incomply for all costs and charges of the action, unless or incurred in, about or for the purposes of the action, unless the const the court or a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs the ordinary amount of a judge thereof, directs that costs of the ordinary amount of a judge thereof, directs the ordinary amount of a judge thereof the ordinary amount of a judge the ordinary amount o hary amount only shall be allowed. 35 V., c. 32, s. 17.

hich approvery action under the provisions of this Act, As to defendance and antis costs if which any person commences as plaintiff, for or on behalf he obtains of the Moi person commences as plaintiff, for or on behalf he obtains of Her Majesty, for recovering any penalty, if the defendant judgment. obtains judgment, he shall be entitled to recover his costs of suit, judgment, he shall be entitled to recover
costs, which shall include a full indemnity for all the costs, which shall include a full indemnity in the shall include a ful of a judge of for the purposes of the action, unless the court, of about or for the purposes of the action, unless the collins the purposes of the action, unless the collins the purposes of the action, unless the collins that costs of the ordinary amount shall be compared to the collins that costs of the ordinary amount of the collins that costs of the collins that costs of the ordinary amount of the collins that costs of the action, unless the collins that costs of the action, unless the collins that costs of the action are considered. whall be allowed. 35 V., c. 32, s. 23.

In any action under the provisions of this Act, which In certain person behalf of Her cases plain may be rehis person commences as plaintiff, for or on behalf of Her cases plaintiff may be reperson commences as plaintiff, for or on behalf of ther may be residently for recovering any penalty, if it is shown to the quired to give security for recovering any penalty, if it is shown to the quired to give security for costs. this faction of the court, or a judge thereof, that the person security for the court, or a judge thereof, that the person security for the same as plainted, as thing as plaintiff for or on behalf of Her Majesty, has no has been aggrieved by the com-Round for alleging that he has been aggrieved by the combitting of the alleged offence, in respect of which the belief of the alleged offence, in respect or winds the person alleged to have become payable, and also that he alleged to have become payable, and also interest alleged to have become payable, and alleged to have become payable alleged to hav herson so suing as plaintiff is not resident within the to he of the court, or is not a person of sufficient pro-Desty to be able to pay any costs which the defendant may lecover in the action, the court or judge may order that the will shall action, the bond or recognizance plaintiff the action, the court or judge may order that the hall give security, by the bond or recognizance of himself shall give security, by the bond or recognized to otherwise a surety or by the deposit of a sum of money have wise a surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money that the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the deposit of a sum of money than the surety or by the surety or by the deposit of a sum of money than the surety or by the surety o or otherwise, as the court or judge thinks fit, for the payhent to the defendant of any costs which he is entitled to recover in the action. 35 V., c. 32, s. 24.

No person shall commence any action or proceeding Time for commencing action

on the recognized shall commence any action or proceeding time for commencing action

on the recognized shall commence any action or proceeding time for commencing action

on the recognized shall commence any action or proceeding time for commencing action. for the recovery of any penalty, or for procuring the conviction of any off any penalty, or for procuring the conviction of any off any penalty of any penal tion of recovery of any penalty, or for procuring the convictation of any offender in manner hereinbefore provided, after limited. the expiration of three years next after the committing of the expiration of three years next after the community the person one year next after the first discovery thereof by the person proceeding. 35 V., c. 32, s. 18.

Whenever any person sells or contracts to sell, Contract to sell, Whether by Writing or not, to any other person, any bearing trade

mark to imply chattel or article, with any trade mark thereon, or upon any that the same cask, bottle stopper and trade mark thereon, or upon any cover, that the same cask, bottle, stopper, cork, capsule, vessel, case, together wrapper band work the same task, bottle, stopper, cork, capsule, vessel, case, together than the same task, bottle, stopper, cork, capsule, vessel, case, together than the same task the same ta wrapper, band, reel, ticket, label or other thing, together with which such chattel or other thing, together with which such chattel or other thing, together the control of t with which such chattel or article is sold or contracted to be sold, the sale or contract be sold, the sale or contract to sell shall in every such case be deemed to have been be deemed to have been made with a warranty or contract by the vender to or with the by the vender to or with the vendee, that every trade mark upon such chattel or article or with the vendee, that every trade bottle, upon such chattel or article, or upon any such cask, bottle, stopper, vessel. case cover stopper, vessel, case, cover, wrapper, band, reel, ticket, and not or other thing as aforesaid was a stopper, band, reel, ticket, and not or other thing as aforesaid, was genuine and true, and the forged or counterfeit, and not forged or counterfeit, and not wrongfully used, unless on contrary is expressed in a second true, and true contrary is expressed in some writing signed by or the behalf of the vender and delivered. behalf of the vender and delivered to and accepted by the vendee. 35 V. c. 32 c 10

Contract to sell article bearing spe-

sells or contracts to sell, other person, any chattel or article upon which, or upon any cask, band, stopper, cork, capsule was a 21. Whenever any person stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other than scription to imply that the reel, ticket, label or other thing, together with which such same is genuine. chattel is sold, or contracted in the contracted i chattel is sold, or contracted to be sold, there is any the number of the sold, there is any the number of the sold, there is any the number of the sold. tion, statement or other indication of or respecting the number, quality, quantity ber, quality, quantity, measure or weight of such chattel or article, or the place or complete weight of such chattel or article, or the place or country in which such chattel or article has been made. article has been made, manufactured, bottled or put up, produced, the sale or contract produced, the sale or contract to sell shall, in every case, be deemed to have been case, be deemed to have been made with a warranty or contract by the vender to or will a warranty or such tract by the vender to or with the vendee, that no such description, statement or other. description, statement or other indication was in any material respect false or untrue respect false or untrue, unless the contrary is expressed in some writing signed by an analysis and decontrary is expressed in some writing signed by an analysis and decontrary is expressed in some writing signed by an analysis and decontrary is expressed in some writing signed by an analysis and decontrary is expressed in any material in any mater some writing signed by or on behalf of the vender and delivered to and accepted by the some weight accepted by the som

Court may order article wrongfully marked to be destroyed or otherwise disposed of.

And may issue injunction to defendant.

22. In every case, in any suit or action against for erson for forging or country. person for forging or counterfeiting any trade mark, or for fraudulently applying and trade mark chattel of fraudulently applying any trade mark to any chattel article, or for selling avacation fraudulently applying any trade mark to any chattel article, or for selling, exposing for sale or uttering any chattel or article with any trade mark to any chattel article, are selling, exposing for sale or uttering applied or article with any trade mark to any chattel article. or article with any trade mark falsely or wrongfully applied thereto, or with any forced thereto, or with any forged or counterfeit trade mark applied thereto, or for preventing thereto, or for preventing the repetition or continuance any such wrongful act or the any such wrongful act, or the commission of any similar against in which the plaintiff obtains in which the plaintiff obtains a judgment or decree against the defendant, the court shall a judgment or direct every the defendant, the court shall have power to disposed such chattel and article to have such chattel and article to be destroyed or otherwise disposed of; and in every such suit in of; and in every such suit in a court of law, the court in a writ or upon giving judgment for 11 upon giving judgment for the plaintiff, award a writ to writs of injunction to the defendance. writs of injunction to the defendant, commanding forbear from committing and relative to the relative to the defendant, command to the relative to the relativ forbear from committing, and not, by himself or other like to repeat or commit any offens to repeat or committing, and not, by himself or other like to repeat or commit any offence or wrongful act of by such nature as that of which had nature as that of which he has been convicted by such judgment, and any disobedien as the convicted by such judgment, and any disobedien as the convicted writing in the co judgment, and any disobedience of any such writt or injunction shall be punished injunction shall be punished as a contempt of court; nake suit or action the court, or a judge thereof, may And may hake suit or action the court, or a judge thinks fit, for the order institution of miles. make such order as such court or judge thinks fit, for the order inspection of manufacture or process facture or process factur inspection of every or any manufacture or process facture or process to be made. or connection of every or any manufacture or process factories of connection by the defendant, in which any such forged cess to be made. or counterfeit trade mark, or any such trade mark as aforesaid, and of taid, is alleged to be used or applied as aforesaid, and of every a leged to be used or applied as aforesaid or applied as aforesaid. power or any chattel, article and thing, in the possession or have thereon or in any power of the defendant, alleged to have thereon or in any may att way attached thereto, any forged or counterfeit trade mark, and any about the defendant, alleged to have thereto or any forged or counterfeit trade mark, or any trade mark falsely or wrongfully applied, and every or any trade mark falsely or wrongfully appneu, and the deforment or mark in the possession or power of the defendant, used, or intended to be, or capable of being the defendant, used, or intended to be, or capable of being defendant, used, or intended to be, or capable of the for producing or making any forged or counterfeit and to be forged or counterfeit. trade mark, or trade mark alleged to be forged or counterfeit, or trade mark alleged to be forged any trade mark; feit, or for falsely or wrongfully applying any trade mark; and or for falsely or wrongfully applying any trade main, order any person who refuses or neglects to obey any such Penalty for refusing to allow inspect order shall be held guilty of a contempt of court. 35 V., c. refusing to allow inspection.

If any person does, or causes to be done, any of the Certain acts specified. Wrongful acts following, that is to say:—

(a) Forges or counterfeits any trade mark,—

Forging trade

(b) For the purpose of sale or for the purpose of any Applying anufact. forged or counterfeit forged transfer. handfacture or trade, applies any forged or counterfeit forged trade mark. tade mark to any chattel or article, or to any cask, bottle, topper, cork, capsule, vessel, case, cover, wrapper, band, ticket, capsule, vessel, case, cover, wrapper, band, or with which any chattel or ticle is label or thing in or with which any chattel or ticle is intended to be sold, or is sold or uttered or sposed for sale or for any purpose of trade or manufac-

der or places any chattel or article in, upon Inclosing, account of the control o bider locloses or places any chattel or article in, upon Inclosing, bessel, or With any cask, bottle, stopper, cork, capsule, &c., article in thing, to which mark to be to which the stopper, band, reel, ticket, label or other which mark to which mark has been falsely applied, or is falsely applied. thing, case, cover, wrapper, band, reel, ticket, label or other wnich me to which which any trade mark has been falsely applied, or is falsely applied. to Which any trade mark has been falsely applied, any forged or counterfeit trade mark has been

(d) Applies or attaches to any chattel or article, any case, Attaching to case, &c., s Cover, Applies or attaches to any chattel or article, any case, Attaching which any transper, band, ticket, label or other thing to case, &c., so falsely applied, or to which marked to anything. which reel, wrapper, band, ticket, label or other thing to taisely any forged trade mark has been falsely applied, or to which marked to mark has been applied, or—anything. any forged or counterfeit trade mark has been applied, or to which marked to or counterfeit trade mark has been applied, or— anything.

(e) Incloses, places or attaches any chattel or article in, Inclosing, Capenle, Under, With or to any cask, bottle, stopper, cork, &c., anything or other things. Leave, cover, reel, wrapper, band, ticket, label in vessel, &c., bearing trade mark of any other mark of another or other, with or to any one, person, with or to any other thing having thereon any trade mark of any other mark of another person.

In such cases action for damages may be maintained.

Every person aggrieved by any such wrongful act shall entitled to maintain an action wrongful act shall be entitled to maintain an action or suit for damages in respect thereto against the respect thereto, against the person guilty of having and such act, or causing or processing and such act, or causing or procuring the same to be done, and for preventing the repetition and the same to be done. for preventing the repetition or continuance of the wrong ful act and the commission of any similar act. 35 V., c. 32, s. 22.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	
35 V., c. 32	The whole except ss. 13 and 25.	s. 25	s. 13	Accessories.

CHAPTER 163.

An Act respecting Offences relating to the Coin.

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

- In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "current gold or silver coin" in "Current gold or silver coin" and Gold or silver coin " in "Current gold or silver coin" and Gold or silver coin " in "Current gold or silver coin" and Gold or silver coin " in "Current gold or silver coin" in "Current gold or "Current gold or silver coin" in "Current gold or " cludes any gold or silver coined in any of Her Majesty's gold or silver coined in any of the Majesty's gold or silver coined in any of the Majesty's gold or silver coined in any of the Majesty's gold or silver coine." mints, or gold or silver coined in any or reconstruction conner gold or silver coin of any foreign prince or state, or country, or other coin lawfully current, by virtue of any proclam or in any other part proclamation or otherwise, in Canada, or in any other part of Her Majesty's dominions;
- (b) The expression "current copper coin" includes any "Current copper coin mixed metal coined copper coin copper coin and any coin of bronze or mixed metal coined copper coin." in any of Her Majesty's mints, or lawfully current, by virtue of any of Her Majesty's mints, or lawfully current, by virtue of any of Her Majesty's mints, or lawfully current, bart of proclamation or otherwise, in Canada, or any other part of Her Majesty's dominions;
- (c) The expression "copper or brass coin" includes "Copper or brass coin." coins and tokens of bronze, or of any other mixed metal, or brass coin. other than gold or silver;
- bling or expression "false or counterfeit coin, resem- "False or tent gold apparently intended to resemble or pass for curcounterfeit coin." tent gold or apparently intended to resemble of passion, includes and or silver coin," or other similar expression, inelndes any of the current coin which has been gilt, silvered, washed you the current coin which has been gilt, silvered, any manner altered so washed, colored or cased over, or in any manner altered so to resemble or be apparently intended to resemble or pass any name and higher denomination; for any of the current coin of a higher denomination;

(e) The expression "current coin" includes any coin "Current coin." coined in any of Her Majesty's mints, or lawfully coin.' Canada, or virtue of any proclamation or otherwise, in whaleada, or when the coin of the coin Canada, by virtue of any proclamation or outer. whether any other part of Her Majesty's dominions; and Whether made of gold, silver, copper, bronze or mixed gold, silver, copper, copper, silver, copper, silver, copper, silver, copper, copper, silver, copper, copper, copper, copper, copper, silver, copper, Metal. 31 V., c. 47, s. 10;—32-33 V., c. 18, s. 1, part.

Whenever the having any matter in the custody or Eaving in custody or possession. possession of any person is mentioned in this Act, it shall custody or possession. include not only the having of it by himself in his per-wilfully having of possession, but also the knowingly and wilfully custody or possession, but also the knowing, any other ving it in the actual custody or possession of the knowingly and wilfully thy other person, and also the knowingly and wilfully

other build. ing, lodging, apartment, field or other place, open or inclosed, whether balancing to inclosed, whether belonging to or occupied by himself or not, and whether such matter not, and whether such matter is so had for his own use or benefit, or for that of 32-33 V., c. 18, s. 1, part.

3. Every one who falsely makes or counterfeits any coin sembling or apparently in gold or silver resembling or apparently intended to resemble or pass and any current gold or silver any current gold or silver coin, is guilty of felony, and liable to imprisonment for the liable to imprisonment for life. 32-33 V., c. 18, s. 2.

Coloring any coin or any

4. Every one who gilds or silvers, or with any wash of aterials capable of productions. materials capable of producing the color or appearance of gold or of silver, or by appearance of materials capable of producing the color or appearance of gold or of silver. gold or of silver, or by any means whatsoever, washes, cases over or colors any coin and silver, or appearance or them pass for over or colors any coin whatsoever, washes, aproposition appeared to resembling of appearance of the pass for over or colors any coin whatsoever, resembling of gold coin. parently intended to resemble or pass for any current gold or silver coin,—or gilds are il or silver coin,—or gilds or silvers, or with any wash of gold terials capable of producing the terials capable of producing the color or appearance of gold or silver, or by any many or silver, or by any means whatsoever, washes, cases gold or or colors any piece of silver. or colors any piece of silver or copper, or of coarse gold or coarse silver, or of any motal coarse silver, or of any metal or mixture of metals respectively, being of a fit size and silver or copper, or of coarse governor respectively. tively, being of a fit size and figure to be coined, and with intent that the same shall be intent that the same shall be coined into false and counter feit coin resembling or feit coin resembling or apparently intended to resemble or pass for any current gold and into false and countries of the coin described and coin describ pass for any current gold or silver coin,—or gilds or, and any wash or materials correll any wash or materials capable of producing the color washes, appearance of gold. or by appearance of gold, or by any means whatsoever, washes or in cases over or colors any cases over or colors any current silver coin, or files or any manner alters such coin. higher value. any manner alters such coin, with intent to make the same resemble or pass for any current silver coin, or files same and higher value. resemble or pass for any current gold coin, or gilds or silvers or with any week silvers or with any wash or materials capable of producing the color or appearance of the color of of the col the color or appearance of gold or silver, or by any copper whatsoever, washes come and copper whatsoever. whatsoever, washes, cases over or colors any current copper coin, or files or in any manual colors any current intent coin, or files or in any manner alters such coin with intent to make the same resemble. to make the same resemble or pass for any current gold or silver coin, is guilty of follows: silver coin, is guilty of felony, and liable to imprisonment for life. 32-33 V. c. 18 2.2

Coloring or altering genuine coin, with

Impairing the gold or silver coin.

5. Every one who impairs, diminishes or lightens any arrent gold or silver coin so current gold or silver coin, with intent that the current impaired, diminished on limit that the current impaired, diminished on limit that the current impaired, diminished on limit that the current impaired in the current impaired, diminished, or lightened may pass for current gold or silver coin is quilty of full may highle to fourteen gold or silver coin is guilty of felony, and liable to fourteen years' imprisonment

6. Every one who unlawfully has in his custody of obsession any filings or climated has in his custody of silver filings or clippossession any filings or clippings, or any gold or silver coin. bullion, or any gold or silver in dust, solution or otherwise, which have been produced which have been produced or obtained by impairing, which have been produced or obtained by inverced. diminishing or lightening any current gold or obtained knowing the same to have knowing the same to have been so produced or obtained, is guilty of felony, and liable to some produced or obtained. is guilty of felony, and liable to seven years' imprisonment, 32-33 V., c. 18, s. 5.

7. Every one who, without lawful authority or excuse, Buying or ex the proof whereof shall lie on him, buys, sells, receives, selling, &c., pays or puts off, or offers to buy, sell, receive, pay or put gold or silver off, and the control of the control off, any false or counterfeit coin, resembling or apparently coin for lower intended to resemble or pass for any current gold or silver denomination. coin, at or for a lower rate or value than the same imports, tion imports. or was apparently intended to import, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 6,

8. Every one who, without lawful authority or excuse, Importing counterfeit the proof whereof shall lie on him, imports or receives into counterfeit coin. Canada any false or counterfeit coin, resembling or apparentle. rently intended to resemble or pass for any current gold or silve or counterfeit, is silver coin, knowing the same to be false or counterfeit, is guilty coin, knowing the same to be false or counterfeit, is 32-33 Suilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 7.

the proof whereof shall lie on him, exports or puts on counterfeit coin. board any ship, vessel or boat, or on any railway or carriage whatsoever, for the riage or vehicle of any description whatsoever, for the purpose of being exported from Canada, any false or counterfair terfeit coin, resembling or apparently intended to resemble or pass for any current coin, or for any foreign coin of or prince, country or state, knowing the same to be false or prince, country or state, knowing the same of counterfeit, is guilty of a misdemeanor, and liable to the prince than two years. 32-33 imprisonment for any term less than two years. 32-33 V., c. 18, s. 8.

or counterfeit coin, resembling or apparently intended to gold or silver coin, know-coin. resemble or pass for any current gold or silver coin, know-coin. ing the same to be false or counterfeit, is guilty of a misdemeanor, and liable to fourteen years' imprisonment. V., c. 18, s. 9.

Every one who tenders, utters or puts off as being Passing light current, any gold or silver coin of less than its lawful gold or silver coin. weight, any gold or silver coin of less than the diminished than by lawful wear, is ished or lightened, otherwise than by lawful wear, is suilty or lightened. Suilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 10.

Le Every one who has in his custody or possession any Having countries or apparently intended terfeit gold or apparently intended alleger coin in false or counterfeit coin, resembling or apparently intended terfeit gold or resembling or apparently intended silver coin in possession, to resemble or pass for any current gold or silver coin, possession, knowing the counterfeit coin, and with &c. knowing the same to be false or counterfeit coin, and with the same to be false or counterfeit coin, intent to utter or put off any such false or counterfeit coin, is guilto utter or put off any such false or counterfeit coin, is guilto utter or put off any such false or counterfeit coin, is guilto utter or put off any such false or counterfeit coin, is guilto utter or put off any such false or counterfeit coin, is guilton. is guilty of a misdemeanor, and liable to three years' im-32-33 V., c. 18, s. 11. 1243

Subsequent offence of uttering, &c., after a previous conviction.

13. Every one who, having been convicted of any such misdemeanor as in any of the three sections next preceding mentioned, or of any misdemeanor or felony against this or any other Act relating to the coin, afterwards commits any of the misdemeanors in any of the said sections mentioned, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 12.

Uttering foreign coin, medals, &c., as current coin, with intent to defraud.

14. Every one who, with intent to defraud, tenders, utters or puts off, 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 color, the current coin as or for which the same is so tendered, uttered or put off, such coin, medal or piece of metal or mixed metals so tendered, uttered or put off, being of less value than the current coin as or for which the same is so tendered, uttered or put off, is guilty of a misdemeanor, and liable to one year's imprisonment.

Counterfeiting, &c., copper coin; or buying or selling it for less than its denomination imports, &c.

resembling or apparently intended to resemble or pass for any current copper coin, or without lawful authority or excuse, the proof of which shall lie on him, knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any or buys or sells, or has in his custody or possession, the instrument, tool or engine adapted and intended for the counterfeiting any current copper coin, or buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or 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, is guilty of felony, and liable to seven years' imprisonment.

Uttering base copper coin.

16. Every one who tenders, utters or puts off any false or counterfeit coin, resembling or apparently intended the semble or pass for any current copper coin, knowing or same to be false or counterfeit, or has in his custody or possession three or more pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, with an intent to utter or put off the same, or counterfeit, with an intent to utter or put off the same, or any of them, is guilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 15.

Defacing the coin by stamping words thereon.

17. Every one who defaces any current gold, silver or copper coin, by stamping thereon any names or lightwhether such coin is or is not thereby diminished or lightened, and afterwards tenders the same, is guilty of a miscened, and liable to one year's imprisonment.

V., c. 18, s. 16.

- 18. Every one who tenders, utters or puts off any coin Uttering coin defeated. so defaced, shall, on summary conviction before two justices so defaced. of the Peace, be liable to a penalty not exceeding ten dollars; but no person shall proceed for any such last mentioned for at penalty without the consent of the Attorney General for the Province in which such offence is alleged to have been committed. 32-33 V., c. 18, s. 17, part.
- Every one who makes or counterfeits any kind of Counterfeitcoin not being current gold or silver coin, but resembling ing foreign or appear for any gold or silver coin. or apparently intended to resemble or pass for any gold or silver coin, silver entry is guilty not current is guilty in Carredo silver coin of any foreign prince, state or country, is guilty not current in Canada. of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, s. 18.
- Every one who, without lawful authority or excuse, Bringing such the proof whereof shall lie on him, brings or receives into counterfeit coin into Canada any such false or counterfeit coin, resembling or Canada. apparently intended to resemble or pass for any gold or silver and intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilt coin, knowing the same to be false or counterfeit, is guilty of felony, and liable to seven years' imprisonment. 32.33 V., c. 18, s. 19.

Every one who tenders, utters or puts off any such Penalty for apparently intended uttering site false or counterfeit coin, resembling or apparently intended uttering such resembling or apparently intended counterfeit coin, resembling or apparently intended counterfeit foreign coin. to resemble or pass for any gold or silver coin of any foreign counterrent prince prince, state or country, not being current coin, knowing the so, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of a misdemean be false or counterfeit, is guilty of a misde-

meanor, and liable to six months' imprisonment: 2. Every one who, having been convicted of any such second offence, afterwards commits the like offence of tendering, offence. uttering or putting off any such false or counterfeit coin, as aforese; a or putting off any such false or counterfeit, is aforesaid, knowing the same to be false or counterfeit, is suilty of guilty of a misdemeanor, and liable to imprisonment for any term less than two years:

8. Every one who, having been twice convicted of any Subsequent offence of tendersuch offence, afterwards commits the like offence of tender-offence. ing, uttering or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is a seven years' imprisonfeit, is guilty of felony, and liable to seven years' imprison-32-33 V., c. 18, ss. 20 and 21.

Every one who, without lawful authority or excuse, Having such be brook in his possession or coin in possession. the proof whereof shall lie on him, has in his possession or coin in possession. Custody whereof shall lie on him, has in his possession. custody any forged, false or counterfeit piece or coin, counterfeited or silver coin deterfeited to resemble any foreign gold or silver coin described to resemble and the resemb scribed to resemble any foreign gold of survey the same in the three sections next preceding, knowing the same to be false or counterfeit, with intent to put off any such false or counterfeit, with intent to reach such false or counterfeit coin, is guilty of a mis-

demeanor, and liable to three years' imprisonment. 32-33 V., or 18, s. 22 V., o 18, s. 22.

Counterfeiting foreign

23. Every one who falsely makes or counterfeits any nd of coin not being or kind of coin, not being current coin, but resembling or apparently into and additional apparently into additional apparently apparent than gold and apparently intended to resemble or pass for any copper coin. or any other coin. coin, or any other coin made of any metal or mixed metals, of less value than the coin made of any metal or mixed mixed mixed of less value than the silver coin of any foreign prince, state or country is cuilty of state or country, is guilty of a misdemeanor, and liable, for the first offence to one to one in the first offence the first offence, to one year's imprisonment; and for any subsequent offence to come to get and subsequent offence to come to subsequent of the subse subsequent offence, to seven years' imprisonment. V., c. 18, s. 23.

Persons who-

24. Every one who, without lawful authority or excuse, see proof whereast all lives and lawful authority or excuse, the proof whereof shall lie on him,—

Make, mend or have unlawfully possession of any coining tools.

(a) Knowingly makes or mends, or begins or proceeds make or mend or burner with the control of t to make or mend, or buys or sells, or has in his custody or possession any punchaser. possession any puncheon, counter puncheon, matrix, stamp, die, pattern or mould die, pattern or mould, in or upon which there is made is impressed or which is impressed, or which will make or impress, or which is adapted and intended to adapted and intended to make or impress, or which adapted and intended to make or impress the figure, stamp or apparent recently stamp or apparent resemblance of both or either of the sides of any current cold are in the coin of sides of any current gold or silver coin, or of any coin of any foreign prince state any any foreign prince, state or country, or any part or parts of both or either of such sides.

Or any edging instrument.

(b) Makes or mends, or begins or proceeds to make or mend buys or sells or begins in the control of the control or buys or sells, or has in his custody or possession any edger, edging or other tool and any edger. edging or other tool, collar, instrument or engine adapted and intended for the marking and intended for the marking of coin round the edges with letters, grainings or other letters, grainings, or other marks or figures, apparently resembling those on the sembling those on the edges of any such coin as in this section aforesaid browning the sectio section aforesaid, knowing the same to be so adapted and intended as aforesaid.

Or any coinage press or cutting engine.

(c) Makes or mends or begins or proceeds to make mend, or buys or reli or mend, or buys or sells, or has in his custody or possession, any process. possession, any press for coinage, or any cutting engine for cutting by force of for cutting by force of a screw or of any other contrivance round blanks trivance, round blanks out of gold, silver or other metal or mixture of metals or mixture of metals or any other machine, knowing such press to be a press for any press to be a press for coinage, or knowing such engine or machine to have been machine to have been used or to be intended to be used for or in order to the fall or in order to the false making or counterfeiting of any such coin as in this cast. such coin as in this section aforesaid,-

Punishment.

Is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 24.

Conveying tools or moneys, or

25. Every one who, without lawful authority or excuse, e proof whereof shall is the proof whereof shall lie on him, knowingly conveys out of any of Her Majesty's mints into Canada, any puncheon, metal out of the mint with content of the mint with the mint wit counter Puncheon, matrix, stamp, die, pattern, mould, the mint withedger approache on matrix, stamp, die, pattern, mould, out authority. edger, edging or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or and articles aforesaid, or or any useful part of any of the several articles aforesaid, or metals is guilty of any coin, bullion, metal or mixture of metals, is guilty of felon, 1162 32-33 V. c. 18, felony and liable to imprisonment for life. 32-33 V., c. 18,

26. If any coin is tendered as current gold or silver coin coin suspected to be diminished diminished to any person who suspects the same to be diminished diminished or therwise results of the counterfeit. otherwise than by reasonable wearing, or to be counterfeit, counterfeit if any coin may cut, break, bend or defaced appears to be Who shall hear the loss if any coin so cut, broken, bent or defaced appears to be who shall bear the loss. diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the logs thereof; but if the same is of due weight, and appears to be level; but if the same is of due weight, and oppears to be lawful coin, the person cutting, breaking, bending or defacing the to receive the same at defacing the same, shall be bound to receive the same at the rate for which it was coined:

broken, any dispute arises whether the coin so cut, Disputes, how the said bent or defaced, is diminished in manner decided. determine, or counterfeit, it shall be heard and finally determined in a summary manner by any justice of peace in a summary manner by any justice of oath, the parties as well the peace, who may examine, upon oath, the parties as well any of deciding such dispeace, who may examine, upon oath, the parties and pute person, for the purpose of deciding such dis-Pute, and if he entertains any doubt in that behalf, he May summon three persons, the decision of a majority of whom shall be final:

8. Every officer employed in the collection of the revenue Revenue officer employed in the collection of the revenue Revenue officer employed in the collection of the revenue Revenue officers to destroy such coin. Canada shall cut, break or deface, or cause to be cut cers to destroy such coin. broken or defaced, every piece of counterfeit or unlawfully which is tendered to him in dininished gold or silver coin which is tendered to him in payment of such revenue in Canada.

Every offence of falsely making or counterfeiting any When the offence of counterfeiting any when the paying, or offence of counterfeiting and cou coin, Every offence of falsely making or counterfeiting any when the offence of buying, selling, receiving, paying, tendering, offence of counterfeiting or buying, selling, receiving to buy, sell, receive, pay, deemed to be of buying, selling, receiving, paying, tendering, counterenter or putting off, or of offering to buy, sell, receive, pay, ing shall be deemed to be complete. outling or putting off, or of offering to buy, sell, receive, pay, ing snan or putting off, or of offering to buy, sell, receive, pay, ing snan or put off, any false or counterfeit coin, against the deemed to be complete. There or putting on, or or counterfeit, coin, against although to off, any false or counterfeit to be complete, sough the off this Act, shall be deemed to be complete, sold, and the or counterfeited, or bought, sold, although the coin so made or counterfeited, or bought, sold, beived no coin so made or counterfeited, or offered to be bought the coin so made or counterfeited, or bought, bought, paid, tendered, uttered or put off, or offered to be be sht, sold, tendered, uttered, uttered or put off, hought, paid, tendered, uttered or put off, or onered the not in t Was not in a fit state to be uttered, or the counterfeiting thereof was a fit state to be uttered. 32-33 V., c. 18, s. 32. thereof was not finished or perfected. 32-33 V., c. 18, s. 32.

MANUFACTURE AND IMPORTATION OF UNCURRENT

brass Coin one who manufactures in Canada any copper Unlawful Canada any copper or brass manufactures or imported brass Coin, or imports into Canada any copper Unlawius manufactures or imports tion of colper coin, other than current copper coin, with the intention of putting the same into of putting the same into circulation as current copper coin, shall, on summary and constant c coin, shall, on summary conviction, be liable to a penalty not exceeding twenty dellar and a liable to a penalty not exceeding twenty dollars for every pound Troy of the weight thereof: and all such weight thereof; and all such copper or brass coin so manufactured or imported shall a specific property of the state of th factured or imported shall be forfeited to Her Majesty, for the public uses of Canada at Tree to Her Majesty, 31 V., c. 47, ss. 1 and 2.

Seizure of such coin.

Forfeiture on

proof.

29. Any two or more justices of the peace, on the oath of credible person, that any oath a credible person, that any copper or brass coin has been up-lawfully manufactured or lawfully manufactured or imported, shall cause the same to be seized and detained to be seized and detained, and shall summon the person in whose possession the resonant the person the person in whose possession the resonant the personant in whose possession the same is found, to appear before them; and if it appears to the them; and if it appears to their satisfaction, on the oath of a credible witness other. a credible witness, other than the informer, that such copper or brass coin has been a credible witness. per or brass coin has been manufactured or imported in violation of this Act such violation of this Act, such justice shall declare the same forfeited, and shall place the same to await forfeited, and shall place the same in safe keeping to await the disposal of the Government the disposal of the Governor General, for the public uses of Canada. 31 V. c. 47 c. 2

When the

penalty shall

be enforced.

30. If it appears, to the satisfaction of such justices, that the person in whose person in which it is a person in the person in th the person in whose possession such copper or brass coin was found, knew the same training and copper or colly manuwas found, knew the same to have been so unlawfully manufactured or imported the factured or imported, they may condemn him to pay the penalty aforesaid with penalty aforesaid with costs, and may cause him to pay be imprisoned for a term not imprisoned for a term not exceeding two months, if such penalty and costs are not for a term to exceed two months.

31. If it appears, to the satisfaction of such justices, coin the person in whose near the person in the person i owner in cer- the person in whose possession such copper or brass fully was found was not arrest to the satisfaction of such justices, coin brass was found was not arrest and copper or brass fully tain cases. was found was not aware of it having been so unlawfully manufactured or important manufactured or imported, the penalty may, on the oath of any one credible witness any one credible witness, other than the plaintiff, be recorded, from the owner thought ed, from the owner thereof, by any person who sues for the same in any court of compatter.

Officer of customs may seize such coin.

32. Any officer of Her Majesty's customs may seize any opported imported copper or brass coin imported or attempted to be imported into Canada in violetica. into Canada in violation of this Act, and may detain to same as forfeited. to average the control of the contro same as forfeited, to await the disposal of the General, for the public uses of General, for the public uses of General of the General of the General of the public uses of General of the General of the public uses of General of the public uses of General of the General of the

Uttering unlawful copper

33. Every one who utters, tenders or offers in payment coin, by copper or brass coin other than the control of the coin, and the any copper or brass coin, other than current copper shall forfeit double the name of the copper coin, shall forfeit double the nominal value thereof:

Recovery of penalty.

2. Such penalty may be recovered, with costs, in a sum ary manner, on the oath of costs, in a sum of mary manner, on the oath of one credible witness, if than the informer, before any than the informer, before any justice of the peace, cause such penalty and costs are not find. such penalty and costs are not forthwith paid, may

 $\begin{array}{lll} th_e & offender \\ eight & days. \end{array} \ \ \, to \ \, be \ \, imprisoned \ \, for \ \, a term \ \, not \ \, exceeding \\ 31 \ \, V., \ \, c. \ \, 47, \ \, ss. \ \, 7 \ \, and \ \, 8. \end{array}$

of the five sections next preceding, but not the copper or penalties. long to the informer or person who sues for the same, and the other moiety shall belong to Her Majesty, for the public uses of Canada. 31 V., c. 47, s. 9.

Proposed to be Proposed	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 47	The whole. The whole except ss. 6 (part), 17 (part), 27, 28,	36 and 37	ss. 6 (part), 27, 28, 29, 30, 31,	
	(part), 27, 28, 29, 30, 31, 33, 34, 35, 36 and 37.		s 17 (part) s. 34	Currency.

CHAPTER 164.

An Act respecting Malicious Injuries to Property.

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

Interpretation. "Cattle."

1. In this Act, unless the context otherwise requires, the pression "cattle" includes expression "cattle" includes any horse, mule, ass, swine, sheep, or goat, as well as any sheep, or goat, as well as any neat cattle or animal of the bovine species and whatever bovine species, and whatever is the age or sex of the animal and whether castrated or not and whether castrated or not, and by whatever technical or trivial name it is known and as trivial name it is known, and shall apply to one animal as well as to many. 32.22 W 32-33 V., c. 22, s. 44;—40 V., c. 29, s. 2.

INJURIES BY FIRE TO BUILDINGS AND GOODS THEREIN.

Setting fire to a church, chapel, &c.

2. Every one who unlawfully and maliciously sets fire any church charal to any church, chapel, meeting-house or other place of divine worship is guilty and maliciously seed of other place of divine worship is guilty as a constant of the constant divine worship, is guilty of felony and liable to imprisonment for life. 32-33 V

Setting fire to a dwellinghouse, any person being therein.

3. Every one who unlawfully and maliciously sets fire to my dwelling house and maliciously sets fire to any dwelling-house, any person being therein, is guilty of felony, and liable to imprise felony, and liable to imprisonment for life. s. 2.

Setting fire to a house, outhouse, manufactory, farm building, &c.

4. Every one who unlawfully and maliciously sets fire any house, stable and maliciously sets fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill malt-harm office, shop, mill, malt-house, hop-oast, barn, storehouse, granary, hovel shed or fell granary, hovel, shed or fold, or to any farm building, or any building or erection any building or erection used in farming land, or in thereof, ing on any trade or many ing on any trade or manufacture or any branch thereof, whether the same is then whether the same is then in the possession of the offender, or in the possession of the intent or in the possession of any other person, with the felony, thereby to injure or defrant thereby to injure or defraud any person, is guilty of felony, and liable to imprison and liable to imprison the second se 35 V., c. 34.

Setting fire to any railway station, &c.

5. Every one who unlawfully and maliciously sets fire any station, engine hard huilding, to any station, engine-house, warehouse or other building, belonging or apparts: belonging or appertaining to any railway, port, guilty harbor, or to any canal and the harbor, or to any canal or other navigable water, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 4. 22, s. 4.

6. Every one who unlawfully and maliciously sets on the set on the fire or burns, or otherwise destroys or causes to be set on Setting fire to any of Her Majesty's

the or burnt, or otherwise destroyed, any of Her Majesty's dock-yards, thips or building, or begun ships, &c. blips or vessels of war, whether afloat or building, or begun ships, &c. to be built in any of Her Majesty's dock-yards, or building or repairing by contract in any private yard, for the use of Majorty's arsenals, magazines, Her Majesty,—or any of Her Majesty's arsenals, magazines, och was affices, or any of the dock yards, rope-yards, victualling offices, or any of the buildings, rope-yards, victualling offices, or any timber or belonging thereto, or any timber or building, repairing or there or belonging thereto, or any atting material there placed for building, repairing or the placed for building, repairing or any of Her Majesty's mili-Atting material there placed for building, repairing tary, now of ships or vessels, or any of Her Majesty's miliwar, naval or victualling stores or other ammunition of war, naval or victualling stores or other ammunity or victually place or places where any such military, naval, victually place or places where any such military, naval, placed or places where any such military, manufactualling stores, or other ammunition of war, are kept, placed or deposited, is guilty of felony, and liable to im-Prisonment for life. 32-33 V., c. 22, s. 5.

Rivery one who unlawfully and maliciously sets fire Setting fire to any haring one who unlawfully and maliciously sets fire Setting fire to any public building. to any building, other than such as are in this Act before any public building.

Mentioned 1 and Majostv or to any county, ridhentioned, belonging to Her Majesty or to any county, riding, division, city, town, village, parish or place, or belongto any university or college, or hall of any university, or of to any university or college, or hall of any university, of persons poration, or to any unincorporated body or society of the sound persons for any lawful purpose, or of persons, associated together for any lawful purpose, or devoted or dedicated together for any lawtur purpose, haintaidedicated to public use or ornament, or erected public use or contribution, is of haintained by public subscription or contribution, is wilty of felony, and liable to imprisonment for life. 32-33

Every one who unlawfully and maliciously sets fire Setting fire to other build-one who unlawfully and maliciously sets fire Setting fire to other build-one in this Act before ings. to any building other than such as are in this Act before ings. hentioned, is guilty of felony, and liable to fourteen years' imprisonment.

Every one who unlawfully and maliciously sets fire Setting fire to anything in against or under any any building, to any matter or thing, being in, against or under any anything in anything in anything in thing, being in, against or under any any building, the setting fire to which were thereby one who unlawlully against or under any any bullding the setting fire to which is felony. were the such circumstances that, if the bulleto wing such circumstances would amount to felony, is felony.

The bulleto fourteen years' imprison-Rollty of felony, and liable to fourteen years' imprisonhent, 82-83 V., c. 22, s. 8.

Rept. act. att. one who, unlawfully and maliciously, by any Attempting to the act. att. on matter Overt Every one who, unlawfully and maliciously, by any attempts to set fire to any building, or any matter circums in the continuously to set on fire. orthing in the next preceding section mentioned, under such of the next preceding section mentioned, under such of the next preceding section mentioned. chang in the next preceding section mentioned, unucleantly that if the same were thereby set fire to the liable word that if the same were thereby set felony, and offender would be guilty of felony, is guilty of felony, and be guilty of felony, is guilty of selection. hable to fourteen years' imprisonment. 32-33 V., c. 22, s. 12.

Every one who, by such negligence as shows him to by negligence to any forest, tree lumber, be leckless one who, by such negligence as shows him to by negligence to any forest, and of the locality, sets fire to tree, lumber, logs Wilstiess or who, by such negligence who, by such negligence and to any lorest to the locality, sets fire to the locality to the l of florest, tree, manufactured lumber, square timber, logs leadests, home timber, and the Crown domain, or land or forest, tree, manufactured lumber, square timber, leased or law or slide on the Crown domain, or land or law or slide on the crown domain, or land or law or slide on the crown domain, or law or slide or the purpose of cutting timber, on private law fully held for the purpose of cutting timber, on or lawfully held for the purpose of cutting private property, on any creek or river, or rollway,

beach or wharf, so that the same is injured or destroyed, is guilty of a misdemeanor and light guilty of a misdemeanor, and liable to two years, imprisonment:

In certain cases magistrate may impose a fine, without committal for trial.

2. If, in the opinion of the magistrate investigating been carge under this section. charge under this section, the consequences have not been serious, he may, in his discretion. serious, he may, in his discretion, dispose of the matter sum marily, without sending the consequences have not per sum serious, he may, in his discretion, dispose of the matter sum marily, without sending the consequences. marily, without sending the offender for trial, by imposing a fine not exceeding fifty dollars. a fine not exceeding fifty dollars, or in default of payments by the committal of the officer or in default of the officer of by the committal of the offender to prison for any term 32-33 exceeding six months. with exceeding six months, with or without hard labor.

V., c. 22, ss. 9 and 10.

Setting fire maliciously to any forest, tree, lumber, &c.

12. Every one who unlawfully and maliciously sets fire any forest, tree manufactures and maliciously sets timber, to any forest, tree, manufactured lumber, square logs or floats, boom days and lived lumber, square logs or floats, boom days and lived lumber, square logs or floats, boom days are lived lumber, square logs or floats. logs or floats, boom, dam or slide on the Crown domain, of on land leased or lawfully hald on the Crown of cutting on land leased or lawfully held for the purpose of cutting timber, or on private property of the purpose of cutting timber, or on private property of the purpose of cutting timber, or on private property of the purpose of cutting timber, or on private property of the purpose timber, or on private property, or on any creek, river, rollway, beach or wharf so rollway, beach or wharf, so that the same is injured destroyed, is guilty of felow destroyed, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V

INJURIES BY EXPLOSIVE SUBSTANCES.

Destroying, &c., a house with gunpowder, &c., any person being therein.

13. Every one who, unlawfully and maliciously, by the plosion of gunpowder of explosion of gunpowder or other explosive substance, of stroys, throws down or down and part of stroys, throws down or stroys, throws down or damages the whole or any part of any dwelling house. any dwelling-house, any person being therein, or of subbuilding, whereby the life of the l building, whereby the life of any person is endangered; guilty of felony, and liable to interest of the state guilty of felony, and liable to imprisonment for life. V., c. 22, s. 13.

Attempting to destroy buildings with gunpowder, άc.

14. Every one who unlawfully and maliciously places throws in, into, upon made and maliciously places build or throws in, into, upon, under, against or near any building, any gunpowder or other against or near any building, any gunpowder or other against or near any building. ing, any gunpowder or other explosive substance, intent to destroy or damage intent to destroy or damage any building, or any chattels, machinery, working tools, fixtures, goods or chatter or not are whether or not any explosion takes place, and whether or not any damage is caused is smill of fourteen not any damage is caused, is guilty of felony, and liable to fourteen years' imprisonment years' imprisonment and liable to fourteen years' imprisonment y

It is recommended that sections 13 and 14 should be transferred to the Explosive libstances Act and be made subject to the procedure therein provided. Substances Act and be made subject to the procedure therein provided.

INJURIES TO BUILDINGS BY TENANTS.

Tenants of houses, &c., maliciously injuring them.

15. Every one who, being possessed of any dwelling or buse or other building or not possessed of any dwelling or house or other building or not possessed of any dwelling or not possessed or not p house or other building, or part of any dwelling house of other building, held for any dwelling other less terms. other building, or part of any dwelling ther less of building, held for any term of years or at will, or held over the state of the sta term, or at will, or held over after the termination of detenancy, unlawfully and will the termination of all tenancy. tenancy, unlawfully and maliciously pulls down or pull molishes, or unlawfully and maliciously pulls down or pull molishes, or unlawfully and molishes. molishes, or unlawfully and maliciously pulls down or unlawfully and maliciously begins to down or demolish the same of the sa down or demolish the same or any part thereof, the free fully and maliciously builts down the fully and maliciously builts down the free fully and maliciously builts down the fully builts down the full builts down th fully and maliciously pulls down or severs from the free Chap. 164.

building fixture fixed in or to such dwelling-house or building, is building, or part of such dwelling house or building, is Rullty of a misdemeanor. 32-33 V., c. 22, s. 17.

INJURIES TO MANUFACTURES, MACHINERY, &C.

teaks on a one who unlawfully and maliciously cuts, Destroying goods in process of man breaks or destroys, or damages, with intent to destroy or to goods in process of manufacture. render destroys, or damages, with intent to destroy of cotton. Render destroys, any goods or article of silk, woollen, linen, facture. cotton useless, any goods or article of silk, woodless, those materials, mohair or alpaca, or of any one or more of other or mixed with any those materials mixed with each other, or mixed with any other materials mixed with each other, or mixed with any other materials mixed with each other, or mi naterial, or any framework-knitted piece, stocking or lace, being in the loom or frame, or on any machine are sine. or engine, or on the rack or tenters, or in any stage, process or progress of manufacture,—or unlawfully and maliciously cuts, breaks, or destroys or damages with intent to destroy and hender, or destroys or damages with intent to destroy of silk, woollen, linen, or breaks, or destroys or damages with intent to cotton, however, any warp or shute of silk, woollen, linen, the cotton, however, any warp or of any one or more of cotton, hair, mohair or alpaca, or of any one or more of those materials mixed with each other, or mixed with any materials mixed with each other, or mixed with any materials mixed with each other, or mixed with any other naterials mixed with each other, or mixed with any or destroys are unlawfully and maliciously cuts, breaks Or certain machinery used in such instant to destroy or render used in such instant and machinery used in such instant are used in such instant. or destroys, or damages with intent to destroy or render used in such machinery used in such manufactures. Release, any loom, frame, machine, engine, rack, tackle, tool manufactures. or implement, whether fixed or movable, prepared for or tures. employed in carding, spinning, throwing, weaving, fulling, stode or otherwise manufacturing or preparing any such sods or otherwise manufacturing or preparing and bilding or articles, or by force enters into any house, shop, in the committent to commit any of the offences bilding or articles, or by force enters into any nouse, in this section with intent to commit any of the offences in this section. in this section mentioned, is guilty of felony, and liable to prisonment for life. 32-33 V., c. 22, s. 18.

Every one who unlawfully and maliciously cuts, Destroying machines in or door many with intent to destroy or other many breaks or destroys, or damages with intent to destroy or other manufactures, useless or destroys, or damages with intent to destroy or other manufactures, thrashing hedder destroys, or damages with intent to destroy or destroys, or damages with intent to destroy or factures, threshing the beautiful to be used for sowing, reaping, threshing machines hovable, used or intended to be used for sowing, reaping, machines, &c. howing, used or intended to be used for sowing, rearrange thrashing, ploughing or draining, or for performance of the solution thrashing, ploughing or draining, or for personal time, or or agricultural operation, or any machine or agricultural operation, whether fixed or movable, Repared for y tool or implement whether fixed or movable, any manufacture whatsoever helared for or employed in any manufacture whatsoever the the or employed in any manufacture whatsoever silk. woollen, linen, cotton, etcept the or employed in any manufacture wname of i mohai manufacture of silk, woollen, linen, cotton, or goods of any one or more hair or employed in any most the manufacture of silk, woollen, linen, could, of those materials mixed with each other, or mixed with other materials mixed with each other, or mixed with the materials mixed with each other, or mixed with materials mixed with each other. any other materials mixed with each other, or mixed with each other. yether materials mixed with each years, hose or lace, is guilty of felony, and liable to seven imprisoned by the control of th years, nose or lace, is guilty of felony, imprisonment. 32-33 V., c. 22, s. 19.

To CORN, TREES AND VEGETABLE PRODUCTIONS. Revery one who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crop of L. who, unlawfully and maliciously sets fire Setting fire to value crops of hay, corn, &c. to the Every one who, unlawfully and maliciously sets fire Setting need to the trace of the very one who, unlawfully and maliciously sets fire Setting need to the trace of the very one who, unlawfully and maliciously sets fire Setting need to the trace of the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who, unlawfully and maliciously sets fire Setting need to the very one who is the very or to any name of the produce, whether standing or cut down, any name of the produce, whether standing or cut down, any name of the same is or to any part of any wood, coppice or plantation of trees, any heart of any wood, coppice or plantation of trees, or to any part of any wood, coppice or plantation or the same is

growing, is guilty of felony, and liable to fourteen years' imprisonment. 32-38 V 2000 - 2000

Setting fire to stacks of corn, &c.

19. Every one who, unlawfully and maliciously sets fire any stack of corn or any stack or a to any stack of corn, grain, pulse, tares, hay, straw, haulm of stubble, or of any cultivated stubble, or of any cultivated vegetable produce, or of bark, gorse, heath, fern. turf gorse, heath, fern, turf, peat, coals, charcoal, wood of felous, or to any stere or pile of wood. or to any stere or pile of wood or bark, is guilty of felouy, and liable to imprisonment for the state of selections. 32-33 V., c. 22, 8. 21.

Attempting

20. Every one who unlawfully and maliciously, by any vert act, attempts to set an act. overt act, attempts to set fire to any matter or thing mentioned in either of the two stacks of corn, tioned in either of the two sections next preceding, and such acromatical that it is such circumstances that if it such circumstances that if the same were thereby sections, to, the offender would be to, the offender would be, under either of such sections, guilty of felony. is guilty of sections to seven guilty of felony, is guilty of felony, and liable to seven years' imprisonment. 39-29 V

Destroying hop-binds, grape-vines, άc.

21. Every one who unlawfully and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand hard and maliciously cuts of herwise destroys any hand herwise destroys any hand hard and hard otherwise destroys any hop-binds growing on poles in any plantation of hops. or any plantation of hops, or any grape vines growing in any vineyard, is guilty of felony, and liable to fourteen years imprisonment. 32-33 V

ground, &c.

22. Every one who unlawfully and maliciously cuts, eaks, barks, roots up or all breaks, barks, roots up or otherwise destroys or damages whole or any part of any tree. more than \$5, whole or any part of any tree, sapling or shrub, or any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any part of any tree, sapling or shrub, or any garden wood growing in any garden wood growing g wood growing in any park, pleasure ground, belong orchard or avenue. or in any pleasure ground, belong in a park, pleasure ground, belong the pleasure ground or belong the pleasure ground. orchard or avenue, or in any ground adjoining or injury ing to any dwelling-house, if the amount of felong done exceeds the sum of felong. done exceeds the sum of five dollars, is guilty of felony, and liable to three veers? s. 24.

Destroying, &c., trees, shrubs, &c., worth more than \$20, growing elsewhere.

23. Every one who unlawfully and maliciously cuts, eaks, barks, roots up or call and maliciously cuts. breaks, barks, roots up or otherwise destroys or daman the whole or any part of action destroys or des the whole or any part of any tree, sapling or shrub, or else underwood growing in any tree, sapling or place or else underwood growing in any tree or else underwood growing in any tree or else under underwood growing in any public street or place or chard where than in any park where than in any park, pleasure ground, garden, or any or avenue, or in any ground and garden, or in any ground are ground, garden, or in any ground are ground. or avenue, or in any ground adjoining or belonging to the dwelling-house, if the amount of the dwelling-house, if the amount of the dwelling-house is the amount of the am dwelling-house, if the amount of injury done exceeds to sum of twenty dollars is and liable to sum of twenty dollars, is guilty of felony, and three years' imprisonment

Damaging trees, &c., wheresoever growing to the amount of 25 cents.

24. Every one who unlawfully and maliciously eaks, barks, roots up or other states or damages breaks, barks, roots up or otherwise destroys or damages the whole or any part of company destroys breaks, or any part of company destroys are also because the company destroys are also breaks, barks, roots up or otherwise destroys or any part of company destroys are also breaks, barks, roots up or otherwise destroys or damages are also breaks, barks, roots up or otherwise destroys or damages are also breaks, barks, roots up or otherwise destroys or damages are also breaks, barks, roots up or otherwise destroys or damages are also breaks, barks, roots up or otherwise destroys or damages are also breaks. the whole or any part of any tree, sapling or the injury underwood, wheresoever the underwood, wheresoever the same is growing, the least done being to the amount of the state of t done being to the amount of twenty-five cents at the not shall, on summary conviction shall, on summary conviction, be liable to a penalty the exceeding five dollars over and above the amount of with injury done, or to one month's immigration. injury done, or to one month's imprisonment, with or with out hard labor:

- 2. Every one who, having been convicted of any such Second offence, either against this or any other Act or law, after-offence. Wards commits any of the offences in this section mentioned commits any of the offences in this section mentioned commits any of the offences in this section mention be liable to a penalty tioned, shall, on summary conviction, be liable to a penalty not are above the amount not exceeding twenty dollars over and above the amount of the imprisonment with of the injury done, or to three months' imprisonment with hard labor:
- 8. Every one who, having been twice convicted of any Subsequent of the offence. Buch offence, afterwards commits any of the offences in this offence. bection mentioned, is guilty of a misdemeanor, and liable to impair the original to impair the original transfer of the original transfer original transfer of the original to imprisonment for any term less than two years. 32-33 V., c. 22, s. 26.

Every one who unlawfully and maliciously Destroying estrone who unlawfully and maliciously Destroying any fruit or destroy, any plant, any fruit or recetable p destroys, or damages with intent to destroy, any plant, any fruit or vegetable production, growing in any garden, duction in a house hot-house green-house or garden, &c. orchard, nursery ground, house, hot-house, green-house or garden, &c. conservatory, shall, on summary conviction, be liable to a penaltr over and above the penalty not exceeding twenty dollars over and above the anount of the injury done, or to three months' imprisonment, with or without hard labor:

Rence of the Act or law, after-offence. offence, either against this or any other Act or law, after-offence. wards commits any of the offences in this section mentioned : tioned, is guilty of felony, and liable to two years' imprisonment. 82-33 V., c. 22, s. 27.

destroys, or damages with intent to destroy, any cultivated productions medicine, or for distilling, or for dyeing, or for or in the course of any course of course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, the liable to a penalty not shall, on summary conviction, be liable to a penalty not above the amount of the exceeding five dollars over and above the amount of the bjury done, or to one month's imprisonment, with or without hard labor, and in default of payment of such penalty and costs, if any, to imprisonment for any term not exceeding one month:

2. Every one who, having been convicted of any such Subsequent chece. Act or law, after offence. offence, either against this or any other Act or law, after offence. wards commits any of the offences in this section mentioned, in the liable to three months' shall, on summary conviction, be liable to three months' imprisonments and summary conviction, be liable to three months' imprisonment with hard labor. 32-33 V., c. 22, s. 28.

reaks, the yone who unlawfully and maliciously cuts, Destroying, destroys any fence of &c., any fence, gate, breaks, throws down, or in anywise destroys any fence of fence, gate, or any descript: description whatsoever, or any wall, stile or gate, or &c.

any part thereof, respectively, shall on summary conviction be liable to a penalty not area. be liable to a penalty not exceeding five dollars, over and above the amount of the initial

Subsequent offence.

2. Every one who, having been convicted of any after offence, either against this or any other Act or law, men wards commits any of the offences in this section three tioned, shall, on summary course in this section three tioned, shall, on summary conviction, be liable to three months' imprisonment with bearing the section three 29. months' imprisonment with hard labor. 32-33 V., c. 22, s. 29.

INJURIES TO MINES.

Setting fire to a coal-mine, oil-well, &c.

28. Every one who unlawfully and maliciously sets fire any mine of coal council and maliciously sets to any mine of coal, cannel coal, anthracite or other mineral fuel, or to any mine or well of fuel, or to any mine or well of oil or other combustible substance, is guilty of felony and it is of other combustible for stance, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22 s 30

Attempting to set fire to a mine, oil-well, &c.

29. Every one who, unlawfully and maliciously, by any yert act, attempts to set for overt act, attempts to set fire to any mine, or to any were oil well, under such circumst oil well, under such circumstances that if the same felony, thereby set fire to the offendances that if the same felony, thereby set fire to, the offender would be guilty of felony is guilty of felony and liable is guilty of felony, and liable to fourteen years, imprisonment. 32-33 V. c. 22 2 2 31

Conveying shaft, &c.

30. Every one who unlawfully and maliciously causes by water, earth rubbish and maliciously causes any water, earth, rubbish or other substance to be conveyed or to run or fall into any minutes. into a mine or or to run or fall into any mine, or into any oil well, or oil-well, obstructing the any subterraneous passages. any subterraneous passage communicating therewith, or intent thereby to destroy or intent thereby to destroy or damage such mine or well, the like to hinder or delay the working thereof,—or who, with the like intent, unlawfully and mali intent, unlawfully and maliciously pulls down, fills up of obstructs or damages with obstructs or damages with intent to destroy, obstruct or render useless, any airway render useless, any airway, waterway, drain, pit, of felony, shaft of or belonging to any shaft of or belonging to any mine or well, is guilty of felony, and liable to seven veers'

Exception.

2. This section shall not extend to any damage committed well inderground by any owners underground by any owner of any adjoining mine or in working the same. or by in working the same, or by any person duly employed in such working. 32-33 V 2000 2000 and such working.

Damaging steam engines, staiths, wagon-ways, &c., for working mines.

31. Every one who, unlawfully and maliciously, pulls own or destroys or damages with down or destroys or damages with intent to destroy or reader useless any steam envine or other today of destroy or drain in the steam envine or other today. useless any steam engine or other engine for sinking, in ing, ventilating or working or feeling of the sinking ing, ventilating or working, or for in anywise assisting in sinking, draining, ventilating or working, or for in anywise assisting in sinking, draining, ventilating or or on the sinking of sinking or or one of the sinking of the sinking of the sinking or or one of the sinking sinking, draining, ventilating or working any mine or oil with or any appliance or apparatus. or any appliance or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with any steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine or apparatus in connection with a steam or other engine steam or other engine, or any staith, building or erection any in conducting the business of any bridge. in conducting the business of any mine or oil Well, of oil bridge, wagon-way or track for bridge, wagon-way or track for conveying minerals or fifth from any mine or well. whether from any mine or well, whether such engine, staith, build

Chap. 164. ing, erection, bridge, wagon-way or track is completed or in an unfamily and maliciously stops, in an unfinished state, or unlawfully and maliciously stops, Unlawfully obstructs on him obstructs of any such steam or other obstructing machinery. obstructs or hinders the working of any such steam or other obstructing machinery.

with intent the working of apparatus as aforesaid,

achinery. with intent thereby to destroy or damage any mine or oil or to hear the working thereof, or well, intent thereby to destroy or damage any mind of the hinder, obstruct or delay the working thereof, or make the hinder, obstruct or delay the working thereof, or make the hinder of the hinder o unlawfully and maliciously, wholly or partially, cuts Damaging through, sown and maliciously, wholly or damages with in-ropes, chair or tackle. through, severs, breaks or unfastens, or damages with in-ropes, chains or tackle. tent to destroy or render useless, any rope, chain or tackle, whatever of whatever or render useless, any rope, chain or tackle, of whatsoever material the same is made, used in any mine or oil well, or in or upon any inclined plane, railway or other way or other in or upon any inclined plane, railway or other way or other work whatsoever, in anywise belonging or appertaining to or connected with or employed in any mine or oil well, or the working or business thereof, is guilty of any, and it is working or business thereof. 32-33 V., felony, and liable to seven years' imprisonment. 32-33 V., c. 22, 8. 33.

INTURIES TO SEA AND RIVER BANKS, AND TO WORKS ON

RIVERS, CANALS, E.c.

Own or cuts one who unlawfully and maliciously breaks Destroying any sea ban are demanded or destroys any or wall on a cut of the cuts of th down or cuts down, or otherwise damages or destroys any sea bank, sea Wall, dyke or aboiteau, or the bank, dam or canal, dam, bool of or balance, dayke or aboiteau, or the bank, dayke or aboiteau, dayke or aboiteau, dayke wall of or belonging to any river, canal, drain, reservoir, &c., used for dan, or march or building is, or is in purposes, &c. pool of or belonging to any river, canal, drain, reservon, hydraunc danger of heir, whereby any land or building is, or is in purposes, &c. danger of heing overflowed or damaged, or unlawfully and helicional in the contract of the con maler of being overflowed or damaged, or unlawing throws, breaks or cuts down, levels, undergradules or out throws, levels, undergradules or out t hines or otherwise destroys any quay, wharf, jetty, lock, Contrae or otherwise destroys any quay, whari, jewy, and otherwise destroys any quay, whari, jewy, and otherwise destroys any quay, whari, jewy, and otherwise destroys any port, drain, water-or or otherwise destroys any port, harbor, dock contract wise destroys and a resulting to any port, harbor, dock the work belonging to any port, harbor, dock to any navigable water or or reservoir, or on or belonging to any navigable water or any or any or utilize canal, or any dam or structure erected to create or utilize thereof, is on: I power, or any embankment for the support thereof, is guilty of felony, and liable to imprisonment for service. life. 82-38 V., c. 22, s. 34.

Raws up or one who unlawfully and maliciously cuts off, Removing piles of any or other materials sea bank, & draws Every one who unlawfully and maliciously cuts on, Removing fied in the ground any piles, stone or other materials piles of any sea bank or or obstruction of the ground any sea bank or or obstruction. fred in the ground and used for securing any sea bank or or obstructing any sell, or the condition of any river, canal, drain, navigation of any river or canal, drain, navigation of any river or canal, drain, navigation of any river or canal, drain, navigation of canal. ea wall, or the bank, dam or wall of any river, canal, drain, navigation of wheelect, morely harbor, dock, quay, canal. wall, or the bank, dam or wall of any river, canal, armed wharf, letty or the bank, reservoir, pool, port, harbor, dock, quay, canal. wharf, it bank, dam or wan of the draws or lock, or unlawfully and maliciously opens in draws in lock, or unlawfully and maliciously opens with inor dri, jetty or lock, or unlawfully and maliciously or lock, or unlawfully and maliciously or lend or mischian floodgate or sluice, or does any other inhent and so any interest or prevent the carrying tent and so as thereby to obstruct or prevent the carrying the navigation thereof, is Suit and so as thereby to obstruct or prevent the cangage or maintaining the navigation thereof, is Spilty of felony, and liable to seven years' imprisonment. 82.88 V., c. 22, s. 35.

INJURIES TO FISH-PONDS.

Nough, breaks, who unlawfully and maliciously cuts Breaking down the dam, flood-down the of a fisher through, breaks down, or otherwise destroys the dam, flood-of a fishery, &c., or milldam, or poisoning fish.

gate or sluice of any fish-pond, or of any water which is private property. or in which is private property, or in which there is any private right of the fishery, with intent thereby to talfishery, with intent thereby to take or destroy any of the fish in such bond or water fish in such pond or water, or so as thereby to cause the loss or destruction of any of the loss or destruction of any of the fish, or unlawfully and maliciously puts any lime and maliciously puts any lime or other noxious material in any of such pond or water with interest any of such pond or water, with intent thereby to destroy he put the fish that are then or that may thereafter breaks therein, or unlawfully and male therein, or unlawfully and maliciously cuts through, of any down or otherwise destroys down or otherwise destroys the dam or floodgate of and mill-pond, reservoir or pool mill-pond, reservoir or pool, is guilty of a misdemeanor, 36. liable to seven years' imprison the dam or floodgate of and mill-pond, reservoir or pool, is guilty of a misdemeanor, 36. 32-33 V., c. 22, s. 36.

INJURIES TO BRIDGES, VIADUCTS AND TOLL-BARS.

Injuring a public bridge, or viaduct.

35. Every one who, unlawfully and maliciously, pulls throws down or in a second maliciously, pulls or throws down, or in anywise destroys any bridge, whether over any stream of whether over any stream of water or not, or any viaductor aqueduct, over or under which aqueduct, over or under which bridge, viaduct or aqueduct any highway. railway or any highway. any highway, railway or canal passes, or does any injury with intent and so as thereby with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway or aqueduct, or the highway, railway or canal passing over or under the same, or any passing over the highway or canal passing pass. or under the same, or any part thereof, dangerous or impass able, is guilty of felony and liable. able, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 37

Destroying a turnpike gate, toll house, &c.

36. Every one who, unlawfully and maliciously, throws own, levels or otherwise destroy down, levels or otherwise destroys, in whole or in part, bar turnpike gate or toll-bar or otherwise destroys. turnpike gate or toll-bar, or any wall, chain, rail, post, or or other fence belonging to any wall, chain, rail, post, at or other fence belonging to any turnpike gate or toll-bar, or set up or erected to prevent necessary without set up or erected to prevent passengers passing by Without paying any toll directed to be received to be received to be received. paying any toll directed to be paid by any Act or law relating thereto, or any house building the paying engine ing thereto, or any house, building or weighing energity erected for the better collection erected for the better collection, ascertainment or security of any such toll, is guilty of of any such toll, is guilty of a misdemeanor, and liable of ine or imprisonment, or both fine or imprisonment, or both, in the discretion of the court 32-33 V., c. 22, s. 38.

Certain injuries to railways.

37. Every one who, unlawfully and maliciously, and ith intent to obstruct and and maliciously, injured and one of the state of the stat with intent to obstruct, endanger, upset, overthrow, in or destroy any engine tandar or destroy any engine, tender, carriage, truck or vehicle, any any railway, or any property any railway, or any property passing over or along any railway,—

Obstructions.

(a) Puts, places, casts or throws any wood, stone or other atter or thing upon or across matter or thing upon or across any railway,-

Injuring or removing rail,

(b) Breaks, takes up, removes, displaces, injures fence to the same any rail, railway switch troys any rail, railway switch, sleeper, bridge, to ther matter or thing, or any norther troys any rail. other matter or thing, or any portion thereof, belonging any railway,—

- (c) Turns, moves or diverts any point or other machinery Moving points. belonging to any railway,—
- (d) Makes or shows, hides or removes any signal or light Lights. upon or near any railway, or—
- (e) Does or causes to be done, any other matter or Other acts. thing,—

Is guilty of a felony, and liable to imprisonment for life. Punishment. 32-33 V., c. 22, s. 39;—42 V., c. 9, s. 88, part;—44 V., c. 25, s. 116, part.

88. Every one who, unlawfully and maliciously,—

- (a) Breaks, throws down, injures or destroys, or does any structing use her hand other hurt or mischief to,—
 - (b) Obstructs or interrupts the free use of, or—

(c) Obstructs, hinders or prevents the carrying on, completing, supporting or maintaining of,—

thre, station, depot, wharf, vessel, fixture, bridge, fence, being the tand, depot, wharf, vessel, fixture, bridge, fence, being tand, depot, where tand, depot, depot, where tand, depot, depot, where tand, depot, engine, station, depot, wharf, vessel, fixture, pringe, work, tender, carriage, truck, vehicle, machinery or other in the device of the principle of the princi work, device, carriage, truck, vehicle, machinery ing thereto, matter or thing of such railway, or appertaining thereto or connected therewith,—

Is guilty of a misdemeanor, and liable to five years' im-Punishment. prisonment. 42 V., c. 9, ss. 87 and 90;—44 V., c. 25, ss. 115

Every one who, by any means, or in any manner or Obstructing whateover who, by any means, or in any manner or Obstructing will omission or neglect, use of railway and railway. way Every one who, by any means, or in any manner or Obstructing whatsoever, or by any wilful omission or neglect, use of railway and railway and railway and railway and railway works. obstructs or interrupts, or causes to be obstructed or interworks. rapted, or interrupts, or causes to be obstructed or free use of aids or assists in obstructing or interrupting, the thee use of any railway or any part thereof, or any building, and there of any railway or any part thereof, or any building, and there of the railway or any part thereof. structure, station, depot, wharf, vessel, fixture, bridge, fence, which, tandard, we have a walled and the station and the station are the station. engine, station, depot, wharf, vessel, fixture, orage, work, tender, carriage, truck, vehicle, machinery or other in the device of such railway, or appertain-Work, tender, carriage, truck, vehicle, machinery of the thereto, matter or thing of such railway, or appertainment thereto, matter or thing of such railway, or appertainment of the such railway of a misdeing thereto, or connected therewith, is guilty of a misde-color, and 1: onnected therewith, is guilty of a 2-33 V., thereto, or connected therewith, is guilty of a mace of the seanor, and liable to two years' imprisonment. 32-33 V., 44 V. c. 25, s. 114. C. 22, s. 40 liable to two years' imprisonment.

Abd Norg. 1. 42 V., c. 9, s. 86;—44 V., c. 25, s. 114.

Norg. 40;—42 V., c. 9, s. 86;—44 V., c. 25, s. 111.

b five rears, and that for injuring or obstructing a railway is limited

40;—42 V., c. 9, s. 86;—44 V., c. 25, s. 111.

b five rears, and that for maliciously injuring or obstructing a railway is limited

40.

breaks, throws down, destroys, injures or removes any tictelegraphs, hip. machine. battery, throws down, destroys, injures or removes and thing whatsomery, wire, cable, post or other matter or &c. bing whatsoever, being part of or being used or employed elar, about a for the or about any electric or magnetic telegraph, electric light, elephone or fire alarm, or in the working thereof, or for the Tahanission fire alarm, or in the working thereon, or 1251 of electricity for other lawful purposes, or

Maliciously

pleting, &c., of any rail-

way or rail-way works.

unlawfully and maliciously prevents or obstructs, in any manner whatsoever the condition manner whatsoever, the sending, conveyance or delivery of any communication by any great the sending to the sending the sending to the sending the sending to the sending the sending the sending to the sending the sending the sending the sending to the sending the sendin any communication by any such telegraph, telephone of alarm, or the transmission of alarm. alarm, or the transmission of electricity for any such electric light or for any such purpose as a first such purpose and purpose a first such purpose a first such purpose and purpose a first such purpose a first such purpose and purpose a first such purpose a first such purpose a first such purpose and purpose a first such purpose and purpose a first such purpose light or for any such purpose as aforesaid, is guilty of a mis-demeanor, and liable to imprison demeanor, and liable to imprisonment for any term less than two years. 32-33 V c 29 c 4

The words "electric light" are inserted at the suggestion of the Parliamer. Committee. tary Committee.

Attempts to injure such telegraphs,

41. Every one who, unlawfully and maliciously, by any vert act, attempts to commit overt act, attempts to commit any of the offences in the next preceding section manties. next preceding section mentioned, shall, on summary conviction, be liable to a possible viction, be liable to a penalty not exceeding fifty dollars or to three months' imprisons or to three months' imprisonment, with or without hard labor. 32-33 V. c. 22 c. 40

INJURIES TO WORKS OF ART.

Destroying or damaging works of art in museums, churches, &c., or in public places.

42. Every one who unlawfully and maliciously destroys damages any book manufacture, or damages any book, manuscript, picture, print, statue, bust or vase, or any other articles. bust or vase, or any other article or thing kept for the purposes of art, science or literature. poses of art, science or literature, or as an object of curiosity, in any museum. gallery cobined in in any museum, gallery, cabinet, library or other depository which museum gallery achieves the depository which museum, gallery, cabinet, library or other depository which museum, gallery, cabinet, library or other depository is, either at all times or from the is, either at all times or from time to time, open for the mission of the public or of mission of the public or of any considerable number of persons to view the same of the public or of the persons to view the same of the persons the pe persons to view the same, either by the permission of the proprietor thereof or by the permission of the proprietor thereof or by the permission of the perm proprietor thereof, or by the payment of money before entering the same. or any picture of money before the tering the same. tering the same, or any picture, statue, monument or memorial of the dead points. memorial of the dead, painted glass or other monument or work of art in any church at work of art in any church, chapel, meeting-house or other place of divine worship or the chapel, meeting-house or the place of divine worship or the chapel, meeting-house or the place of divine worship or the chapel, meeting-house or the place of the chapel, meeting-house or the chapel or the ch place of divine worship, or in any building belonging to Her Majesty, or to any sound any building belonging. Her Majesty, or to any county, riding, city, town, hall of parish or place or to any parish or place, or to any university, or college or hall of any university, or college or hurial any university, or in any street, square, church-yard, monuground, public garden or any street, square, church-yard, burial square, church-yard, church-y ground, public garden or ground, or any statue or ment exposed to public wisconding or ment exposed to public view, or any ornament, railing four fence surrounding such status fence surrounding such statue or monument, or any ortain, lamp, post or other 11 tain, lamp, post, or other thing of metal, glass, wood other material, in any street other material, in any street, square or other public place, is guilty of a misdemeaner. is guilty of a misdemeanor, and liable to one year's imprisonment:

Civil remedy saved.

2. Nothing herein contained shall affect the right of the person to recover damages for the committeed. any person to recover damages for the injury so committed. 32-33 V., c. 22, s. 43.

INJURIES TO CATTLE AND OTHER ANIMALS.

Killing or maiming cattle.

43. Every one who unlawfully and maliciously of aims, wounds, poisons or initially and maliciously of aims, wounds, poisons or initially and maliciously of aims. maims, wounds, poisons or injures any cattle, is guilty of felony, and liable to fourteen was any cattle, ont felony, and liable to fourteen years' imprisonment. V., c. 22, s. 45.

44. Every one who unlawfully and maliciously attempts wantonly kill every one who unlawfully and maliciously attempts attempt attempts att to kill, maim, wound, poison or injure any cattle, or unlaw-attempting to poison cattle. fully and maliciously places poison in such a position as to be easily make the case of a misdebe easily partaken of by any cattle, is guilty of a misdemean. meanor, and liable to fine or imprisonment, or both, in the discretion of the court. 32-33 V., c. 22, s. 46.

45. Every one who unlawfully and maliciously kills, Killing or maining aims local branch beast. or maining or other maims, wounds, poisons or injures any dog, bird, beast, or other animals. other animal, not being cattle, but being either the subject animals. of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of confinement, or kept for any domestic purpose, or purpose, or science, shall, on pose of lawful profit or advantage or science, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, over and above the amount of injury done. On the dollars, over and above the amount of without done, or to three months' imprisonment with or without

2. Every one who, having been convicted of any such Subsequent concerns in this offence. offence, afterwards commits any of the offences in this offence. to fine mentioned, is guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the court. 32-33 V., c. 22, s. 47.

INJURIES TO SHIPS.

46. Every one who unlawfully and maliciously sets Setting fire to, casting away or destroying fire to, casts away or in anywise destroys any ship or or destroying away or in anywise destroys any unfinished a ship. Vessel, whether the same is complete or in an unfinished a ship. state, whether the same is complete or in an unimitie, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 48.

te to or one who unlawfully and maliciously sets Setting fire to, casting away, &c., ships to fre to or casts away or in anywise destroys any ship or casting away, with with a way or in anywise destroys any ship or prejudice the ressel, with intent thereby to prejudice any owner or part prejudice the owner or under of selections. owner of such ship or vessel, or of any goods on board the derwriters. same, or any person who has underwritten or who has un underwrites any person who has underwriten or vessel, or on the policy of insurance upon such ship or have or on the policy of insurance upon any goods on ressel, or on the freight thereof, or upon any goods on board the control of the freight thereof, and liable to imprisonboard the same is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 49.

Zert act of one who, unlawfully and maliciously, by any Attempting to commit act of act of one who, unlawfully and maliciously, by any Attempting to commit of the commit overt act, attempts to set fire to, cast away, or destroy any such offences. tip or vessel, under such circumstances that, if the ship or vessel, under such circumstances that, if the ship or vessel were the circumstances that if the ship or the large that respective seek in the configuration of the configu offender were thereby set fire to, cast away or destroyed, liable to found be guilty of felony, is guilty of felony, and see to found be guilty of felony, is guilty of 22-33 V., c. 22, liable would be guilty of felony, is guilty of felony, s. 50. fourteen years' imprisonment. 32-33 V., c. 22,

throws in one who unlawfully and maliciously places Placing gunor throws in, into, upon, against or near any ship or vessel, ship with intent to damage it. any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working-tools, goods or chattels, whether or not any explosion takes place, and whether or not any injury is effected, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V. c. 22 s 51

It is recommended that section 49 should be transferred to the Explosive Stances Act, and be made subject to the procedure therein provided.

Damaging ships other-wise.

50. Every one who unlawfully and maliciously damages, otherwise than by fire, gunpowder or other explosive unstance, any ship or vessel, whether complete or in an the finished state, with intent to destroy the same or render the same useless, is guilty of felony, and liable to seven years imprisonment. 32-33 V., c. 22, s. 52.

Exhibiting false signals, &c., or doing acts of like nature.

51. Every one who unlawfully masks, alters, removes or extinguishes any light or signal, or unlawfully exhibits any false light or signal, with intent to bring any ship, vessel or boat into danger, or unlawfully and maliciously vessel or boat into danger, or unlawfully and maliciously of any ship, vessel or boat, and for which no punishment of any ship, vessel or boat, and for which no punishment is hereinbefore provided, is guilty of felony, and liable to is hereinbefore provided, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 53;—33 V., c. 18, s. 4, part.

Injuring, removing, defacing or concealing lighthouses, buoys, &c.

52. Every one who, unlawfully and maliciously, cuts away, casts adrift, removes, alters, defaces, sinks or destroys or unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink or destroy, or any other manner unlawfully and maliciously injures the conceals any lighthouse, light-ship, floating or other light conceals any lighthouse, light-ship, floating or other light lantern or signal, or any boat, buoy, buoy-rope, beacon lantern or signal, or any boat, buoy, buoy-rope, beacon anchor, perch or mark used or intended for the guidance of anchor, perch or mark used or intended for the guidance of anchor, or for the purpose of navigation, is guilty of felony, seamen, or for the purpose of navigation, is guilty of felony, and liable to seven years' imprisonment.

Making vessels fast to buoys, beacons, or sea marks. 53. Every one who makes fast any vessel or boat to any such buoy, beacon or sea mark, shall, on summary conviction, be liable to a penalty not exceeding ten dollars, and in default of payment, to one month's imprisonment.

V., c. 22, s. 55.

Cutting booms or rafts adrift. 54. Every one who unlawfully and maliciously breaks, in juries, cuts, loosens, removes or destroys, in whole or any 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 unlawfully and maliciously crib of timber or saw-logs, or unlawfully and maliciously channel or blocks up any channel or passage intended and the transmission of timber, is guilty of a misdemeanor, and liable to a fine or to two years' imprisonment or to both 32-33 V., c. 22, s. 56:—C. S. C. a. 68 a. 67

Impeding channel.

INJURIES TO POLL BOOKS, ETC.

55. Every one who unlawfully or maliciously destroys, Destroying, injuring or maliciously altering injures or obliterates, or causes to be wilfully or maliciously destroys, injuring or destroyed injuring or causes to be election destroyed, injured or obliterated, or makes or causes to be election and any injured or obliterated, or makes or causes to be election of document Made any erasure, addition of names or interlineation of documents. hanes in or upon, or aids, consents or assists in so destroying, inimize upon, or aids, consents or assists in so destroying, injuring or obliterating, or in making any erasure, addition of or upon addition of names or interlineation of names in or upon any Writ of election, or any return to a writ of election, or any indept election, or any return to a writ of election of the elect any writ of election, or any return to a writ or election, report, or any poll book, voters' list, certificate, affidavit or made, prepared or drawn report, or any document or paper made, prepared or drawn accord; y document or paper made, previocial, municipal out according to any law in regard to provincial, municipal or civic elections, is guilty of felony, and liable to a fine in the discretions, is guilty of felony, and hable to a ment, or to seven years' imprisonment, or to both. 29-30 V. (Can.), c. 51, s. 188, part;—R. S. B.C., or to both. 29-30 v. 12-157. ss. 99 and 100, part.

INJURIES TO LAND MARKS.

efaces, altered who knowingly and wilfully pulls down, Defacing or removing land mark, post or land marks of land defaces, alters or removes any mound, land mark, post or land marks of detactions of placed to mark or Province, &c. Monument lawfully erected, planted or placed to mark or Province, &c. determine the boundaries of any Province, county, city, of felony, and liable to seven years' imprisonment. C.S.C., e. 77, s. 107, part;—C. S. U. C., c. 93, s. 4, part.

ters or remove who knowingly and wilfully defaces, And of concess or remove who knowingly and wilfully defaces, and of concess or remove the concession, range, &c. alters or removes any mound, land mark, post or monument range, &c. lawfully placed by any land surveyor to mark any limit, and land mark, post or mark any limit, land are or mark any limit, and land are or mark any limit and land are or mark any limit and land are or mark any limit and land are or mark and land are or mark any limit and land are or mark and land are or ma bondary or angle of any concession, range, lot or parcel of any concession, range, lot or parcel of any concession. and is guilty of a misdemeanor, and liable to a fine not exceeding one hundred dollars, or to three months' imprisonment, or to both:

2. Nothing herein shall prevent any land surveyor in Exception as to land surveyors. his Nothing herein shall prevent any land surveyor to land that when from taking up posts or other boundary veyors. marks when from taking up posts or other boundary were her necessary, if he carefully replaces them as 32 Were her necessary, if he carefully replaces them as 32 Were her necessary. they when necessary, if he carefully replaces uncomes, s. 4, part ;—C. S. U. C., c. 98, 8. 4, part.

INJURIES NOT BEFORE PROVIDED FOR.

by damage one who unlawfully and maliciously commits Committing damage, one who unlawfully and maliciously commits damage. hydamage, not property who unlawfully and maliciously commus damage, not for which makes over, either of a public or a private nature, vided for, extends, injury or spoil being to an amount exceeding to an amount exceeding to an amount exceeding to an amount exceeding to a misdemeanor, and liable to wenty dollars, is guilty of a misdemeanor, and liable to years' imprisonment. 32-33 V., c. 22, s. 59.

Committing damage, not before pro-vided for, and not exceeding \$20.

59. Every one who unlawfully and maliciously commits by damage, injury or spoil to an analycommits any damage, injury or spoil to or upon any real or personal property whatsoever either of property whatsoever, either of a public or private nature, for which no punishment is hardless or private shall, for which no punishment is hereinbefore provided, shall, on summary conviction be light on summary conviction, be liable to a penalty not exceeding ing twenty dollars and analysis a penalty not conding ing twenty dollars, and such further sum, not exceeding twenty dollars, as appears to the twenty dollars, as appears to the justice to be a reasonable compensation for the domestic to be a reasonable compensation for the dome compensation for the damage, injury or spoil so committed,
—which last mentioned sum of tion to person — which last mentioned sum of money shall, in the case if private property be paid to the private property be paid to the case if private property, be paid to the person aggrieved; and if such sums of money together. such sums of money, together with the costs, if ordered, are not paid, either immediate are not paid, either immediately after the conviction, the within such period as the interior and the conviction of the within such period as the justice shall, at the time of to conviction, appoint the instinction conviction, appoint, the justice may cause the offender with be imprisoned for any term not be imprisoned for any term not exceeding two months, with or without hard labor.

2. Nothing herein contained shall extend to any case here the person acted under a shall extend to any case. where the person acted under a fair and reasonable supportion that he had a right to any portion of the second of sition that he had a right to do the act complained of to any trespass, not heira will a Not to extend to any trespass, not being wilful and malicious, committed in hunting or fishing, or in the in hunting or fishing, or in the pursuit of game; but every such trespass shall be pursuit of game; and a such trespass shall be game; and a such trespass shall such trespass shall be punishable in the same manner as if this Act had not been passed.

This section to apply to trees, &c.

to certain cases.

> 3. The provisions of this section shall extend to any per n who unlawfully and a rection shall extend to any injury son who unlawfully and maliciously commits any injury to any tree, sapling, shrub or was a specific to any tree, sapling, shrub or was a specific to any tree, sapling, shrub or was a specific to any tree, sapling, shrub or was a specific to any tree, sapling, shrub or was a specific to any tree, sapling shrub or was a specific to any tree, sapling shrub or was a specific to any tree, sapling shrub or was a specific to any tree. to any tree, sapling, shrub or underwood, for which no purishment is hereinbefore provided and the same of the sam 32-38 V., c. 22, ss. 60 and 61.

Malice against owner not necessary.

60. Every punishment and penalty by this Act imposed any person maliciously companies whether on any person maliciously committing any offence, whether the same is punishable upon in the the same is punishable upon indictment or upon whether conviction, shall equally apply conviction, shall equally apply and be enforced, whether the offence is committed from any one summer of the conviction. the offence is committed from malice conceived against the owner of the property in room of the proper

Application to persons in possession of property iniured.

61. Every provision of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession of this Act, not hereinbefore so injure ied, shall apply to every possession ied, sh plied, shall apply to every person who, with intent to intended or defraud any person does or defraud any person, does any of the acts nossession is made punishable, although the necession of the necession is made punishable, although the offender is in possession is the property against or in many person who, with interin before the acts here in the acts he the property against or in respect of which such act be done. 32-33 V., c. 22 s 67

Proposed to be Consolidated.	Part Consolidated. The whole except ss. 15, 16, 57,	Left for Repeal.	To be Consolidated elsewhere.	with.
33 V. c. 18	69, 70, 71, 72, 73, 74, 75 and 8. 4. The whole. 8, 2. 88. 86, 87, 88		s. 58	Procedure. Wrecks, &c. Threats, &c. Accessories. Summary convictions

CHAPTER 165.

to the Army An Act respecting offences relating and Navy.

ER Majesty, by and with the advice and consent of the Senate and House of Consent as Senate and House of Commons of Canada, enacts as follows:-

Concealing

or assisting

deserter.

1. Every one who, not being an enlisted soldier in serajesty's service or a scanning an enlisted soldier in ser diers or sailors Majesty's service, or a seaman in Her Majesty's naval service. by words or with vice, by words or with money or by any other means whatsoever, directly or indirectly whatsoever, directly or indirectly persuades or procures goes about or endeavore to goes about or endeavors to persuade, prevail on or procure any such soldier or seemant. any such soldier or seaman to desert from or leave Her Marjesty's military or navel jesty's military or naval service, or conceals, receives assists any deserter from IV assists any deserter from Her Majesty's military of a misservice, knowing him to be a misservice, and the majesty's military of a misservice, knowing him to be a misservice. service, knowing him to be such deserter, is guilty of a mister demeanor, and liable on service and liable on demeanor, and liable, on summary conviction, to a penalty not exceeding two hands not exceeding two hundred dollars, and not less time eighty dollars and costs. eighty dollars and costs, and in default of payment, to increase prisonment for any torm prisonment for any term not exceeding six months. V., c. 25, s. 1, part.

Receiving regimental necessaries, &c.

2. Every one who buys, exchanges or detains, or other ise receives from any and it wise receives from any soldier or deserter any arms, clothing or furniture below: ing or furniture belonging to Her Majesty, or any such articles, belonging to any such articles, belonging to any such articles. articles, belonging to any soldier or deserter, as are generally deemed regimental passage. deemed regimental necessaries, according to the custom of the army, or causes the call. the army, or causes the color of such clothing or articles to be changed, or exchanges be changed, or exchanges, buys or receives from any soldier any provisions. without let any provisions, without leave in writing from the officer commanding the regiment commanding the regiment or detachment to which such soldier belongs is willsoldier belongs, is guilty of a misdemeanor, and liable, on summary conviction summary conviction, to a penalty not exceeding in dollars, and not less than dollars, and not less than twenty dollars and costs, and exdefault of payment, to imprisonment for any term not exceeding six months

Receiving necessaries from a seaman or marine.

3. Every one who buys, exchanges or detains, or other ise receives from any second wise receives from any seaman or marine, upon any account whatsoever, or has in his necessary account. whatsoever, or has in his possession any arms or clothing, or any such articles below any arms or marine, upon any arms or clothing, arms or any such articles, belonging to any seaman, or deserter, as are generally deserted any seaman, according or deserter, as are generally deemed necessaries, according to the custom of the navy to the custom of the navy, is guilty of a misdemeanor, and liable, on summary convictions liable, on summary conviction, to a penalty not than sixty one hundred and twenty dellars a penalty loss than sixty one hundred and twenty dollars, and not less imprison dollars and costs. and in defending dollars and costs, and in default of payment, to imprisonment for a term not exceeding six months. 32-33 V., c. 25,

4. Every offender against the provisions of the preceding Prosecution of offender. before may be tried and convicted in a summary manner before any two justices of the peace, or before any two justices of the peace, or before any tecordan and any one justice of the peace, or before any becordan and any one justice of the peace or police magisrecorder, judge of the sessions of the peace or police magistrate, on the evidence of one credible witness, or he may be prosecuted by indictment for the misdemeanor, and then led by indictment by fine and imprisonthen be liable to punishment by fine and imprison-Ment in the liable to punishment by fine and impression det shall he discretion of the court; and nothing in this Prosecution may be und Imperial Act shall he discretion of the court; and nothing in this Prosecution of the court is the court of the court of the court is the court of the court is the court of the court is the court of Act shall be construed to prevent any person being prose-may be under Imperial Act. cuted, convicted and punished under any Act of the arliament convicted and punished under any Act of the arliament of the United Kingdom in force in Canada; but no person shall be twice punished for the same offence. 82-33 V., c. 25, s. 1, part, and s. 5.

able to he examination of any soldier, seaman or marine Examination of witnesses about to leave liable to be examination of any soldier, seaman or marine examination of any soldier, seaman or marine examination of witnesses about to leave the province, and the province of any witness, sick, infirm the province, when the province, when the province, when the province of the provin Sainst this Act is prosecuted, or of any witness, sick, infirm the Province, has out to leave may be taken de bene esse &c. or about this Act is prosecuted, or of any witness, sick, in the before and leave such Province, may be taken de bene esse &c. before any commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority, in like anner of commissioner or other proper authority.

Every one who is reasonably suspected of being a Apprehension of suspected and of suspected deserters. deserter from Her Majesty's service may be apprehended and of suspected it is the form the majesty's service of the peace, and t it appears in the Majesty's service may be apprenented and appears in the shall be confined in if it appears that he is a deserter, he shall be confined in military or naval authorities, or Real appears that he is a deserter, he shall be common interpretation between the shall be common interpretation of the shall be common interpretation between the shall be common interpretation between the shall be common interpretation of the shall be common interpretation between the shall be common interpretation be shall be noting that he is a doctor with claimed by the military or naval authorities, against according to law. 32-33 V., c. 25, s. 7.

deserter one shall break open any building to search for Warrant required to enter a building to search for that purquired to enter a building to search for that purquired to enter a building to search for that purquired to enter a building to search for that purquired to enter a building to search for the purquired to enter a building to search for the purquired to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant required to enter a building to search for warrant for that purquired to enter a building to search for the purquired to enter a bui deserter one shall break open any building to search for Warrant relose from a justice of the peace,—such warrant to be founded ing in search
lose from a justice of the peace,—such warrant to be founded ing in search
lose from a justice of the peace,—such warrant to be founded ing in search
lose from concealed in the conceale concealed in such building, and that admittance has the demand in such building, and every one who resists the been demanded in such building, and that admittance the demanded and refused; and every one who resists the or continuous and the such building and that admittance the continuous and every one who resists the or continuous and every one who resists the continuous and every one who resists and every one who resists the continuous and every one who resists are also and every one who resists and every one who resists and every one who resists are also and every one who resists and every one w of eighty doll any such warrant shall incur a penalty like ighty doll any such warrant shall incur a penalty on summary conviction in of and refused, and like eighty dollars, recoverable on summary conviction in the manner and such warrant shall incur a penalty dollars, recoverable on summary conviction in the manner and summary convictin the manner and summary conviction in the manner and summary con S, s. 8. Of any such warrant to the manner as other penalties under this Act. 32-33 V., c.

Any justice of the peace, upon information on oath or Warrant to apprehension of apprehend offenders. Any justice of the peace, upon information on oath or warrant to the person, may issue a warrant for the apprehension of apprehend offenders. the person charged with an offence against this Act, as in the case of the person that are instituted as a second charged with an offence against the law. 32-33 V., c. 25, the charged with an offence against this charged with an offence against the law. 32-33 V., c. 25,

Application of penalties.

9. One moiety of the amount of any penalty recovered under any of the preceding sections shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall belong to the Crown. 32-33 V., c. 25, s. 4.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 25	The whole.			

CHAPTER 166.

An Act respecting Military and Naval Stores.

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

In this Act, unless the context otherwise requires, the Interpretaexpression "stores" includes any single store or article. "Stores." 32.33 V., c. 26, s. 14.

The marks described in the schedule to this Act, may Marks to be abolical marks described in the schedule to this Act, may Marks to be used on H. N. be applied in or on Her Majesty's naval, military, ordnance, stores. barrack, hospital and victualling stores, to denote Her Majesty, hospital and victualling stores, to denote Her Majesty's property in stores so marked. 32-33 V., c. 26, s. 1.

The Admiralty and War Department, their contract- Who may apply such the said marks, or apply such marks. ors, officers and workmen, may apply the said marks, or apply such any of the and workmen, may apply the said marks, or marks. the said workmen, may appry the said the said workmen, may appry the said them, in or on any such stores as are described in the said schedule. 32-33 V., c. 26, s. 2.

4. Every one who, without any lawful authority, the Unlawfully not of the said using such marks. proof of which shall lie on him, applies any of the said using such marks. marks in or on any such or any like stores, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 26, s. 3.

5. Every one who, with intent to conceal Her Majesty's Unlawfully obliterating obliterating of conceal harrack, hospital or conceal property one who, with intent to conceal Her Majesty's obliterating obliterating any naval, military, ordnance, barrack, hospital or concealing concealing any naval, military, ordnance, barrack, hospital or concealing or obliterates. or victualling stores, takes out, destroys or obliterates, wholly such marks. or in part, any such mark as aforesaid, is guilty of felony, and lield, any such mark as aforesaid, is guilty of felony, and liable to imprisonment for any term less than two Years. 32-33 V., c. 26, s. 4.

Every one who, without lawful authority, the proof Unlawfully which stone who, without lawful authority, the proof Unlawfully one who, without lawful authority, the proof Unlawfully or process of the proof Unlawfully or process. of hich shall lie on him, receives, possesses, keeps, keeping or how or dollars or dollars. Wilters ordnance, barrack, so marked. sells or shall lie on him, receives, possesses, hearing sening to the shall lie on him, receives, possesses, hearing sening delivers, any naval, military, ordnance, barrack, so marked. lospital or victualling stores, bearing any such mark as milesaid by victualling stores, bearing any such mark, is guilty of a aforesaid, knowing them to bear such mark, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding one year. 32-33 V., c. 26, s. 5.

If the person charged with such a misdemeanor as Knowledge that goods bear mark, to have been committed, a dealer in marine stores, or a presumed that the officer of the committed of the marine stores or a presumed that the major in old the Majesty's service or employdealer in been committed, a dealer in marine stores, or a presumed ment, knowledge that the stores to which the ment, knowledge on his part that the stores to which the

charge relates bore such mark as aforesaid, shall be presumed, until the control in the second state of th 32-33, V., c. 26, s. 6. sumed, until the contrary is shewn.

When value of stores does not exceed \$25, case to be tried summarily.

S. Every person charged with such misdemeanor as last oresaid in relation to start aforesaid in relation to stores, the value of which does not exceed twenty-five dollars. exceed twenty-five dollars, is liable, on summary conviction before two justices of the results before two justices of the peace, or any recorder, stipendiary magistrate or police magistrate. magistrate or police magistrate, or the city court of Halifax, to a penalty not exceed in the peace, or any recorder, stipellifax, magistrate or police magistrate, or the city court of maprito a penalty not exceed in the peace, or any recorder, stipellifax, and the peace of the to a penalty not exceeding one hundred dollars, or to imprisonment for any term and sonment for any term not exceeding six months, with or without hard labor.

Persons in fully.

9. If any naval, military, ordnance, barrack, hospital or ctualling stores bearing victualling stores, bearing any such mark, are found in the possession of any such mark, are marine with mark are the possession of any person who is not a dealer in marine found, must stores or a dealer in Her stores or a dealer in old metals, and who is not sum. Majesty's service and in the stores of sum. they obtained Majesty's service, and such person, when taken or sumthem law-moned before two justimendiary moned before two justices of the peace, recorder, stipendiary magistrate or police magistrate, or police magistrate, or the city court of Halifax, or the does not satisfy the does not satisfy the justice, recorder, magistrate, or the shall, court, that he came large with the shall, court, that he came lawfully by the stores so found, he shall, on summary convictions and by the stores so found, he shall, on summary convictions and by the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, on summary convictions and the stores so found, he shall, and the stores so found, he shall, on summary convictions and the stores so found, he shall, and the stores so found, he shall and the stores so found, he shall and the stores so found, he shall and the stores so found and the stores so on summary conviction, be liable to a penalty not exceeding twenty-five dollars. ing twenty-five dollars; and if any such person satisfies the justices, recorder stime. justices, recorder, stipendiary or police magistrate or court, that he came lawfully be a such person satisfies, instices, that he came lawfully by the stores so found, the justices, as the recorder, magistrate recorder, magistrate or court, in their discretion, as the evidence given or the evidence given or the circumstances of the case require, may summon before may summon before them every person through whose hands such stores and such sessor may be hands such stores appear to have passed; and if any such person who has been appear to have passed; and if any such person, who has had possession thereof, does not satisfy the justices, recorder justices, recorder, stipendiary or police magistrate or court, that he came lawfull distributions of the company that he came lawfull distributions of the court of the came lawfull distributions of the came law that he came lawfully by the same, he shall, on summary conviction of having 1 conviction of having had possession thereof, be liable to a penalty not exceeding the same to a penalty not exceed penalty not exceeding twenty-five dollars, and in default of payment, to imprison the dollars, and in default of payment, to imprison the dollars, and in default of payment, to imprison the dollars, and in default of the payment, to imprison the dollars, and in default of the payment, to imprison the dollars, and in default of the payment, to imprison the dollars, and in default of the payment, to imprison the dollars, and in default of the dollars, and in default of the payment, to imprison the dollars, and in default of the dollars, and in default of the payment, to imprison the dollars, and in default of the dollars. payment, to imprisonment for any term not exceeding three months, with or with a second secon

10. For the purposes of this Act, stores shall be deemed be in the possession to be in the possession or keeping of any person, if he knowingly has them in the possession of knowingly has them in the possession of the person of the pe knowingly has them in the actual possession or keeping of any person, in of knowingly has them in the actual possession or keeping apartany other person or in actual possession or keeping of any person, apartany other person or in actual possession or keeping of any person, apartany other person or in actual possession or keeping of any person, in or keeping of any person or keeping or keeping or keeping of any person or keeping or k any other person, or in any house, building, lodging, apartment, field or place and possession or keeping apart any other person, or in any house, building, lodging, apartment, field or place and possession or keeping apartment. ment, field or place, open or inclosed, whether occupied by himself or not and will all the persons of the person himself or not, and whether the same are so had for his own use or benefit or for the use or benefit or for the use or benefit of another. 32-33 V., c. 26, s. 9.

What shall be deemed possession.

11. No person shall, without permission in writing from the limitalty or from some Admiralty or from some person authorized by the Admiralty in that behalf creen are wharves, &c., in that behalf, creep, sweep, dredge or otherwise search for without permission. stores in the sea or any tidal or inland water, within one hundred yards from any vocasilal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's sarving of or in Her Majesty's service, or from any mooring place or

anchoring place, appropriated to such vessels, or from any Majost belonging to Her Majesty, or from any of Her Majesty's wharves or docks, victualling or steam factory yards. 32-33 V., c. 26, s. 10.

Every one who violates the next preceding section Penalty in hall are instincted of the such case. thall, on summary conviction before two justices of the such case. peace, or any recorder, stipendiary or police magistrate, or the oil of any recorder, stipendiary or police magistrate, or the city court of Halifax, be liable to a penalty not exceeding to the court of Halifax, be liable to a penalty not exceeding twenty-five dollars, or to imprisonment for any term not an entire to a person of twenty-five dollars, or to imprisonment hard labor. not exceeding three months, with or without hard labor. 82.33 V., c. 26, s. 11.

No person other than the officer commanding the Who only person acting may prose naval or military forces in Canada or some person acting may prosecute. under his authority, shall institute or carry on under this act. and of any offence against Act, any prosecution or proceeding for any offence against it. '82-38 V., c. 26, s. 12.

being indicted, under this Act shall prevent any person from Nothing in this Act shall prevent any indictable offence, made punishable on summary conviction by dictment under this or any other this Act, or prevent any person from being liable, under any under this or other Act. other Act or otherwise, to any other or higher penalty or Act. punishment than is provided for any offence by this Act, so that no that no person is twice punished for the same offence. 32-33 V, c. 26, s. 13.

It all prosecutions under this Act, proof that any Proof under this Act, proof that any Proof under this Act. Soldier, seaman or marine was actually doing duty in Her this Act. Majesty's service shall be primâ facie evidence that his enlistment, entry or enrolment has been regular. 32-33 V., c. 26, s. 15.

16. Any person convicted or sentenced to imprisonment Imprisonment under this under this Act. under this Act, before the city court of Halifax, may, in Act. the discretion of the court, be imprisoned in the city prison with harding of the court, be imprisoned in the city prison. 32-33 V., c. 26, With hard labor, instead of the county gaol. 32-33 V., c. 26,

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling stores.

stores.					
	TORES.			MARKS.	alored
Hempen corrope.	ordage and		wors	the warn	s laid the
Bunting. Candles.			with the yaw wire, respectively. A blue line in a serpentine form. A double tape in the warp. Blue or red cotton threads in each wick, or wicks of red cotton. The broad arrow, with without the letters W.D.		
Proposed to be Consolidated.	Part Consolidated.		Left Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 26	The whole except s. 17	s. 17.			

CHAPTER 167

An Act respecting the protection of the Property of Seamen in the Navy.

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

- 1. In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "Admiralty" means the Lord High "Admiralty." Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral;
- (b) The expression "seaman" means every person, not "Seaman" being a commissioned, warrant or subordinate officer, who books belongs to Her Majesty's Navy, and is borne on the books of any one of Her Majesty's ships in commission, and are on officer as aforesaid, who, and every person, not being an officer as aforesaid, who, being a bired vessel in Her being borne on the books of any hired vessel in Her Majesty's service, is, by virtue of any Act of the Parlia-for the United Kingdom for the time being in force of the United Kingdom for the time being -of snak discipline of the Navy, subject to the provisions of such Act;
- (c) The expression "seaman's property" means any "Seaman's property." clothes, slops, medals, necessaries or articles usually deem-property." ed to be necessaries, for sailors on board ship, which belong to any seaman. 33 V., c. 31, s. 2.
- Every one who detains, buys, exchanges, takes on Purchasing, &c., pawn or receives, from any seaman or any person acting selling, &c., for a solicits or entices perty. for a seaman, any seaman's property, or solicits or entices perty. any seaman, any seaman's property, or sollows of paman, or is employed by any seaman to sell, exchange or paman, or is employed by any seaman to sell, exchange or pawn any seaman's property, shall, unless he proves that he actor any seaman's property, he acted in ignorance of the same being seaman's property, of the same being or acting for a or of the person with whom he dealt being or acting for a seamen person with whom he dealt being or acting for a Reaman, or that the same was sold by order of the Admiralty or Com., or that the same was sold by summary conviction, or Commander-in-Chief, be liable, on summary conviction, Penalty. to a penalty not exceeding one hundred dollars; and if con-noted of the same penalty, or, in the Nicted of a second offence, to the same penalty, or, in the discret; a second offence, to the same penalty, or, in the discretion of the justice or justices, to imprisonment for a term not continue with or without hard labor. term not exceeding six months, with or without hard labor. 83 V., c. 31, s. 3.

eeping of seaman's property is found in the possession or Having possesping of summoned before seaman's property is found in the possession of seaman's property is found in t keeping of any person, and he is taken or summoned before session of light any person, and he is taken or summoned before seaman's pro-

perty and not a justice of the peace (which taking and summoning are accounting hereby authorized) and all arounds hereby authorized), and the justice sees reasonable grounds for believing the present and summoning or for it.

Penalty.

ing in possession.

for believing the property so found to have been stolen, or to have been detained or to have been detained, bought, exchanged, pawned or otherwise received are to otherwise received, contrary to the provisions of this the came then if such person does not satisfy the justice that he came by the seamen's property of the provisions of this came that he came by the seamen's property of the provisions of this came that he came by the seaman's property, so found, lawfully and without any violation of this Antiany violation of this Act, he shall be liable, on summary conviction before a just conviction before a justice or justices, to a penalty not exceeding twenty-five dellar What shall be exceeding twenty-five dollars; and for the purposes of this deemed have section seamon's processing in the section, seaman's property shall be deemed to be in has possession or keeping of any person, if he knowingly has any such property in the any such property in the actual possession or keeping of any other person or in any other person, or in any house, building, lodging, apartment, field or place. ment, field or place, open or inclosed, whether occupied by himself or not and whether himself or not, and whether the same are so had for his own use or henefit or for the use or benefit or for the use or benefit of another. 31, s. 4.

Nothing in this Act shall prevent indictment under this or any other Act.

4. Nothing in this Act shall prevent any person from indicted under the shall prevent any person indict. being indicted under this Act, or otherwise, for any indictable offence made and indictable offence made and indictable offence made and indictable offence made and indictable of the indicate of the indicat able offence made punishable on summary conviction by this Act or provent this Act, or prevent any person from being liable under any other Act, or otherwise other Act, or otherwise, to any other or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment then is a second or higher penalty or punishment the penalty or penalty or penalty or penalty or penalty or punishment the penalty or penal punishment than is provided for any offence by this Act, so that no person is provided for any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by this Act, so that no person is purished to any offence by the Act, and the Act and the A that no person is punished twice for the same offence. V., c. 31, s. 7. ____

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewnere.	To be Consolidated with.
33 V., c. 31	ss. 2, 3, 4 and 7	s. 1	s. 5s. 6	Procedure and accessories. Summary con- victions.

CHAPTER 168.

An Act respecting Cruelty to Animals.

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

In this Act, unless the context otherwise requires, the Interpretaexpression "cattle" includes any horse, mule, ass, swine, tion.

Sheep or animal of the "Cattle." boving or goat, as well as any neat cattle or animal of the bovine species, and whatever is the age or sex of the animal species, and whatever is the age of the technic, and whether castrated or not, and by whatever technic brown and shall apply technical or trivial name it is known, and shall apply to one or trivial name it is known, and shall apply 29-33 V. c. 27, s. to one animal as well as to many. 32-33 V., c. 27, s. 10 38 V., c. 42, s. 1.

CRUELTY TO ANIMALS.

Every one who wantonly, cruelly or unnecessarily Cruelty to animals, heats he tortures any animals, heats beats, binds, ill-treats, abuses, overdrives or tortures any punishable. cattle, poultry, dog, domestic animal or bird,—or who, while driving any cattle or other animal is, by negligence or ill-Usage in the driving thereof, the means whereby any mischief a the driving thereof, the means whereby any mischief a the driving thereof. chief, damage or injury is done by any such cattle or other alimal, or who, in any manner, encourages, aids or assists at the solutions who is any manner, bear, badger, dog, cock at the fighting or baiting of any bull, bear, badger, dog, cock or other later of domestic or wild nature, or other kind of animal, whether of domestic or wild nature, shall or institute of the shall, on summary conviction before two justices of the to imprise liable to a penalty not exceeding fifty dollars or not exceeding three months, to imprisonment for any term not exceeding three months, with prisonment for any term not exceeding three months, 43 V. c. 38, s. 2. with or without hard labor, or to both. 43 V., c. 38, s. 2.

& Every one who builds, makes, maintains or keeps a Making or maintainin or keeps a maintain or keeps a ma Cockpit on premises belonging to or occupied by him, or cock-pit. allows a cockpit to be built, made, maintained or kept on premise cockpit to be built, made, maintained or kept on sum-Premises belonging to or occupied by him, shall, on sumhary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any not exceeding fifty dollars, with or without for penalty not exceeding fifty dollars, or to implicate hard laterm not exceeding three months, with or without hard labor, or to both:

2. All cocks found in any such cockpit, or on the Forfeiture in such case. premises wherein such cockpit is, shall be confiscated and such case. sold for the benefit of the municipality in which such Cockpit is situated. 43 V., c. 38, s. 3.

Apprehension of offenders.

4. If any such offence is committed, any constable of other peace officer, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his name and place of abode to such constable or other peace officer), may and secure, and forthwith, and without any warrant, may convey any such offender before a justice of the peace within whose jurisdiction the offence was committed, to be dealt with according to law. 32-33 V., c. 27, s. 4.

If offender refuses to disclose his name, &c.

5. If any person apprehended for having committed any such offence refuses to disclose his name and place of abode to the justice of the peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall, by him, be conveyed stable or other peace officer, and shall, by him, be conveyed to the common gaol or place of confinement for the district, county or place within which the offence was committed, or in which the offender was apprehended, there to remain or in which the offender was apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said justice.

Time for prosecution limited.

6. No prosecution for any such offence shall be brought, except within three months next after the commission of the offence. 32-33 V c 27 c 2

Application of penalties.

7. Every pecuniary penalty recovered with respect to any such offence shall be applied in the following manner, that is to say: one moiety thereof 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 of the peace seems proper 22,22 V 2, 27, 2

THE CONVEYANCE OF CATTLE.

Cattle to be unladen for food, rest,&c., at certain intervals. S. No railway company within Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province, or from any part of a Province to another part of the same, or owner or master of any vessel carrying or transporting cattle, from or Province to another Province, or within any Province, all from the United States through or to any Province, shall from the united States through or to any Province, shall for a longer period than twenty-eight consecutive hours, for a longer period than twenty-eight consecutive hours, water and feeding for without unlading the same for rest, water and feeding for without unlading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains.

Exception.

2. In reckoning the period of confinement, the time dur- Time, how ing which the cattle have been confined without such rest reckoned. and without the furnishing of food and water, on any which they are reconnecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included:

3. The foregoing provisions as to cattle being unladen Exception, if shall not apply when cattle are carried in any car or vessel proper food and space as furnished. in not apply when cattle are carried in any car or vessel which they have proper space and opportunity for furnished. rest and proper food and water. 38 V., c. 42, ss. 2 and 5, part.

Cattle so unloaded shall be properly fed and watered Cattle unloaded shall be properly fed and watered Cattle unloaded to be constant to be constant to be constant. during such rest by the owner or person having the custody laden to be fed and thereof. thereof, or in case of his default in so doing, then by the watered. railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custod the same, at the expense of the owner or master shall, custody the same, at the expense of the owner or possible thereof; and such company, owner or master shall, snot thereof; and such company, owner or master shall, in such case, have a lien upon such cattle for food, care and casted case, have a lien upon such cattle for any detention custody furnished, and shall not be liable for any detention of such cattle. 38 V., c. 42, s. 3.

recoil Where cattle are unladen from cars for the purpose Cars to be recoil to the resilway company cleaned ou of receiving food, water and rest, the railway company cleaned out. then having food, water and rest, the rankey transporting charge of the cars in which they have been transported of frost, clear the transported shall, except during a period of frost, clear the awdner such cars, and litter the same properly with clean and of such cars, and litter the same properly was selected or sand before reloading them with live stock. 38 V., c. 42, s. 4.

Every railway company, owner or master of a vessel, Penalty for who knowingly violation of having Cattle in transit, as aforesaid, who knowingly violation of section 8. and wilfully fails to comply with the provisions contained the first successful for every such failure in the eighth section of this Act, shall, for every such failure to compare penalty not exceeding to comply with its provisions, incur a penalty not exceeding one hard. one hundred dollars. 38 V., c. 42, s. 5, part.

Mer and constable may, at all times, Constable may at all times, Constable may enter may enter premises of enter any peace officer and constable may, at all times, constable may at all times, c posing that any car, truck or vehicle, in respect whereof vessel. any company or person has failed to comply with the pro-Majons of the four sections next preceding is to be found, or enter or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has, on any occasion, so failed:

2. Every one who refuses admission to such peace officer Penalty for constall one who refuses admission to such peace officer Penalty for refusing constall one who refuses admission to such peace officer Penalty for constall one who refuses admission to such peace officer Penalty for refuses admission to such peace of the penalty for refuses admission to such penalty for refuses constable, shall be liable, on summary conviction, to a refusing conditional ty not. penalty not exceeding twenty dollars and not less than five sion. dollars, and costs, and in default of payment, to imprison-Ment for any term not exceeding thirty days. 38 V., c. 42, 88. 6, 7 and 8.

Application of penalties and limitation of suits.

13. Every penalty recoverable under the two sections next preceding, shall belong to the Crown for the public uses of Canada; and no proceeding for the recovery of such penalty shall be commenced except within one month next after the commission of the offence. 38 V., c. 42, s. 10.

GENERAL.

Right of suit for damages not affected. 14. Nothing in this Act shall prevent or abridge the remedy by action which any person has against the offender or his employer. 32-33 V., c. 27, s. 3, part; 38 V., c. 42, s. 9, part.

				<u> </u>
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	
32-33 V., c. 27 38 V., c. 42	ss 3 (part), 4, 5, 6, 8, 10. The whole except	ss. 3 (part), 9 and 11. s. 9, part	s. 7 s. 11	Summary con- victions. Summary con- victions.
43 V. , c. 38	11.		s. 4	Summary con-

CHAPTER 169.

An Act respecting Threats, Intimidation and other Offences.

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

THREATS.

Letters dedirectly one who sends, delivers or utters, or directly or Letters demanding indirectly causes to be received, knowing the contents manding money, &c., thereof, any letter or writing, demanding of any person with menaces. With menaces, and without any reasonable or probable cause. cause, any property, chattel, money, valuable security or other, any property, chattel, money, and liable to imother valuable thing, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 43.

- Every one who, with menaces or by force, demands Demanding Typroperty, chattel, money, valuable security or other with menaces valuable security or other with menaces valuable same, or by force. valuable thing of any person, with intent to steal the same, or by force. is guilty of felony, and liable to two years' imprisonment. 32-33 V., c. 21, s. 44.
- india. Every one who sends, delivers or utters, or directly Letters threaten or indirectly causes to be received, knowing the contents threatening to accuse of the received the received threatening to accuse of the received threatening to crime. thereof, any letter or writing, accusing or threatening to crime. accused any other person of any crime or cause to be accused any other person of any crime punishable by law with death, or imprisonment for local land assault with intent to not less than seven years, or of any assault with intent to commit to endeavor to commit commit any rape, or of any attempt to endeavor to commit any rape, or of any attempt to endeavor to defined, with a pe, or of any attempt to enueavor to with a pe, or of any infamous crime as hereinafter defined, With a view or intent, in any of such cases, to extort or sain having any property, Sain, by means of such letter or writing, any property, chattely means of such letter or other valuable thing chattel, means of such letter or writing, any from an money, valuable security or other valuable thing from any person, is guilty of felony, and liable to imprison-ment for life:

or With beast, and every assault with intent to commit the fined.

And Crime of buggery, committed either with mankind "Infamous crime" desided crime of desided crime of the said crime, and every assault with ment to commit the threat of and every attempt or endeavor to threat of and every solicitation, persuasion, promise or threat of the attention o threat offered or made to any person whereby to move or permit the said crime, induce such person to commit or permit the said crime, chall be such person to commit or permit the such person to commit t ing of this Act:

What shall be sending such letter.

3. Every species of parting with any such letter to the end that it may come, or whereby it comes into the hands of the person for whom it is intended, shall be deemed a sending of such letter. 32-33 V., c. 21, s. 45.

Accusing or threatening to accuse of crime. 4. Every one who accuses, or threatens to accuse, either the person to whom such accusation or threat is made or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent, in any of the cases last aforesaid, to extort or gain from such any of the cases last aforesaid, to extort or gain from any person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security or other valuable thing, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 46.

Inducing a person by threats or violence to execute deeds, &c. 5. Every one who, with intent to defraud or injure any other person, by any unlawful violence to or restraint of, or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony or infamous crime, as hereinbefore defined, compels or induces any person to execute, make, accept, compels or induces any person to execute, make, accept, indorse, alter or destroy the whole or any part of valuable security, or to write, impress or affix his name, or the name of any other person or of any company, firm or co-partnership, or the seal of any body corporate, company co-partnership, or the seal of any body corporate, company or society, upon or to any paper or parchment, in order that or society, upon or to any paper or parchment, in order that or dealt with as a valuable security, is guilty of used or dealt with as a valuable security, is guilty of elony, and liable to imprisonment for life.

Immaterial by whom menaces are to be executed. 6. It shall be immaterial whether the menaces or threats hereinbefore mentioned are of violence, injury or accusation, to be caused or made by the offender or by any other person. 32-33 V., c. 21. 8 48

Letters threatening to murder. 7. Every one who maliciously sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is guilty of felony, and liable to years' imprisonment. 32-33 V. c. 20. s. 15.

Letters threatening to burn or destroy houses, &c. So Every one who sends, delivers or utters, or directly of indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw or other agricultural produce, or grain, hay or straw or other agricultural produce, main, under any building or any ship or vessel, or to kill, wound, poison or injure any cattle, is guilty of felony, and liable to ten years' imprisonment. 32-33 V., c. 22, s. 58.

INTIMIDATION.

8. Every one who, in pursuance of any unlawful combi-Assaults ation arising from the combination of wages. Or of any arising from the combination of the combination nation or conspiracy to raise the rate of wages, or of any arising from combination. unlawful combination or conspiracy respecting any trade, business business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, in person or conspiracy, or, in pursuance of any such combination or conspiracy, Res any violence or threat of violence to any person, with a riew to hinder him from working or being employed at theh trade, business or manufacture, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 42.

Polycery one who beats or uses any violence or threat Assaults with intent to obof violence to any person, with intent to deter or hinder struct the sale from 1 to any person, with intent to deter or hinder struct the sale structure of any of grain, &c., him from buying, selling or otherwise disposing of any of grain, &c., produce or other grain, flour, meal, malt or potatoes or other passage. produce or other grain, flour, meal, mait or potation lace or goods, in any market or other place, or beats or to any person having the there any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, whilst on the way to or from any city, market, town or other place, with intent to stop the conveyance of the same of the sam the same, shall, on summary conviction before two justices the results. the peace, be liable to imprisonment, with hard labor, and appears to the peace of for the peace, be liable to imprisonment, with name 120, any term not exceeding three months. 32-33 V., c.

The Every one who, unlawfully and with force, hinders Assaults on prevent or other dores, &c. or prevents any seaman, stevedore, ship-carpenter or other dores, &c. person usually working at or on board any ship or vessel, kom usually working at or on board any smp of working at or exercising his lawful trade, business or violence to any such per-Occupation, or beats or uses any violence to any such peron with intent to hinder or prevent him from working at or exercising the same, shall, on summary conviction before two justices of the peace, be liable to imprisonment, with hard laborated the peace, be liable to imprisonment, 32-33 hard labor, for any term not exceeding three months. V. c. 20, s. 41.

Every one who, wrongfully and without lawful autho- Certain acts contrary to the person to abstain from free action. rity, with a view to compel any other person to abstain from free action. doing anything which he has a lawful right to do, or to do onything which he has a lawful right to abstain,—

- (a) Uses Violence to such other person, or his wife or Violence. children, or injures his property,—
- (b) Intimidates such other person, or his wife or children, Intimidation. of injuring 1 using violence to him, her or any of them, or of injuring his property,—
- (c) persistently follows such other person about from Following. Place to place,-

Hiding property.

(d) Hides any tools, clothes or other property owned or used by such other person, or deprives him or hinders him in the use thereof.—

Disorderly following.

(e) Follows such other person, with one or more other errors, in a disorderly resons, and the second resons are the second resons as a second resons a second persons, in a disorderly manner, in or through any street or road, or—

Besetting house, &c.

(f) Besets or watches the house or other place where ch other person resides such other person resides or works, or carries on business of happens to be —

Penalty.

Shall, on summary conviction before two justices of the eace, or on indictment to the state of the eace, or on indictment to the eace, or one eace, or o peace, or on indictment, be liable to a fine not exceeding one hundred dollars or to hundred dollars, or to imprisonment for a term not exceeding ing three months.

"Besetting house" defined.

2. Attending at or near or approaching to such house or her place as aforesaid. other place as aforesaid, in order merely to obtain or municate information municate information, shall not be deemed a watching or besetting within the besetting within the meaning of this section:

3. Any person accused of any such offence may, on appearing before the inch. pearing before the justices, declare that he objects to being tried for such offence between the pearing before the justices, declare that he objects to being tried for such offence between the pearing betw to being tried tried for such offence by such justices; and thereupon such by justices. justices shall not proceed to be to be the process of justices shall not proceed with such trial, but may deal with the case in all respect with the case in all respects as if the accused was charged with an indictable offence. with an indictable offence and not with an offence punishable on summary convictions. able on summary conviction, and the accused may be prosecuted on indictment

Description of offence, and proof of exceptions, &c.

4. It shall be sufficient to describe any such offence in the words of this societies. the words of this section; and any exception, proviso, excuse or qualification. cuse or qualification, whether it does or does not accompany the description of the offer. the description of the offence, may be proved by the defendant, but need not be specified in the information of comdant, but need not be specified in the information or complaint, and if so specified in the information proof in plaint, and if so specified in the information of in plaint, and if so specified and negatived, no proof be relation to the matter so relation to the matter so specified and negatived, no province required on the part of the infinite and negatived. required on the part of the informant or prosecutor:

Certain persons not to act as magistrates.

5. No person who is a master, or the father, son or other of a master in the same of trade of brother of a master in the particular manufacture, trade of business, in or in connection business, in or in connection with which any offence under this section is charged to be with which any offence as this section is charged to have been committed, shall act as a magistrate or instice. a magistrate or justice, in any case of complaint or information under this section mation under this section, or as a member of any court for hearing any appeal in any case of complaint or introduction mation under this section, or as a member of any court, hearing any appeal in any case of complaint or introduction. and s. 4;-39 V., c. 37, ss. 2 and 3.

"Trade combination ' defined.

13. In this section the expression "trade combination" eans any combination between or means any combination between masters or workmen of other persons, for regulations other persons, for regulating or altering the relations be-

tween any persons being masters or workmen, or the conduct of in respect of his duct of any persons being masters or workmen, or the business any master or workman, in or in respect of his business or employment, or contract of employment or service: " includes a default, breach Nice; and the expression "act" includes a default, breach "Act" defined.

2. No prosecution shall be maintainable against any Prosecution be done for conspiracy to do any act, or to cause any act to acy. be done for conspiracy to do any act, or to cause and act is a the purposes of a trade combination, unless such that is a very such as a very act is an offence punishable by statute. 39 V., c. 37, s. 4.

Le of any person who, before or at the time of the public Preventing bidding for bidding for public lands of Canada, or of public lands any Promise Indian lands, or public lands of Canada, or of public lands. any Province of Canada, by intimidation, combination or all fair prevents. or attempts to Infair management, hinders or prevents, or attempts to hinder or prevents, or account that or prevents, or account the chasing or prevent, any person from bidding upon or purchasing prevent, any person from bidding upon or purchasing the chasing the cha chasing or prevent, any person from blading upon the anor any lands so offered for sale, is guilty of a misdemeanor, and liable to a fine not exceeding four hundred dol-lars or to both. 23 V. (Can.), lars or to two years' imprisonment, or to both. 23 V. (Can.), s. 29 s. 55. part. c. 2, s. 33, two years' imprisonment, 2, 8, 83, part;—43 V., c. 28, s. 55, part.

CRIMINAL BREACHES OF CONTRACT.

15. Every one who,—

Breach of contract endangering life,

(a) Wilfully and maliciously breaks any contract made person or him half and maliciously breaks any contract made person or property. by him, knowing or having reasonable cause to believe property.

That the knowing or having reasonable cause to believe property. that the probable consequences of his so doing, either probable consequences, will be to endanger the probable consequences of his so uoing, in combination with others, will be to endanger bodily injury, or to expose all abla no to cause serious bodily injury, or to expose raliable property, whether real or personal, to destruction or serious injury,—

bunicipal corporation or authority, or with any com- or water. hany bound, agreeing or assuming to supply any city or water, agreeing or assuming to supply any city or mort thereof, with gas or water, wiffully and maliciously breaks such contract, knowing or on the probable consethat alone or in combination with quences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, will be to deprive the inhabitants of that on, or part thereof, wholly or to a great extent, of their apply of gas or water, or—.

(c) Being under any contract made by him with a rail- Or delaying or hindering or hindering of running of Way company under any contract made by him with a range of hindering of company, bound, agreeing or assuming to carry Her Maralle values of railway carrengers or freight; or with Her railway carrengers, and the contract made by him with a range of hindering of hindering of railway carrengers. Majesty, or to carry passengers or freight; or with Her railway cars, engines, &c. Majesty, bound, agreeing ...

With a Government on which Her Majesty's mails,

on which Her Majesty's mails, with a Government railway on which Her Majesty, in combassenger ment railway on which Her Majesty's mails, believe breaks such sor freight are carried, wilfully and maliciously that such sor freight are carried or having reason to believe breaks such contract, knowing or having reason to believe the null contract, knowing of his so doing, either alone that the probable consequences of his so doing, either alone

or in combination with others, will be to delay or prevent the running of any locanities. the running of any locomotive engine, or tender, or freight or passenger train or cor

Punishment.

Shall, on summary conviction before two justices of the eace, or on indictment the summary conviction before two justices of the peace, or on indictment, be liable to a penalty not exceeding one hundred dollars. ing one hundred dollars, or to imprisonment for a term 40 exceeding three months. exceeding three months, with or without hard labor. V., c. 35, s. 2.

Breach of contract by a corporation.

16. Every municipal corporation or authority or company which, being bound, agreeing or assuming to supply any city, or any other all any city, or any other place, or any part thereof, with gas or water, wilfully and or water, wilfully and maliciously breaks any contract made by such municipal made by such municipal corporation, authority, or company, knowing or having reason to believe probable consequences of its party of the deprive probable consequences of its so doing will be to wholly, the inhabitants of that are the inhabitants of that city or place or part thereof, wholly, or to a great extent of the city of place or part thereof, is or to a great extent, of their supply of gas or water, 40 liable to a penalty not exceed: liable to a penalty not exceeding one hundred dollars.

V., c. 35 s. 3 nort V., c. 35, s. 3, part.

Breach of contract by a railway company.

17. Every railway company which, being bound, agree or assuming to carry ing or assuming to carry Her Majesty's mails, or to carry passengers or freight will a mails of breaks passengers or freight, wilfully and maliciously breaks any contract made have any contract made by such railway company, knowing of having reason to believe the railway company, knowing of having reason to believe that the probable consequences of any its so doing will be to do! its so doing will be to delay or prevent the running of any locomotive engine or train locomotive engine or tender, or freight or passenger train or car, on the railway are related to the residual or car, on the railway are related to the rail or car, on the railway, is liable to a penalty not exceeding one hundred dollars.

Malice need not be against a particular individual.

18. Every punishment under the three sections next preding imposed on any ceding imposed on any person maliciously committing the offence, shall equality offence, shall equally apply and be enforced, whether the offence is committed to offence is committed from malice conceived against the person, corporation and the conceived against the conce person, corporation, authority or company with which the contract is made or otherwise. tract is made or otherwise. 40 V., c. 35, s. 4.

Certain corporations to keep copies of these provisions posted up.

19. Every such municipal corporation, authority or coming, shall cause to have been such municipal corporation. pany, shall cause to be posted up at the gas works, or waterworks, or railway to be posted up at the gas waterworks. waterworks, or railway stations, as the case may be, be longing to such corporation longing to such corporation, authority or company, a printed copy of this section and the company or company, a preceding, copy of this section and the four sections next preceding, in some conspicuous place. in some conspicuous place, where the same may be conveniently read by the same the same may be copy veniently read by the public; and as often as such copy becomes defaced oblitarated as a such cause it to becomes defaced, obliterated or destroyed, shall cause it to be renewed with all records be renewed with all reasonable despatch:

Penalty for default.

2. Every such municipal corporation, authority or coming which makes default in the propany which makes default in complying with the provisions of this section in relationships aforesaid, visions of this section in relation to such copy as aforesaid, every deliable to a penalty not exceeding twenty dollars for every day during which such default continues; and every And for injur-lerson are covering up any ing copies. person unlawfully injuring, defacing or covering up any ing copies. theh copy so posted up, shall be liable, on summary con-viction ten dollars. 40 V., Viction, to a penalty not exceeding ten dollars. 40 V.,

PRADDS WITH RESPECT TO CONTRACTS AND BUSINESS WITH

Every one who makes any offer, proposal, gift, loan, Making gift for consideration, directly influence re-Province of Canada, government of specing a government with intent to secure the influence of such officer or person to promote either the obtaining or the execution of any contract with such government, or the payment of the consideration moneys therefor, and—

Every officer or person in the employment of such gov-Accepting such gift of such offer, offer. entinent, Who accepts, or agrees to accept, any such offer, such gift or composal, who accepts, or agrees to accept, any such offer, offer. proposal, who accepts, or agrees to accept, any sucception of sides, gift, loan, promise, agreement, compensation or

Stilty of a misdemeanor and liable to a fine not ex-Punishment. seeding one thousand dollars and not less than one hundred one thousand dollars and not less than one hundred ollars one thousand dollars and not less than one name less than one and less than one and less than one and less than one name and less than one name less than one lear and to imprisonment for a term not each and not less than one month, and in default of payment of not less than one month, and in default of payment of a further term tent of such fine, to imprisonment for a further term ot exceeding six months. 46 V., c. 32, s. 1.

Every one who, in the case of tenders being called Making gift or offer to describe the case of Canada, or of any tenderer, &c by or on behalf of the Government of Canada, or of any tenderer, &c., by or on behalf of the Government of Canada, or or any tenderer, we have of Canada, for any contract, directly or indirectly, to obtain such by himself. Canada, for any contract, directly or indirectly, to obtain such by himself. by himself or by the agency of any other person on his contract. thinself or by the agency of any other person of the self or for himleft or for for the self or by the agency of any other person of the self or for for the self or for the offer any other person, proposes or makes any gift, offer any other person, proposes or gives any the offer any other person, proposes or makes any considerate promise or agreement, or offers or gives any the interest to obtain the considerate promise or agreement, or offers or gives any person in the constant of the constant in the c consider, promise or agreement, or offers or gives and tendering for or compensation whatsoever, to any person the dering for the any officer or person in the employee or agreement, and—

the employment of such government, and—

Ryery person so tendering and every officer or person in Accepting employees or such gift or offer. the employment of the said government who accepts or offer.

Loan offer, promise, agreeto accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift, loan, offer, promise, agreement, considered to accept any such gift. to accept any such gift, loan, oner, product, consideration or compensation whatsoever,—

Cooling one thousand dollars and not less than one hundred the said that the said the said that the said the sa Jear and to imprisonment for a term not exceeding the and not less than one month, and, in default of payers of such less than one month and in default of payers. thent and not less than one month, and, in densure of such fine, to imprisonment for a further term not exceeding six months. 46 V., c. 32, s. 2.

Public officers receiving

22. Every one who, being a public officer or paid emoyee of the Government of ployee of the Government of Canada, or of any Province of Canada, receives directly contained of the Government of Canada, or of any Province of Canada, receives directly contained of the Canada, or of any Province of Canada, receives directly contained of the Canada, or of any Province of Canada, receives directly contained of the Canada, or of any Province of Canada, receives directly contained of the Canada, or of any Province of Canada, or of any P Canada, receives, directly or indirectly, any promise, either gift, loan, compensation assistance in Canada, receives, directly or indirectly, any promise, either transaction of gift, loan, compensation or consideration whatsoever, for Government in money of the consideration whatsoever, the consideration whatsoever is the consideration what where the consideration what which we can be considered in the consideration where the consideration wh Government. in money or otherwise, from any person whomsoever, for fraudulently assisting and an anatom and fraudulently assisting and an anatom and fraudul fraudulently assisting or favoring any individual in the transaction of any brains are individual with transaction of any business whatsoever connected with such government or for a such government, or for doing so contrary to the duties of his special position as are his special position as an officer or employee of the government, is guilty of a mind ment, is guilty of a misdemeanor, and liable to a fine not exceeding two thousands in exceeding two thousand dollars, and shall be incapable, for the term of five wars of least and shall be incapable. the term of five years, of holding any public office; and every one who makes such as every one who makes such offer shall be liable to the same penalty. 46 V 2 20 1 20

Offenders disqualified.

23. Every person convicted of any offence under the prosions of the three states of the three states are the prosions are the prosions of the three states are the prosions are the pros visions of the three sections next preceding shall be incapable of contracting incapable of contracting with or holding any contract under any of the said govern any of the said governments. 46 V., c. 32, s. 4.

Time for prosecution limited.

24. No prosecution under the provisions of the four ctions next preceding a large transfer within sections next preceding shall be commenced except within two years from the commenced except v. c. 32, two years from the commission of the offence.

WILFUL VIOLATION OF STATUTES.

Violation of statutes.

25. Every wilful violation of any Act of the Parliament Canada, or of the Levil of Canada, or of the Legislature of any Province of Canada, which is not made an effective of any Province shall be a which is not made an offence of some other kind, shall be a misdemeanor, and provided the same of the misdemeanor, and punishable accordingly:

Punishment of violation of statutes.

2. Whenever any wilful violation of any Act is made an fence of any particular in the property of offence of any particular kind or name, the person guilty of such violation shall on carried any particular kind or name, the person guilthable such violation shall on carried any particular kind or name, the punishable such violation shall on carried any particular kind or name, the punishable such violation shall on carried any particular kind or name, the person guilty of the punishable such violation of any Act is made of the punishable such violation of any Act is made of the property of the punishable such violation of the person guilty of the punishable such violation shall on the punishable such violation shall on the person guilty of the punishable such violation shall on the person guilty of the person g such violation shall, on conviction thereof, be punishable. in the manner in which such offence is, by law, punishable. 31 V., c. 1, s. 7. paragraph. 31 V., c. 1, s. 7, paragraphs 20 and 21; -31 V., c. 71, s. 3.

CONSPIRACIES-FRAUDS.

Fraud or cheating.

26. Every one who is convicted of fraud, or of cheating, of conspirate shall are special speci or of conspiracy, shall, in any case in which no special punishment is provided by any state to seven punishment is provided by any statute, be liable to seven years' imprisonment

Destroying or altering books, &c., creditors.

27. Every one who destroys, alters, mutilates or falsifies my of his books, papers with the same of makes, or makes, any of his books, papers, writings or securities, or makes, in is privy to the making of any of a securities, or making of a securities, or makes, is privy to the making of any false or fraudulent entry to any book of account or otherwise or fraudulent intent any book of account or other document, with intent defraud his creditors, or any one or more of them, is guilty of a misdemeanor, and liable to six months' imprisonment. C. S. U. C., c. 26, s. 19.

Every one who makes, or causes to be made, any Making away gift, convey one who makes, or causes to be made, any making and his land, conveyance, assignment, sale, transfer or delivery of to defraud conveyance, assignment, sale, transfer or delivery concess, creditors. conceals or disposes of any of his goods, chattels, property or effects or disposes of any of his goods, charters, proceeditors of any description, with intent to defraud his creditors of any description, with intent to defraud his creditors of any description, with intent to define the delibers of any of them, and every one who receives any of a mind every one who received the such intent, is guilty to a fine not exceeding eight of a misdemeanor, and liable to a fine not exceeding eight handrade meanor, and liable to a fine not exceeding eight. C. S. U.C. and to one year's imprisonment. C.S. T. C., c. 26, s. 20.

MCONDUCT OF OFFICERS INTRUSTED WITH EXECUTION

Proner of the officer intrusted other officers. coroner, elisor, bailiff, constable or other officer intrusted other officers. with the execution of any writ, warrant or process, wilfully hisconducts himself in the execution of the same, or wilfolly and without the consent of the person in whose favor the writ without the consent of the person in whose favor issued. makes any false the writ, Warrant or process was issued, makes any false Writ, Warrant or process was issued, makes and the thereto, is guilty of a misdemeanor, and liable to a the discretion of the court. the reto, is guilty of a misdemeanor, and made to and imprisonment, in the discretion of the court. 7.28 V. (Can.), c. 28, s. 31, part.

EMBRACERY

devery one who is guilty of the offence of embracery, Embracery. the every one who is guilty of the offence of emplaces, thereto, is liable, on indictment, to fine and imprisonment. C. S. U. C., c. 81, s. 166.

QUI TAM ACTIONS-QUEBEC.

Every private prosecutor in the Province of Quebec Discontinuing action. discontinues or qui tam actions. Mo, being a plaintiff in a qui tam action, discontinues or qui tam of itenda applaintiff in a qui tam be permission or direction. of the Crown action without the permission or direction of the Crown action without the permission of 27-28 V. (Can.), of the d₈ such action without the permission of uncertainty, s. 2 n, is guilty of a misdemeanor. 27-28 V. (Can.), c. 48, 8. 2, part.

				-
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	1
31 V., c. 71 32-33 V., c. 20 32-33 V., c. 21 32-33 V., c. 22 32-33 V., c. 29	ss. 15,40,41 (part) and 42. ss. 43-48	s. 5	Residue Residue Residue Residue Residue 3. 8 6 Residue	against person. Larceny. Larceny. Injuries to pro- Injuries to pro- Procedure. Summary con- victions.

CHAPTER 170.

An Act respecting procedure in Criminal Cases.

HER Majesty, by and with the advice and consent of the follows:—

SHORT TITLE.

Act." This Act may be cited as "The Criminal Procedure Short title.

INTERPRETATION.

- 2. In this and in any other Act of Parliament containing Interpretaotherwise requires:—
- includes any Act passed or to be passed by the Parliament "Any other Province of Canada, or any Act passed or to be passed by the Legislature of the late Act." lature of Canada, or passed or to be passed by the Legislature of any Province of Canada, or passed by the Legislature of any Province included in Canada, before it was included therein;
- (b) The expression "justice" means a justice of the "Justice." tices, and includes two or more justices, if two or more justices act or have jurisdiction, and also any person having the justice or authority of two or more justices of the peace,—and one may act, unless otherwise specially provided;
- inquisition and presentment as well as indictment, and any lecord; plea, replication or other pleading, and any
- also the taking of an inquisition, the exhibiting an information and the making of a presentment;
- (e) The expression "property" includes goods, chattels, "Property." Whether real or personal; upon or with respect to which 127

"District, county or place.

(f) The expression "district, county or place" includes by division of any Province of County or place " relative any division of any Province of Canada, for purposes relative to the administration of to the administration of justice in criminal cases;

"Territorial division."

(g) The expression "territorial division" means county, other union of counties, township, city, town, parish or other judicial division or place to judicial division or place to which the context applies;

"Court for Crown cases reserved."

- (h) The expression "the court for crown cases reserved" eans and includes means and includes.—
- (1) In the Province of Ontario, any division of the High ourt of Justice for Ontari Court of Justice for Ontario:
- (2) In the Province of Quebec, the Court of Queen's ench, on the appeal of the Court of Queen's Bench, on the appeal side thereof;
- (3) In the Provinces of Nova Scotia, New Brunswick and ritish Columbia the Samuel Scotia, New Brunswick and British Columbia, the Supreme Court in and for each of the said Provinces respectively said Provinces, respectively;
- (4) In the Province of Prince Edward Island, the Supreme Court of Judicature for that Province; and-
- (5) In the Province of Manitoba, Her Majesty's Court of agen's Bench for Marit Queen's Bench for Manitoba. 32-33 V., c. 29, s. 1, part, and c. 30, s. 65:—46 V c. 30, s. 65;—46 V., c. 10, s. 5, part;—C. S. L. C., c. 77, s. 57, part;—R. S. N. S. (25.3 S.), part;—C. S. L. C., c. 77, s. 57, part;—R. S. N. S. (25.3 S.) part;—R. S. N. S. (3rd S.), c. 171, s. 99, part;—1 R. S. N. B., c. 159, s. 22. part c. 159, s. 22, part.

JURISDICTION.

Powers of superior courts.

3. Every superior court of criminal jurisdiction shall we power to try and the criminal jurisdictable have power to try any treason, felony or other indictable offence. 34 V 2 14 34 V., c. 14, s. 2;—37 V., c. 42, s. 5;—40 V., c. 4, s. offence. 4, *part*.

Certain courts not to try certain offences.

4. No Court of General or Quarter Sessions or Recorder's ourt, nor any court Court, nor any court but a superior court having criminal jurisdiction shall have rejurisdiction, shall have power to try any treason, or any felony punishable with dark 32-33 V., c. 29, s. 12. punishable with death, or any libel.

Justices, &c., not to try certain offences by explosives.

5. Neither the justices of the peace acting in and for any strict, county distinct district, county, division, city or place, nor any judge of the Sessions of the Daniel Daniel or place, nor any judge shall, the Sessions of the Peace, nor the recorder of any city, shall, at any Session of the P at any Session of the Peace, or at any adjournment thereof, try any person for any any adjournment. try any person for any offence under sections twenty-one, twenty-two and treated twenty-two and twenty-three of the "Act respecting offences against the Person" 22 22 T against the Person." 32-33 V., c. 20, s. 48.

Court of Sessions not to try certain

6. No Court of General or Quarter Sessions of the Peace all have power to the province of the shall have power to try any offence under any of the proviSions of sections sixty to seventy-six, both inclusive, offences under Larceny Act. of "The Larceny Act." 32-33 V., c. 21, s. 92.

7. The judge of the Sessions of the Peace for the city of Certain Quebec, the judge of the Sessions of the Peace for the city of magistrates of Mont. district magistrates district magistrates alone. of Montreal, and every police magistrate, district magis-alone. trate or stipendiary magistrate appointed for any territorial division by the law of the division, and every magistrate authorized by the law of the Province in which he acts, to perform acts usually required to he at which he acts, to perform acts usually required to be done by two or more justices of the peace, may do alone by two or more justices of the beace, may do alone whatever is authorized by this Act to be done by any two or more justices of the peace, and the several forms in this A more justices of the peace, and the several forms in this Act contained may be varied so far as necessary to rendand contained may be varied so far as necessary to 32-33 V. c. 30, s. 59, render them applicable to such case. 32-33 V., c. 30, s. 59, and c. 36, s. 8.

PLACE OF COMMISSION AND TRIAL OF OFFENCES.

When any offence punishable under the laws of Canada Offences committed within mitted within the invisite. has been committed within the jurisdiction of the Admiralty the jurisdiction of the Admiralty. tried and, the same may be dealt with, inquired of and hadmiralty. committed determined in the same manner as any offence which committeed within the jurisdiction of any court before which the offer within the jurisdiction of any court before which the offender is brought for trial. 32-33 V., c. 29, s. 136. Redrafted. See 12-13 V. (Imp.), c. 96, s. 1.

When any person, being feloniously stricken, poisoned, if death only otherwise any person of death only or otherwise hurt, upon the sea, or at any place out of death only canada happens in Canada, dies of such stroke, poisoning or hurt, in Canada, happens in Canada. or, being feloniously stricken, poisoned or otherwise hurt at place in Canada, dies of such stroke, poisoning, or hurt, upon the sea, or at any place out of Canada, every offence committee sea, or at any place out of Canada, every offence committee sea, or at any place out of Canada, every offence committee sea, or at any place out or Canada, cross, whether the same amounts or of being accessory amounts to murder or manslaughter; or of being accessory to murder or manslaughter; or or being account tried dor or manslaughter, may be dealt with, inquired of, tried, determined and punished in the district, county or place in the district, place is death stroke, poisoning or place in Canada in which such death, stroke, poisoning or but has Canada in which such death, all respects, as if such hart happens, in the same manner, in all respects, as if such offence i pens, in the same manner, in that district, county offence had been wholly committed in that district, county

or place. 32-33 V., c. 20, s. 9. 10. When any felony or misdemeanor is committed on Offences committed on the confines of mitted on the confines of the boundary of two or more districts, counties or places, or confines of within the confines of two or more districts, which boundary, or in districts, &c. Within the distance of one mile of any such boundary, or in districts, &c. which of two or more districts, counties or places it is one district, county or place, and completed in another, in the state of two or more districts, countries of place. every such felony or misdemeanor may be dealt with, the said of, tried, determined and punished, in any one of the said districts, counties or places, in the same manner as it is had districts, counties or places, in the same manner as V., c. 29, s. 8. $127_{\frac{1}{2}}$

Offences committed on persons or property in transit.

any person, or on or in respect of any property, in or upon any coach, wagon, cart or other carriage whatsoever, employed in any journey, or is committed on any person, oat or or in respect of any property on board any vessel, boat or raft whatsoever, employed in any voyage or journey upon any navigable river, canal or inland navigation, such felony or misdemeanor may be dealt with, inquired of, determined and punished, in any district, county or place, through any part whereof such coach, wagon, through any part whereof such coach, wagon, cart, carriage or vessel, boat or raft, passed in the course of the carriage or voyage during which such felony or misdemeanor was committed, in the same manner as if it had been actually committed in such district, county or place.

Offences committed on highways, rivers, &c., dividing two districts.

12. Whenever the side, centre, bank or other part of any highway or of any river, canal or navigation, constitutes the boundary of any two districts, counties or places, any felony or misdemeanor mentioned in the two sections next preceding may be dealt with, inquired of, tried, determined and punished in either of such districts, tried, determined and punished in either of such districts, to counties or places, through or adjoining to, or by the carriage or vessel, boat or raft, passed in the course of the carriage or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misdemeat nor was committed, in the same manner as if it had been nor was committed in such district, county or place.

V., c. 29, s. 10

Place of trial after dissolution of union of counties to be as ordered by the court.

13. If, upon the dissolution of a union of counties, any information, indictment or other criminal proceeding, which the venue is laid in a county of the union is pending, the court in which such information, indictment or proceeding is pending, or any judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to new proper officers of such county,—and in the case of any such indictment found at any court of criminal jurisdiction, any judge of a superior court may make the order:

If no order is made.

2. If no such change is directed, all such informations indictments and other proceedings shall be carried on and tried in the senior county:

Place of trial of indictable offence in such case. 3. Any person charged with an indictable offence who, at the time of the disuniting of a junior from a senior county, is imprisoned on the charge in the gaol of the senior county, or is under bail or recognizance to appear for trial at any court in the senior county, and against whom no indictment has been found before the disunion

takes place, shall be indicted, tried and sentenced in the Renior county, unless a judge of a superior court orders the proceedings to be conducted in the junior county,—in which event in the case may be, event the prisoner or recognizance, as the case may be, shall he prisoner or recognizance, and the proceedings shall be removed to the latter county and the proceedings shall he removed to the latter county and such case, the shall be removed to the latter county and the problem be had therein; and when, in any such case, the offence is charged to have been committed in a county other than the than that in which such proceedings are had, the venue may be laid in the proper county describing it as "formerly or "29-30 V. (Can.), merly one of the united counties of "29-30 V. (Can.), c. 51, 88. 52, 53 and 55.

All crimes and offences committed in any of the unor-offence of Ontario. incluganized All crimes and offences committed in any of the unording lakes, rivers and other waters therein, not embraced tracts may be
within the province of Ontario, incluunorganized
unorganized
tracts may be
charged to within the limits of any organized county, or within any charged to provisional limits of any organized county, or within any charged to have committed provisional judicial district, may be laid and charged to have committed, been committed and punished and be tried and punished been committed and may be inquired of, tried and punished and be tried.

Within Within any county of such Province; and such crime or offence ally county of such Province; and such crime or investigation of any court having offence shall be within the jurisdiction of any court having Jurisdiction of any country mitted converged which country before which nitted Within the limits of such county,—before which Court such crime or offence may be prosecuted; and such court such crime or offence may be prosecuted, tion shall proceed therein to trial, judgment and execution or offence, in the tion or other punishment for such crime or offence, in the ame manner as if such crime or offence had been committed within the such crime or offence had been committed to the such crim within the county where such trial is had:

county is formed and established in any of such unor-tried when judicial district or new Where to be considered tracts, all crimes and offences committed within tricts or new counties are tracts, all crimes and offences committed within trices of new counties are formed. county, shall be inquired of, tried and punished within the same shall be inquired of, tried and punished within the same, in like manner as such crimes or offences would have her. have been inquired of, tried and punished if this section had not been passed:

& Any person accused or convicted of any offence in any Persons accused or convicted to any common cused or convicted of Such provisional district may be committed to any common cused or convicted of the Province of Ontario; and the constable or other crimes in any common cused or convicted of the Province of Ontario; and intrusted with his such provisional disofficer having charge of such person and intrusted with his such provisional districts may be the country country to any such common gaol, may pass through tricts may be the country country to any such common gaol, may pass through tricts may be the country country to any such common gaol, may pass through tricts may be the country country to any such common gaol, may pass through the country country to any such common gaol, may pass through the country country to any such common gaol, may pass through the country country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such common gaol, may pass through the country to any such country to Any eyance to any such common gaol, may pass through the such person in his customy in such Province with such person in his customy and the keeper of the common gaol of any county in Ontario. and the keeper of the common gaol of any safe keeps: no being conveyed through Refe keeping any such person so being conveyed through afely keeping any such person so being conveyed and county in custody, shall receive such person and makely keeping any such common gaol for such eafely keep and detain him in such common gaol for period as is reasonable or necessary; and the keeper of any is which any such person common saol in such Province, to which any such person and is committed as aforesaid, shall receive such person and safely keep as aforesaid, shall receive such person and tafely keep and detain him in such common gaol under his

custody until discharged in due course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law, or bailed in cases in which bail man is a course of law. cases in which bail may by law be taken. C. S. U. C., c. 128, ss. 100. 101 and 102

15. Whenever any offence is committed in the district of aspé, the offender if committed in the district of and trial in the district of Gaspé, the offender, if committed to gaol before trial, may be committed to the committed to gaol before in which be committed to the common gaol of the county in which the offence was committed to the offence was committed, or may, in law, be deemed to have been committed and its law, be deemed of have been committed, or may, in law, be deemed of the Court of Queen's Bench hashall to tried before the constant of such Queen's Bench, he shall be so tried at the sitting of such court held in the courtcourt held in the county to the gaol of which he has been committed, and if immediately and in the sitting of the property of the prope committed, and if imprisoned in the common gaol of the trial he shall be so imprisoned. trial he shall be so imprisoned in the common gaol of the county in which he has county in which he has been tried. C. S. L. C., c. 80, s. 6.

Venue in the case of certain offences.

16. Every person accused of perjury, bigamy or any fiftyoffence under the provisions of sections fifty-three, fifty four and fifty-fine of "E" and " four and fifty-five of "The Larceny Act," may be dealt with, indicted, tried and punished. indicted, tried and punished in the district, county or place in which the offence is in which the offence is committed, or in which he is appre-hended or is in custoday 221, hended or is in custody. 32-33 V., c. 20, s. 58, part, and c. 21, s. 72, part, and c. 22 s. 72, part, and c. 23, s. 8;—33 V., c. 26, s. 1, part.

Place of trial of accessories.

17. The offence of any person who is an accessory, either with, before or after the fact, to any felony, may be dealt with, inquired of tried delt. inquired of, tried, determined and punished by any or any which has jurisdiction which has jurisdiction to try the principal felony, or any felonies committed in a second to the principal felony, or any felonies committed in any district, county or place in which the act, by reason where the the act, by reason whereof such person became such accessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in any district, country or place in waccessory, has been committed in waccessory, has been committed in any district, country or place in waccessory, has been committed in waccessory. sory, has been committed: Provided, that no person once duly tried. either as duly tried, either as an accessory before or after the fact, or for a substantive following the following following the following follow for a substantive felony, shall be liable to be after the prosecuted for the same of prosecuted for the same offence. 31 V., c. 72, s. 8; 32.33 V., c. 17, s. 2.

No second prosecution.

Place of trial of forgery offences.

18. Every one who commits any offence against the "Act specting Forcer" or respecting Forgery," or commits any offence against the gor respecting Forgery," or commits any offence of forging, altering any matter whatsoever, or of offering, knowing disposing of or putting off any matter whatsoever, knowing the same to be forged or altered and the offence in any the same to be forged or altered, whether the offence in any such case is indictable. such case is indictable at common law, or by virtue of any Act, may be dealt with Act, may be dealt with, indicted, tried and punished in any district, county or plant indicted. district, county or place in which he is apprehended of is custody, in the some custody, in the same manner in all respects as if the offence had been actually committee in the same manner in all respects as if the offence had been actually committee in the same manner in all respects as if the offence had been actually committee in the same manner in the s had been actually committed in that district, county place; and every accessored in that district, fact to any And of acces- place; and every accessory before or after the fact to any sories in such cases. such offence, if the same is a felony, and every person aiding, abetting or counselling the abetting or counselling the commission of any such indicted, if the same is a misdemassion of any such indicted, if the same is a misdemeanor, may be dealt with, indicted, tried and punished in any second which in which tried and punished, in any district, county or place in which he is apprehended or is in any district, county or place in which he is apprehended or is in any district, county or place in the interval of the county of place in the county or place in th he is apprehended or is in custody, in the same manner all respects as if his offence. all respects as if his offence, and the offence of his principal,

had been actually committed in such district, county or place. 32-33 V., c. 19, s. 48.

19. Every one accused of any offence against the pro-Place of trial visions of section forty-two of the "Act respecting Offences of offences by against the district kidnapping. against the Person" may be tried either in the district, county or place in which the same was committed, or in any district, county or place into or through which the person kidnapped or confined was carried or taken while under such confinement; but no person who has been once duly No second tried confinement; tried for any such offence shall be liable to be again indicted prosecution. or tried for the same offence. 32-33 V., c. 20, s. 71.

Every one who receives any chattel, money, valuable Place of trial security or other property whatsoever, knowing the same for receiving to have been feloniously or unlawfully stolen, taken, obstantal tained tained, converted or disposed of, whether charged as an access, converted or disposed of with a substantive accessory after the fact to the felony, or with a substantive felone may be dealt with, infelony, or with a misdemeanor only, may be dealt with, indicted, or with a misdemeanor only, may be dealt with, indicted, dicted, tried and punished in any county, district or place in which tried and punished in any county in his possesin which he has or has had any such property in his possession and had any such property in his possession. Stion, or in any county, district or place in which the person Suilty of in any county, district or place in which the person be tried the principal felony or misdemeanor may, by law, be tried, in the same manner as such receiver may be dealt with in the same manner as such receiver may be dealt With, indicted, tried and punished in the county, district or place indicted, tried and punished in the property. 32-33 place where he actually received such property. 32-33 V., c. 21, s. 105.

Every one who brings into Canada, or has in his pos- Place of trial spin and appropriate or trial for bringing Session therein, any property stolen, embezzled, converted or into Canada obtained by the country. in property obtained by fraud or false pretences in any other country, in property such med by fraud or false pretences in any other country, in property such med by fraud or false pretences in any other country, in property such medium converting or stolen, & such manner that the stealing, embezzling, converting or stolen, &c. obtaining it in like manner in Canada, would, by the laws of Canada it in like manner in Canada. of Canada, be a felony or misdemeanor, may be tried and convicted, be a felony or misdemeanor, may be tried and convicted in any district, county or place in Canada into or in the county or has it in possession. or in which he brings such property, or has it in possession. 32.33 V., c. 21, s. 112, part.

Canada any person has in his possession in any one part Place of trial Canada well also be security or other who have of Canada, any chattel, money, valuable security or other who have property whatsoever, which he has stolen or otherwise stolen in one part of Cana da and have teloniously or unlawfully taken or obtained, by any offence part of Cana-against "To unlawfully taken or obtained, by any offence da and have the part of Canada. he the property against "The Larceny Act," in any other part of Canada, he the property in another part of larceny in another part. or these with, indicted, tried and punished for larceny part. or theft in that part of Canada where he so has such property, in the canada where he so has such property, in the same manner as if he had actually stolen, or taken or obtained manner as if he had actually stolen any one part obtained it in that part; and if any person in any one part of Canada receives or has any chattel, money, valuable security security or other property whatsoever, which has been stolen of other property whatsoever, which has been stolen or other property whatsoever, which has something of therwise feloniously or unlawfully taken or obtained in the poster who wing such proany other wise feloniously or unlawfully taken of canada, such person knowing such property the part of Canada, such person knowing such pro-Perty to have been stolen or otherwise feloniously or unlaw-

fully taken or obtained, may be dealt with, indicted, tried and punished for any punished f and punished for such offence in that part of Canada where he so received on he he so receives or has such property, in the same manner as if it had been originally a property in the same manner as if it had been originally stolen or taken or obtained in that part. 32-33 V 2 21 32-33 V., c. 21, s. 121.

Place of trial of persons uttering counterfeit coin, &c., in more places than one.

23. If any person tenders, utters, or puts off any false or counterfeit coin in any one Province of Canada, or in any one district country and the country are the country and the country are the country and the country are the country are the country and the country are the country one district, county or jurisdiction therein, and also tenders, utters or puts off utters or puts off any other false or counterfeit coin, in any other Province district other Province, district, county or jurisdiction, either on the day of such first marting day of such first mentioned tendering, uttering or putting off, or within the space of off, or within the space of ten days next ensuing, or if two or more persons action. or more persons, acting in concert in different Provinces, or in different districts in different districts, counties or jurisdictions therein, commit any offence against the many o any offence against the "Act respecting Offences relating to the Coin" every such and the coin of the the Coin," every such offender may be dealt with, indicted, tried and punished and tried and punished, and the offence laid and charged to have been committed in been committed, in any one of the said Provinces, in all tricts, counties or in all tricts, counties or jurisdictions, in the same manner in all respects. as if the offen respects, as if the offence had been actually and wholly committed within committed within one Province, district, county or jurisdiction. 32-33 V 2 10 200

APPREHENSION OF OFFENDERS.

Apprehension without war-

24. Any person found committing an offence punishable may either upon indictment or upon summary conviction, any be immediately any officer in cer- be immediately apprehended without a warrant by any tain cases. constable or peace officer, or by the owner of the property on or with respect to the property. on or with respect to which the offence is being committed, or by his servent or or by his servant or any other person authorized by such owner, and shall be a such owner. owner, and shall be forthwith taken before some neighboring justice of the boring justice of the peace, to be dealt with according to law. 32-33 V 200 200 200 law. 32-33 V., c. 22, s. 69, and c. 29, s. 2.

And by any person in certain other cases.

25. Any person found committing any offence punishable either upon indictment or upon summary conviction, by virtue of "m - r by virtue of "The Larceny Act" or the "Act respecting the pro-tection of the Property tection of the Property of Seamen in the Navy," may be immediately apprehended. diately apprehended without a warrant by any person, or forthwith taken to all the Navy, and the Navy, on or forthwith taken, together with the property, if any, on or with respect to which it with respect to which the offence is committed, before some neighboring justice. neighboring justice of the peace to be dealt with according to law 29 99 W ing to law. 32-33 V., c. 21, s 117, part;—33 V., c. 31, s. 5, part.

And by person to whom property is offered for sale, &c.

26. If any person, to whom any property is offered to be ld, pawned or delivered. sold, pawned or delivered, has reasonable cause to suspect that any such offence to that any such offence has been committed on or With respect to such property he man to such property, he may, and, if in his power, he shall apprehend and forthwith prehend and forthwith carry before a justice of the peacer

the person offering the same, together with such property, be done offering the same, together with such property, 22-33 V., c. 21, s. 117, to be dealt with according to law. 32-33 V., c. 21, s. 117, part, and c. 29, s. 3;—33 V., c. 31, s. 5, part.

Any person may apprehend any other person found Apprehension minitially person may apprehend any other person found Apprehension of offenders caught in the committing any indictable offence in the night, and shall caught in the convey or deliver him to some constable or other person, so act in the that he or deliver him to some constable or other person, so act in the night he or deliver him to some constable or other person, so act in the night time. that he may be taken, as soon as conveniently may be, before night time. a justice may be taken, as soon as conveniently may be, a justice of the peace, to be dealt with according to law. 32.33 V., c. 29, s. 4.

Any constable or peace officer may, without a warrant, Apprehension in other cases be finds lying or loiter without wartake into custody any person whom he finds lying or loiter- without warng in any lived any person whom he finds lying or loiter- without warwarnatural constants. ing in any highway, yard or other place, during the night, rant. and whom highway, yard or other place, uning ted, or having committed, or having he has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having committed, or having the has good cause to suspect of having the hadron the ted Whom he has good cause to suspect or naving such being about to commit, any felony, and may detain the person until he can be brought before a justice of the peace, to be dealt with according to law:

detained person who has been so apprehended shall be Detention of brought have noon of the following day without being ed, limited. brought before a justice of the peace. 32-33 V., c. 29, ss. 5

Any person may apprehend any other person who is Apprehension against the "Act of person committing tound committing any indictable offence, against the "Act of person committing any indictable offence, against the "Act of person committing to the Coin," and convey and coinage the committee of the coin, against the "Act of person committing to the Coin," and convey and coinage offence. deliver him to a peace officer, constable or officer of police, so offence. Let he many to a peace officer, constable or officer of police, so offence. that he may be conveyed, as soon as reasonably may be, to be dealt with according to before may be conveyed, as soon as reasonably may be sjustice of the peace, to be dealt with according to a justice of the Page 32-33 V., c. 18, s. 33.

ENFORCING APPEARANCE OF ACCUSED.

Whenever a charge or complaint (A) is made before Justice may justice and a grant a war-townitorial division in Canada, rant to cause Whenever a charge or complaint (A) is made before Justice may that the peace for any territorial division in Canada, grant a warrant to cause on any persons with the peace for any territorial division in Canada, grant a warrant to cause persons with the peace for any territorial division in Canada, grant a warrant to cause persons with the peace for any territorial division in Canada, grant a warrant to cause persons with the peace for any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons any territorial division in Canada, grant a warrant to cause persons and the persons and the persons are the persons are the persons and the persons are the p that any Derson has committed, or is suspected to have persons the peace for any territorial division in Canada, rant to cause to any person has committed, or is suspected to have persons charged with the person or felony, or any indictable misdecertain the limits of the jurisdiction of offences to be brought be-Meanor or offence within the limits of the jurisdiction of offences to be brought before him. Station or offence within the limits of the jurisdiction of offences with the limits of the jurisdiction of offences within the limits of the jurisdiction of offences with justice, or that any person guilty or suspected to be brought before him. Of such institute, is or resides of having committed any such crime of one is suspected of the jurisdiction of such justice, is or resides diag suspected of the jurisdiction of th disting of the jurisdiction of such justice, is of the jurisdiction of such justice, and in every such case, if the jurisdiction of such justice, is of the diction of such justice, then, and in every such case, if the betson so charged or complained against is not in custody, had justice then and in every such case, in the justice of the such justice and in every such case, in the justice of the such justice are such as a such justice of the such justice of th between Justice, then, and between Justice may issue his warrant (B), to apprehend such be brought before him or any Derson, and to cause him to be brought before him or any lustice of cause him to be brought before him or any torritorial division. 32-33 V., c. 30, other, and to cause him to be brought before nim of all lustice for the same territorial division. 32-33 V., c. 30,

The justice to whom the charge or complaint is pre- Justice may instance his warrant to issue a summons instance The justice to whom the charge or complaint is pre- Justice may instead of issuing, in the first instance his warrant to issue a summons instead

of a warrant in the first instance.

Warrant if summons is disobeyed

apprehend the person charged or complained against, may, if he thinks fit, issue his summer (and against, nerson, nerson, nerson). he thinks fit, issue his summons (C) directed to such place requiring him to appear here. requiring him to appear before him at the time and place therein mentioned or before therein mentioned, or before such other justice of the same territorial division as shall than a territorial division as shall then be there, and if, after being served with the summons in served with the summons in manner hereinafter mentioned, he fails to appear at such time. he fails to appear at such time and place, in obedience to such summons, the instice or an analysis of the summons of the summ summons, the justice or any other justice for the same territorial division may issue ritorial division may issue his warrant (D), to apprehend the person so charged an the person so charged or complained against, and other such person to be brought be such person to be brought before him, or before some to the justice for the same to mit. justice for the same territorial division, to answer to the charge or complaint and to be a superiority and the superi charge or complaint, and to be further dealt with according to law; but any justice many further dealt with according war to law; but any justice may, if he sees fit, issue the rant hereinbefore first many rant hereinbefore first mentioned, at any time before of the time mentioned in the the time mentioned in the summons for the appearance of the accused person 22.22 Tr

Proviso.

32. Whenever any indictable offence is committed on the gh seas, or in any crostcommitted on high seas, or in any creek, harbor, haven or other place, in the high seas, which the Admiralty of England. the high seas, which the Admiralty of England have or claim to have justice.

The high seas, which the Admiralty of England have or claim to have its diction, and who were the season of the place in the have justice. risdiction, and whenever any offence is committed on land beyond the seas for which beyond the seas for which an indictment may be preferred or the offender may be amount instice for or the offender may be arrested in Canada, any justice for any territorial division in the canada, any justice for any territorial division in the canada, and the canada, and the canada, any justice for any territorial division in the canada, and the canada, and the canada, any justice for any territorial division in the canada, and any territorial division in which any person charged any having committed, or suspected having committed, or suspected of having committed any such offence, is or is suspected of having committed warrant such offence, is or is suspected to be, may issue his warrant (D 2), to apprehend such partial to the may issue his therein (D 2), to apprehend such person, to be dealt with as therein and hereby directed

Warrant to apprehend person against whom an indictment is found.

33. If an indictment is found by the grand jury in any ourt of criminal invisation court of criminal jurisdiction, against any person by any large, and whether such person bound by any large, and whether such person has been bound by not, recognizance to appear to recognizance to appear to answer to any such charge of the and if such person has and if such person has not appeared and pleaded to the indictment, the person with the person with the crown or indictment, the person with th indictment, the person who acts as clerk of the Crown of the chief clerk of such court about chief clerk of such court shall, at any time, at the end of the term or sittings of the term or sittings of the court at which the indictment has been found, upon application been found, upon application of the prosecutor, or of twenty person on his behalf person on his behalf, and on payment of a fee of twenty cents, grant to such present of a stiffcate (E) of cents, grant to such prosecutor or person a certificate (E) of such indictment having board. such indictment having been found; and upon production of such certificate to any indicate to of such certificate to any justice for the territorial division in which the offence is all the state of the territorial to have in which the offence is alleged in the indictment to been committed. or in which in the indictment in been committed, or in which the person indicted resides, is supposed or suspected to the person indicted resides, instice shall is supposed or suspected to reside or to be, such justice shall issue his warrant (F) to an analysis and indicted resides, and indicted, issue his warrant (F) to an analysis and indicted, indicted issue his warrant (F), to apprehend the person so indicted, and to cause him to be harrant the person and the person and the person so indicted, and to cause him to be harrant the person and the person and the person are any other and the person are also any other and the person are also any other and the person are also are also any other and the person are also any other any other and the person are also any other and the person are also any other any other and the person are also are also any other and the person are also are also any other and the person are also are and to cause him to be brought before him or any with justice for the same to be brought before him or dealt with justice for the same territorial division, to be dealt with according to law

Commitment. or bail.

34. If the person is thereupon apprehended and brought haing proved the fore any such justice such in the such institute of the such before any such justice, such justice, upon its brough being proved

hend oath or affirmation before him that the person so apprehended is the person charged and named in the indictment, shall commit (G) thim to without further inquiry or examination, commit (G) him for trial or admit him to bail as hereinafter mentioned. 32.33 V., c. 30, s. 5.

35. If the person so indicted is confined in any gaol or If person inprison for any other offence than that charged in the indict-directly already in ment at the time of such application and production of such prison for certification that the time of such application and production of such prison for some other offence, in certificate to the justice, such justice, upon its being proved offence, justice to the justice, such justice, that the person so tice may order before him, upon oath or affirmation, that the person so tice may order indicted in prison are one and him to be detained. indicted and the person so confined in prison are one and him to be detained. the same person, shall issue his warrant (H) directed to the gaoler or keeper of the gaol or prison in which the person so indicted is then confined, commanding him to detain by well and in his custody until he is removed therefrom by Writ of habeas corpus, or by order of the proper court, or the said indictment, or for the purpose of being tried upon the said indictment, or discharged out of his until he purpose of being tried upon the same measurement, he is otherwise removed or discharged out of his control is otherwise removed or discharged out of his control is otherwise removed or discharged out of his control is otherwise removed. custody by due course of law. 32-33 V., c. 30, s. 6.

86. Nothing hereinbefore contained shall prevent the Beach warissuing or execution of bench warrants, whenever any court rented. of competent jurisdiction thinks proper to order the issuing of any such warrant. 32-33 V c. 30, s. 7.

Any justice may grant or issue any warrant as afore- Warrant may be issued on other statutory be issued on Sunday, &c. holidar any search warrant, on a Sunday or other statutory be issued on Sunday, &c. 32-33 V. c. 30, s. 8. holiday, or any search warrant, on a Sunday or other sacrant, on a Sunday or other sacrant, as well as on any other day. 32-33 V., c. 30, s. 8.

Whenever a charge or complaint for any indictable If a warrant is to be issued, intended to issue a to be issued, information offence is made before any justice, if it is intended to issue a to be issued, information to be upon warrant in the first instance against the person charged, an to be upon information the first instance against the person charged, an to be upon onth, &c. information the first instance against the person charged, an wood accomplaint thereof (A) in writing, on the oath, &c. witnesses in that behalf, shall be laid before such justice. 82-33 V., c. 30, s. 9.

Trant then it is intended to issue a summons instead of a And so in case of summons, of summons, of summons, on the information and complaint of summons, or the information and complaint of summons in the information and complaint of summo When it is intended to issue a summons instead of a Andream some shall also the first instance, the information and complaint of summons, unless otherthan also be in writing, and be sworn to or affirmed in wise provided. manner also be in writing, and be sworn to or amrmed in wided. it is specific aforesaid, except whenever, by some Act or law, vided. it is specially provided that the information and complaint hay he had been affirmation and complaint to suppose parol merely, and without any oath or affirmation 32-33 V., c. 30, s. 10. to support or substantiate the same. 32-33 V., c. 30, s. 10.

aforese: Justice receiving any information and complaint Upon complaint, just may issue his summons or plaint, just may issue The justice receiving any information and complaint upon com-warrant and if he thinks fit, may issue his summons or plaint, justice may issue the person charged summons or summons or Warrant as hereinbefore directed, to cause the person charged summons or be and hereinbefore directed, and every summons warrant for appearance to be and appear as thereby directed; and every summons warrant for appearance of person charged by the inform-(c) shall appear as thereby directed; and every ation and be directed to the person so charged by the information, charge ation, and shall state shortly the matter of such information, charged.

and shall require the person to whom it is directed to be and appear at a certain time. and appear at a certain time and place therein mentioned, before the justice who issued before the justice who issues the summons, or before such other justice for the same the summons, or before then other justice for the same territorial division as shall dealt be there, to answer to the be there, to answer to the charge and to be further dealt with according to law 22.22 Years. with according to law. 32-33 V., c. 30, s. 13.

Service of summons.

41. Every such summons shall be served by a constable other peace officer provide or other peace officer, upon the person to whom it is directed, by delivering the same to by delivering the same to such person, or if he cannot conveniently be so served there. veniently be so served, then by leaving the same for him with some person at his leaving the same for 32.33 with some person at his last or usual place of abode. 32-33 V., c. 30, s. 14.

Constables, &c., to attend and prove service.

42. The constable or other peace officer who serves the me, shall attend at the transfer of th same, shall attend at the time and place, and before the justice in the summons month tice in the summons mentioned, to depose, if necessary, to the service of the summons. 32-33 V., c. 30, s. 15. the service of the summons.

If person summoned does not attend, justice may issue a warrant.

43. If the person served does not appear before the justice the time and place many at the time and place mentioned in the summons, in obedience to the same the interest (D) dience to the same, the justice may issue his warrant (D) for apprehending the power. for apprehending the person so summoned, and bringing him before such justice him before such justice, or before some other justice for the same territorial division. same territorial division, to answer the charge in the information and complaint ation and complaint mentioned, and to be further dealt with according to law according to l with according to law. 32-33 V., c. 30, s. 16.

Warrant to

44. Every warrant (B) issued by any justice to apprehend by person charged will be any person charged with any indictable offence shall be under the hand and the same, hand and seal under the hand and seal of the justice issuing the same, of justice: to and may be directed to the and may be directed to all or any of the constables or which peace officers of the addressed, &c. peace officers of the territorial division within the same is to be according to the constables of the territorial division within and all the same is to be executed, or to any such constable and all other constables or posses. other constables or peace officers in the territorial division, within which the incident within which the justice issuing the same has jurisdiction, or generally to all the or generally to all the constables or peace officers within such last mentioned to the such last menti such last mentioned territorial division; and it shall state shortly the offence or reliable state. shortly the offence on which it is founded, and shall name or otherwise describe the or otherwise describe the offender; and it shall order the person or persons to and the person or persons to whom it is directed to apprehend the offender, and bring him apprehend the offender, and bring him before the justice issuing warrant, or before some attentions. warrant, or before some other justice for the same territorial division, to answer the same territorial division, to answer the charge contained in the information, and to be further deals. and to be further dealt with according to law. 30, s. 17.

What it shall set forth.

> 45. If, in any warrant or other instrument or document sued in any Province of Co. issued in any Province of Canada, at any time, by any justice, it is stated that the carry tice, it is stated that the same is given under the hand and seal of any justice signing it and it is necessarily presumed. seal of any justice signing it, such seal shall be presumed to have been affixed by him to have been affixed by him, and its absence shall not

Affixing seal and effect thereof.

invalidate the instrument, or such justice may, at any time thereafter, affix such seal, with the same effect as if it had been age, affix such seal, with the same effect as if it had been affixed when such instrument was signed. 32-33 V., c. 36, s. 4, part.

46. It shall not be necessary to make the warrant return- warrant in force until able at any particular time, but the same shall remain in force until executed. force until executed. 32-33 V., c. 30, s. 18.

Such warrant may be executed by apprehending the How and division within which where a v offender at any place in the territorial division within which where a warthe justice issuing the same has jurisdiction, or in case of executed. fresh pursuit, at any place in the next adjoining territorial division of the border of the first division, and within seven miles of the border of the first mention, and within seven miles of the border the warrant mentioned territorial division, without having the warrant backed territorial division, without having the warrant backed as hereinafter mentioned. 32-33 V., c. 30, s. 19.

48. If any warrant is directed to all constables or other When any constable, within which the constable, may peace officers in the territorial division within which the &c., may execute the constable of the peace officer cute warrant. lastice has jurisdiction, any constable or other peace officer cute warrant. for any place within such territorial division may execute the we place within such territorial division for which the warrant at any place within the jurisdiction for which the institute in the institute i the Warrant at any place within the jurisuicion in like justice acted when he granted such warrant, in like namer as if the warrant had been directed specially to such constable by name, and notwithstanding the place within which he by name, and notwithstanding the place for which such warrant is executed is not within the place for which the warrant is executed is not within the place for 32-33 V., c. 30, s. 20. which he is constable or peace officer. 32-33 V., c. 30, s. 20.

If the person against whom any warrant has been Provisions as to the independent of the justice dorsement of If the person against whom any warrant has been to the into the into the justice dorsement of whom it be found within the jurisdiction of the justice dorsement of the escapes into, or is warrants. whom the same was issued, or if he escapes into, or is warrants. on to suspected to be, in any place within Canada, instinct issuing the warrant, out of the jurisdiction of the justice issuing the warrant, in it jurisdiction of the justice issuing the warrant, justice Within the jurisdiction of whom the person so Justice Within the jurisdiction of whom the personal person in which he is or is suspected to be, upon proof the hair in which he is or is suspected to be upon proof the hair in which he is or is subject to the proof the hair in which he is or is subject to the proof the hair in which he is or is subject to the proof the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to the heart in which he is or is subject to of the being made on oath or affirmation of the handwriting without any security of the being made on oath or affirmation of the nanuwilling justice who issued the same, without any security given, shall make an indorsement (I) on the warrant, with the warrant, and the same indorsement of the same with the with his name, authorizing the execution of the warrant with his name, authorizing the execution of the justice making the authorizing the sufficient authorizing the sufficient authorized within the jurisdiction of the justice making the indorsement; and such indorsement shall be sufficient au-Effect of such the person bringing such warrant, and to all indorsement. and persons to whom the same was originally untertained also to all constables and other peace officers of the warrant has been so indorsed. tenitorial division where the warrant has been so indorsed, other territorial division, and to o execute the same in such other territorial division, and to the person against whom the warrant issued, when the person against who first issued the warrant, pprehended, before the justice who first issued the warrant, or before some same in such before some other justice for the same territorial division, the territorial division in which or before some other justice for the same territorial division in which has offence the offence mentioned in the warrant appears therein to been committed. 32-33 V., c. 30, s. 23.

Proceedings after arrest in such case.

50. If the prosecutor or any of the witnesses for the osecution are then in the such prosecution are then in the territorial division where such person has been approbable. person has been apprehended, the constable or other person or persons who have apprehended, the constable or other persons or persons who have apprehended. or persons who have apprehended him may, if so directed by the justice backing the the justice backing the warrant, take him before the justice who backed the warrant who backed the warrant, or before some other justice the same territorial division the same territorial division or place; and the said justice may thereupon take the said justice may thereupon take the examination of such prosecutor or witnesses, and proceed in witnesses, and proceed in every respect in the manner hereinafter directed with hereinafter directed, with respect to persons charged before a justice with an offence " a justice with an offence alleged to have been committed in another territorial division in in another territorial division than that in which such persons have been approbable. 32-33 V., c. 30, s. 24.

SEARCH WARRANTS AND SEARCHES.

Search war-

51. If a credible witness proves, upon oath (K) before a stice, that there is recommended any justice, that there is reasonable cause to suspect that any property whatsonable cause to suspect any larcertain cases. property whatsoever, on or with respect to which any lar-ceny or felony has been a with respect to which any larceny or felony has been committed, is in any dwelling house, out-house, garden word out-house, garden, yard, croft or other place or places, the justice may grant a warm of the place or places. justice may grant a warrant (K 2), to search such for such house, garden ward house, garden, yard, croft or other place or places for such property, and if the same property, and if the same, or any part thereof, is then found to bring the same and it to bring the same and the person or persons in whose possession such house or all session such house or other place then is, before the justice granting the warrant granting the warrant, or some other justice for the same territorial division

And in certain other cases.

52. If any credible witness proves, upon oath before any stice, a reasonable court justice, a reasonable cause to suspect that any person has in his possession or on his his possession or on his premises any property whatsoever, on or with respect to any property hable either on or with respect to which any offence, punishable either upon indictment or when any offence, punishable of upon indictment or when the punishable either of upon indinterest either of upon indictment of upon indictment or when the upon indictment or upon summary conviction, by virtue of "The Larceny Act" on the "The Larceny Act" or the "Act respecting the protection of the Property of Seamen in the War. Property of Seamen in the Navy," has been committed, as justice may grant a way. justice may grant a warrant to search for such property, as in the case of stolon 32-33 V., c. 21, s. 117, part; -33 V., c. 31, s. 5, part.

Search warrant for gold, silver, quartz, &c.

53. On complaint in writing made to any justice of the unty, district or place county, district or place, by any person interested in or mining claim, that mined and person or quartz, are mining claim, that mined gold or gold-bearing quartz, ly mined or unmanufactured silvers and silvers a mined or unmanufactured silver or silver ore, is unlawfully deposited in any place or half is silver ore. deposited in any place, or held by any person contrary to law, a general search warrant law, a general search warrant may be issued by such justice, as in the case of stolen good. as in the case of stolen goods, including any number of places or persons named in places or persons named in such complaint; and if, upon such search, any such scale or silver or silver. such search, any such gold or gold-bearing quartz, or held, or silver ore is found to be arranged or held, or silver ore is found to be unlawfully deposited or the justice shall make such and the such as the such the justice shall make such order for the restoration thereof to the lawful owner as he could

Order, if the same is found.

2. The decision of such justice shall be subject to appeal, Appeal on certain cortions. as in ordinary cases on summary conviction; but before such certain conditions. appeal shall be allowed, the appellant shall enter into a reognizance in the manner provided by law in cases of appeal tom summary convictions, to the value of the gold or other property. property in question, that he will prosecute his appeal at the next in question, that he will prosecute me appeal in that behalf sittings of any court having jurisdiction in that behalf, and will pay the costs of the appeal in case of a decision of the defendant appeals, decision against him; and if the defendant appeals, that he will pay such fine as the court may impose, with costs. Will pay such fine as 32-33 V., c. 21, ss. 33 and 34.

Suspect any constable or peace officer has reasonable cause Search for timber, lumber, lumber, &c., to suspect that any timber, mast, spar, saw-log or other ber, &c., description of lumber, belonging to any lumberman or unlawfully mer of l wher of lumber, belonging to any lumberman or union.

Such lumber, and bearing the registered trade mark of detained. theh lumber, and bearing the registered trace in any many or owner of lumber, is kept or detained any contract without the knowin any saw-mill, mill-yard, boom or raft, without the knowledge or mill, mill-yard, boom or ratt, without constable or peace or consent of the owner, such constable or peace the same, and search or officer consent of the owner, such constants in may enter into or upon the same, and search or etamine, may enter into or upon the same, and such that the purpose of ascertaining whether such a other description of lumber timber, for the purpose of ascertaining which is detained to saw-log or other description of lumber and detained to saw-log or other description of lumber. detained therein without such knowledge and consent. of V., c. 40, s. 1, part.

If it is made to appear, by information on oath or Search for matical is made to appear or in plements. believe the before a justice, that there is reasonable cause to paper or implements plements the paper of the before a justice, that there is reasonable cause to paper or implements plements the construction of the paper of th believe that any person has in his custody or possession, employed in his custody or possession, employed in his custody or pro- any forgery and for forgery contractions. without lawful authority or excuse, any Dominion or Proand for forged instruments.

Compared to that any person has in his custody or possession, employed in single any forgery and for forged instruments. the company or person carrying on the business of the company or person carrying on the pushing patin imitally frame, mould, or implement for making patents in imitally frame, mould, or implement for making patents in imitally frame, mould, or implement for making patents in imitally frame, mould, or implement for making patents in imitally frame. in imitation of the paper used for such notes or bills, or such notes or other material, th imitation of the paper used for such notes of billing thereon any words, forms, devices or characters capable of broden any words to produce the impression of Wing thereon any plate, wood, of producing or intended to produce the impression of heat or mote or bill or any part thereof, or any tool, implement or moteon below any part thereof, or intended to be used ment note or bill or any part thereof, or any tool, mare or material used or employed, or intended to be used an intended to be used or employed, or intended to be any forged, in or about any of the operations aforesaid, or instrument whatsoever, on the played, in or about any of the operations aroresam, any forged security, document or instrument whatsoever, mould plate, die, seal, paper or of any machinery, frame, mould, plate, die, seal, paper or matter matter and or employed, or intended to be other machinery, frame, mould, plate, die, sear, paper bed or employed, or intended to be or employed, or employed, document matter or thing used or employed, or intenued to instrument by instrument such instrument such instrument such instrument such instrument such instinct may, if he thinks fit, that a warm whatsoever, such justice may, if he thinks fit, for the same; and if the same is that a warrant to search for the same; and if the same is the warrant whatsoever, such just a warrant to search for the same; and it the same to same have here are his of the district, county or place, the same before some justice of the district, county or place, have by him such search according to law; and all such to be before some justice of the district, county or place, the by him disposed of according to law; and all such The same may the ers and the disposed of according to law; and all such The same may the ers and the disposed of according to law; and all such The same may the ers and the court. the by him disposed of according to law; and all such the same may be court him disposed as aforesaid shall, by order of by or the court by which any such offender is tried, or if there is the court. deficed trial, then by order of some justice of the peace, be and, then by order of some justice of as such court or inct: destroyed, or otherwise disposed of as such or justice directs. 32-33 V., c. 19, s. 53.

Counterfeit coin, &c., and coining tools to be seized.

56. If any person finds or discovers, in any place whatsover, or in the custody are ever, or in the custody or possession of any person false of the same without lawful the same without lawful authority or excuse, any false of counterfeit coin resemblished counterfeit coin resembling or apparently intended to resemble or pass for any resemble or pass for any current gold, silver or copper coin, or any coin of any forcion or any coin of any foreign prince, state or country, or any intended instrument, tool or angine instrument, tool or engine whatsoever, adapted and intended for the counterfeiting of for the counterfeiting of any such coin, or any silver, elippings, or any gold or city clippings, or any gold or silver bullion, or any gold or silver in dust, solution or other in dust, solution or otherwise, which has been produced or obtained by diminishing at 1 obtained by diminishing or lightening any current gold or silver coin, the person as a lightening any current selze silver coin, the person so finding or discovering shall seize and carry the same forth. and carry the same forthwith before a justice:

2. If it is proved, on the oath of a credible witness, before ty justice, that there coin and coin any justice, that there is reasonable cause to suspect that ing tools. any person has been concerned any person has been concerned. any person has been concerned in counterfeiting coing gold, silver or copper coing gold, silver or copper coin, or any foreign or other coin, mentioned in the "Act records," mentioned in the "Act respecting Offences relating to the Coin, or has in his custody of the counter of the counter of the custody of the counter of the custody of the cus or has in his custody or possession any such false or counterfeit coin, or any instructions. feit coin, or any instrument, tool or engine whatsoever, adapted and intended for the adapted and intended for the making or counterfeiting of any such coin. or any other any such coin, or any other machine used or intended to be used for making or counterfelling be any used for making or counterfelling be used for making or counterfeiting any such coin, or any such filings, clippings or bell and such coin, or all or silver, such filings, clippings or bullion, or any such gold or silver, in dust, solution or other in dust, solution or otherwise, as aforesaid, any justice may, by warrant under his by warrant under his hand, cause any place whatsoever belonging to or in the cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be belonging to or in the occupation or under the day or such suspected person to be belonging to or under the day or such as the day of the belonging to be belonging to or under the day or such as the belonging to be belonging to be belonging to be belonging to be belonging to or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the belonging to or in the occupation or under the day of the day of the belonging to or in the occupation or under the day of the da such suspected person to be searched, either in the day or in the night, and if any such such suspected person to be searched, either in the day or in the night, and if any such such such solutions or any in the night, and if any such false or counterfeit coin, or any such instrument tool such instrument, tool or engine, or any such machine, or any such filings. clipping any such filings, clippings or bullion, or any such gold of silver, in dust, solution or the such gold is found is found in the such gold of t silver, in dust, solution or otherwise, as aforesald, is found in any place so searched to the seized and in any place so searched, to cause the same to be seized and carried forthwith before

How counterfeit coin, &c., and coinage tools shall be disposed of in such case.

3. Whenever any such false or counterfeit coin, or any such strument, tool or engine instrument, tool or engine, or any such machine, or any such filings, clippings or bullion filings, clippings or bullion, or any such machine, or any such gold or silver, in dust solution or otherwise as a few any such gold or silver, and seized and solution or otherwise, as aforesaid, is in any case seized and carried before a justice be shall it in any case seized same carried before a justice, he shall, if necessary, cause the same to be secured, for the purpose of the same to be secured. to be secured, for the purpose of being produced in evidence against any person process of being produced in evidence against against any person prosecuted for an offence against such Act, and all such fall such Act, and all such false and counterfeit coin, all instruments, tools and all instruments, tools and engines adapted and intended for the making or counterfaiting a dapted and intended in the making or counterfaiting a dapted and in machines. the making or counterfeiting of coin, and all such machines and all such filings clipping. and all such filings, clippings and bullion, and all such gold and silver, in dust. solution and silver, in dust, solution of otherwise, as aforesaid, have they have been produced in the solution of the they have been produced in evidence, or when they been seized and are not required. been seized and are not required to be produced in evidence, shall forthwith be defaced by the produced in evidence, or other shall forthwith be defaced by the produced in evidence, or other produced in evidence, or when they have been seized and are not required to be produced in evidence, or when they have been seized and are not required to be produced in evidence, or when they have been seized and are not required to be produced in evidence. shall forthwith be defaced, by the order of the court, or other wise disposed of as the court disposed of as the court disposed.

PROCEEDINGS ON APPEARANCE.

57. The room or building in which the justice takes the Place of exaexamination and statement shall not be deemed an open mination not court; and the justice, in his discretion, may order that no person all the justice, in his discretion, may order that no person shall have access to or be or remain in such room or build: building without his consent or permission, if it appears to him +1. him that the ends of justice will be best answered by so doing. 32-33 V., c. 30, s. 35.

No objection shall be taken or allowed to any inform- No objection allowed for ation, complaint, summons or warrant, for any defect therein, allowed for allowed mental summons or warrant, allowed for alleged defect therein, alleged defect in substance in substance or in form, or for any variance between it and in substance the arcide are the prosecution. before the evidence adduced on the part of the prosecution, before or form. the justice adduced on the part of the prosecution, that behalf. 32-33 V., c. 30, ss. 11 and 21.

59. If it appears to the justice that the person charged If variance is the heart appears to the justice that the person charged If variance is any important appears to the justice that the person charged If variance is has been deceived or misled by any such variance in any important case may be the request of the adjourned. person or warrant, such justice, at the request of the adjourned. person charged, may adjourn the hearing of the case to some future and such person, future day, and in the meantime may remand such person, or admired. 32-33 V., or admit him to bail, as hereinafter mentioned. 32-33 V.,

If it is made to appear to any justice, by the oath or Power to Justices to sum-If it is made to appear to any justice, by the oath or rower woust constitution of any credible person, that any person within monwittion, and is likely to give material evidence for the purpose of attend, and tion, and will not voluntarily appear for the purpose of attend, and being and will not voluntarily appear for the purpose of give evidence appointed dence. being examined as a witness at the time and place appointed dence. for the examined as a witness at the time and place are the examination of the witnesses against the accused, such in the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses at the time and place are the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused, and the examination of the witnesses against the accused are the examination of the witnesses against the accused are the examination of the witnesses against the accused are the examination of the witnesses against the accused are the examination of the witnesses accused the examination of the witnesses are the examination of the examina such justice shall issue his summons (L) to such person, require shall issue his summons at a time and requiring him to be and appear before him at a time and place +L with the beautiful to be and appear before with other justice for the place therein mentioned, or before such other justice for the what herein mentioned, or before such other justice.

What hereitorial division as shall then be there, to testify What he knows concerning the charge made against the accused person. 32-33 V., c. 30, s. 25.

Dear of any person so summoned neglects or refuses to If summons is not obeyed, not obeyed, warrant may appear at the time and place appointed by the summons, warrant may and no it the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons, warrant may the time and place appointed by the summons appear to the time and place appear to the time and place appear to the time appear to the time and the time appear to t and no just excuse is offered for such neglect or refusal, be issued to compel attended to the summons having tendance. lafter proof upon oath or affirmation of the summons having compel attendance. been proof upon oath or affirmation of the summon some served upon such person, either personally or left with or usual place of abode), the some Person for him at his last or usual place of abode), the Justice person for him at his last or usual place of assistance before whom such person should have appeared may such person, at a time and place the awarrant (L 2), to bring such person, at a time and place a warrant (L 2), to bring such person, at a such therein mentioned, before the justice who issued the thoronomer instice for the same terrimmons, or before such other justice for the same terriand division as shall then be there, to testify as aforesaid,
in the same terriment may be backed as hereand division as shall then be there, to testiny as in the said warrant may be backed as herein before the said warrant may be executed out of the inbefore mentioned, so that it may be executed out of the isdict; mentioned, so that it may be executed out of the isdict; Jurisdiction of the justice who issued the same. 32-33 V.,

62. If the justice is satisfied, by evidence upon oath of firmation that it is make the satisfied of the sat cases warrant affirmation, that it is probable the person will not attend of first instance. Give evidence uples and to probable the person will not attend of the person will not attend to the person will not attend first instance. give evidence unless compelled so to do, then, instead of issuing such summons the instance. issuing such summons, the justice may issue his warrant (L 3) in the first instance. (L 3) in the first instance, and the warrant, if necessary, may be backed as aforecast. 32-33 V., c. 30, s. 27. may be backed as aforesaid.

Persons may be committed.

63. If, on the appearance of the person so summoned, there in obedience to the either in obedience to the summons or by virtue of the warrant, he refuses to be arrerefusing to be warrant, he refuses to be examined upon oath or affirmation may be comconcerning the premises, or refuses to take such oath or affirmation. or having telescope to take such oath or affirmation. affirmation, or having taken such oath or affirmation, refuses to answer the question fuses to answer the questions then put to him concerning the premises, without civilian the premises, without giving any just excuse for such refusal, any justice they premise they pre fusal, any justice then present and there having jurisdiction may, by warrant (I 4) tion may, by warrant (L 4) commit the person so refusing to the common goal or other committee to the common goal or other common goal to the common gaol or other place of confinement, then is, territorial division where the territorial division where the person so refusing then is, then is, there to remain and be in the person so refusing the person so refusi there to remain and be imprisoned for any term not exceeding ten days, unless he in it ing ten days, unless he in the meantime consents to be examined and to answer conamined and to answer concerning the premises. c. 30, s. 28.

Person accused may be remanded from time to time by warrant.

64. If, from the absence of witnesses or from any other asonable cause it becomes reasonable cause, it becomes necessary or advisable to defer the examination or further the examination or further examination of the witnesses or any time, the instice before any time, the justice before whom the accused appears to has been brought may be has been brought may, by his warrant (M), from time to time, remand the power time, remand the person accused to the common gaol in the territorial division for territorial division for which such justice is then acting, for such time as be derived by the such justice is then eight for such time as he deems reasonable, not exceeding eight clear days at any one time 32-33 V., c. 30, s. 41.

Or for three days only by verbal order.

65. If the remand is for a time not exceeding three clear tys, the justice many days, the justice may verbally order the constable or other person in whose custoday. person in whose custody the accused person then is, or any other constable or person that other constable or person named by the justice in that behalf, to keep the accused person in his custody, and to bring him before the same bring him before the same or such other justice as shall be there acting at the time are the example. there acting, at the time appointed for continuing the examination. 32-33 V 2 20

66. Any such justice may order the accused person to be ought before him or her brought before him, or before any other justice for the same territorial division of the an earlier day. territorial division, at any time before the expiration of the time for which such time for which such person has been remanded, and the gaoler or officer in whose and the remainded t gaoler or officer in whose custody he then is shall duly obey such order. 32-33 V 200

Admission to bail on recognizance.

67. Instead of detaining the accused person in custody uring the period for which during the period for which he has been so remanded, any one justice, before whom such one justice, before whom such person has appeared or been brought, may discharge him, upon his entering into a recognizance (M 2, 3), with or without sureties, in the discretion of the justice, conditioned for his appearance at the time and place of the examination. and place justice, conditioned for his appearance as 32.88 v appointed for the continuance of the examination. 32-33 V., c. 30, s. 44.

68. If the accused person does not afterwards appear at proceedings the time the accused person does not afterwards appear at proceedings are the said if accused the time and place mentioned in the recognizance, the said if accused does not appear any other justice who is then and there present, appear according to having certified (M 4) upon the back of the recognizance cording to his the non-certified (M 4) upon the back of the recognizance. the non-appearance of such accused person, may transmit recognizance. the recognizance of such accused person, may be recognizance to the clerk of the court where the accused by person is to be tried, or other proper officer appointed by haw, to be tried, or other proper omcer appearances, be proceeded upon in like manner as other recognizances. the no. and such certificate shall be primâ facie evidence of 32-33 V., c. 30, the non-appearance of the accused person. 32-33 V., c. 30,

Whenever any person appears or is brought before Examination of witnesses to be in the Whenever any person appears or is brought before Examination committee charged with any indictable offence,—whether of witnesses to be in the beyond the sea,—and whether such person appears voluntarily upon summons or has been apprehended, with or without was a constady for the same or any other without warrant, or is in custody for the same or any other offence. Warrant, or is in custody for the same or any other offence, such justice, before he commits such accused person to Prison for trial or before he admits him to bail, shall, in the brace for trial or before he admits him to bail, shall, in the presence of the accused person (who shall be at liberty put against him), take to put questions to any witness produced against him), take the statement of those who know the statements (N) on oath or affirmation of those who know the fact. the facts and circumstances of the case, and shall reduce the and signature; and such depositions shall be read over to and signed respectively by the witnesses so examined, and the thall be signed also by the justice taking the same; and the Witnesses to be sworn. hatice shall, before any witness is examined, administer to be sworn. *Nch witness the usual oath or affirmation. 32-33 V., c. 30, 88. 29 and 30, part.

After the examinations of all the witnesses for the After examination, justice or one of the nation, justice to read prosecution have been completed, the justice or one of the nation, justices to the depositions have been depositions Justices, by or before whom the examinations have been depositions taken again the attendance of the taken again the accused completed, shall, without requiring the attendance of the taken against the accused, the depo- and caution Witnesses, shall, without requiring the attendance of the accused, still one taken against him, and shall say to him these words, statement he may make. or words taken against him, and shall say to min the widence, may make.

"do von to the like effect: "Having heard the evidence, may make."

"answer to the charge? Words to the like effect: "Having heard the charge?

"You wish to say anything in answer to the charge?

"You are wish to say anything unless you desire to "You wish to say anything in answer to the down in writing whatever you say will be taken down in writing whatever you say will be taken down in Writing, and may be given in evidence against you at Your g, and may be given in evidence against trial;" and whatever the prisoner then says in writing (O) and read wer thereto shall be taken down in writing (O) and read by the justice, and kept over thereto shall be taken down in writing (o, and with the dim, and shall be signed by the justice, and kept the dim, and shall be transwith the depositions of the witnesses, and shall be trans-

32-33 V., c. mitted with them, as hereinafter mentioned. 30, s. 31.

Explanations to be made to the accused person.

71. The justice shall, before the accused makes any state ent, state to him and that ment, state to him and give him clearly to understand that he has nothing to home for he has nothing to hope from any promise of favor, and nothing to fear from any promise of hope held nothing to fear from any threat which may have been held out to him to induce him to may have been feet out to him to induce him to may have been feet out to him to induce him to may have been held been hel out to him to induce him to make any admission or confession of his onilt but that sion of his guilt, but that whatever he then says notwith given in evidence against him to make any admission or contains be sion of his guilt, but that whatever he then says notwith given in evidence against him upon his trial, notwithstanding such promise or 11 standing such promise or threat. 32-33 V., d. 30, s. 32.

Not to prevent giving in evidence confession, &c.

72. Nothing herein contained shall prevent any prosecute from giving in evidence shall prevent any prosecute from giving in evidence of the prevent and prevent any prosecute from giving in evidence of the prevent and prevent any prosecute from giving in evidence of the prevent and tor from giving in evidence any admission or confession, or other statement made at any admission or confession or other statement, made at any time by the person accused or charged, which by law and time by the person accused or charged, which by law and time by the person accused or charged. charged, which by law would be admissible as evidence against him. 32-33 V against him. 32-33 V., c. 30, s. 33.

Discharge if evidence is insufficient.

73. When all the evidence offered upon the part of the cosecution against the prosecution against the accused has been heard, if the justice is of opinion that justice is of opinion that it is not sufficient to put accused upon his trial for accused upon his trial for any indictable offence, such justice shall forthwith and the such part to be tice shall forthwith order the accused, if in custody, but discharged as to the inferred Admission to discharged as to the information then under inquiry; but if in the opinion of and inquiry in the specient to if in the opinion of such justice the evidence is sufficient to put the accused upon him to the evidence is sufficient. put the accused upon his trial for an indictable offence, although it may not re-

although it may not raise such a strong presumption of guilt as would induce him guilt as would induce him to commit the accused for trial without bail or if the grant of the gr without bail, or if the offence with which the person is accused is a misdomesta. accused is a misdemeanor, then the justice shall admit the accused to bail as heroine? accused to bail, as hereinafter provided; but if the offence is a felony, and the aviden certain cases a felony, and the evidence given is such as to raise a strong presumption of writer that the offence of the strong warrant presumption of guilt, then the justice shall, by his warrant (P), commit the accused to (P), commit the accused to the common gaol for the territorial division to which rial division to which, by law, he may be committed, or in the case of an indictable the case of an indictable offence committed on the high seas or on land beyond the or on land beyond the sea, to the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of the territorial division within all the common gaol of th torial division within which such justice has jurisdiction, to be there safely least to be there safely least to be the safely least to b to be there safely kept until delivered in due course of law: Provided, that in coarse Provided, that in cases of misdemeanor the justice who has committed the accuracy of committed the accused for trial may, at any time before the first day of the sitting of the sitt first day of the sitting of the court at which the accused is to be tried admit him of the court at which the accused is to be tried, admit him to bail in manner aforesaid, or may certify on the back and the court at which the accuse may be tried, admit him to bail in manner aforesaid, or may certify on the back and the court at which the accuse may be a court at which a court at whi certify on the back of the warrant of committal the amount of bail to be required in of bail to be required, in which case any justice for the same territorial division. same territorial division may admit such person to bail in such amount, at any time had such amount, at any time before such first day of the sitting of the court aforegoid.

As to bail after committal for trial.

> 74. At any time after all the examinations have been mpleted, and before the first the examinations have which completed, and before the first sitting of the court at which any person so committed to any person so committed to prison or admitted to bail is to

Person accused entitled to a copy of depositions.

be tried, such person may require and shall be entitled to have for have from the officer or person having the custody of the Name, copies of the depositions on which he has been committed or bailed, on payment of a reasonable sum for the ne, not exceeding the rate of five cents for each folio of one hundred words. 32-33 V., c. 30, s. 58.

RECOGNIZANCES TO PROSECUTE OR GIVE EVIDENCE.

Any justice before whom any witness is examined, Justice may bind over to brosecutor and every such bind over to brosecutor and every such bind over to brosecutors. may bind, by recognizance (Q), the prosecutor and every such bind over the prosecutors.

Witheway 1. Witness (except married women and infants, who shall find and witness (except married women and infants, who shall find and witnesses fit) to appear nesses. Recurity for their appearance, if the justice sees fit) to appear nesses. at the next court of competent criminal jurisdiction at which the next court of competent criminal jurisure to prosecute, or prosecute is to be tried, then and there to prosecute, or give evidence, as the case prosecute and give evidence, or to give evidence, as the case hay be, against the person accused, which recognizance ddition berson accused, which residence and the Addition or occupation of each person entering into the ane. 32-33 V., c. 30, s. 36.

person entering into the same, shall be subscribed by the subscribed by justice, Detice entering into the same, shall be subscribed by instice, (Q2) the before whom the same is acknowledged, and a notice by justice, and instice shall, at the same (Q2) thereof, signed by the said justice, shall, at the same thereby. 32-33 V., c. thereof, signed by the said justice, snan, at th

The several recognizances so taken, together with the Recognizances, &c., The several recognizances so taken, together with the ances, &c., to be transtable accommation, if any, the depositions, the statement to be transtable accommand to the accommand of bail if any, shall be count in of the information, if any, the depositions, the statement to be trans-delivered, and the recognizance of bail, if any, shall be mitted to the court in which the delivered by the justice, or he shall cause the same to be which the billivered to the justice, or he shall cause the same to be which the had. delivered by the justice, or he shall cause the same to be which the trial is to be that to the proper officer of the court in which the trial is to be the first down the first down the first down the same to be which the trial is to be the first down the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the first down the same to be which the trial is to be the same to be which the same to be the same to be which t the first day of the sitting thereof, or at such other time as the judge, justice or person who is to preside at such court, at the tild appoints. 32-33 V., c. 30, s. 38. at the trial, orders and appoints. 32-33 V., c. 30, s. 38.

the lift any witness refuses to enter into recognizance, the Witness refusing to enter into recognizance, the fusing to enter into recognizance the fusing to enter into recognizance the witness refusing to enter into recognizance. Justice, by his warrant (R), may commit him to the common disconsisted in the common disconsisted in the common disconsisted in the common disconsisted in the committed. Saol for the warrant (R), may commit him to the common into recognition to the territorial division in which the person accused nizances may the be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in which the person accused nizances may be tried in the territorial division in the territorial d it to for the territorial division in which the person accused nizances may the tried, there to be imprisoned and safely kept until be committed. the tried, there to be imprisoned and salely kepting the trial of such accused person, unless in the meaning such with the trial of such accused person, unless in the meaning such with the trial of such accused person, unless in the meaning such with the trial of such accused person, unless in the meaning such accused person are cognized before a the trial of such accused person, unless in the such witness duly enters into a recognizance before a six for the formal division in which such gaol is Notice for the territorial division in which such gaol is thate. 32-33 V., c. 30, s. 39.

The If afterwards, for want of sufficient evidence in that Release if personal to the person of the sufficient whom the accused is discharged. behalf, or other cause, the justice before whom the accused discharged.

The has been cause, the justice before whom the accused is discharged. between the cause, the justice before whom the country to ball for the brought does not commit him or hold him the been brought does not justice, or any other (R. 2) to bail has been brought does not commit him of hostice for the offence charged, such justice, or any other for the offence charged, such justice, or any the same territorial division, by his order (R 2)

in that behalf, may order and direct the keeper of the good where the witness is in and direct the keeper of the where the witness is in custody to discharge him from the same, and such keeper of the state of the same same, and such keeper of the same same. same, and such keeper shall thereupon forthwith discharge him accordingly

Proceedings in the case of certain offences.

80. If any charge or complaint is made before any justee that any parson L tice that any person has committed, within the jurisdiction of such justice any of the committed, within the jurisdiction of such justice any of the committed, within the jurisdiction of such justice any of the committed, within the jurisdiction of such justice any of the committed of the commi of such justice, any of the offences following, that is to say perjury, subornation of the offences following. perjury, subornation of perjury, conspiracy, obtaining money or other property by fall or other property by false pretences, forcible entry or distainer, nuisance bearing a distainer, nuisance, keeping a gambling house, keeping a orderly house or any indicate the control of the control orderly house, or any indecent assault, and such justice refuses to commit or to hard fuses to commit or to bail the person charged with such offence, to be tried for the offence, to be tried for the same, then, if the prosecutor desires to prefer an indictment desires to prefer an indictment respecting the said offence, the said iustice shall talk the said justice shall take the recognizance of such prosecutor, to prosecute the said justice shall take the recognizance of such prosecutor. tor, to prosecute the said charge or complaint, and transmit the recognizance information. the recognizance, information and depositions, if any, to the proper officer, in the case proper officer, in the same manner as such justice would have done in case he had have done in case he had committed the person charged to be tried for such offense be tried for such offence. 32-33 V., c. 29, s. 29; —40 V., c. 26, s. 2.

BAIL.

Two justices may admit to bail persons charged with felony not capital, &c.

81. When any person appears before any justice charged with a felony, or suspicion of felony, other than treason or felony punishable with door. felony punishable with death, or felony under the "Act respecting Treason and other Off specting Treason and other Offences against the Queen's authority," and the evidence of such ity," and the evidence adduced is, in the opinion of such justice, sufficient to put it justice, sufficient to put the accused on his trial, but warrant not furnish such a strong not furnish such a strong presumption of guilt as to warrant his committal for trial the his committal for trial, the justice, jointly, with some other justice, may admit the second trial, the justice, jointly, with some procuring justice, may admit the accused to bail upon his procuring and producing such superficient to be a producing superficient to be and producing such surety or sureties as, in the opinion the two justices will a the two justices, will be sufficient to insure his appearance at the time and place when the sufficient to insure his to be tried at the time and place when the sufficient to insure his to be tried at the time and place when the sufficient to insure his to be tried at the time and place when the sufficient to insure his to be tried at the time and place when the sufficient to insure his to be tried at the time and place when the sufficient to insure his to be tried at the sufficient to insure his to be tried at the sufficient to insure his appearance at the sufficient to insure at the time and place when and where he ought to be the for the offence: and there we have the ought to be the for the offence; and thereupon the two justices shall take the recognizances (S and S 2) and the state of the sureties. recognizances (S and S 2) of the accused and his sureties, conditioned for his appearance and his sureties, conditioned for his appearance at the time and place of trial and that he will then and that he will then surrender and take his trial and not depart the court without 1 depart the court without leave; and when the offence committed or suspected to have; mitted or suspected to have been committed is a misde meanor, any one instice before the meanor appears meanor, any one instice before the meanor appears meanor. meanor, any one justice before whom the accused appears may admit to bail in mountain the accused appears in the accused in th may admit to bail in manner aforesaid,—and such justice may, in his discretion requires may, in his discretion, require such bail to justify upon may as to their sufficiency which as to their sufficiency, which oath the said justice sufadminister; and in default administer; and in default of such person procuring there ficient bail, such justice may commit him to prison, V., c. to be kept until delivered according to law. 30, s. 52.

And one iustice in cases of misdemeanor.

82. In all cases of felony or suspicion of felony, other Superior or than treason or felony punishable with death, or felony under may order a authorized method of the county for t authority," and in all cases of misdemeanor, where the activated any demitted to be cused has been finally committed as herein provided, any admitted to judge and has been finally committed as herein provided, any admitted to judge of any superior or county court, having jurisdiction bail. in the district or county within the limits of which the accused is confined, may, in his discretion, on application made to him for that purpose, order the accused to be admitted him for that purpose, order the accused with sufficient mitted to bail on entering into recognizance with sufficient sureties before two justices, in such amount as the judge direct directs, and thereupon the justices shall issue a warrant of delim, deliverance (S 3) as hereinafter provided, and shall attach the reto the order of the judge directing the admitting of the accused to bail. 32-33 V., c. 30, s. 53.

83. No judge of a county court or justices shall admit Certain offenany person to bail accused of treason or felony punishable ces not bail-able except by with death, or felony under the "Act respecting Treason and judge's other Control of the control other Offences against the Queen's authority," nor shall any order. our Offences against the Queen's authority, account person be admitted to bail, except by order of a superior court of criminal jurisdiction for the Province in which the accused the indees thereof, accused stands committed, or of one of the judges thereof, or in +1 stands committed, or of one of a judge of the or in the Province of Quebec, by order of a judge of the Court and nothing Court the Province of Quebec, by order of a jung the berein of Queen's Bench or Superior Court; and nothing herein contained shall prevent such courts or judges admitting contained shall prevent such courts or judges admitting contained shall prevent such courts or judges admitting contained shall prevent such courts or judges admitted to the court of the co mitting any person accused of felony or misdemeanor to bail up any person accused of felony or misdemeanor to 32-33 V.. c. 30, s. 54. bail when they think it right so to do. 32-33 V., c. 30, s. 54.

Whenever any justice or justices admit to bail any Justice bailing after con ing after con with the offence mittal to issue person Whenever any justice or justices admit to ball any susue ball for which who is then in any prison charged with the offence mittal to issue or which is then in any prison charged or justices a warrant of for who is then in any prison charged with the constitution which he is so admitted to bail, such justice or justices a warrant of shall have been of such deliverance. thall send to or cause to be lodged with the keeper of such deliverance. prison, a warrant of deliverance (S 3) under his or their hands, a warrant of deliverance to discharge the hands and seals, requiring the said keeper to discharge the person and seals, requiring the said keeper to discharge the person so admitted to bail if he is detained for no other offence so admitted to bail if he is deliverance being deoffence, and upon such warrant of deliverance being dehyered to or lodged with such keeper, he shall forthwith obey the same. 32-33 V., c. 30, s. 55.

DELIVERY OF ACCUSED TO PRISON.

The constable or any of the constables, or other per-Conveyance of prisoners authorized by to gaol. 80h to Whom any warrant of commitment authorized by of prisoners this or whom any warrant of commitment shall convey the this or whom any warrant of commitment authorized whom any warrant of commitment authorized are any other Act or law is directed, shall convey the accused or described to the gaol or other person therein named or described to the gaol or other person therein named or described to the gaol or other person therein named or described to the gaol or other person therein named or described to the gaol or other person there is no person the person the person there is no person the person the person the person there is no person the other prison therein named or described to the bling prison mentioned in such warrant, and there deliver to the keeper of such gaol him, together with the warrant, to the keeper of such gaol or prison, who shall thereupon give the constable or other person, who shall thereupon give the custody, a receipt person, who shall thereupon give the constant of the form delivering the prisoner into his custody, a receipt the state and condition of the prisoner, setting forth the state and condition of be brishe prisoner, setting forth the state and condition of 32-33 V., c. the prisoner, setting forth the state and constant 80, prisoner when delivered into his custody. 32-33 V., c.

PROCEEDINGS WHERE OFFENDER IS APPREHENDED IN A DIS-TRICT IN WHICH THE OFFENCE WAS NOT COMMITTED.

If a person is apprehended in one division for an offence committed in another, he may be examined in the former, and committed in the latter.

86. Whenever a person appears or is brought before a stice in the torritorial has justice in the territorial division, wherein such justice has jurisdiction charged with jurisdiction, charged with an offence alleged to have been committed within any territory. committed within any territorial division in Canada wherein such justice has not investigated in the committed within any territorial division in Canada wherein such justice has not investigated in the committed within any territorial division in Canada wherein such justices has not investigated in the committed within any territorial division in Canada wherein such justices have been such as the committed within any territorial division in Canada wherein such justices have been such as the committed within any territorial division in Canada wherein such justices have been su such justice has not jurisdiction, such justice shall examine such witnesses and received such witnesses and receive such evidence in proof of the charge as may be produced in the charge as may be charge as may be produced in the charge as may be produced in th charge as may be produced before him within his jurisdiction; and if in his animals. tion; and if in his opinion, such testimony and evidence are sufficient proof of the are sufficient proof of the charge made against the accused, the justice shall the accused. the justice shall thereupon commit him to the common gaol for the territorial division for the territorial division where the offence is alleged to have been committed. have been committed, or shall admit him to bail as herein-before mentioned and it will be before mentioned and it will be a subject to the best of the best o before mentioned, and shall bind over the prosecutor (if he has appeared before him) has appeared before him) and the witnesses, by recognizance as hereinhefore 32-33 V., c. 30, s. 46. zance as hereinbefore mentioned.

If evidence is not deemed sufficient, it may be transmitted to the proper division, &c.

87. If the testimony and evidence are not, in the opinion the justice sufficient to of the justice, sufficient to put the accused upon his trial for the offence with which is the offence with which he is charged, the justice shall, by recognizance bind and are by recognizance, bind over the witness or witnesses whom he has examined to simple the witness or witnesses whom he has examined to give evidence as hereinbefore mentioned; and such justice of the aced; and such justice shall, by warrant (U), order the accused to be taken before cused to be taken before any justice in and for the territorial division where the manufacture of the territorial division where the territorial division rial division where the offence is alleged to have been committed, and shall at the mitted, and shall, at the same time, deliver up the information and complaint and line time. tion and complaint, and also the depositions and recognizances so taken by him discount in the exercise so taken by him zances so taken by him to the constable who has the execution of the last month. cution of the last mentioned warrant, to be by him delivered to the justice before with to the justice before whom he takes the accused, in obedience to the warrant ence to the warrant; and the depositions and recognizances shall be deemed to be to shall be deemed to be taken in the case, and shall be treated to all intents and purpose to all intents are all intents and purpose to all intents and purpose to all intents are all intents and all intents are all intents and all intents are all intents and all intents are al to all intents and purposes as if they had been taken by or before the last montion. Transmission of record in such case.

Transmission the depositions and record part the depositions and record in such case. the depositions and recognizances taken by the last men-tioned justice in the actioned justice in the matter of the charge against the accused, be transmitted that the scale of the charge against the charge cused, be transmitted to the clerk of the court or other proper officer where proper officer where the accused ought to be tried, in the manner and at the time? manner and at the time herein mentioned, if the accused is committed for trial committed for trial upon the charge, or is admitted to bail. 32-33 V. c. 30 s. 47

such case.

Expenses of constable conveying the accused to be repaid him.

88. If the accused is taken before the justice last afore id, by virtue of the small last afore the justice last afore id, by virtue of the small last afore id. said, by virtue of the said last mentioned warrant, the constable or other percent stable or other person or persons to whom the said warrant is directed, and who have is directed, and who has conveyed the accused before such last mentioned instice. last mentioned justice, shall, upon producing the accused before such justice and delivered the accused before such justices and delivered the accused before the accused the accused before the accused the accused before the accused the accused the accused before the accused the accuse before such justice and delivering him into the custody of such person as the said in the custody of the such person as the said in the custody of the such person as the said in the custody of the cust such person as the said justice directs or names in that he half, be entitled to be reid in the customy beautiful. half, be entitled to be paid his costs, and expenses of conveying the accused before veying the accused before such justice. 32-33 V., c. 30, s. 48.

89. Upon the constable delivering to the justice the Justice to fur-far_{rant} in the constable delivering and recognizances, nish constable with a receipt warrant, information, if any, depositions and recognizances, with a receipt and proving on oath or affirmation, the handwriting of the or certificate, justice of the or certificate, Justice Who has subscribed the same, such justice, before &c. Whom the accused is produced, shall thereupon furnish such contacts (II 2) of his havthe accused is produced, snan therefore ingreastable with a receipt or certificate (U 2) of his having receipt or certificate accused, together ing received from him the body of the accused, together with the body of the accused together with the Warrant, information, if any, depositions and recognizances, and of his having proved to him, upon oath or warrances, and of his having proved to min, upon our warrant, the handwriting of the justice who issued the Warrant. 32-33 V., c. 30, s. 49.

The said constable, on producing such receipt or cer-Constable to ficate the said constable, on producing such charges, shall be paid by proper officer tificate to the proper officer for paying such charges, shall be paid by proper officer. be entitled to be paid all his reasonable charges, costs and into such other territorial expenses of conveying the accused into such other territorial division 32-33 V., c. 30, s. 50. division, and returning from the same. 32-33 V., c. 30, s. 50.

hold 1 such justice does not commit the accused for trial, Recognizances void or hold him to bail, the recognizances taken before the first certain cases. Mentioned justice shall be void. 32-33 V., c. 30, s. 51.

DUTIES OF CORONERS AND JUSTICES.

Every coroner, upon any inquisition taken before Duty of coroner, whomay coroner are included for manslaughter or of murder or him, whereby any person is indicted for manslaughter or of murder or indicted for manslaughter or of murder or murder or murder or murder or murder or murder or whereby any person is indicted for mansiaughter of of murder, or as an accessory to murder before the fact, shall, manslaughter.

The can be apprehended, represence of the accused, if he can be apprehended, reto Writing the evidence given to the jury before him, much in material giving the accused full or to Writing the evidence given to the jury below the much thereof as is material, giving the accused full portunity and the coroner shall portunity of cross-examination; and the coroner shall the authority to bind by recognizance all such persons as how or declare anything material touching the mandeclare anything material touching the murder, or the offence of being accessory to murder, or the offence of over and terminer, there or murder, or the offence of being accessory to garder, to appear at the next court of over and terminer, as Gaol deliappear at the next court or term or sitting of a court, gaol delivery, or other court or term or sitting of a court, similarly, or other court or term or other court or other c Which the trial is to be, then and there to prosecute or covered; and every such give evidence against the person charged; and every such Recognization of the shall appear to be sent to be se Coroner shall certify and subscribe the evidence and all the to be sent to be the sale against the person the evidence and all the to be sent to and shall deliver the same to the proper officer of the court the time and in the manner specified in the seventytime and in the manner specimes section of this Act. 32-33 V., c. 30, s. 60.

When any person has been committed for trial by When person committed for trial by when person committed wishes to be bailed ins-When any person has been committed for trial by when person has been committed for trial by when person has been committed for trial by when person has been committed wishes to be that the person has been committed or coroner, the prisoner, his counsel, attorney when person has been committed for trial by when person has been committed wishes to be sometiment of the person has been committed with the person has been committed for trial by when person has been committed for trial by when person has been committed wishes to be sometiment. a the will, as soon as counsel can be heard, move before ward all information, as soon as counsel can be heard, move before ward all information, as soon as counsel can be heard, move before ward all information, as soon as counsel can be heard, move before ward all information to the proper officer. The stands committed, or one of the judges thereof, proper officer. The such judge of the county court, if it is intended to such judge, under the eighty-second section o

this Act, for an order to the justice or coroner for the territorial division where and such prisoner to bail,—whereupon such committing justice of or coroner shall as soon or coroner shall, as soon as may be, transmit to the office of the clerk of the Crown the clerk of the Crown, or the chief clerk of the court, or the clerk of the court. the clerk of the county court or other proper (as the case may be) all county or other proper and seal, (as the case may be), close under his hand and other a certified copy of all infer a certified copy of all informations, examinations and other evidences, touching the contract of the contract evidences, touching the offence wherewith the prisoner has been charged, together with been charged, together with a copy of the warrant of commitment and inquest if and mitment and inquest, if any such there is; and the packet containing the same shall? containing the same shall be handed to the person applying therefor, for transmissions and the person applying therefor, for transmissions and the person applying the ing therefor, for transmission, and it shall be certified on the outside thereof to according the outside thereof to contain the information concerning the case in question.

How transmitted.

Same order to

be made as

upon habeas corpus.

94. Upon such application to any such court or judge, as the next preceding order in the next preceding section mentioned, the same or to or judger or the same of the concerning the prisoner had not been same of the prisoner concerning the prisoner being bailed or continued in custody, shall be made as if the shall be made as if the prisoner was brought up upon a habeas corpus. 32-22 V

Penalty on justices and coroners disobeying foregoing provisions.

95. If any justice or coroner neglects or offends in any ing contrary to the transfer of the thing contrary to the true intent and meaning of any of the provisions of the three continuous and meaning of any of the provisions of the three continuous and meaning of the court to provisions of the three sections next preceding, the court to whose officer any such whose officer any such examination, information, evidence, bailment, recognizence bailment, recognizance or inquisition ought to have been delivered, shall upon containing the state of the offence, delivered, shall, upon examination and proof of the offence, in a summary manner in a summary manner, impose such fine upon every such justice or coroner as the justice or coroner as the court thinks fit. 32-33 V., c. 30, s. 63.

Provisions to apply to all justices and coroners.

96. The provisions of this Act relating to justices and roners, shall apply to the coroners, shall apply to the justices and coroners not only of districts and countries and coroners are terriof districts and counties at large, but also of all other torial divisions and invital.

REMOVAL OF PRISONERS.

Removal of prisoners to another gaol may be ordered if gaol is insecure.

97. The Governor in Council or the Lieutenant Governor Council of any Draw in Council of any Province may, if, from the insecurity of unfitness of any gool of any for the safe unfitness of any gaol of any county or district for the sit custody of prisoners or for custody of prisoners, or for any other cause, he deems expedient so to do order cause, he treason expedient so to do, order any person charged with treason or felony confined in such as the deems of the deem or felony confined in such gaol or for whose arrest a warrant has been issued, to be remarked by the such gaol of any has been issued, to be removed to any other gaol of any other county or district in the other county or district in the same Province, to be in such order, there to be district in the same province, to be die in such order, there to be district in the same province, the same province in the same in such order, there to be detained until discharged in the course of law, or removed for it course of law, or removed for the purpose of trial to take gaol of the county or district gaol of the county or district in which the trial is to place; and a copy of such a copy of such a copy of such and a copy of such a copy gaot of the county or district in which the trial is to the clerk of Authority for place; and a copy of such order, certified by the clerk of the such removal. the Queen's Privy Council for C such removal. the Queen's Privy Council for Canada, or the clerk of the

Executive Council, or by any person acting as such clerk of the Pair Council shall be sufficient the Privy Council or Executive Council, shall be sufficient authority Council or Executive Council, shall be counties or authority to the sheriffs and gaolers of the counties or districts districts respectively named in such order, to deliver over and to receive the body of any person named in such order. Receive the body of any person named in such and 2. narts. order. receive the body of any person and 2, parts. 31 V., c. 74, s. 1;—47 V., c. 44, ss. 1 and 2, parts.

The Governor in Council or a Lieutenant Governor in Sheriff may Council may, in any such order, direct the sheriff in whose be directed to remove custod. When is to convey the prisoner. custody the person to be removed then is, to convey the prisoner. said person to be removed then is, to continue to he gaol of the county or district in which he or diet. confined, and the sheriff or gaoler of such county or district to receive the said person, and to detain him until Live to receive the said person, and to detain him until he is discharged in due course of law, or is removed for the is discharged in due course of law, or district. for the purpose of trial to any other county or district. V, c. 74, s. 2;—47 V., c. 44, ss. 1 and 2, parts.

99. If a true bill for treason or felony, is afterwards Removal for trial into returned by any grand jury of the county or district from trial into county where which which any such person is removed, against any such indictment is person in the bill is returned, may person, any such person is removed, against any such make the court into which such true bill is returned, may found. make an order for the removal of such person, from the saol in order for the removal of such person, from the gaol in which he is then confined, to the gaol of the county or dist. Which he is then confined, to the purpose of or district in which such court is sitting, for the purpose of his hair in which such court is sitting. his being tried in such county or district. 31 V., c. 74, s. 3; 47 V., c. 44, s. 2, part.

The Governor in Council or a Lieutenant Governor When sentence of de in Council or a Lieutenant Governor when sent tence of death respect to may make an order as hereinbefore provided in or of impresonment or prisonment respect of any person under sentence of imprisonment or prisonment under sentence of imprisonment or prisonment of the latter case, the sheriff to has been pronounced. under sentence of any person under sentence of imprisonment or pusually person under sentence of imprisonment or pusually has been pronounced. Whose gaol the prisoner is removed shall obey any direction given gaol the prisoner is removed shall obey any direction given by the said order or by any subsequent order in council by the said order or by any subsequent to the custody council by the said order or by any subsequent of the for the return of such prisoner to the custody of the sheriff by whom the sentence is to be executed. 47 V., c. 44, s. 3.

When an indictment is found against any person When indictment is found against any person when indictment is found against a person when indictment is found against a person when indictment is found against a person when indictment is found against any person when it is found against any person when it is found against a person when it is foun when an indictment is found against any person when mant street such such person is confined in any penitentiary or gaol against a permitting the jurisdiction of such court, under warrant of comson already in custody. mitment or under sentence for some other offence, the court custody. may, by order in writing, direct the warden of the penitentiary, by order in writing, direct the warden of the bear of the keeper of such gaol, to bring up such person to he arra; the keeper of such gaol, to bring up such person to habeas be arraigned on such indictment, without a writ of habeas corpus corpus, and the warden or keeper shall obey such order.

The court to answer the offence, a re-

The Words "for whose appearance at any court to answer the offence, a re-parliamentary Committee." in lines 2 and 3 are omitted at the suggestion of the

CHANGE OF VENUE.

Judge Whenever it appears to the satisfaction of the court Change of venue in ce tain cases. or judge Whenever it appears to the satisfaction of the venue in constant with the venue in cases.

ends of justice that the trial of any person charged with felony or misdemanner. I all a person charged with felony or misdemeanor should be held in some district, country or place of heart. county or place other than that in which the offence is supposed to have been be posed to have been committed, or would otherwise be triable, the court before a line of the beauty beauty before a line of the beauty beauty before a line of the beauty b triable, the court before which such person is or is liable to be indicted may at any triable to be indeed in the court before which such person is or is liable to be indicted may at any triable. indicted may, at any term or sitting thereof, and any judge who might hold or sit in who might hold or sit in such court may, at any other time, either before or after the either before or after the presentation of a bill of indictment, order that the ment, order that the trial shall be proceeded with in some other district country. other district, county or place within the same Province, named by the county named by the court or judge in such order; but such order shall be made and a such order. order shall be made upon such conditions as to the payment of any additional arrows. of any additional expense thereby caused to the accused, as the court or judge think the court or judge thinks proper to prescribe:

Payment of expenses.

trial.

2. Forthwith upon the order of removal being made by of record, &c., the court or judge, the indictment, if any has been found trial. against the prisoner, and all inquisitions, informations, depositions recognized depositions, recognizances and other documents whatsoever, relating to the processing relating to the prosecution against him, shall be transmitted by the officer having the by the officer having the custody thereof to the proper officer of the court at the sale of the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be had, and all proceedings in the court at the place where the trial is to be the place where the trial is to be the place where the trial is the place where the trial is to be the place where the trial is the place where proceedings in the case shall be had, or, if previously commenced shall be carried. menced, shall be continued in such district, county or place, as if the case had arises as if the case had arisen or the offence had been committed therein:

Removal of prisoners to new place of trial.

3. The order of the court, or of the judge, made under this ction, shall be a sufficient section, shall be a sufficient warrant, justification and authority, to all sheriffs geology rity, to all sheriffs, gaolers and peace officers, for the removal, disposal and recention of the disposal and reception of the prisoner, in conformity with the terms of such order. terms of such order; and the sheriff may appoint and empower any constable to power any constable to convey the prisoner to the gaol in the district, county or place of the prisoner to the gaol in the district, county or place in which the trial is ordered to be had:

Recognizances to apply to such place.

4. Every recognizance entered into for the prosecution of my person, and every recognizance entered into for the prosecution of any person, and every recognizance, as well of any witness to give evidence as of to give evidence, as of any person for any offence, shall, in case any such order. case any such order, as provided by this section, is made, be obligatory on each of obligatory on each of the persons bound by such recognizance as to all things. zance as to all things therein mentioned with reference to the said trial at the sai the said trial, at the place where such trial is so ordered be had, in like manual. be had, in like manner as if such recognizance had been originally entered in the such recognizance had such originally entered into for the doing of such things at such last mentioned place. Described the such things at such things at such last mentioned place. last mentioned place: Provided that notice in writing at the be given either personally or by leaving the same at the place of residence of the residenc place of residence of the persons bound by such recognizance, as therein described to come as the persons bound by such recognizance. as therein described, to appear before the court, at the place where such trial is ordered. where such trial is ordered to be had. 32-33 V., c 29, s. 11.

Proviso: notice to cognizors.

INDICTMENTS.

103. It shall not be necessary that any indictment or any Indictment record or document relative to any criminal case be written need not be on parchment. on parchment. 32-33 V., c. 29, s. 13.

104. It shall not be necessary to state any venue in the Not necessary body of any indictment; and the district, county or place to state the venue in the venue in the venue in the lamed. named in the margin thereof, shall be the venue for all the body of the facts of the margin thereof. facts stated in the body of the indictment; but if local indictment. description is required, such local description shall be given in the body thereof. 32-33 V., c. 29, s. 15.

105. The abolition of the benefit of clergy shall not as to abolition of benefit of any counts which tion of benefit prevent the abolition of the benefit of clergy snam not as to about hight have been joined but for such abolition. 32-33 V., c. 29, s. 16.

406. Any number of the matters, acts or deeds by which In cases specified more than any community communit any compassings, imaginations, inventions, devices or intenone overtact
one of the matters, acts or deeds by which increases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters, acts or deeds by which in cases specified more than
one overtact
one of the matters of the matters of the matter of the matt tions, or any of them, have been expressed, uttered or de may be clared or any felony, charged clared, or any of them, have been expressed, uttered or de-may we have, may be charged against the offender, for any felony, charged. under the "Act respecting Treason and other Offences against the One of the Treason and other Offences against the Queen's authority." 31 V., c. 69, s. 7.

In any indictment for perjury, or for unlawfully, Form of inillegally, falsely, fraudulently, deceitfully, maliciously or dictment for perjury.

Corruption for subscribing any oath, corruptly, falsely, fraudulently, deceitfully, maliciously or perjury. affirmative taking, making, signing or subscribing any oath, lotice to declaration, affidavit, deposition, bill, answer, Notice, certificate or other writing, it shall be sufficient to et forth the substance of the offence charged against the accused and by what court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, declaration, declaration, affidavit, deposition, bill, answer, Notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, inforhation, indictment, declaration, or any part of any proceeding, either in law or equity, and without setting forth the commission or authority of the court or person before whom Much offence was committed. 32-33 V., c. 23, s. 9.

In every indictment for subornation of perjury, or Form of indictment for subornation with any person to subornation In every indictment for subornation of perjury, or form of me contracting with any person to subornation of perjury. comput bargaining or contracting with any person to subornamor price wilful and corrupt perjury, or for inciting, causing of perjury. procuring any person unlawfully, wilfully, falsely, maliciously or corruptly, to take, handulently, deceitfully, maliciously or corruptly, to take, sign, deceitfully, maliciously or declaration, d make, sign or subscribe any oath, affirmation, declaration, but a vit a continuous or subscribe any oath, affirmation, declaration, but a vit a continuous or subscribe any oath, affirmation, declaration, but a vit a continuous or subscribe any oath, affirmation, declaration, but a vit a Witing deposition, bill, answer, notice, certificate or other whiting, it shall be sufficient, whenever such perjury or an offer offer shall be sufficient, whenever such perjury or an offer shall be sufficient, whenever such perjury or an offer offer shall be sufficient, whenever such perjury or an offer offer shall be sufficient. other offence aforesaid has been actually committed, to aller offence aforesaid has been actually committed been been manner hereinbefore the offence of the person who actually community perjury or other offence, in the manner hereinbefore perjury or other offence, in the manner necessitioned, and then to allege that the defendant unlaw-

fully, wilfully and corruptly did cause and procure the said person to do and commit the said offence in manner and form aforesaid; and whenever such perjury or other offence aforesaid has not actually been committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury. 32-33 V c 22 c 10

Form of indictment for murder or manslaughter.

109. In any indictment for murder or manslaughter, of shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused; the means by sufficient in any indictment for murder to but it shall be sufficient in any indictment for murder his charge that the accused did feloniously, wilfully, and it malice aforethought, kill and murder the deceased, and it shall be sufficient in any indictment for manslaughter to charge that the accused did feloniously kill and slay the charge that the accused did feloniously kill and slay the against any accessory to any murder or manslaughter, as charge the principal with the murder or manslaughter, as the case may be, in the manner hereinbefore specified, and the case may be, in the manner hereinbefore specified, and theretofore used and accustomed, or by law provided. 32-33 V., c. 20, s. 6.

Form of indictment for stealing, &c., document of title to lands.

purpose, destroying, cancelling, or, for any fraudulent the whole or any part of any document of title to land, it shall be sufficient to allege such document to be or contain evidence of the title, or of part of the title, or of some matter affecting the title, of the person or of some one of the persons having an interest, whether vested or contingent, legal or having an interest, whether vested or contingent, relates, equitable, in the real property to which the same thereof. 32-33 V., c. 21. s. 16 part

Distinct acts of embezzlement, &c., may be charged in the same indictment. fraudulent application or disposition, not exceeding three, committed by the offender, against Her Majesty, or against the same municipality, master or employer, within the space of six months from the first to the last of such acts, may charged in any indictment, and if the offence relates to money or any valuable security, it shall be sufficient allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular regards the description of the property, shall be sustained regards the description of the property, shall be sustained applied or disposed of any amount, although the particular applied or disposed of any amount, although the particular amount species of coin or valuable security of which such amount

Was composed is not proved, or if he is proved to have emberged or disposed of any piece embezzled or fraudulently applied or disposed of any piece of coin and or fraudulently applied or disposed of the value of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security was dollar that some part of the was delivered to him in order that some part of the value thereof should be returned to the person delivering the same the same or to some other person, and such part has been seturned or to some other person, and such part has been returned accordingly. 32-33 V., c. 21, s. 73.

In any indictment for obtaining or attempting to Form of indictment for obtaining or attempting to Form of indictment for obtaining of shall be sufficient obtaining. obtain any indictment for obtaining or attempting to rorm of the allers of the property by false pretences it shall be sufficient obtaining of allers of with intent to property by to allege that the person accused did the act with intent to property by particular person, and without alleging an intent to defraud any false pretences.

the chattel the chattel, money or valuable security; and on the trial of any such indictment, it shall not be necessary to prove an intent to defraud any particular person, but it shall be with an to prove that the person accused did the act charged with an intent to defraud. 32-33 V., c. 21, s. 93, part.

118. It shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege, in any indictment Intent to desainst a shall not be necessary to allege and will fully be necessary to allege and will fully be necessary to all the shall not be necessary to allege and will fully be necessary to all the shall not be stated as a shall not be necessary to all the shall not be necessary to al sainst any person for wrongfully and wilfully pretending fraud need not be stated in case or alleging that he inclosed and sent, or caused to be inclosed in case and sent, or caused to be inclosed in case while sent that he inclosed and sent, or caused to be inclosed in case and sent that he inclosed and sent that and seing that he inclosed and sent, or caused to be inclosed in case chattel, in any post letter, any money, valuable security or specified. intent to do prove on the trial that the act was done with intent to defraud. 32-33 V., c. 21, s. 96, part.

lia In any indictment for forging, altering, uttering, Form of indictment for forgery, &c. offering, In any indictment for forging, altering, uttering, rorm of interest, disposing of or putting off any instrument what-forgery, &c. oever, disposing of or putting off any insurance it is necessary to allege an intent to defraud, a that the person accused did the act will be sufficient to allege that the person accused did the act with intent to defraud, without alleging an intent of defrand and on the trial of any defraud any particular person; and on the trial of any theh offence it shall not be necessary to prove an intent to defrand offence it shall not be necessary to prove an incorporate to shall be sufficient to have that y particular person, but it shall be sufficient to did the act charged with an prove that the person accused did the act charged with an intent to 2 the person accused did the set charged with an intent to defraud. 32-33 V., c. 19, s. 51.

ling, receiving any indictment against any person for buying, Form of indictment for offering to buy, sell, buying or ling, receiving, paying or putting off, or offering to buy, sell, buying or fallow buy become against any person for buy, sell, buying or fallow buy, sell, buying or selling coit buy, selling coit Receive, pay or put off, without lawful authority or excuse, any selling countries or complete or comp to resemble coin, resembling or apparently intended terfeit coin, for the semble coin, resembling or apparently intended to the semble coin, at or to resemble or pass for any current gold or silver coin, at or allower that for a lower rate or value than the same imports or was appath.

The state of the st lently intended to import, it shall be sufficient to allege that one person and all receive, pay or put off, or did the pintended to import, it shall be sufficient to anogo-off person accused did buy, sell, receive, pay or put off, or did fair to but off the false or counterteit coin sell, receive, pay or put off the false or countering coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin sell, receive, pay or put off the false or coin teit to buy, sell, receive, pay or put off the taise or community, sell, receive, pay or put off the taise or community ports, at or for a lower rate of value than the same intended to import, without horts, or was apparently intended to import, without being at price or value the same was bought, or for what rate, price or value the same was sold or put off, or offered to be bought, bought, sold, received, paid or put off, or offered to be bought, received, paid or put off, or offered to be bought, agencies of the same old, received, paid or put off, or offered to be received, paid or put off. 32-33 V., c. 18, s. 6, part.

Form of indictment for malicious injury to property.

offence against the "Act respecting Malicious Injuries to perty," where it is necessary to allege an intent to injure of defraud, to allege that the person accused did the act with intent to injure or defraud, as the case may be, without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, to prove an intent to injure or defraud any particular person, to prove an intent to injure or defraud any particular person, accused the act charged with an intent to injure or defraud, as the case may be. 32-33 V a 22-7 CO

In case of offences with respect to117. In any indictment for any offence committed in of upon or with respect to,—

Churches, &c.

(a) Any church, chapel, or place of religious worship, or anything made of metal fixed in any square or street, or in any place dedicated to public use or ornament, or in any burial-ground,—

Public build-ings.

(b) Any highway, bridge, court-house, gaol, house of correction, penitentiary, infirmary, asylum, or other public building,—

Public works.

(c) Any railway, canal, lock, dam, or other public work, erected or maintained in whole or in part at the expense of Canada, or of any of the Provinces of Canada, or of any municipality, county, parish or township, or other sub-division thereof,—

Materials for such buildings or works.

(d) Any materials, goods or chattels belonging to or provided for, or at the expense of Canada, or of any such province, or of any municipality or other sub-division thereof, to be used for making, altering or repairing any highway bridge, or any court-house or other such building, railway, bridge, or any court-house or other such building, railway, or to be canal, lock, dam or other public work as aforesaid, or to be used in or with any such work, or for any other purpose whatsoever,—

Records of courts, &c.

(e) The whole or any part of any record, writ, return, affirmation, recognizance, cognovit actionem, bill, petition, answer, decree, panel, process, interrogatory, deposition, and davit, 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 any wise relating to the business of any office or employment under Her Majesty, and being or remaining Governoffice appertaining to any court of justice, or in any ment or public office.—

Wills. (f) The whole or any part of any will, codicil or other tess tamentary instrument, or—

denture, poll-book, voters' list, certificate, affidavit, report, documents. document or paper, made, prepared or drawn out according to ing to any law respecting provincial, municipal or civic

It shall not be necessary to allege that any such property, Property V, c. 21, ss. 17, part, 18, part, 20, part, and c. 29, s. 19;—29-30 any value.

V. (Can.), c. 51, s. 188, part.

State 11, in any indictment for any offence, it is requisite If property is owned by to state the ownership of any property, real or personal, owned by partners, &c., which belongs to or is in possession of more than one per- it shall be sufficient to the possession of more than one per- it shall be sufficient to the person, whether such persons are partners in trade, joint sufficient to name one of tenants, whether such persons are partners in trace, justification partners, parceners or tenants in common, it shall be suffisuch partners, parceners or tenants in common, it shall be suffisuch partners, and to state the property cient to parceners or tenants in common, it shall be sum-such part to hame one of such persons, and to state the property ners, &c. to belong to the person so named, and another or others, as the case to the person so named, and another or others, as the case may be. 32-33 V., c. 29, s. 17.

It, in any indictment for any offence, it is necessary Case of joint any indictment for any offence, it is necessary Case of joint tenants, joint tenants, stock comlor any indictment for any offence, it is necessary case of joint parceners, purpose to mention any partners, joint tenants, stock compared to panies, &c. parceners purpose to mention any partners, joint tenants, stock comdescribed or tenants in common, it shall be sufficient to panies, &c. describe them in the manner aforesaid; and this provision and that he in the manner aforesaid; and this provision shall extend to all and that of the mext preceding section shall extend to all story of the next preceding section and section shall extend to all section shall extend to all sections are sections. joint stock companies and trustees. 32-33 V., c. 29, s. 18.

ith real any indictment for any offence committed on or Property in real machine, lamp, roads, ac., to be laid in with respect to any house, building, gate, machine, lamp, roads, &c., to by any true! post, fence or other thing erected or provided trustees or in pursuance of any Act commissioners withby any trustees or commissioners, in pursuance of any Act commissioners in Canada, or in any Province thereof, for making out naming the turns: any turnpike road, or to any conveniences or appurtenances them. thereunto respectively belonging, or to any materials, tools implantations of the second states of the second seco or implements provided for making, altering or repairing perty to head, it shall be sufficient to state any such property to belong to the trustees or commissioners of such many with names of such trustees or comload, Without specifying the names of such trustees or comhissioners. 32-33 V., c. 29, s. 20.

ith result any indictment for any offence committed on or Ownership of property in possession of with respect to any buildings, or any goods or chattels, or property in possession of other any other any buildings, or any goods or chattels, or property in possession or public officer any indictment for any one of the superintendence, charge or management of any how to be ship officers, property, real or personal, in the occupation or public officers, how to be ship officers. public officer or commissioner, or any county, parish, townthip officer or commissioner, or any county, parisin, county to municipal officer or commissioner, it shall be sufficed to start to start to belong to the officer or clent to municipal officer or commissioner, it snamed to the officer or commissioner of the state any such property to belong to the officer or in mission and state any such property to belong to the officer or in mission and it commissioner in whose occupation or under whose superstandence in which is the state of the occupation occupation of the occupation htendence in whose occupation or under whose sale half not i charge or management such property is, and it thall not be necessary to specify the names of any such some or specify the names of any such specify the names of any specific the names of any specify the names of any specif officers or be necessary to specify the name 129 commissioners. 32-33 V., c. 29, s. 21.

Property under management of body corporate.

122. All property, real and personal, whereof any body, or porate has, by law the many property and personal, whereof any body, corporate has, by law, the management, control or custody, shall, for the purpose of shall, for the purpose of any indictment or proceeding against any other person from the purpose of the purpose of the process of the purpose against any other person for any offence committed on or in respect thereof, he doesn't have a supposed to the suppose of any offence committed on body respect thereof. respect thereof, be deemed to be the property of such body corporate. 32-33 V 20 20 - 22

County or

123. In any indictment against any person for stealing or by oysters or ovstar breed. any oysters or oyster brood from any oyster bed, laying or fishery, it shall be sufficient to in indictment fishery, it shall be sufficient to describe, either by name of otherwise, the bad laws and otherwise the bad laws a of the said offences has been committed, without stating the same to be in any position. same to be in any particular county, district or local division. 32-33 V., c. 21 s 14 veri

In whom property may be laid in indictment for stealing minerals, &c.

124. In any indictment for any offence mentioned in secons twenty-five to tracest tions twenty-five to twenty-nine, both inclusive, of "The Let ceny Act." it shall be a so ceny Act," it shall be sufficient to lay the property in Mer Majesty, or in any person Majesty, or in any person or corporation, in different courts in such indictment. in such indictment; and any variance in the latter case, between the statement in the latter case, between the statement in the indictment and the evidence adduced, may be amonded adduced, may be amended at the trial; and if no owner is proved the indictment perty in Her Majesty. 32-33 V., c. 21, s. 36.

In indictment for stealing postage stamps, &c.

125. In any indictment for any offence committed in spect of any postal and respect of any postal card, postage stamp or other parliagissued or prepared for issued or prepared for its prepared f issued or prepared for issue by the authority of the ment of Canada or of the partial ment of Canada or of the ment ment of Canada, or of the Legislature of any Province Canada, for the payment of Canada, for the Canad Canada, for the payment of any fee, rate or duty whatsoever, the property therein many fee, rate or duty whose the property therein may be laid in the person in whose possession, as the owner. possession, as the owner thereof, it was when the larceny of offence was committed on the value of the value offence was committed, or in Her Majesty, if it was of the Majesty, if it was of the Commissued, or in the passession of the committed that the majesty is a superior of the committed that th unissued, or in the possession of any officer or agent of the Government of Canada or of the Control of Canada or of the Control of Canada or of the Control of Canada or of the Government of Canada or of the Province, by authority of the Legislature whereast the Legislature whereof it was issued or prepared for issue. 35 V., c. 33, s. 1. nort

In indictment for embezzlement by persons in the public service.

126. In every case of larceny, embezzlement or fraudunt application or disposition, embezzlement or money of lent application or disposition of any chattel, money and valuable security under section of any chattel, section of any chattel of any valuable security, under sections fifty-three, fifty-four such fifty-five of "The Larcena Ast" in any such fifty-five of "The Larceny Act," the property in any such chattel, money or valuable security. chattel, money or valuable security may, in the warrant the commitment by the justice of the commitment by t commitment by the justice of the peace before whom the offender is charged and offender is charged, and in the indictment preferred against such offender, be laid in Her Majesty, or in municipality, as the case may be 22.22 To 21 S. 72, part. municipality, as the case may be. 32-33 V., c. 21, s. 72, part.

Form of indictment in case of stealing by lodgers.

127. An indictment in the common form for larceny ay be preferred against common form may be preferred against any person who steals any chattel let to be used by him in or with let to be used by him in or with any house or lodging, and in every case of stealing any fine control of the used, and in every case of stealing and the used, and in every case of stealing and the used, and in every case of stealing and the used, and the used in every case of stealing and the used. in every case of stealing any fixture so let to be used, an indictment in the same form as if the offender was not a tenant or lodger may be preferred,—and in either case the proposition of lodger may be preferred,—and in either case the property may be laid in the owner or person letting to hire. 82-33 V., c. 21, s. 75, part.

No indictment shall be held insufficient for want of Omission of Certain averthe averment of any matter unnecessary to be proved, nor ments, &c., or the record "not fatal to for the omission of the words "as appears upon the record" not fatal to or "as appears by the record," or of the words "with force indictment. and arms," or of the words "against the peace" or for the insertion, or of the words "against the peace" or for the instead of the words "against the form of the statute" instead of the words "against the form of the statutes," or vice need the words "against the form of the statutes," or for the want of the words "against the form of the states,"
want of or for the omission of such words, or for the Want of an addition or for an imperfect addition of any person mentioned in the indictment, or because any person mentioned in the indictment, or because any person mentioned in the indictment, or because any pentioned in the indictment is designated by a name of the or other descriptive appellation instead of his proper hame. name, or for omitting to state the time at which the offence was con-Was committed in any case in which time is not of the essence of the committed in any case in which time imperfectly, or for of the offence, or for stating the time imperfectly, or for stating the offence, or for stating the time imperieury, quent, the offence to have been committed on a day subsequent, or on an impossible quent to the offence to have been committed on a day sale to the finding of the indictment, or on an impossible are to the finding of the indictment, or forwant of a proper or perfect a day that never happened, or for want of a proper or perfect venue, or for want of a proper or formal conclusion, or convenience in the addition of any tion, or for want of a proper or rotting defend for want of or imperfection in the addition of any defendant, or for want of or imperfection in the addition of any or for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or price or amount of spoil, in any case in which the value or price or amount of amage, any case in which the value or price of the offence. damage, injury or spoil is not of the essence of the offence. 82.83 V., c. 29, s. 23.

Nhenever, in any indictment, it is necessary to make What necessary to state of any bank, or in describing an averment as to any money or to any note of any bank, or in describing money or to any note of any bank, or in describing money or to any note of any bank or in describing money or in the latter than the describing money or in the latter than Dominion or Provincial note, it shall be sufficient to describe money or to money or without any allegation, so they or note simply as money, without any allegation money or note simply as money, without any cifying an as regards the description of the property, specifying an as regards the description of the property, specifying an asset as regards the description of the property, specifying an asset as regards the description of the property, specifying an asset as regards the description of the property, specifying an asset as regards the description of the property, specifying an asset as regards the description of the property, specifying an asset as regards the description of the property as the description of the be sustainly particular coin or note; and such averment shall be sustained by proof of any amount of coin or of any such acte, alther the such as a Note, although the particular species of coin of which such in ount to provide the particular species of coin of which such in ount to particular nature of the note anount was composed or the particular nature of the note not proved. 32-33 V., c. 29, s. 25.

Whenever it is necessary to make an averment in an Description of instruments generally. hdictment, as to any instrument, whether the same consists instruments or figures, it shall be wholly or in part of writing, print or figures, it shall be generally. adily or in part of writing, print or figures, it said to describe such instrument by any name or designation has a smally known, or by the hation to describe such instrument by any name of the buryont the which the same is usually known, or by the same is usually known. of the whole of the same is usually known, or of the whole of the whol of the whole or of any part thereof. 32-33 V., c. 29, s. 24.

tering any indictment for forging, altering, offering, Description of any indictment for forging, altering, offering, Description of any instrument, stamp, instrument in indictment hatering, disposing of or putting off any instrument, stamp, instrument in instrument or this or this conficient to describe the same by for forgery. disposing of or putting off any instrument, stemp, indictment 1291, or thing, it shall be sufficient to describe the same by for forgery.

any name or designation by which the same is usually known, or by the number the known, or by the purport thereof, without setting out any copy or fac simila thereof copy or fac simile thereof, or otherwise describing the same or the value thereof

And in indictment for unlawful engraving.

132. In any indictment for engraving or making what hole or any part of any indiction. whole or any part of any instrument, matter or thing what soever, or for using or bearing in the source of the sou soever, or for using or having the unlawful custody or pos-session of any plate or other session of any plate or other material upon which the whole or any part of any instrument of any instrument of any instrument. or any part of any instrument, matter or thing whatsoever has been engraved or made in the matter of thing whatsoever has been engraved or made, or for having the unlawful custody or possession of arrange the whole custody or possession of any paper upon which the whole or any part of any instrumental part of or any part of any instrument, matter or thing whatsoever has been made or printed. has been made or printed, it shall be sufficient to describe such instrument matter. such instrument, matter or thing by any name or designation by which the same is the sufficient to design name or designation by which the same is the sufficient to design name or design nation by which the same is usually known, without setting out any copy or far airely a such out any copy or far airely a such of such out any copy or fac simile of the whole or any part of such instrument. matter or the 32-33 V., c. 19, s. 50.

Several accessories may be included in one indictment.

133. Any number of accessories at different times to any lony may be observed. felony may be charged with substantive felonies, in the same indictment standing the principal felon is not included in the same indictment. or is not included in instice. indictment, or is not in custody or amenable to justice. 31 V., c. 72, s. 7 nart

Three larcenies may be charged in one indictment.

134. Several counts may be inserted in the same indictent against the same ment against the same person for any number of distinct acts of stealing not area. acts of stealing, not exceeding three, committed by him against the same person for any number of distinct against the same person three, committed by him against the same person that the first against the same person that the first against the same person that the same person thad the same person that the same person that the same person that against the same person, within six months from the proto the last of such acts, and all or any of them may be proceeded upon. 32-22 V

Indictment for stealing may have a count for receiving.

135. In any indictment containing a charge of felously stealing any property containing a charge of felously stealing any property containing a charge of felously stealing any property containing a charge of felously stealing and charge of felously steal niously stealing any property, a count, or several counts, for feloniously receiving feloniously receiving the same or any part or parts thereof, knowing the same to have been added, and knowing the same or any part or parts there knowing the same to have been stolen may be added, and in any indictment for first stolen may be added and in any indictment for first stolen may b in any indictment for feloniously receiving any property, knowing it to have been stolen, a count for feloniously stealing the same may be added, any property, any property any property stealing the same may be added, any property, any property any property. stealing the same may be added. 32-33 V., c. 21, s. 101, part.

136. Every one who receives any chattel, money, able security or or stolen goods may be luable security or other property whatsoever, the stealing, indicted, &c. taking, extorting, obtaining, embezzling and otherwise law posing whereof, amounts to a feel and otherwise law posing whereof, amounts to a felony, either at common law or by statute, knowing the same to have been feloniously stolen, taken, extorted obtained and also and also are many of the same to have been disposed o stolen, taken, extorted, obtained, embezzled or disposed of may be indicted and convicted. may be indicted and convicted, either as an accessory case, the fact or for a substanting for the fact or for a substantive felony, and in the latter case, whether the principal felon has whether the principal felon has or has not been previously convicted, or is or is not amountable. convicted, or is or is not amenable to justice: Provided, that no

liable, howsoever tried for receiving as aforesaid, shall be lable to be prosecuted a second time for the same offence. 82.33 V., c. 21, s. 100, part.

Every such receiver may, if the offence is a misde- If stealing, &c., is a misde- when demonstrated when the misdement when demonstrated with the misdement of the misdement when the demonstrated with the misdement of the misdement when the misdement of the misd meanor, be indicted and tried for the misdemeanor, who demeanor. ther the person guilty of the principal misdemeanor has or has not been previously convicted thereof, or is or is not amenal. amenable to justice. 32-33 V., c. 21, s. 104, part.

Any number of receivers at different times, of pro- Separate reperty, or any part or parts thereof, so stolen, taken, extorted, be included in the same inobtained, embezzled or otherwise disposed of at one time, the same inmay be charged with substantive felonies in the same in-dictment. dictinent, and may be tried together, notwithstanding that the hour and may be tried together, be same indictment, the principal felon is not included in the same indictment, or is not included in the same indictment, and may be tried together, notwiceless and may be tried together. or is not included in the same management in custody or amenable to justice. 31 V., c. 72, 8, 7, part; 32-33 V., c. 21, s. 102.

In any indictment for any indictable offence, com- Indictment, &c., for subnitted after a previous conviction or convictions for any sequent of second after a previous conviction or convictions for any sequent of seque telony, misdemeanor, or offence or offences punishable upon statements shall be numary conviction (and for which a greater punishment shall be sufficient after sufficient. may be inflicted on that account), it shall be sufficient, after sufficient. was and the subsequent offence, to state that the offender was at a certain time and place, or at certain times or of places, convicted of felony or of a misdemeanor, conviction, as the case may be, and to state the substance and effect only, omitting the formal part of the indictment hay he fried, or of the summary conviction, as the case without otherwise describhay be, for the previous offence, without otherwise describthe previous offence, without otherwise description, the previous offence or offences. 32-33 V., c. 29, s. 26,

PRELIMINARY REQUIREMENTS AS TO CERTAIN INDICTMENTS.

lag, that No bill of indictment for any of the offences follow-Requirements as indictment for any of periury, con-indictment ing, that is to say: perjury, subornation of perjury, conindicatents to say: perjury, subornation of perjury, conindicatents
for any of the offences followments as to
indicatents
for certain
for certain
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences followments as to
indicatents
for any of the offences
for a orcible obtaining money or other property by false pretences, for certain offences. forcible entry or detainer, nuisance, keeping a gambling offences. house, keeping a disorderly house, or any indecent assault, the presented to or found by any grand jury, unless the presented to or found by any grand july, has been to prosecute or give Prosecutor or other person presenting such incomplete been bound by recognizance to prosecute or give bound by recognizance of such offence, or unless epidence against the person accused of such offence, or unless the person accused of such oneme, a constoody accused has been committed to or detained in recognizance to appear to chatody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of the dir by the direction of the Attorney General or Solicitor General of the Decision of the Attorney General or with the consent of the direction of the Attorney General or Source, or by the direction or with the consent of

a court or judge having jurisdiction to give such direction or to try the offence.

Indictment may contain counts for such offences upon certain conditions.

2. Nothing herein shall prevent the presentment to or adding by a grand in the presentment of the presentment of the presentment to or adding the presentment of the presentment to or adding finding by a grand jury of any bill of indictment, containing a count or counts for any a count or counts for any of such offences, if such count the counts are such as many of such offences, if such counts the counts are such as may now be lawfully joined with the rest of such bill of indictors rest of such bill of indictment, and if the same count or counts are founded in the counts are founded, in the opinion of the court in or before which the said bill of the court in or the which the said bill of indictment is preferred, upon the facts or evidence disclosed in facts or evidence disclosed in any examination or deposition taken before a justice in the taken before a justice in the presence of the person accused or proposed to be accused. or proposed to be accused by such bill of indictment, and transmitted or delivered to transmitted or delivered to such court in due course of law. 32-33 V., c. 29 s 22. 40 V 32-33 V., c. 29, s. 28;—40 V., c. 26, ss. 1 and 2.

PLEAS.

No person entitled of right to traverse or to have time to plead.

Court may postpone trial, upon terms, &c.

141. No person prosecuted shall be entitled as of right traverse or postpone the state of traverse or postpo to traverse or postpone the trial of any indictment preferred against him in any common trial of any indictment preferred against him in any court, or to imparl, or to have allowed him to plead any allowed him to plead or demur to any such indictment: Provided always that if it Provided always, that if the court, before which any person is so indicted upon the is so indicted, upon the application of such person, or other wise, is of opinion that wise, is of opinion that he ought to be allowed a further time to plead or downtime to plead or demur or to prepare for his defence, or otherwise, such court otherwise, such court may grant such further time to plead or demur, or may adjourn or demur, or may adjourn the receiving or taking of the plea or demurrer and the trial or demurrer and the trial, or, as the case may be, the the of such person to a first of such person, to a future time of the sittings of court or to the part or court or to the next or any subsequent session or sittings of the court, and upon court or to the next or any subsequent session or sittings as to the court, and upon such terms, as to bail or otherwise, as to the court seem most the court seem meet, and may, in the case of adjournment to another session or sittle to another session or sitting, respite the recognizances of the prosecutor and without the session of the prosecutor and without the recognizances of the prosecutor and without the session of the se prosecutor and witnesses accordingly,—in which case proprosecutor and witnesses accordingly according prosecutor and witnesses accordingly,—in which case properties and witnesses shall be bound to attend or secute and give avid secute and give evidence at such subsequent session for sittings, without outcomes sittings, without entering into any fresh recognizances for that purpose. 32-33 V 200 200 200 and sittings for the subsequent session for the subsequent ses

Indictment

142. No indictment shall be abated by reason of any dilary plea of misnomer tory plea of misnomer, or of want of addition, or of wrong addition of any porces. reason of dila- addition of any person offering such plea; but if the court tory plea of misnomer, &c. is satisfied. by affidamin to the court misnomer, &c. is satisfied, by affidavit or otherwise, of the truth of such plea, the court shall forthwith plea, the court shall forthwith cause the indictment such amended according to the amended according to the truth, and shall call upon such person to plead thereto person to plead thereto, and shall proceed as if no such dilatory plea had been plead. dilatory plea had been pleaded. 32-33 V., c. 29, s. 31.

When objection to indictment is to be taken.

143. Every objection to any indictment for any defect or operation to the face thereof apparent on the face thereof, shall be taken by demurrer amotion to quash the indistrict the taken by demurrer has motion to quash the indictment, before the defendant has pleaded, and not afterwards; and every court before which How defects may be may be amended. any such objection is taken may, if it is thought necessary, amended. cause the indictment to be forthwith amended in such particular, by some officer of the court or other person, and theren. thereupon the trial shall proceed as if no such defect had appeared of indement shall be appeared; and no motion in arrest of judgment shall be allowed for any defect in the indictment which might have been taken advantage of by demurrer, or amended under the anti advantage of by demurrer, or 29. s. 32. the authority of this Act. 32-33 V., c. 29, s. 32.

If any person, being arraigned upon any indictment Effect of plea any indictment in any person, being arraigned upon any indictment in the state of "Not only "Not onl for any indictable offence, pleads thereto a plea of "not guilty," he shall, by such plea, without any further form, be to be a plead to be a the country for trial, and the court may, in the usual manner, order a jury for the tial of such person accordingly. 32-33 V., c. 29, s. 33.

any if any person, being arraigned upon any indictment Court may order a pler of malice. or will not of "Not If any person, being arraigned upon any indictment court may indictable offence, stands mute of malice, or will not of "Not when as were as the court may order the guity" to be Maker directly to the indictment, the court may order the guilty" to be per off case of refusal proper directly to the indictment, the court may order the gunty to the indictment, the court may order the gunty to the indictment, the court may order the gunty to the same of refusal about the same to plead. torce and on, and the plea so entered shall have the same to plead. force and effect as if such person had actually pleaded the and effect as 11 suc. 32-33 V., c. 29, s. 34.

146. In any plea of autrefois convict or autrefois acquit it Form of plea all be suffered by the state that he has been of autrefois convict or auhall be sufficient for any defendant to state that he has been of autrefois acquir.

The sufficient for any defendant to state that he has been convict or autrefois acquir. be sufficient for any defendant to state that ne has been convict or autility convicted or acquitted, as the case may be, of the trefois acquit. charged in the indictment. 32-33 V., c. 29, s. 35.

bar of Dea setting forth any attainder shall be pleaded Attainder of another crim not pleadable No plea setting forth any attainder shall be pleaded another crime another crime indictment, unless the attainder is for the same not pleadable. of any indictment, unless the attainder is 101 via 186. as that charged in the indictment. 32-33 V., c. 29,

LIBEL.

148. Every one accused of publishing a defamatory libel What may be pleaded in a case of libel. May plead that the defamatory matter was true, and that it case of libel.

That the defamatory matter was true, and that it case of libel. was plead that the defamatory matter was true, and the published, the public benefit that such matter should be denying to which plea the prosecutor may reply generally, to which plea the prosecutor may reply generally, and s. 6, denying the public bench.

to which plea the prosecutor may reply generative the whole thereof. 37 V., c. 38, s. 5, part, and s. 6,

Without such plea, the truth of the matters charged Truth not to be inquired into unless it was for the any such indictment or information, or that be inquired into unless for the any such indictment or information. it was for the public benefit that such matters should have specially public. Public benefit that such matters are pleaded. been published, shall in no case be inquired into. 37 V., c. pleaded.

If, after such plea, the defendant is convicted on Effect of plea indict such plea, the court, in pronouncing of justification. If, after such plea, the defendant is convicted on Ellect of particular indictment or information, the court, in pronouncing of justification.

sentence, may consider whether the guilt of the defendant is aggravated or mitigated by is aggravated or mitigated by such plea, and by the evidence given to prove or dispressed. given to prove or disprove the same. 37 V., c. 38, s. 8.

Plea of not guilty in addition.

151. In addition to such plea of justification, the defendant may plead not guilty; and no defence otherwise open to the defendant under the to the defendant under the plea of not guilty shall be taken away or prejudiced by away or prejudiced by reason of such special plea. c. 38, s. 9.

Proceedings on indictment for libel.

152. On the trial of any indictment or information for the aking or publishing of making or publishing of any defamatory libel, on the plead of not guilty pleaded the of not guilty pleaded, the jury sworn to try the issue the give a general variety and give a general verdict of guilty or not guilty, upon inforwhole matter put in income whole matter put in issue upon such indictment or information, and shall not be mation, and shall not be required or directed, by the court or judge before whom or judge before whom such indictment or information of tried, to find the defendant tried, to find the defendant guilty, merely on the proof to be a publication by such defend publication by such defendant of the paper charged to be a defamatory libel and of the defamatory libel, and of the sense ascribed to the same in such indictment or infe such indictment or information; but the court of the before whom such indictations to the court of the before whom such indications to the court of the before whom such indications to the court of the before whom such indications to the court of the before whom such indications to the court of the before whom such indications to the court of before whom such trial is had shall, according to and discretion of such court discretion of such court or judge, give the opinion matter direction of such court or judge, give the opinion matter direction of such court or judge to the jury, on the may, on in issue, as in other critical directions of such court or judge to the jury, on the may, on in issue, as in other criminal cases; and the jury to do; such issue, find a special such issue, find a special verdict if they think fit so to do; and the defendant if and the defendant, if found guilty, may move in arrest of judgment on such ground guilty, may move in he might judgment on such ground and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and in such manner as he might have done before the possible and the poss

153. In the case of an indictment or information libely private prose-cutor and de-fendant, costs if judoment is circuit the publication of a defamatory libel, fendant costs if judoment is circuit the publication of a defamatory libel, fendant costs if judoment is circuit the publication of a defamatory libel, fendant, costs if judgment is given against the defendant he shall be to follow the liable for the costs and the defendant he reason of judgment. liable for the costs sustained by the prosecutor, by reason of such indictment or information such indictment or information; and if judgment is given for the defendant be shall and if judgment is such for the defendant he shall be entitled to recover from such prosecutor the costs: prosecutor the costs incurred by him, by reason of such indictment or information indictment or information; and such costs, so to be recovered by the prosecutor ered by the prosecutor or defendant respectively, the court taxed by the court indtaxed by the court, judge or the proper officer of the court before which such indicates the proper officer of tried. before which such indictment or information is tried.

V., c. 38 s 19

Enforcing payment of such costs.

154. The costs mentioned in the next preceding section shall be recoverable either by warrant of distress issued out of the said court or by section ordinary of the said court, or by action or suit as for an ordinary debt. 37 V., c. 38 s 19

Corporation indicted to appear and

155. Every corporation against which a bill of indictent for a misdemeanor is form. ment for a misdemeanor is found, at any court having criminal jurisdiction, shall appear by attorney in the court in plead by which red blood or demur there-attorney. which such indictment is found, and plead or demur there- attorney. to. 46 V., c. 34, s. 1.

No writ of certiorari shall be necessary to remove Certiorari not required, &c. any such indictment into any superior court with the required, &c. View of compelling the defendant to plead thereto; nor shall it compelling the defendant to plead thereto; nor other hall it be necessary to issue any writ of distringas, or other process, to compel the defendant to appear and plead to such indictment. 46 V., c. 34, s. 2.

The prosecutor, when any such indictment is found What notice against The prosecutor, when any such indictment is found shall be such in any corporation, or the clerk of the court, when shall be served on the corporation. such indictment is founded on a presentment of the grand corporation. or chief cause a notice thereof to be served on the mayor or chief officer of such corporation, or upon the clerk or secretary thereof, stating the nature and purport of such indictment, and that, unless such corporation appears and pleaders, and that, unless such corporation of such notice, pleads thereto in two days after the service of such notice, a plea of not guilty will be entered thereto for the defendant by the by the court, and that the trial thereof will be proceeded with in the court, and that the trial thereof will be proceeded With in like manner as if the said corporation had appeared and pleaded thereto. 46 V., c. 34, s. 3.

high a If such corporation does not appear, in the court in On default to appear, court appear or demur may order which the indictment has been found, and plead or demur may order theret the indictment has been found, and plead potice, the plea of not thereto within the time specified in the said notice, the plea of not one within the time specified in the said notice, the plea of not one proof to him by guilty to be entered. Judge within the time specified in the said notice, the piece of not guilty to be affidavit folding at such court may, on proof to him by guilty to be entered. affidavit of the due service of such notice, order the clerk on proper officer of the court to enter a plea of "not guilty" on behalf of such corporation; and such plea shall have the by its of such corporation; and such pleasured appeared 46 V. c. 34, s. 4. by its attorney and pleaded such plea. 46 V., c. 34, s. 4.

159. The court may,—whether such corporation appears Trial may be not not proceeded not not with in and pleads to the indictment, or whether a plea of "not proceeded with in with in the court — proceed with absence of stillty, is entered by order of the court,—proceed with absence of de-in the trial of the indictment in the absence of the defendant, fendant. in the same manner as if the corporation had appeared at the trial the trial and defended the same; and, in case of conviction, may and defended the same; and, other and subsemay award such judgment and take such other and subsequent are applicable to quent proceedings to enforce the same as are applicable to convictions against corporations. 46 V., c. 34, s. 5.

JURIES AND CHALLENGES.

160. Every person qualified and summoned as a grand Who are qualified and summoned as a grand who are serve as g juror or as a petit juror, according to the laws in force for the qualified to serve as grand shall be and shall be or petit time being in any Province of Canada, shall be and shall be or petit beld to 1 g in any Province of Canada, shall be and or petit jurors. held to be duly qualified to serve as such grand or petit juror jurors. in force as such grand of the Province, whether such laws were in force or were or are enacted by the Legislature of the Pro-

vince before or after such Province became a part of Canada, but subject always to any partial partial Parlia. but subject always to any provision in any Act of the Parliament of Canada and in so for ment of Canada, and in so far as such laws are not inconsistent with any such Act. 22.22 V. c. 10, ent with any such Act. 32-33 V., c. 29, s. 44; -46 V., c. 10, s. 3.

Juries de medietate linguæ.

161. No alien shall be entitled to be tried by a jury de dietate lingua but shall ledictate lingua but shall ledictate lingua but shall ledictate linguage. medietate linguæ, but shall be tried as if he was a natural born subject 29-29 V 32-33 V., c. 29, s. 39;—44 V., c. 13, s. 8. born subject.

Certain persons may make affirmation and act as jurors.

162. Any quaker or other person allowed by law to firm instead of sweeten affirm instead of swearing in civil cases, or solemnly declaring that the taking of declaring that the taking of any oath is, according to his religious belief unlawful, and or religious belief, unlawful, who is summoned as a grand or petit juror in any orient petit juror in any criminal case shall, instead of being sworn in the usual form. sworn in the usual form, be permitted to make a solemn affirmation beginning with a solemnia. affirmation beginning with the words following: It an may do solemnly, sincerely and truly affirm," and toleration serve as a juror as if he had been sworn, and his declaration or affirmation shall have " or affirmation shall have the same effect as an oath to the like effect: and in one relike effect; and in any record or proceeding relating to the case, it may be stated that it case, it may be stated that the jurors were sworn or affirmed; and in any indictment it present, and in any indictment, the words "upon their oath present, shall be understood to in a words and in any indictment, the words "upon their oath present," shall be understood to include the affirmation of any juror affirming instead of 32-33 V., c. 29, s. 43. affirming instead of swearing.

Peremptory challenge by the prisoner; to what extent allowed and when void.

163. If any person arraigned for treason or felony chalinges peremptorily a grand to lenges peremptorily a greater number of persons returned to be of the jury then treas be of the jury than twenty, in a case of indictment for tresson or felony punishable. son or felony punishable with death, or twelve, in a case of indictment for any other of indictment for any other felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment for misdomer felony, or four, in a case of indictment felony, or felony, or four, in a case of indictment felony, or felon dictment for misdemeanor, every peremptory challenge beyond the number so all an every peremptory respectively. beyond the number so allowed in the said cases respectively, shall be void and the said cases chall proively, shall be void, and the trial of such person shall proceed as if no such challenger to the said cases respectively, shall proceed as if no such challenger to the said cases respectively. ceed as if no such challenge had been made; but nothing herein contained shall be herein contained shall be construed to prevent the challenge of any number of increase. 32-33 V., c. 29, s. 37. of any number of jurors for cause.

Challenges on part of the Crown.

164. In all criminal trials, four jurors may be peremptory challenged on the arms of four jurors may be peremptory challenged on the arms of four jurors may be peremptory. rily challenged on the part of the Crown; but this shall not be construed to effect the be construed to affect the right of the Crown to cause any juror to stand aside will it juror to stand aside until the panel has been gone through, or to challenge any named and panel has been gone and ago 33 V., or to challenge any number of jurors for cause. c. 29, s. 38.

165. The right of the Crown to cause any juror to stand ide until the panel has be set juries aside until the panel has been gone through, shall not by of libel.

The right of the Crown to cause any juror to substantiation by aside in cases on the trial of the cause any juror to substantiate been gone through, shall not be exercised on the trial of the cause any juror to substantiate been gone through, shall not be exercised on the trial of the cause any juror to substantiate been gone through. exercised on the trial of any indictment or information libel. a private prosecutor for the publication of a defamatory libel. 37 V., c. 38. s. 11

As to juries half English and half

166. In those districts in the Province of Quebec in hich the sheriff is required. which the sheriff is required by law to return a panel of petit langue composed one half of persons speaking the English French in Quebec. language, and one half of persons speaking the French language, and one half of persons speaking the French language. whom he shall, in his return, specify separately those jurors whom he shall, in his return, specify separately those will return as speaking the English language, and those whom he returns as speaking the English language lespection he returns as speaking the French language respectively; and the names of the jurors so summoned shall be called alternately from such lists:

elects to be tried by a jury composed one half of persons challenges to be divided. skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that I challenge one half of such he shall only have the right to challenge one half of such number from among the English speaking jurors and one half from among the English speaking jurors:

This section applies only to the Province of Quebec. Application of section. 82-33 V., c. 29, s. 40.

Ourt of Ohenever any person who is arraigned before the As to juries demands a jury com-half English and half Court of Queen's Bench for Manitoba, demands a jury comhalf English and half
half English and half
half English and half
half French in posed for the one half at least of persons skilled in the lan- French in Buage of the one half at least of persons is either English or Manitoba. Ruage of the one half at least of persons skilled in the lan-riench. Reach the defence, if such language is either English or Manitoba. half at last shall be tried by a jury composed for the one half at least of the persons whose names stand first in succession not of the persons whose names and who, on appearing, and t least of the persons whose names stand more to being a point the general panel, and who, on appearing, and the being the general panel, are found, in the judgment of the collaboration upon the general panel, and who, on appearing, of the collaboration language of the defence: of the court, to be skilled in the language of the defence:

2. Whenever, from the number of challenges, or any other Provision if the panel is exhausted. whenever, from the number of challenges, or any other provision a shilled in the is, in any such case, a deficiency of persons the panel is exhausted. there is, in any such case, a denciency of the defence, the court shall fix the language of the defence, the sheriff shall thother day for the trial of such case, and the sheriff shall holy the deficiency by summoning, for the day so fixed, the additional deficiency are skilled in the language of the deficiency by summoning, for the day so the deficiency by summoning, for the day so the defence and as are found inscribed the defence as the court orders, and as are found inscribed in any as the court orders. detence as the court orders, and as an insuccession on the list of petit jurors:

be tried; whenever a person accused of treason or felony elects Peremptory challenges to be divided. to be thenever a person accused of treason or felony elects Peremptory the language a jury composed one half of persons skilled in be divided. the language of the defence, the number of peremptory challenges of the defence, the number of perempedes to which he is entitled shall be divided, so that he shall only which he is entitled shall be divided, so that to challenge one half of such he shall only have the right to challenge one half of such half only have the right to challenge one man of the from among the English speaking jurors, and one speaking jurors: half from among the English speaking jurors:

This section applies only to the Province of Manitoba. Application of section. V, c. 14, ss. 3, 4 and 5.

Whenever, in any criminal case, the panel has been Supplying jurors if the by challenge, or by default of jurors by non-panel is when called, or from any other exhausted. by challenge, or by default of jurors by non-panel is or not answering when called, or from any other exhausted.

cause, and a complete jury for the trial of such case cannot be had by reason thereof it. be had by reason thereof, then, upon request made on behalf of the Crown, the court man in the sheriff of the Crown, the court may, in its discretion, order the sheriff or other proper officer forthers. or other proper officer forthwith to summon such number of good men of the district good men of the district, county or place, whether on the roll of jurors or otherwise and the roll of jurors or otherwise qualified as jurors or not, as full court deems necessary and it court deems necessary and directs, in order to make up a full jury:

2. Such sheriff or officer shall forthwith summon by word mouth or in writing the solution the summon by word mouth or in writing the solution. be summoned. of mouth or in writing, the number of persons he is so quired to summon and a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to summon a little of persons he is so required to the little of persons he is so required to the little of per quired to summon, and add their names to the general panel of jurors returned to some of jurors returned to serve at that court, and, subject to right of the Crown and after the court, and subject to as to right of the Crown and of the accused respectively, as to challenge or direction to challenge or direction to stand aside, the persons whose names are so added to the names are so added to the panel shall, whether other the qualified or not be down. qualified or not, be deemed duly qualified as jurors in the case, and so until a complete case, and so until a complete jury is obtained, and the trial shall then proceed as if and the trial shall then proceed as if such jurors were originally returned duly and regularly on the duly and regularly on the panel; and if, before such order, one or more persons have one or more persons have been sworn or admitted unchallenged on the inry be and if, before such or admitted unchallenged on the inry be and if lenged on the jury, he or they may be retained on the jury, or the jury may be discharged. or the jury may be discharged, as the court directs:

Person so summoned shall attend.

3. Every person so summoned as a juror shall forthwith tend and act in obodies. attend and act in obedience to the summons, and if he makes default shall be punished. default shall be punishable in like manner as a juror sum moned in the usual moned in the usual way; and such jurors so newly 32.33 moned shall be added to 1 moned shall be added to the panel for such case only. V., c. 29, s. 41.

Jury may be allowed to separate.

169. In all criminal cases, less than felony, the jury may, the discretion of the in the discretion of the court, and under its direction as the conditions. mode and its direction as the conditions. the conditions, mode and time, be allowed to separate during the progress of the trial

Saving of powers not expressly altered.

170. Nothing in this Act shall alter, abridge or affect any ower or authority which power or authority which any court or judge has when this Act takes effect, or any process. Act takes effect, or any practice or form in regard to cases by jury, jury process by jury, jury process, juries or jurors, except in cases where such power or authority where such power or authority is expressly altered by v. c. inconsistent with the previous expressly altered by v. c. inconsistent with the provisions of this Act. 32-33 V., c. 29, s. 42.

Court may order a view

171. Whenever it appears to any court having criminal risdiction or to any index in the will be proper and necessary that the jurors, or some of them, who are to try the issues in such that it will have a view. venue is laid. Who are to try the issues in such case, should have a to the place in question in order to the place in question in question in question in question in question of the place in question, in order to their better understanding the evidence that may be a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such as a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such case, should have a victor of the place in question, in order to their better understanding the evidence that may be a such case, and the place in question of the place ing the evidence that may be given upon the trial of such

issues, whether such place is situate within the county or united whether such place is situate within the county or united counties in which the venue in any such case is laid counties, in any other or without such country or united counties, in any court or judge thinks fit, also requiring the person applying person required the sheriff of the ing the view for the view to deposit in the hands of the sheriff of the ing the view. county or united counties in which the venue in any such case is laid, a sum of money to be named in the rule, for 29-30 V. (Can.), c. payment of the expenses of the view. 29-30 V. (Can.), c.

All the duties and obligations now imposed by law Duties of sheriffs, & on the several sheriffs and other persons when the place to in such cases. be viewed is situate in the county or united counties in which is situate in the county or united shall be imposed Which the venue in any such case is laid, shall be imposed the nland attach to such sheriffs and other persons when the place to be viewed is situate out of the county or united count; any such case is laid. counties in which the venue in any such case is laid. 29-30 V. (Can.), c. 46, s. 2.

8WEARING WITNESSES BEFORE GRAND JURY.

178. It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an witness beath in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be necessary for any person to take an in It shall not be oath in open court in order to qualify him to give evidence fore grand jury need no pen court in order to qualify him to give evidence fore grand jury need no pen court in order to qualify him to give evidence fore grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to qualify him to give evidence for grand jury need no pen court in order to grand gr before any grand jury. C. S. U. C., c. 109, s. 1.

he sworn in

The foreman of the grand jury and any member How such the time being, act on witness me he sworn. of the The foreman of the grand jury and any member How such behalf of the foreman in the examination of witnesses, may he sworn. administer an oath to every person who, under the circumetances hereinafter enacted, appears before such grand jury bill of indictment; and to give evidence in support of any bill of indictment; and examined upon oath every such person may be sworn and examined upon oath by such person may be sworn and examined apolicy such grand jury touching the matters in question. C. 8. U. C., grand jury touching the matters in question, c. 109, ss. 2 and 6, part;—C. S. L. C., c. 105, s. 2.

be 80 The name of every witness examined, or intended Name to be indorsed on the bill of indict-the bill and to be The name of every witness examined, or intended indorsed on the bill of indictional indictions of the bill of indiction marked with the standard of the bill of indictions of the bill of the Ment; and the foreman of the grand jury, or any member marked with initials of the foreman. of the grand jury or any member marked with the foreman of the grand jury, or any member marked with the foreman of the grand jury so acting for him, shall write his initials of the foreman.

The grand jury so acting for him, shall write his initials of the foreman.

The grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him, shall write his initials of the grand jury so acting for him and the grand jury so act

176. The name of every witness intended to be examined Who may be any him the name of every witness intended to be examined who may be july by bill of indictment shall be submitted to the grand examined before grand by by the of indictment shall be submitted to the Crown, and jury. by by the officer prosecuting on behalf of the Crown, and jury. ho others shall be examined by or before such grand jury, a less n of the presiding judge. C. 8. U. C., c. 109, s. 4.

As to fees.

177. Nothing in this Act shall affect any fees by law yable to any officer of any payable to any officer of any court for swearing witnesses, but such fees shall be any like swearing witnesses had but such fees shall be payable as if the witnesses had been sworn in open court. been sworn in open court. C. S. U. C., c. 109, s. 5.

Full defence allowed.

178. Every person tried for any indictable offence shall admitted, after the class of the control of the contro be admitted, after the close of the case for the prosecution, to make full answer and the case for the prosecution. to make full answer and defence thereto by counsel learned in the law. 32-33 V 200

How addresses of counsel to jury shall be regulated.

179. Upon the trial the addresses to the jury shall be gulated as follows: regulated as follows: the counsel for the prosecution, in the event of the defendant the event of the defendant or his counsel not announcing, at the close of the counsel for the prosecution. at the close of the case for the prosecution, his intention to adduce evidence shall? to adduce evidence, shall be allowed to address the jury a second time at the place. second time at the close of such case, for the purpose, summing up the evidence. summing up the evidence; and the accused, or his counsel, shall then be allowed to shall then be allowed to open his case and also to sum up the evidence if any is add. the evidence, if any is adduced for the defence; and the right of reply shall be according of reply shall be according to the practice of the courts in England: Provided always to the practice of the court shall England: Provided always, that the right of reply shall be always allowed to the right of reply Gen be always allowed to the Attorney General or Solicitor the eral, or to any Oneon's eral, or to any Queen's counsel acting on behalf of the Crown. 32-33 V 20

Proviso.

180. Every person under trial shall be entitled, at the me of his trial to increase trial shall be entitled, at the time of his trial, to inspect, without fee or reward, all depositions, or copies thereof sitions, or copies thereof, taken against him, and returned into the court before into the court before which such trial is had. 32.33 V., c. 29, s. 46.

Inspection of depositions by prisoners.

181. Every person indicted for any crime or offence shall, efore being arraigned and the state of the state o persons under before being arraigned on the indictment, be entitled to trial.

Livery person indicted for any crime or offence but of the entitled to the indictment, be entitled to the copy thereof. On paring the copy thereof. copy thereof, on paying the clerk ten cents per folio for the same, if the court is of an end of the made same, if the court is of opinion that the same can be made without delay to the without delay to the trial, but not otherwise. V., c. 29, s. 47.

Also copies of depositions, under certain conditions.

182. Every person indicted shall be entitled to a copy of e depositions returned in the deficient cents. the depositions returned into court on payment of ten cents per folio for the second per for the second pe per folio for the same, provided, if the same are not demanded before the opening of the assizes, term, sittings or sessions, the court is of same can be most or sessions, the court is of opinion that the same can but made without delay to the made without delay to the trial, but not otherwise; but the court may, if it sees fit the court may, if it sees fit, postpone the trial on account of seed to copy of the deposition. such copy of the depositions not having been previously had by the person charged 22.22 W 20 s 48.

Verdict and punishment in cases where offences are

183. If, on the trial of any person charged with any felony misdemeanor, it appears or misdemeanor, it appears to the jury, upon the evidence, that the defendant did not completely the part of the p that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the not comsame, such person shall not, by reason thereof, be entitled pleted. to be acquitted, but the jury shall be at liberty to return as their not emilty of the felony their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convict be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the part of the particular felony or misdemeanor charged in the indictment. ment; and no person tried as lastly mentioned shall be liable to be afterwards prosecuted for committing or attempting to commit the felony or misdemeanor for which he was so tried. 32-33 V., c. 29, s. 49.

leanor If, upon the trial of any person for any misde-Persons tried theanor in avidance while for misdemeanor, it appears that the facts given in evidence, while for misdement in law to a felony, found guilty they include such misdemeanor, amount in law to a felony, found guilty such include such misdemeanor, amount in law to a felony, found guilty of felony not to be acsuch person shall not, by reason thereof, be entitled to be of felony not to be acceptable. acquitted of such misdemeanor, unless the court before quitted. Which such trial is had thinks fit, in its discretion, to discharge of the such trial is had thinks fit, in its discretion, to discretion and the such trial, charge the jury from giving any verdict upon such trial, and to a the jury from giving any verdict upon such trial, and so the jury from giving any vertice upon such to direct such person to be indicted for felony,—in which case spects as if he case such person to be indicted for reiony,- had not person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor; and the how been put upon his trial for such misdemeanor; and the person tried for such misdemeanor, if convicted, shall not be a researched for felony on the not be liable to be afterwards prosecuted for felony on the eathe facts. 32-33 V., c. 29, s. 50.

tempt No person shall be tried or prosecuted for an Non-liability for attempt who has after trial for attempt to commit any felony or misdemeanor, who has after trial for the same offence, commission. been previously tried for committing the same offence. commission.

hy fals. If the facts or matters alleged in an indictment for Indictment for for felony valid, thou felony under the "Act respecting Treason and other valid, though the facts around the same and the same to facts amount in law to facts amount Jences against the Queen's authority," amount in law to facts amount deemed, such indictment shall not, by reason thereof, be to treason. natters void, erroneous or defective; and if the facts or matters proved on the trial of any person indicted for felony and the said Act amount in law to treason, such person shall to be acquitted of such not, by reason thereof, be entitled to be acquitted of such the said Act amount in law to treason, such person thereof, be entitled to be acquitted of such the said Act amount in law to treason, such person thereof, be entitled to be acquitted of such the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason, such person the said Act amount in law to treason the said Act amount in law to telony reason thereof, be entitled to be acquired t be afterwards prosecuted for treason upon the same facts. 81 V., c. 69, s. 8.

The jury empanelled to try any person for treason No inquiry felon, and the inquire concerning his concerning his lands. or felony shall not be charged to inquire concerning his concerning hads, to be charged to inquire the fled for such lands, tenements or goods, nor whether he fled for such treason or felony. 32-33 V., c. 29, s. 53.

188. If any person tried for the murder of any child is On trial for murder of a verdict such person is murder of a child, convi If any person tried for the murder of any child is on winder of a thereof, the jury by whose verdict such person is murder of a child, convicting tion may be for concealment of birth.

acquitted may find, in case it so appears in evidence, that the child had recently been because it so appears in evidence, that the child had recently been born, and that such person body by some secret disposition of the child had recently been born, and that such person body by some secret disposition of such child or of the dead body of such child endeavor to of such child, endeavor to conceal the birth thereof, and thereupon the court may need the birth thereof, perthereupon the court may pass such sentence as if such person had been convicted many pass. son had been convicted upon an indictment for the concealment of birth. 32-23 V

On trial for felony, conviction may be for causing grievous bodily harm.

189. If, upon the trial of any indictment for any felony, cept in cases of murder except in cases of murder or manslaughter, the indictment alleges that the accused all the accused alleges that the accused alleges that the accused alleges that the accused alleges that the accused all the accused all the accused alleges that the accused all the a alleges that the accused did wound or inflict grievous bodily harm on any percent bodily harm on any person with intent to maim, disfigure or disable any person or to a or disable any person, or to do some other grievous bodily harm to any person, or with it harm to any person, or to do some other grievous harm to any person, or with the intent to resist or prevent the lawful apprehension and the the lawful apprehension or detainer of any person, and the jury is satisfied that the account of any person, and ing, jury is satisfied that the accused is guilty of the wounding or inflicting grievous hadden or inflicting grievous bodily harm, charged in the indictment, but is not satisfied the ment, but is not satisfied that the accused is guilty of felony charged in such in it. felony charged in such indictment, the jury may acquit of the felony, and find the the felony, and find the accused guilty of unlawfully maliciously wounding or and guilty of unlawfully harm; maliciously wounding, or inflicting grievous bodily harm; and such accused shall be inflicting grievous bodily harm; and such accused shall be liable to three years' imprisonment. 32-33 V 200

On trial for felony by poisoning, conviction may be of misdemeanor.

190. If, upon the trial of any person for unlawfully and aliciously administering to maliciously administering to or causing to be administered to or taken by any other porce. 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 as thereby to endanger the person and such person, or so as thereby to endanger the person and such person and person are person and person and person are person such person, or so as thereby to endanger the meany such person, or so as thereby to inflict upon such person and grievous bodily harm the grievous bodily harm, the jury is not satisfied that he is person is guilty of such felony, but is satisfied that he guilty of the misdemeanor. guilty of the misdemeanor of unlawfully and maliciously administering to or cancillation unlawfully and taken administering to, or causing to be administered to or taken by such person. any poisson by such person, any poison or other destructive or noxious thing, with intent to initial thing, with intent to injure, aggrieve or annoy such person, the jury may acquit the jury may acquit the accused of such felony, and find him guilty of such misdanzaneous of such felony, ashall be him guilty of such misdemeanor; and thereupon he shall be punished in the same manual and thereupon an inpunished in the same manner as if convicted upon an dictment for such misdament as if convicted 224.

191. If, upon the trial of any person for any felony what ever, the crime character any person for any felony what soever, the crime charged includes an assault against the person, although an assault is a second included as a se felony include person, although an assault is not charged in terms, the jury ing assault.

may acquit of the felony and in the felony are a second in the seco may acquit of the felony, and find a verdict of guilty of assault against the person indicates a verdict of guilty of warrants sault against the person indicted, if the evidence warrants such finding, and the person indicted, if the evidence liable to such finding, and the person so convicted shall be liable to five years' imprisonment

192. If, upon the trial of any person upon an indictment that r robbery, it appears to the interpretation of t robbery, conviction may be of assault with intent to the accused did not commit at the accused d the accused did not commit the crime of robbery, but the did commit an assault with with intent to he did commit an assault with intent to rob, the accused rob. the ince, by reason thereof, be entitled to be acquitted, but the jury may find him guilty of an assault with intent to tob, and thereupon he shall be liable to be punished in the nent for the reupon he shall be liable to be pulled the manner as if he had been convicted upon an indiction for the result intent to rob; and no ment for feloniously assaulting with intent to rob; and no person so feloniously assaulting with intent to rob; and no person so tried, as is herein lastly mentioned, shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried. 32-33 V., c.

193. Every one who is indicted for any burglary, where on trial for the break. the breaking and entering are proved at the trial to have burglary, conviction may been made in the day-time and no breaking out appears to be of househave been made in the day-time and no breaking out appears to be on most whether made in the night-time, or where it is left doubtful breaking. Whether made in the night-time, or where it is not took place in such breaking and entering or breaking out took place in the day or night-time, shall be acquitted of the burglary, but may be convicted of the offence of breaking and entering the dwelling-house with intent to commit a felony therein. 32-33 V., c. 21, s. 57.

184. It shall not be available, by way of defence, to a Proof of burner and entering glary not a defence on Person charged with the offence of breaking and entering glary not a defence on the dwall. But the offence of breaking and entering defence on the charge of dwelling-house, church, chapel, meeting-house or other charge of house-breaking. place of divine worship, or any building within the curtilage, breaking. to committee worship, or any building within the carry to committee the show that the breaking and to commit any felony therein, to show that the breaking and in law to burglary: Proentering were such as to amount in law to burglary: Pro-Mided, were such as to amount in law to burgiary.

for burglet the offender shall not be afterwards prosecuted to burglet the open to burglary upon the same facts; but it shall be open to offender in such offence takes place, such case m be indicted the court before which the trial for such offence takes place, such case may be indicted for burglary. the application of the person conducting the prosecution, to all properties the ground that the offence, proved an acquittal on the ground that the offence, proved, amounts to burglary; and if an acquittal takes place on such ground, and is so returned by the jury in shall be recorded together delivering such ground, and is so returned by the with the its verdict, the same shall be recorded together with the its verdict, the same shall be recorded as bar or deed and such acquittal shall not then avail as indictment for such burglary. a bar or defence upon an indictment for such burglary. 3233 V, c. 21, s. 58.

abezzle-upon the trial of any person indicted for On trial for on trial for embezzle-ment, &c., hbezzlement, or fraudulent application or disposition of ment, &c., chattel any chattel, money or valuable security, it is proved that he conviction may be of larreny and the conviction in any such manner as to larreny and many such manner and many such manner as to larreny and many such manner as to larreny and many such manner as to larreny and manner and many such ma took the property in question in any such manner as to may be of charting largery and chartin amount in property in question in any such manner attitled to larceny, he shall not by reason thereof be vice versa. stiled to be acquitted, but the jury may acquired of embezzlement or fraudulent application or disposition, and a simple larceny or larceny as a clerk, and find him guilty of simple larceny or larceny as the capacity and find him guilty of simple larceny or many the capacity are or person employed for the purpose or in the capacity are or person employed in the capacity of a clerk or servant, or as a person employed in public pu the pacity of a clerk or servant, or as a person employed accepted shall a be punished in the same manner accused shall be liable to be punished in the same manner he hear be liable to be punished in indictment for such as if he had been convicted upon an indictment for such

larceny; and if, upon the trial of any person indicted for larceny, it is proved that he took it larceny, it is proved that he took the property in question in any such manner as to amount in property in hear length in any such manner as to amount in law to embezzlement or fraudulent application or discounting the shall or fraudulent application or discounting the shall or fraudulent application or discounting the shall or discountin or fraudulent application or disposition as aforesaid, he shall not, by reason thereof be antilly not, by reason thereof, be entitled to be acquitted, but jury may acquit the accused of jury may acquit the accused of larceny, and find him goilly of embezzlement or fraudulant of embezzlement or fraudulent application or disposition the case may be, and therewere the case may be, and thereupon the accused shall be liable to be punished in the same to be punished in the same manner as if he had been convicted upon an indictment victed upon an indictment for such embezzlement, tried for lent application or disposition lent application or disposition; and no person so tried or embezzlement, fraudulent and no person so tried or embezzlement, fraudulent and no person so tried or embezzlement, fraudulent and no person so ition, and no person so ition ition ition ition. embezzlement, fraudulent application or disposition, larceny as aforesaid shall be light to the prosecution of disposition, and no person so tries of embezzlement, fraudulent application or disposition, and no person so tries of embezzlement, fraudulent application or disposition, and no person so tries of embezzlement, fraudulent application or disposition. larceny as aforesaid, shall be liable to be afterwards procedured for larceny fraudulent cuted for larceny, fraudulent application or disposition, or embezzlement, upon the same of 32-33 V., C. 21, 8. 74.

No acquittal of obtaining property by false pretences because offence amounts to larceny.

196. If, upon the trial of any person indicted for obtaining om any other person by from any other person, by any false pretence, any chattel, money or valuable source. money or valuable security, with intent to defraud, any proved that he obtained the proved that he obtained the property in question in by such manner as to amount in large transfer and not, by such manner as to amount in law to larceny, he shall not misder reason thereof, be entitled to 1 reason thereof, be entitled to be acquitted of such misder meanor; and no person this of such misder meanor. meanor; and no person tried for such misdemeanor the be liable to be afterwards process the such misdemeanor the be liable to be afterwards prosecuted for larceny upon the same facts. 32-33 V 6 21 7 62

The like in cases of frauds by agents, &c.

197. If, upon the trial of any person for any misde eanor, under any of the meanor, under any of the provisions of sections sixty meanor, under any of the provisions of sections sixty seventy-six, both inclusive of "" it appears that it seventy-six, both inclusive, of "The Larceny Act, it appears that the offence proved amounts to the control of the provisions of sections sixing seventy-six, both inclusive, of "The Larceny Act, it appears to the control of the provisions of the that the offence proved amounts to larceny, he shall not be reason thereof be entitled to be more than the misden misden the misden misden misden misden misden misden misden misden misden manufacture manufacture in the misden misden manufacture in the misden mi reason thereof be entitled to be acquitted of the misder meanor. 32-33 V., c. 21 o 02

ing property by false pretences.

198. If, upon the trial of any person for larceny, it appears by the property taken was all the proper 198. If, upon the trial of any person for larceny, it appears that the property taken was obtained by such person fraud, under circumstances. fraud, under circumstances which do not amount to by taking as constitutes largery taking as constitutes larceny, such person shall not may reason thereof be entitled to be reason thereof be entitled to be acquitted, but the jury and acquit the accused of largent and acquitted. acquit the accused of larceny, and find him guilty of obtaining such property by falso ing such property by false pretences, with intent to defraid if the evidence proves such to have if the evidence proves such to have been the case, and there upon the accused shall be accused shall be accused. upon the accused shall be punished in the same manner if he had been convicted upon if he had been convicted upon an indictment for obtaining property by false pretences property by false pretences, and no person so larceny as aforesaid. shall be a present a property by false pretences. larceny as aforesaid, shall be afterwards prosecuted obtaining property by following pro obtaining property by false pretences upon the same facts 32-33 V., c. 21, s. 99.

199. If any indictment containing counts for feloniously ealing any property, and for feloniously the same, stealing any property, and for feloniously receiving the seed or any part or parts thereof bearing the stellar part of parts thereof bearing the stellar part of the stellar part of the seed the stellar part of the stellar part tains a count or any part or parts thereof, knowing the same to have the for receiving. stolen, has been preferred and forming the same to have the stolen, has been preferred and forming the same to have the same to have the stolen, has been preferred and forming the same to have the same the sa for receiving. stolen, has been preferred and found against any person, Prosecutor shall not be put to his election, but the jury may find a verdiet of guilty, either of stealing the property or of receit: the receiving the same, or any part or parts thereof, knowing the same, or any part or parts thereof, knowing the same, or any part or parts thereof, has a few or more persons are has been preferred and found against two or more included. Persons, the jury may find all or any of the said persons guilty, the jury may find all or any of the said persons Suilty either of stealing the property or receiving the been stall any part or parts thereof, knowing the same to have been stolen, or may find one or more of the said persons guilty of stolen, or may find one or more of the said persons guilty of stealing the property, and the other or others of them suits are part or parts thereof, Suilty of receiving the same, or any part or parts thereof, nowing the same to have been stolen. 32-33 V., c. 21, 8. 101, part.

intle. If, upon the trial of two or more persons indicted for conviction on indicated for indiction on indiction. jointly receiving any property, it is proved that one or more for jointly receiving. of such persons separately received any part or parts of such receiving. property: the jury may convict, upon such indictment, such of the said persons as are proved to have received any part or parts of such property. 32-33 V., c. 21, s. 103.

embezzlement, or for obtaining any person for larceny, for On trial for tences, the jury is of opinion that such person is not guilty may be of fraudulent appropriaof the offence charged in the indictment, but is of opinion appropriathat he is guilty of an offence against section eighty-five of tion. The Larceny Act," it may find him so guilty, and he shall be liable to be punished as therein provided, as if he had been are to be punished as therein provided, as if he had indicate the section. been convicted on an indictment under such section. 82.33 V., c. 21, s. 110, part.

Phears If, upon the trial of any indictment for larceny, it If one act of phears If, upon the trial of any indictment to larceny is charged and appears that the property alleged in such indictment to charged and the hand the property alleged in such indictment to charged and the hand the property alleged in such indictment times, several acts have been stolen at one time was taken at different times, several acts the property alleged in such indicates the property alleged in the prosecutor or counsel for the prosecution shall not, by times are the prosecutor or counsel for the prosecution shall not, by times are the prosecution shall not to the proved. reason thereof, be required to elect upon which taking he proved. will proceed, be required to elect upon which there were more than three told unless it appears that there were more than a six months elapsed between three takings, or that more than six months elapsed between the first takings. the first and the last of such takings; and in either of such last manufacturer or counsel for the prolast mentioned cases the prosecutor or counsel for the prohentioned cases the prosecutor or counsel to be of tal. The prosecutor of tal. ber of takings, not exceeding three, as appear to have taken place will use the first to the place Within the period of six months from the first to the last of such takings. 32-33 V., c. 21, s. 6.

When proceedings are taken against any person Evidence of having them to be stolen, or former possession of other to having received goods, knowing them to be stolen, or former possession of other having received goods, knowing them to be stolen, or stolen goods stolen property, evidence may stolen goods for having received goods, knowing them to be storen, or ston of other begiven in his possession stolen property, evidence may stolen goods in cases of receiving. be having in his possession stolen property, evidence may stolen govern, at any stage of the proceedings, that there was in cases of receiving. found in the possession of such person other property stolen within the possession of such person other property stolen within the possession of such person other property evidence preceding period of twelve months, and such proceding period of twelve months, and such evidence may be taken into consideration for the purpose of

Notice to accused.

proving that such person knew the property which forms the subject of the process distributions. the subject of the proceedings taken against him to be stelen:

Provided that not locally Provided, that not less than three days' notice in writing has been given to the state of the st has been given to the person accused, that proof is intended to be given of a proof is intended to be given of such other property, stolen within the preceding period of the property of stolen found the preceding period of twelve months, having been found in his possession, and and in his possession; and such notice shall specify the nature or description of such of the or description of such other property, and the person from whom the same was stales 40 V., c. 26, s. 3. whom the same was stolen.

And of previ-

201. When proceedings are taken against any person for aving received goods. In having received goods, knowing them to be stolen, or has having in his possession. or dishonesty having in his possession stolen property, and evidence his in such cases. been given that the stolen been given that the stolen property has been found in his possession,—then if such representations been found in his possession,—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession.—then if such representations are represented by the stolen property has been found in his possession. possession,—then if such person has, within five years immediately preceding because has within five years. immediately preceding, been convicted of any offence involving fraud or dishappeater ing fraud or dishonesty, evidence of such previous conviction may be given at any tion may be given at any stage of the proceedings, and may be taken into consideration and that be taken into consideration for the purpose of proving that the person accused known in the person accused knew the property which was proved to be in his possession to be to be in his possession to have been stolen: Provided, that not less than three darry not less than three days' notice in writing has been given to the person accused the to the person accused, that proof is intended to be given of such previous conviction. of such previous conviction; and it shall not be necessary, for the purposes of this for the purposes of this section, to charge in the indictment the previous conviction and it shall not be necessarily the previous conviction and it shall not be necessarily and it shall not the previous conviction of the person so accused. 26, s. 4.

Notice to accused.

Previous conviction need not be charged.

Differences in date, &c., of true and false coin, not ground for acquittal.

205. Upon the trial of any person accused of any offence specting the currence respecting the currency or coin, or against the provisions of the "Act respecting Office of the "Act respecting Office of the provisions of the provisions of the "Act respecting Office of the provisions of the the "Act respecting Offences relating to the Coin" no difference in the date or wear or in the date or year, or in any legend marked upon the lawful coin described in the coin described in the indictment, and the date or year of legend marked upon the legend mar legend marked upon the false coin counterfeited to resemble or pass for such lawful or pass for such lawful coin, or upon any die, plate, prestol or instrument and or tool or instrument and tool or instrument used, constructed, devised, adapted or designed for the pure any designed, for the purpose of counterfeiting or imitating any such lawful coin shall. such lawful coin, shall be considered a just or lawful cause or reason for acquitting or reason for acquitting any such person of such offence; and it shall, in any conand it shall, in any case, be sufficient to prove such general resemblance to the lawer resemblance to the lawful coin as will show an intention that the counterfait all that the counterfait all the shown and the shown and the shown are the shown as that the counterfeit should pass for it.

On trial for destroying buildings, conviction may be of injuring the same.

206. If, upon the trial of any person for any felony menoned in the ninth scation. tioned in the ninth section of the "Act respecting riots, unlaw-ful assemblies and beautiful assemblies and beautiful assemblies." ful assemblies, and breaches of the peace," the jury satisfied satisfied that such person is satisfied that such person is guilty thereof, but is satisfied that he is guilty of any officers. that he is guilty of any offence mentioned in the tenth section of such Act. they may for its may offence mentioned in the tenth section. of such Act, they may find him guilty thereof, and he may be punished accordingly. be punished accordingly. 32-33 V., c. 22, s. 16, part.

Proceedings when previous offence charged.

mitting any offence after a previous conviction or convictions shall be proved. tions, shall be as follows, that is to say: the offender shall, proved. in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he pleads not guilty, or if the court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only, and if the jury finds him guilty, or if, on arraignment, he pleads guilty, he shall then, and not before, be asked when whether he was so previously convicted as alleged in the indictment; and if he answers that he was so previously convicted, the court may proceed to sentence him accordingly convicted. ingly, but if he denies that he was so previously convicted, or stands mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, bn+ 1 for all purposes. but the oath already taken by them shall, for all purposes, be deemed to extend to such last mentioned inquiry: Provided, that if upon the trial of any person for any such if the defendant and any person for any such is an adduces and any person for any such is good avidence of this good avidence of subsequent offence, such person gives evidence of his good evidence of haracteristics. character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may, in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, the prosecutor may in answer thereto, give evi- good character, and the prosecutor may in answer thereto, give evi- good character, and the prosecutor may in answer thereto, give evi- good character may be a proving the proving th dence of the conviction of such person for the previous offence or offence or offences, before such verdict of guilty is returned, and the Jury shall inquire concerning such previous conviction or conviction of that they inquire concerning convictions at the same time that they inquire concerning such subsequent offence. 32-33 V., c. 29, s. 26, part.

Impounding Documents

Whenever any instrument which has been forged or Court may fraudulently altered is admitted in evidence, the court or the order documents to be any person who admits the same, may, at the request of impounded. any person who admits the same, may, and direct in against whom the same is admitted in evidence, direct that the same shall be impounded and be kept in custod that the same shall be impounded and be kept in castody of some officer of the court or other proper person, for such period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions as to the court of period and subject to such conditions are period and subject to such conditions as to period and subject to such conditions are period as the period and court, judge or person admitting the same, seems meet. 32.33 V., c. 19, s. 36.

Destroying Counterfeit Coin.

209. If any false or counterfeit coin is produced in any Counterfeit coin to be cut in pieces in coin to be determined court, the court shall order the same to be cut in pieces in coin to be destroyed. open court, the court shall order the same to be out in proceed then court, or in the presence of a justice of the peace, and then dollars, or in the presence of a justice of the peace, and then court, or in the presence of a justice of the property of the lawful owner thereof, if such the presence of a justice of the presence of the pres wher claims the same. 32-33 V., c. 18, s. 28.

WITNESSES AND EVIDENCE.

Witnesses summoned must attend.

210. Every witness duly subpoenaed to attend and give evidence at any criminal trial before any court of criminal jurisdiction, shall be bound to the criminal attendjurisdiction, shall be bound to attend and remain in attendance throughout the trial ance throughout the trial. 39 V., c. 36, s. 1.

211. Upon proof to the satisfaction of the judge, of the rvice of the subpans to be arrested service of the subpæna upon any witness who fails to attend to answer for or remain in attendance and it witness who fails to attend witness who fails witness who wi to answer for or remain in attendance, and that the presence of such wit-his default. ness is material to the angle of the warness is material to the ends of justice, he may, by his warrant, cause such without to rant, cause such witness to be apprehended and forthwith brought before him to give brought before him to give evidence and to answer for his disregard of the subposes disregard of the subpœna; and such witness may be detained on such warrant before the on such warrant before the judge or in the common gaol, with a view to secure him. with a view to secure his presence as a witness, or, in the discretion of the index. discretion of the judge, he may be released on a recognizance with or without supplies. with or without sureties, conditioned for his appearance to give evidence and to are a sureties. give evidence and to answer for his default in not attending or not remaining in attending or not remaining in attendance; and the judge may, in a summary manner or are in a charge summary manner, examine into and dispose of the charge against such with the charge against such with the charge shall against such witness, who, if he is found guilty thereof, shall be liable to a fine not award. be liable to a fine not exceeding one hundred dollars, or to imprisonment with a service of the imprisonment, with or without hard labor, for a term not exceeding ninety days 39 V., c. 36, s. 2. exceeding ninety days, or to both.

Punishment of witness found guilty of such default.

Witnesses within Canada but without the jurisdiction of the Court.

Punishment for disobeying subpœna.

212. If any witness in any criminal case, cognizable by dictment in any count of indictment in any court of criminal jurisdiction at any term, sessions or sittings of sessions or sittings of any such court in any part of Canada, resides in any part thousands. resides in any part thereof, not within the ordinary jurisdiction of the court before all in the ordinary jurisdictions all in the o tion of the court before which such criminal case is cogni-zable, such court may in the court may be such criminal case is cognizable, such court meiore which such criminal case is to zable, such court may issue a writ of subpœna, directed to such witness in like a such criminal case is to such criminal case is to such court may issue a writ of subpœna, directed to such case in like a such case is such case in like a suc such witness, in like manner as if such witness was resident within the invisibilities. within the jurisdiction of the court; and if such witness does not obey and ness does not obey such writ of subpæna, the court issuing the same may proceed the same may proceed against such witness for contempt or otherwise or bind or otherwise, or bind over such witness to appear at such days and time as days and time as are necessary, and upon default being made in such appears. made in such appearance, may cause the recognizances of such witness to be extract. such witness to be estreated, and the amount thereof to be sued for and recovered. sued for and recovered by process of law, in like manner as if such witness were as the such wit if such witness was resident within the jurisdiction of the court. 32-32 V court. 32-33 V., c. 29, s. 59.

Witnesses confined in a penitentiary,

213. When the attendance of any person confined in any enitentiary or in any upon the limits of any gaol, is required in any court of criminal jurisdiction in criminal jurisdiction in any case cognizable therein by indictment, the court because dictment, the court because dictment. dictment, the court before whom such prisoner is required to attend may or any index to attend may, or any judge of such court, or of any superior court or county court court or county court may, before or during any such term or sittings at which the or sittings at which the attendance of such person is

on upon the warden of the penitentiary, tody of the sheriff, gaoler or other person having the custody of such prisoner, to deliver such prisoner to the person shall, handed in such order to receive him; and such person shall, at the time prescribed in such order, convey such prisoner is required to attend, to the time prescribed in such order, convey such place at which such person is required to attend, there place at which such person is required to account to receive and obey such further order as to the said seems meet. 32-33 V., c. 29, s. 60.

No person offered as a witness shall, by reason of Who may be admitted as a witnesses. No person offered as a witness shall, by reason of who may admitted as he giving property from crime or interest, be excluded witnesses. ton giving evidence on the trial of any criminal case, or any incidental to such case. giving evidence on the trial of any criminal case, proceeding relating or incidental to such case. y, c. 29, s. 62, and c. 19, s. 54, part.

Plant Every person so offered shall be admitted and be An interest in the question, or a convic-Compellable to give evidence on oath, or solemn affirmation, or a conviction of the where an affirmation is receivable, notwithstanding that tion not to the person affirmation is receivable, notwithstanding that tion not to the person affirmation is receivable, notwithstanding that the matter in disqualify. the an affirmation is receivable, notwithstanding that the matter in disqualify.

The stion of the trial in which he is offered Question, or in the event of the trial in which he is offered witness, or of any proceeding relating or incidental to Witness, or of any proceeding relating or incluence.

Ref. case, and notwithstanding that such person so offered witness. Case, and notwithstanding that such person so once witness has been previously convicted of a crime or Mence. 82-33 V., c. 29, s. 63.

On the summary or other trial of any person upon Defendant complaint, information or indictment, for common witness in the defendant shall be a case of assault. complaint, information or indictment, for common witness in petent for assault and battery, the defendant shall be a case of aspetent or on his own behalf: sault. petent Witness for the prosecution or on his own behalf: sault.

2 On any such trial the wife or husband of the defend- Evidence of wife or husband. the any such trial the wife or husband of the defend- Evidence of wife or husband be a competent witness on behalf of the defendant: band.

If another crime is charged, and the court having If another crime is charged, and the close of the evicine is charged, by the charged, and the close of the evihower to try the same is of opinion, at the close of the evictoraged, but the for the same is of opinion, at the close apparently made not proved. on the prosecution, that the only case apparently made not proved.

On the prosecution, that the only case apparently made not proved. out is one prosecution, that the only case apparently much defended common assault, or of assault and battery, competent witness for the prosecution, that the only case apparently much defended common assault, or of assault and battery, bushand, of defendant shall be a competent witness for the product defend his own behalf, and his wife, or her husband, shall be a competent witness of the charge of on behalf of the charge of the charge of on bedefendant is a woman, shall be a competent with behalf of the defendant, in respect of the charge of and battery: compon of the defendant, in response assault, or assault and battery:

this Except as in the next preceding sub-section mentioned, Application charcine shall not apply to any prosecution in which any of section. other crime than common assault, or assault and battery, is or indictment. 43 V., c. 37, s. 2. shall not apply to any prosed in the information or indictment. 43 V., c. 37, s. 2.

Nothing herein contained shall, except as pro- In other cases, the in the pro- in the contained shall, except as pro- in other cases, accused or wife or husband not to Nothing herein contained shall, except as pro-inconscious the next preceding section, render any person who accused or wife or huseld in the next preceding section, with the commission band not to white the next preceding section, render any person who wife or nus-indictable on sum-give evidence. indictable offence, or any offence punishable on sum-dence.

mary conviction, competent or compellable to give evidence for or against himself dence for or against himself, or shall render any person compellable to answer compellable to answer any question tending to criminate himself; and nothing have himself; and nothing herein contained shall render any husband competent or compete husband competent or compellable to give evidence for or against his wife. or any against his wife, or any wife competent or compellable to give evidence for or against give evidence for or against her husband in any criminal proceeding. C. S. H. C. proceeding. C. S. U. C., c. 32, s. 18;—R. S. N. S. (3rd S.), E. 135, s. 44, part;—19 V /N D 135, s. 44, part;—19 V. (N.B.), c. 41, s. 2, part;—16 V. (P. E. I.), c. 12, s. 13, part

218. The evidence of any person interested or supposed be interested in respect to to be interested in respect of any deed, writing, instrument or other matter given in and forgery cases. or other matter given in evidence on the trial of any offence ment or information against ment or information against any person for any offence punishable under the " Ast punishable under the "Act respecting Forgery," shall not be sufficient to sustain a conviction of the said offences and the said offences are sufficient to sustain a conviction of the said offences are sufficient to sustain a conviction of the said offences are sufficient to sustain a conviction of the said offences are sufficient to sustain a conviction of the said of the sa sufficient to sustain a conviction for any of the said offence in unless the same is conviction for any of the said offence in unless the same is corroborated by other legal evidence in support of such prosecution. support of such prosecution. 32-33 V., c. 19, s. 54, part.

Certain persons may make solemn affirmation.

219. Any quaker or other person allowed by law to firm instead of sweeting the solemnia. affirm instead of swearing in civil cases, or who solemnly declares that the taking of declares that the taking of any oath is, according to his religious belief, unlawful with a second of the second o gious belief, unlawful, who is required to give evidence the any criminal case shall be required to give each in the any criminal case shall, instead of taking an oath in or usual form, be permitted to make the dealers. usual form, be permitted to make his solemn affirmation that is to declaration, beginning declaration, beginning with the words following, that is declaration, beginning with the words following, that is say: "I, (A. B.), do solemnly, sincerely and truly declare affirm;" which said affirm. affirm;" which said affirmation or declaration shall be of the same force and effect the same force and effect as if such quaker or other person as aforesaid had taken are such quaker or other person as aforesaid had taken are such quaker or other person as aforesaid had taken are such quaker or other person as aforesaid had taken are such quaker or other person as aforesaid had taken are such quaker or other person as a such quaker or other pe as aforesaid had taken an oath in the usual form. V., c. 29, s. 61.

220. Whenever it is made to appear at the instance of the rown, or of the prisoner. sioner may be appointed to Crown, or of the prisoner or defendant, to the satisfaction of take evidence of person a judge of a superior of the prisoner or defendant, to the satisfaction of take evidence a judge of a superior of person a judge of a superior of the prisoner or defendant, to the satisfaction of take evidence a judge of a superior of person and the prisoner or defendant, to the satisfaction of take evidence a judge of a superior of the prisoner or defendant, to the satisfaction of take evidence and appointed to take evidence of person dangerously ill. having criminal jurisdiction, that any person who is day gerously ill, and who is the second second licensed that any person who is the gerously ill, and who is the second licensed that any person who is the second licensed that any person who is the second licensed that gerously ill, and who, in the opinion of some licenses, medical practitioner is not like. medical practitioner is not likely to recover from such illness, is able and willing to missing to relating of is able and willing to give material information accused any indictable offence any indictable offence, or relating to any person accused any such offence, such index many to any person his hand appoint any such offence, or relating to any person his hand, appoint a commissioner to talk and the statement of appoint a commissioner to talk and the statement of t appoint a commissioner to take in writing the statement of each or affirmation of such

To be transmitted to the proper officers.

2. Such commissioner shall take such statement and shall becribe the same and add the same subscribe the same and add thereto the names of the persons if any, present at the telescope and the deposition are the deposition and the relative telescope and the deposition are the telescope and the telescope are the tele if any, present at the taking thereof, and if the deposition relates to any indictable offence of the names of the person is all and if the deposition of the person is all and if the deposition relates to any indictable offence of the names of the person is all and accused half accused half and accused half accused half and accused half a relates to any indictable offence for which any accused shall son is already committed or half and for trial, shall trends. son is already committed or bailed to appear for trial, sper transmit the same, with the soid officer of the proper to the proper of the same, with the soid officer of the proper to the proper of the same, with the soid officer of the proper to the proper of the prope transmit the same, with the said addition, coursed person officer of the court for trial officer of the court for trial at which such accused person

has been so committed or bailed; and in every other case he shall transmit the same to the clerk of the peace of the county, division or city in which he has taken the same, and such clerk of the peace shall preserve the same and file it of record, and, upon order of the court or of a judge, transmit the same to the proper officer of the court where the same shall be required to be used as evidence:

3. If afterwards, upon the trial of any offender or offence Statement may be rea to Which the same relates, the person who made the state-in evidence if ment is proved to be dead, or if it is proved that there is deponent is no reasonable probability that such person will ever be able dead or not able to atto attend at the trial to give evidence, such statement may, tend. upon the production of the judge's order appointing such commissioner, be read in evidence, either for or against the accused, without further proof thereof, if the same purports to be signed by the commissioner by or before whom it purports to have been taken, and if it is proved to the satisfact: faction of the court that reasonable notice of the intention to take such statement was served upon the person (whether Prosecutor or accused) against whom it is proposed to be attorned evidence, and that such person or his counsel or attorney had, or might have had, if he had chosen to be present, full opportunity of cross-examining the person who made the same. 43 V., c. 35, ss. 1 and 3, part.

Whenever a prisoner in actual custody is served or How prisoner may be receives notice of an intention to take such statement as present at the here. heteinbefore mentioned, the judge who has appointed the taking of such companies to the graph of the direct the graph statement. commissioner may, by an order in writing, direct the gaoler statement. having the custody of the prisoner to convey him to the place mentioned in the said notice, for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, and the expenses of such convey the prisoner accordingly, and the order of the prisoner has other expenses of the prison from which the prisoner has been conveyed. 43 V., c. 35, ss. 2 and 3, part.

If, upon the trial of any accused person, it is proved Depositions of persons upon the trial of any accused person, it is proved persons the oath or affirmation of any credible witness, that dying, absent, the person whose deposition has been taken by a justice in &c., how to be used. the preliminary or other investigation of any charge, is dead, or is absent from or is so ill as not to be able to travel, or is absent from Canada, and if it is also proved that such deposition was taken in the presence of the person accused, and that he, his counsel or attorney, had a full opportunity of crossexamining the witness, then if the deposition purports to be signed by the justice by or before whom the same purport. purports to have been taken, it shall be read as evidence in the have been taken, it shall be read as evidence in the prosecution, without further proof thereof, unless it is proved that such deposition was not in fact signed by the justice that such deposition was not in fact signed by the Justice purporting to have signed the same. 32-33 V., c. 30, 8. 30, part.

Statement of accused may be given in evidence.

223. The statement made by the accused person before instice may if parents and by the accused person, the justice may, if necessary, upon the trial of such person, be given in a wider and such person aroof be given in evidence against him without further proof thereof, unless it is proved the thereof, unless it is proved that the justice purporting to have signed the same and the justice purporting to have signed the same and have signed the same did not in fact sign the same. V., c. 30, s. 34.

Depositions taken on one charge may be read in prosecution of others.

224. Depositions taken in the preliminary of other vestigation of any other investigation of any charge against any person may be read as evidence in the present as evidence in the prosecution of such person for any other offence whatsoever are all and such person for any other offence whatsoever, upon the like proof and in the same be manner, in all respects manner, in all respects, as they may, according to law, be read in the prosperation of the such read in the prosecution of the offence with which such person was charged when person was charged when such depositions were taken. 32-33 V c 29 s 50 32-33 V., c. 29, s. 58.

committed. sufficient evidence of trial.

225. A certificate, containing the substance and effect ally, omitting the formal trial trial at which perjury was committed.

A certificate, containing the substance and trial only, omitting the formal part, of the indictment and by committed. for any felony or misdemeanor, purporting to be signed by the clerk of the court and the clerk of the court or other officer having the custody of the records of the court the records of the court whereat the indictment was tried, or among which such in the was the or among which such indictment has been filed, or by the deputy of such clark or atheres. deputy of such clerk or other officer, shall, upon the trial of an indictment for periods. an indictment for perjury or subornation of perjury, be sufficient evidence of the trial of cient evidence of the trial of such indictment for felony or misdemeanor without an afficial misdemeanor, without proof of the signature or official character of the person and character of the person appearing to have signed the same. 32-33 V. c. 23 • 11 32-33 V., c. 23, s. 11.

What shall be evidence of carnal knowledge.

226. Whenever, upon the trial of any offence, it is necestry to sary to prove carnal knowledge, it shall not be necessary to prove the actual amission of the same actual a prove the actual emission of seed in order to constitute a carnal knowledge built carnal knowledge, but the carnal knowledge shall be deemed complete on proof of and a second shall be deemed second shall be deemed second second shall be deemed second s complete on proof of any degree of penetration only. V., c. 20, s. 65.

Evidence at trial for child murder.

227. The trial of any woman charged with the murder any issue of her had of any issue of her body, male or female, which, being born alive, would, by law, be bastard, shall proceed and be governed by such and like and li governed by such and like rules of evidence and presumption as are by law rest tion as are by law used and allowed to take place in respect to other triple for pect to other trials for murder. 32-33 V., c. 20, s. 62.

228. In any prosecution, proceeding or trial for any fence under the eighty account of the country accountry ownership of offence under the eighty-seventh section of "The Larceny of the timber. a timber mark delivered the section of the larceny of the timber. a timber mark, duly registered under the provisions of "Act respecting the Manager of the Manager of the mast," "Act respecting the Marking of Timber," on any timber, mast, spar, saw-log or other. spar, saw-log, or other description of lumber, shall be primate facie evidence that the facie evidence that the same is the property of the registered owner of such timber. owner of such timber mark; and possession by any fender, or by others in his fender, or by others in his employ, or on his behalf, of lumsuch timber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumsuch timber most specified and possession by any fender, or lumber most specified and possession by any fender, or lumber most specified and possession by any fender, or lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, of lumber most specified and possession by any fender, or by others in his employ, or on his behalf, or lumber most specified and possession by any fender most specified and posses such timber, mast, spar, saw-log or other description of lum-

Proof of lawful possession of marked timber to lie on accused.

that so marked, shall, in all cases, throw upon the person that the burden of proving that charged marked, shall, in all cases, throw upon the particle time with any such offence the burden of proving that timber, mast, spar, saw-log or other description of lumtimber, mast, spar, saw-log or other description of the lawfully into his possession, or the possession of both others. theh others in his employ or on his behalf as aforesaid. 38 y c. 40, s. 1, part.

When, upon the trial of any person, it becomes What shall be see search a produced in evidence evidence of coin being Necessary to prove that any coin produced in evidence evidence of coin being the specific and sainst specific are counterfeit, it shall not be false or counterfeit. Rainst such person is false or counterfeit, it shall not be false or the false and counterfeit by counterfeit. becessary to prove the same to be false and counterfeit by counterfeit. the evidence of any moneyer or other officer of Her Majesty's wint, or other person employed in producing the lawful on the person employed in producing the lawful of the person employed in producing the person emplo toin in Her Majesty's dominions or elsewhere, whether the tince, state person compared to the counterfeited is current coin, or the coin of any foreign to the c prince ounterfeited is current coin, or the coin of any local be state or country, not current in Canada, but it shall the filteriant or counterfeit by be state or country, not current in Canada, but It the evident to prove the same to be false or counterfeit by a country and ible witness. 32-33 V., c. 18, the evidence of any other credible witness. 32-33 V., c. 18,

only, omitting the containing the substance and effect Certificate by on the conviction for any felony or misdemeanor, or a copy conviction to be signed by the conviction, purporting to be signed by the conviction of the clerk of the court or other officer having the custody of the court or other officer having the custody of the court or other officer having the court before which the offender was such summary conviction was shall. the records of the court or other which the one was tonvicted, or to which such summary conviction was a such clerk or officer, shall, by the deputy of such clerk or omcer, such clerk or offender, be conviction, without proof of the proof of the deputy of the person of the one of the deputy of the identity of the person of the one of the person of the person appearing to Statute evidence of such conviction, without proof of the signal official character of the person appearing to The signed the same. 32-33 V., c. 29, s. 26, part.

A witness may be questioned as to whether he has Proof of previous conviction of a wit

ness may be questioned as to whether he has Proof of previous conviction of a wit

ness may be A witness may be questioned as to whether he has Proof of pre-ting so onoticed of any felony or misdemeanor, and upon vious convic-tion of a witness may be denies the fact or refuses to ness may be Wer, the convictioned, if he either denies the fact or refuses to ness may be conviction; and denies it, &c wer, the opposite party may prove such conviction; and denies it, &c. certificate, as provided in the next preceding section, it is ponentially appearance of the witness, as such continuous and the proof the single opposite party may provided in the next preceding section, who be single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, without proof of the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness, as such confined as the single proof of the identity of the witness. tiet, upon proof of the identity of the witness, as such continues sufficient evidence of his conviction, without proof character of the person appearance of the person ap be sufficient evidence of his conviction, without problem to have or the official character of the person appearance or the official character of the person of the person appearance or the official character of the person of the the signature or the official character of the person we signed the certificate. 32-33 V., c. 29, s. 65.

It shall not be necessary to prove by the attesting When attesting witness any instrument to the validity of which attestation ing witness need not be instrument may be proved by called. in the stand in the necessary to prove the provided instrument to the validity of which attestation need in the standard instrument may be proved by called. Not requisite; and such instrument may be proved by the there is and such instrument may be proved by the there is an attesting there is a such instrument of the provention of the there is a such instrument of the provention of hithese thereto. 32-33 V., c. 29, s. 66.

Comparison of a disputed writing with any writing Comparison of disputed writing with any writing of disputed writing with a court to be genuine, shall writing with a court to be genuine. Comparison of a disputed writing with any writing Comparison to the satisfaction of the court to be genuine, shall of disputed writing with writing with satisfaction of the court to be genuine. to the satisfaction of the court to be genuine, snan writing to be made by witnesses; and such writings genuine.

and the evidence of witnesses respecting the same may be submitted to the court and increase the same may be submitted to the court and jury, as evidence of the genuine ness or otherwise of the waiter. 32-33 V., c. 29, s. 67.

How far a party may discredit his own witness.

234. A party producing a witness shall not be allowed impeach his credit by govern to impeach his credit by general evidence of bad character, but if the witness in the credit by general evidence of bad character, but if the witness, in the opinion of the court, proves at verse, such party may controlled the court, evidence at verse, such party may contradict him by other evidence, or, by leave of the court, may not be stress made at or, by leave of the court, may prove that the witness made at the times a statement income that the witness present other times a statement inconsistent with his present testimony; but before such larger can be consistent. testimony; but before such last mentioned proof can be given, the circumstances of the given, the circumstances of the supposed statement, sufficient to designate the particular coarsi to designate the particular occasion, shall be mentioned id the witness, and he shall be action, shall be most he did the witness, and he shall be asked whether or not he did make such statement. 29-29 W

Cross-examination as to previous statements in writing.

235. Upon any trial, a witness may be cross-examined as previous statements made here. to previous statements made by him in writing, or reduced to writing, relative to the subto writing, relative to the subject matter of the case, out such writing being shown to out such writing being shown to him; but if it is intended to contradict the witness har the to contradict the witness by the writing, his attention before such contradictory process. before such contradictory proof can be given, be called those parts of the writing which are to be used for the impose of those parts of the writing which are to be used for the purpose of so contradicting him pose of so contradicting him; and the judge at any ting during the trial may require during the trial may require the production of the wind for his inspection, and he will for his inspection, and he will for his inspection. for his inspection, and he may thereupon make such used it for the purposes of the trial may require the production of the wided, it for the purposes of the trial may thereupon make provided that the trial may require the production of the will be trial may require the will be it for the purposes of the trial as he thinks fit: Provided that a deposition of the man the production of the purposes of the trial as he thinks fit: paye been that a deposition of the man the production of the man the production of the pr that a deposition of the witness, purporting to have and taken before a justice on the taken before a justice on the investigation of the charge, and to be signed by the witness and the charge and to be signed by the witness and the charge and to be produced. to be signed by the witness and the justice, returned to be produced from the custody of the program o produced from the custody of the proper officer, witness presumed primâ facie to hard presumed primâ facie to have been signed by the witness 32-33 V., c. 29, s. 64:—40 V

Proviso; proof of deposition of witness.

236. If a witness, upon cross-examination as to a former attement made by him statements by statement made by him, relative to the subject matter of not witness.

case, and inconsistent with case, and inconsistent with his present testimony, proof may distinctly admit that he did not be given by given distinctly admit that he did make such statement, proof proof be given that he did in fact be given that he did make such statement, proof protection be given that he did in fact make it; but before such statement, sufficient to the circumstance of the control of the circumstance of the circumsta can be given, the circumstances of the supposed statement sufficient to designate the same tioned. sufficient to designate the particular occasion, hether or not be deal. tioned to the witness, and he shall be asked whether on he did make such statement.

Variances. how corrected.

237. Whenever, in the indictment whereon a trial is pending before any court of criminal whereon a trial is pending before any court of criminal whereon a trial is pending to the court of criminal whereon a trial is pending to the court of criminal whereon a trial is pending to the court of criminal where the w henever, in the indictment whereon a trial is pending before any court of criminal jurisdiction in Canada, introduced appears between a production or in production or in production. variance appears between any matter in writing forth the roth such court produced in evidence, and the recital or setting forthwith such court may cause the indicate of the produced in the recital or setting forthwith such court may cause the indicate of the produced in the forthwith such court may cause the indicate of the produced in the p such court may cause the indictment to be of the comparison of the compa of the court, and after such amendment the trial shall proceed in the court, and after such amendment the trial shall proceed to the in the same manner in all respects, both with regard to the Wise 2 of witnesses to be indicted for perjury, and otherwise, as if no such variance had appeared. 32-33 V., c. 29,

Whenever, on the trial of an indictment for any Court may order indictment to be order indict ment to be felony or misdemeanor, any variance appears between the order indictment to be a widence offered in amended, to tatement in such indictment and the evidence offered in amended, to proof the in such indictment and the matters or agree with evidence. proof thereof, in names, dates, places or other matters or agree with evidence. of the stances therein mentioned, not material to the merits whereof the person on of the case, and by the misstatement whereof the person on thal case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and by the misstatement whereof the person on the case, and the case, ar tial case, and by the misstatement whereon the possible cannot be prejudiced in his defence on such merits, the court before which the trial is pending may order such indict. Which the trial is pending to the proof, by some indictment to be amended according to the proof, by some officer of the court or other person—both in that part of the had of the court or other person—both in that part of the part of the variance occurs, and in every other part of the where the variance occurs, and in every other than the part of the whole the person—both in that part of the part of part of the where the variance occurs, and in every to mend the indictment which it may become necessary to hend the indictment which it may become necessary to hend before the indictment which it may become necessary to before the indictment which it may become necessary to be to on such terms as to postponing the trial to be had Conditions may be imposed by the court thinks reasonbefore the same or another jury as such court thinks reasonposed by the same or another jury as such court may respite the court. ble; and if the trial is postponed the court may respite the court. the same or anome. Just the first is postponed the court may respect the grain and if the trial is postponed the court may respect the grain and stresses, and of the prosecutor and witnesses, and of the prosecutor and witnesses are prosecutor and witnesses are prosecutor and witnesses are properties. defendances of the prosecutor and witnesses, and of the prosecutor and Repetively be bound to attend at the time and place to without entering into new which the trial is postponed, without entering into new the trial is postponed, without entering into head in 11 ces, and as if such time and place had been men-Trial is postponed, bed in the recognizances respited, as those at which they recognizances respited, as 22-33 V., c. 29, s. 71. in the recognizances respited, as those at which respectively bound to appear. 32-33 V., c. 29, s. 71.

After any such amendment the trial shall proceed, How trial may be afterwards proceeded After any such amendment the trial shall proceed, How trial may be dever the same is proceeded with, in the same manner be afterwards proceeded with the same both with respect to the with. with the same consequences, both with respect to the with. with the same is processed billity of witnesses to be indicted for perjury and in all wariance had occurred. 32-33 ther respects, as if no such variance had occurred. r. c. 29, s. 72.

In such case the order for the amendment shall be order for the am indorsed In such case the order for the amendment shall be Order for the record; and all other rolls and proceedings amending to be recorded.

The officer officer with shall be amended accordingly by the officer officer officer. proper officer and filed with the indictment, among the proper officer and filed with the maicine, records of the court. 32-33 V., c. 29, s. 73.

When any such trial is had before a second jury, In case of the Crown any such trial is had before a second jury, In case of trial before a second jury second jury second jury. the Crown any such trial is had before a second jury, In case of the same of t to the same challenges as they were entitled to with respect to the first; the same challenges as they were the first jury. 32-33 V., c. 29, s. 74.

Every verdict and judgment given after the making verdict, &c., Every verdict and judgment given after the making verdict, act to be valid after amendment shall be of the same force and effect to be valid after amendment had originally been in ment. in all such amendment shall be of the same force and effect to be value the same force and effect to be value the same force and effect to be value the same force as if the indictment had originally been in ment. the respects as if the indictment had originary were made form in which it is after such amendment has

Formal record, how to be drawn up.

243. If it becomes necessary to draw up a formal record any case in which an amondment in the same and a same as a formal record. in any case in which an amendment has been made as aforms and, such record shall be drawn that the said, such record shall be drawn in which the said. said, such record shall be drawn up in the form in was made, without without the indictment remained after the the indictment remained after the amendment was made, without taking any notice of the amendment having a second shall be drawn up in the form in wade, without taking any notice of the amendment having a second shall be drawn up in the form in wade, a second shall be dr without taking any notice of the fact of such amendment having been made. 32-33 V

Record of conviction or acquittal.

244. In making up the record of any conviction of quittal on any indictment it is any conviction of any conviction of quittal on any indictment it. acquittal on any indictment, it shall be sufficient any the indictment with the place. the indictment with the plea pleaded thereto, without and formal caption or heading and the ment of the arraigners. formal caption or heading; and the statement of the arraignment and the proceedings and the statement of shall be ment and the proceedings and the statement of shall be ment and the proceedings and the statement of the shall be ment and the proceedings and the statement of the shall be ment and the proceedings and the statement of the shall be ment and the proceedings are shall be shall be ment and the proceedings are shall be shall be shall be ment and the proceedings are shall be sh ment and the proceedings subsequent thereto, shall be entered of record in the same entered of record in the same manner as before the passing of this Act, subject to any such of this Act, subject to any such alterations in the forms such entry as are, from time to a such entry as a such entry such entry as are, from time to time, prescribed by significant rule or rules of the superior courts of interesting interesting interesting interesting in the formula such and the formula such as the rule or rules of the superior courts of criminal jurisdiction respectively,—which rules shall courts. respectively,—which rules shall also apply to such inferior courts of criminal jurisdiction as a such inferior designated. courts of criminal jurisdiction as are therein designated 32-33 V., c. 29, s. 77.

FORMAL DEFECTS CURED AFTER VERDICT.

What defects not to vitiate judgment after verdict or conviction by confession or otherwise.

245. No judgment upon any indictment for any or by or by or misdemeanor, whether after verdict or outlawry, or seconfession, default or otherwise confession, default or otherwise, shall be stayed or reversely for want of the averment of for want of the averment of any matter unnecessary by proved, nor for the omission and the recessary to the proved, nor for the omission of the words "as appears the the record," or of the words "as appears to the record," or of the words "as appears to the record," or of the words "as appears to the record," or of the words "as a provided the reco words "against the peace," nor for the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the adata the insertion of the words "against the form of the words "against the words" "against the words "against the words "against the words "against the words" "against the words" "against the words" "against words "against the peace," nor for the insertion of the words "against the form of the statute," instead of the against the form of the statutes," or vice versa, or because omission of such words or word and a nor because and a nor because of the statutes, and the statutes of the statutes of the statutes. omission of such words or words of like import, nor because any person mentioned in the statutes, or vice versa, or because of like import, nor because any person mentioned in the statutes, or vice versa, or vice ver any person mentioned in the indictment is designated of name of office or other descriptions. name of office or other descriptive appellation, instead in his proper name, nor for went the additional additional appellation. his proper name, nor for want of or any imperfection the addition of any defendant the addition of any defendant or other person, nor for mitted ting to state the time at which in any committed in any committed time at which in any commit ting to state the time at which the offence was committed in any case where time is not to the offence was committed in any case where time is not to the offence was the offe in any case where time is not of the essence of the offence was that ing the income of the essence of the offence was the offence was committed in any case where time is not of the essence of the offence was committed. nor for stating the time imperfectly, nor for stating the offence to have been committed offence to have been committed on a day subsequent ion finding of the indictment finding of the indictment or exhibiting the information of on an impossible day or on a significant or the information of the indictment or exhibiting the information of the indictment of the on an impossible day, or on a day that never happened for want of the statement of the for want of the statement of the value or price of any in its or thing, or the amount of dans or thing, or the amount of damage, injury, or spoil, in spoil is case where such value price of any many or spoil, in spoil is case where such value price of any or spoil, in spoil is case where such value price of the spoil o case where such value, price, damage, injury or spoil, not of the essence of the offences. not of the essence of the offence, nor for the proper or perfect venue when indictors. proper or perfect venue, where the court appears of indictment to have had in the court appears of the series of the series of the court appears by the indictment to have had in the court appears of indictment to have had jurisdiction over the 32-33 V., c. 29, s. 78.

246. Judgment, after verdict upon an indictment religion of misdemeanor at the staved of the staved Judgment, after verdict upon an indictment renot to stay or any felony or misdemeanor, shall not be stayed jury reverse judg- versed for want of a similiter not to stay or any telony or misdemeanor, shall not be stayed just reverse judg- versed for want of a similiter, nor by reason that the

Process has been awarded to a wrong officer, upon an in-mentafter with the process has been awarded to a wrong officer, upon an in-mentafter werdict. sufficient suggestion, nor for any misnomer or misdescrip-verdict. tion of the officer returning such process, or of any of the jury Jurors, hor because any person has served upon the jury who was not returned as a juror by the sheriff or other officer; and where the offence charged is an offence created by any state. Where the offence charged is an offence of punishby any statute, or subjected to a greater degree of punishment hy any statute. ment by any statute, or subjected to a greater degree or public held snee statute, the indictment shall, after verdict, be held sufficient, if it describes the offence in the words of the statute, if it describes the offence in the punishof the sufficient, if it describes the offence in the work, ment, although creating the offence, or prescribing the punishment, although they are disjunctively stated or appear are otherwise. 32-33 V., to include more than one offence, or otherwise. 32-33 V., ^c. 29, s. 79.

No omission to observe the directions contained in Verdict not to be impeached for certain Any Act as respects the qualification, selection, balloting or to ertain the tribution of the iuror's book, omissions as distribution of jurors, the preparation of the juror's book, omissions as including the selection of jurors, the preparation of the juror's book, omissions as including the selection of jurors. the selecting of jurors, the preparation of the juror's book, omissions like selecting of jury lists, the drafting panels from the to jurors. jury lists of jury lists, the drafting panels non-for imbeautihe striking of special juries, shall be a ground for lists or the striking of special juries, shall be a ground any verdict, or shall be allowed for error by any verdict, or shall be brought upon any pon any writ of error or appeal to be brought upon any ment of error or appeal to be brought upon any case. C. S. U. C., c. 31, Judgment rendered in any criminal case. C. S. U. C., c. 31,

When any person is convicted on any indictment On conviction for assault defendant of any assault whether with or without battery and wounddefendant may be ordered to ing assault whether with or without battery and would defend the in addition of them, such person may, if the court thinks may be pay promised to the court deems pay promise to the court The court whether with or without pattery and the court thinks may be reported to any sentence which the court deems ordered to pay prosecution to any sentence which the prosecution to any sentence which the prosecution court deems ordered to pay prosecution court and appears of the prosecution court and appears of the prosecution court deems ordered to pay to the prosecution court deems of the prosecution court deems of the prosecution court deems ordered to pay to the prosecution court deems ordered to pay prosecution cou tion, and spot necessary costs and expenses of time as the tion, and and necessary costs and expenses of the prosecutive, how moderate allowance for loss of time as the con, and such mecessary costs and capable of time as a secretains to late of other inquiry and examination, and such moderate allowance for loss of time as a secretains to late of other inquiry and examination, and such moderate allowance for loss of time as a secretains to late of the sums so awarded incomment. Recertains to be reasonable; and unless the sums so awarded in the liable to imprisonment the sooner paid, the offender shall be liable to imprisonment to the some sooner paid, the offender shall be liable to imprisonment to the sooner paid. for any term not exceeding three months, in addition to the term of imprisonment, if any, to which the offender is sentenced for the contract of the contr tenced for the offence. 32-33 V., c. 20, s. 78.

The court may, by warrant in writing, order such Such costs and may be levilled by distress and by distress. to the the good awarded, to be levied by distress and by distress. to the goods and chattels of the offender, and paid elap prosecutes and chattels of the offender of the goods. to the so awarded, to be revealed the prosecutor, and chattels of the offender, and such the own is so levied, the offender of the own is so levied, the own is so levied, the own is so levied, the own is so levied. the prosecutor, and chattels of the surplus, if any, arising from such that be released for and if such sum is so levied, the offender imprisonment. 32-33 V., c. 20, shall to the owner; and the surplus, in and, be released from such imprisonment. 32-33 V., c. 20,

RESTITUTION OF STOLEN PROPERTY.

The any person who is guilty of any felony or misde-Restitution of stolen property, in steal; stolen property after extorting, embezzling, perty after conviction. the and or, in stealing, taking, obtaining, extorting, embezzling, stolen propriating conviction. appropriating, taking, obtaining, extorting, embezzing, perty after converting or disposing of, or in knowingly conviction.

receiving any chattel, money, valuable security, or other property whatsoever is in its line of the by or on behalf of the owner of the property, or his executor or administrator, and convicted the property of his executor of the property. administrator, and convicted thereof, the property shall be restored to the owner or big

Writs of restitution.

2. In every such case, the court before whom such person tried for any such follows. is tried for any such felony or misdemeanor, shall have power to award from time to power to award, from time to time, writs of restitution for the said property or to and the said property or to order the restitution thereof fit, summary manner: and the Restitution in summary manner; and the court may also, if it sees fit, award restitution of the court may also, if it sees utor, award restitution of the property taken from the prosecutor, or any witness for the property taken from the prosecutor. or any witness for the prosecution, by such felony or misdemeanor, although the prosecution, by such felony or misdemeanor, although the prosecution of the property taken from the property taken from the prosecution of the property taken from the property of the property taken from the prosecution of the property taken from the prosecution of the property taken from the property of the property taken from the property taken from the property of the property taken from the property of the property taken from the property taken from the property of the property of the property of the property taken from the property of the proper demeanor, although the person indicted is not convicted thereof, if the jury doctors thereof, if the jury declares, as it may do, that such property belongs to such present perty belongs to such prosecutor or witness, and that he was unlawfully deprived of it has been prosecutored by the such prosecutor of th unlawfully deprived of it by such felony or misdemeanor:

As to valuable and negotiable securi-

3. If it appears before any award or order is made, that y valuable security has been also becaused any valuable security has been bonû side paid or discharged by any person liable to the by any person liable to the payment thereof, or being a negotiable instrument has been bond fide paid or discharge being a person liable to the payment thereof, or period negotiable instrument, has been bond fide taken or received by transfer or delivery by any or received taken or received by transfer or delivery by any or received the second fide taken or received by transfer or delivery by any or received the second fide taken or received by transfer or delivery by any or received the second fide taken or rec by transfer or delivery, by any person, for a just and valuable consideration, without any person of a just and valuable consideration. consideration, without any notice or without any reasonable cause to suspect that the cause to suspect that the same had, by any felony or nisdemeanor, been stolen tolerated. demeanor, been stolen, taken, obtained, extorted, embezzled, converted or disposed of the converted or disposed of, the court shall not award or order the restitution of such court shall not award or order

Not to apply to certain offenders.

4. Nothing in this section contained shall apply to the se of any prosecution of case of any prosecution of any trustee, banker, merchant attorney, factor, broker or att attorney, factor, broker or other agent intrusted with the possession of goods or door agent intrusted for any possession of goods or documents of title to goods, for any misdemeanor under "The T 32-33 V., c. 21, s. 113.

Restitution in certain cases out of money taken from the prisoner.

251. When any prisoner has been convicted, either sundarily or otherwise of any land. marily or otherwise, of any larceny or other offence, including the stealing or unlawfull and or other offence, and ing the stealing or unlawfully obtaining any property, and it appears to the court, by the prisoner or and any property or any it appears to the court, by the evidence, that the prisoner sold such property or part of it sold such property or part of it to any person who had no knowledge that it was stolen or person who had no that the prison who had no had no had not been also been as the person who had no had not been also been as the person who had not been also been also been as the person who had not been also been also been as the person who had not been also been knowledge that it was stolen or unlawfully obtained, his appre that money has been taken from the prisoner on his apprehension, the court may on the hension, the court may, on the application of such purchaser and on restitution of the present that and on restitution of the property to its owner, order not out of the money so taken from the sum of the sum of the money so taken from the sum of the money so taken from the sum of the sum of the money so taken from the sum of the out of the money so taken from the prisoner, a sum lexceeding the amount of the money so taken from the prisoner, he delive exceeding the amount of the proceeds of the sale be delivered to such purchaser 22 22 W

252. Whenever it is given in evidence upon the trial of any person charged with any of any person charged with any offence, whether the same Jury acquitting prisoner on ground of

is treason, felony or misdemeanor, that such person was insanity, to insane of such offence, and state so in their verdice. insane at the time of the commission of such offence, and their verdict. such person is acquitted, the jury shall be required to find, speciall. specially, whether such person was insane at the time of the commission. Whether such person was insane at the time of the commission of such offence, and to declare whether he is acquitted of such offence, and to declare whether he is acquitted by it on account of such insanity; and if it ands that such person was insane at the time of committing such offence, the court before which such trial is had, shall order specific trial is not place order such person to be kept in strict custody in such place and in such person to be kept in strict custody in such pleasure as to the court seems fit, until the pleasure is known. 32-33 V., pleasure of the Lieutenant Governor is known. 32-33 V.,

The Lieutenant Governor of the Province in which Such person are case order for the may be ordered to be the case arises may, thereupon, make such order for the may be ordered to be custod.

Safe custod. In such kept in custod. safe custody of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, in such kept in custode and y of such person during his pleasure, and y of such person during his ple place and in such manner as to him seems fit. 32-33 V., tody.

efore or any person, before the passing of this Act, whether Lt. Governor may give like order in cerbefore or after the first day of July, one thousand eight hundorder in cerand sixter the first day of July, one thousand eight hundorder in cerorder red and sixty-seven, was acquitted of any such offence on the tain other cases. ground sixty-seven, was acquitted of any such offence on the cases. and has been sanity at the time of the commission thereof, and has been detained in custody as a dangerous person by der of the commission. order of the detained in custody as a dangerous person was tried, and remain fovernor may make still remains in custody, the Lieutenant Governor may make a like order for the safe custody of such person during pleasure for the safe custody of such person during 101.—40 V. c. 26, s. 7. Pleasure. 32-33 V., c. 29, s. 101;—40 V., c. 26, s. 7.

Provisions area and person indicted for any offence is insane, and with respect to persons that purpose ment is so found by a jury empanelled for to persons indicated for any offence is insane, and with respect to persons indicated for the purpose indicated for the that arraignment is so found by a jury empanelled to to persons indicted for any offence, and found to person so indicted, any offence, and found to person so indicted, and found to person so indicted. indictment is so found by a justification of the person so indicted, and found to be insured with the indict- be insured by a justification of the person of and the person so in the trial of any person so indicate, and round the person appears to the jury charged with the indictive insane by a heart to he indicate the person is jury. ment to be insane, the court, before which such person is jury. brought to be insane, the court, before which such personal to be arraigned, or is tried as aforesaid, may direct and thereupon may order such anch finding to be recorded, and thereupon may order such indians to be recorded, and thereupon may order such in the pleasure of the person to be recorded, and thereupon may officenteness. Rept in strict custody until the pleasure of the Lieutenant Governor is known. 32-33 V., c. 29, s. 102.

efore any person charged with an offence is brought And in the onse of a property and the onse of a pr before any court to be discharged for want of prosecution, soner about to the court shall order be discharged for want of prosecution. and such person enarged with a person appears to be insane, the court shall order be discharged for want of prosecution, soner account to be discharged for want of person appears to be insane, the court shall order be discharged and if the impanelled to try the sanity of such person; prosecution. and if the jury so empanelled finds him insane, the court had order are so empanelled finds him insane, the court had been in strict custody, in such the jury so empanelled finds him insane, the place and is such person to be kept in strict custody, in such him the court seems fit, until the place and in such manner as to the court seems fit, until the Pleasure of the Lieutenant Governor is known. 32-33 V., 8, 100

Overnor mail cases of insanity so found, the Lieutenant Insuch cases Lt. Governor may give Governor may make such order for the safe custody, during may give orders, &

orders, &c.

pleasure, of the person so found to be insane, in such place and in such manner as to bim s. 104.

Removal and custody of insane prisoners.

258. The Lieutenant Governor, upon such evidence of e insanity of any person the insanity of any person imprisoned for an offence, or imprisoned for safe custody charged with an offence, imprisoned for not finding best formula to keep imprisoned for not find to keep imprisoned for not find to keep imprisoned for not find to keep imprisoned for n imprisoned for not finding bail for good behavior or ficient, the peace, as the Lieutener C the peace, as the Lieutenant Governor considers sufficients may order the removed of the lieutenant Governor considers sufficients may order the removal of such insane person to a place of safe keeping; and such person to a place of such person to a place of safe keeping; and such person to a place of su safe keeping; and such person shall remain there, or in such other place of safe keeping other place of safe keeping, as the Lieutenant Governor is time to time orders until Lieutenant Governor is time to time orders, until his complete or partial recovery who certified to the satisfaction and the control of the certified to the satisfaction and the certified to the certified to the satisfaction and the certified to the certified certified to the satisfaction of the Lieutenant Governor, who may then order such masses. may then order such insane person back to imprisonment, if then liable thereto or other then liable thereto, or otherwise to be discharged. 51, s. 1.

CROWN CASES RESERVED.

In certain cases questions of law may be reserved.

259. Every court before which any person is convicted and indictment of any traces. on indictment of any treason, felony or misdemeanor, and every county indees' eximination every county judges' criminal court before which any person is convicted of any follows. son is convicted of any felony or misdemeanor, may, in its discretion, reserve any question. cretion, reserve any question of law which arises on the trial for the consideration of the for the consideration of the justices of the court for the cases reserved, and thousand the cases reserved. cases reserved, and thereupon may respite execution of the judgment on such conviction until such question has been considered and decided; and in either case the court has Committal or admission to bail in such may. in its discontinuous particular discontinuous may. in its discontinuous particular discontinuous parti may, in its discretion, commit the person convicted prison, or take a recognizance of prison, or take a recognizance of bail, with one or two sufficient sureties. in such according to the condition of the condit ficient sureties, in such sum as such court thinks fit, conditioned for his appearance. tioned for his appearance at such time as such court thinks it, court directs, to receive indement or to receive judgment or to render himself in execution, as the case may be 38 V case may be. 38 V., c. 45, s. 1;—46 V., c. 10, s. 5, part; S. U. C., c. 112 s. 1. G. S. 1;—46 V., c. 10, s. 5, N.S. C. S. U. C., c. 112, s. 1;—C. S. L. C., c. 77, s. 57;—R. S. N.S. (3rd, S.), c. 171, s. 99, part;—1 R. S. N. B., c. 159, s. 22, part.

case.

Judge to state and sign a case.

Transmission thereof.

260. The judge or other person presiding at the court efore which the person before which the person is convicted, shall thereupon state in a case to be given by state in a case to be signed by such judge or other person any question of law so any question of law so reserved, with the special circumstances upon which the stances upon which the same arose; and such case shall be transmitted by such in a transmitted by such judge, or other person, to the court first Crown cases reserved Crown cases reserved, on or before the last day of the when week of the term of such such trial was had. C. S. U. C., c. 112, s. 2;—C. S. L. S. N. 77, s. 58, part:—R S. N. S. O. C., c. 12, s. 2;—C. S. L. S. N. 77, s. 58, part;—R. S. N. S. (3rd S.), c. 171, s. 100;—1 R. S. N. B., c. 159, s. 23 nart

Proceedings thereupon in court for

261. The justices of the court for Crown cases reserved, which the case is to which the case is transmitted, shall hear and finally determine such question, and reverse, affirm or amend any Crown cases judgment such question, and reverse, affirm or amend any Crown cases. judgment such question, and reverse, affirm or amend any older shall avoid given on the trial wherein such question arose, or reserved. the record such judgment or order an entry to be made on the record, that in the judgment of such justices the person convicted ought not to have been convicted, or shall arrest the judgment, or if no judgment has been given, shall order Judgment, or if no judgment has been given, some control to be given thereon at some future session of the conrt before which the person was convicted, or shall make Sinch other order as justice requires. C. S. U. C., c. 112, s. R. S. N. S. (3rd S.), c. 8; C. S. L. C., c. 77, s. 58, part;—R. S. N. S. (3rd S.), c. 171, 8. L. C., c. 77, s. 58, part;—1. ... 101;—1 R. S. N. B., c. 159, s. 23, part.

The judgment and order of such justices shall be How judgment or or or shall be cer The judgment and order of such justices shall be now jung-senior indeer the hand of the chief justice, president or shall be cersenior judge the hand of the chief justice, president signal state of the court for Crown cases reserved, to the tified. who shall court before which the person was convicted, who shall enter the same on the original record in proper Entry and cartificate the same of the band of such certificate thereof. court perore which the same on the original record in proper Entry and clerk, in the certificate of such entry, under the hand of such certificate in the certificate of such entry, under the effect menclerk, and a certificate of such entry, under the name of the same tioned in the form as near as may be, or to the effect menally and in the form as near as may be, or to the effect menally as the same of the s tioned in the form as near as may be, or to the enecessary alterations the third schedule to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall in delivered by him to the sheriff or gaoler. be delivered or transmitted by him to the sheriff or gaoler. in whose custody the person convicted is; and the said cer- Effect of such shall to such sheriff or gaoler, certificate. tificate custody the person convicted is; and the said cerminate.

and all other be sufficient warrant to such sheriff or gaoler, certificate. and at shall be sufficient warrant to such sherin or good of certified. Persons, for the execution of the judgment, as the certified of persons, for the execution of the judgment, as the certified of persons. to certified to have been affirmed or amended, and execution in the property of the property o that thereupon be carried out on such judgment, or if the sweet approach avoided or arrested, the perthereupon be carried out on such judgment, or in the convict has been reversed, avoided or arrested, the permissionconvicted shall be discharged from further imprisonhelt, and the court before which the person was convicted the recognizance of bail, if at its next session, vacate the recognizance of bail, if in the court perore which the person was convicted to the court before which the person was convicted to the court before which the person was convicted to the court before which court shall proceed to directed to give judgment, such court shall proceed to judgment, such court shall proceed to 17 s 59: hart : C. S. U. C., c. 112, s. 4;—C. S. L. C., c. 77, s. 59;— hart. S. (3rd S.), c. 171, s. 102;—1 R. S. N. B., c. 159, s. 23,

The judgment of the justices of the court for Crown How the judgment shall be delivered. The judgment of the justices of the court for Crown How me judgment of the justices of the court, after hear ment shall be delivered in open court, after hear delivered. the reserved shall be delivered in open court, and counties of the parties, in case the prosecutor or person the parties, in case should be argued, in delivered, counsel or the parties, in case the prosecutor of public ted thinks it fit that the case should be argued, in the manner thinks it fit that the case should be argued, in the manner than the case should be argued. he manner as other judgments of such court are delivered, no notice as other judgments of procedure, except thinks it fit that the case the hanner as other judgments of such court are denveloped to notice, appearance or other form of procedure, except in such case see fit to direct, and the case see fit to direct. be required by the first of the control of the cont be requisite. C. S. U. C., c. 112, s. 5;—C. S. L. C., c. 171, s. 103. h. 60; R. S. N. S. (3rd S.), c. 171, s. 103.

The justices of the court for Crown cases reserved, Case may be any any analy any analy considera-amendment. The justices of the court for Crown cases reserved, Case may be took for their considerate amendment. the justices of the court for their constitution, may question has been so reserved for their constitution, may cause the case or certificate to be sent back for the same shall be amended question has been so resc.

language the case or certificate to be sent packaged.

language the case or certificate to be sent packaged.

language the case or certificate to be sent packaged.

accordingly, and judgment may be delivered after it has been amended. C. S. H. C. and J. S. delivered after 177, s. been amended. C. S. U. C., c. 112, s. 6;—C. S. L. C., c. 77, s. 61;—1 R. S. N. B. c. 150 c. 24

WRITS OF ERROR.

Writs of error, how tested and returnable.

265. Writs of error shall run in the name of the Queen, and shall be tested and refer to the present t and shall be tested and returnable according to the protice of the court granting on the protice of the court granting such writ, and shall, in the vince of Quebec. operate a start of vince of Quebec, operate a stay of execution of the judgment of the court below. C.S. II of the court below. C. S. U. C., c. 113, s. 16, part;—C. S. L. C., c. 77, s. 56, part.

On what such writ shall be founded.

266. No writ of error shall be allowed in any criminal se unless it is founded are case unless it is founded on some question of law which could not have been resourced could not have been reserved, or which the judge presiding at the trial refused to reserved. at the trial refused to reserve for the consideration of the court having jurisdiction in the consideration of the consideration 29, s. 32-33 V., c. 29, s. 80, part.

Proceedings in court of error.

267. Whenever in a criminal case any writ of error has een brought upon any indeed to be a substantial case any writ of error has een brought upon any indeed to be a substantial case any writer than the substantial case and the substantial case are sub been brought upon any judgment or any indictment, in formation, presentment or inquisition, and the court error reverses the judgment that the court has a may either than the court of the error reverses the judgment, the court of error may to the pronounce the proper judgment. pronounce the proper judgment, or remit the record to the court below, in order that court below, in order that such court may pronounce proper judgment upon and upon a proper judgment upon such indictment, information, C. S. sentment or inquisition sentment or inquisition. C. S. U. C., c. 113, s. 17; L. C., c. 77, s. 62:—1 R S N S

When a new trial may and may not be granted.

268. A new trial shall not be granted in any criminal cost aless the conviction is desired. unless the conviction is declared bad for a cause makes the former trial makes the former trial a nullity so that there was no law ful trial in the case. ful trial in the case: Provided that a new trial may be granted in cases of misdemeans. in cases of misdemeanor in which, by law, new trials may perfer be grunted, and that nothing be granted, and that nothing herein contained shall interfere with the power of the Santa shall interfere with the power of the Santa shall interfere with the power of the Santa shall interfere shall interfere with the power of the Santa shall interfere shall be shall interfere the santa shall interfere the santa shall interfere the santa shall be shal with the power of the Supreme Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Court of Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial, as provided in the Canada to grant a new trial and the canada to grant a new trial and the canada to grant a new trial and the new trial and the canada to grant a new trial and the canada trial and trial new trial, as provided in "The Supreme and Excheques Courts Act," or with the Courts Act," or with the power of the Court of Queen's Bench in Manitoba to grant Bench in Manitoba to grant a new trial, as provided 80, "The North-West Territories 421" 22 29, s. "The North-West Territories Act." 32-33 V., c. 29, s. part. part.

269. Any judge, retired judge, or Queen's counsel preding at any sittings of the Tribe. siding at any sittings of the High Court of Justice of question may reserve the giving a first court of Justice of question and question may reserve the giving a first court of Justice of question and question may reserve the giving a first court of Justice of question and question may reserve the giving a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question and question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of Justice of question may be a first court of the Judge, &c., in. rio may reserve the giving of his final decision on given, tions raised at the trial and him to the state of Ontario may tions raised at the trial; and his decision, whenever given, shall be considered as if reserve shall be considered as if given at the time of the 46 V., c. 10, s. 1. decision.

чар. 170.

2083

The practice and procedure in all criminal cases Practice and mad mad The practice and procedure in all criminal cases procedure in all cases procedure in all criminal cases and matters whatsoever in the said High Court of Justice procedure in shall have whatsoever in the said High Court of Justice procedure in similar cases. shall be the same as the practice and procedure in similar cases. cases and matters before the establishment of the said High Court. 46 V., c. 10, s. 2.

If any general commission for the holding of a court Who may be assigned for the holding of a court who may be of assize and nisi prius, over and terminer or general commission for the holding of a court who may sail and nisi prius, over and terminer or general for any holding Saol delivery is issued by the Governor General for any holding mission of district in the Province of Ontario, such com-assizes, &c. mission shall contain the names of the justices of the Supreme Court of Judicature for Ontario, and may also contain the Court of Judicature for Ontario, and may also contain the County courts in tain the names of the judges of any of the county courts in Ontario, and of any of Her Majesty's counsel learned in the law, and of any of Her Majesty's Canada, or for the law, appointed for the Province of Upper Canada, or for the Province of Ontario, and if any such commission is for a provisional judicial district such commission may contain the name of the said the name of the judge of the district court of the said

district of Algoma" at the suggestion of the Parliamentary Committee.

2. The said courts shall be presided over by one of the Who shall being a heart absence by preside. justices of the said Supreme Court, or in their absence by one of the said Supreme Court, or in their absence by preside. one of such county court judges or by one of such counsel, in the indee of the said or in the case of the said district by the judge of the said district court. 46 V., c. 10, s. 4.

It shall not be necessary for any court of General Court not deliver the gaol of required to Sessions in the Province of Ontario to deliver the gaol of required to deliver the province of Ontario to deliver the gaol. all prisoners who are confined upon charges of simple gaol. Prisoners who are confined upon charges of at the the court may leave any such cases to be tried to the court may leave any such cases to be tried gaol at the next court of over and terminer and general gaol delivery, if, by reason of the difficulty or importance of the case, or for any other cause, it appears to it proper so to do. C. 8. U. c., c. 17, s. 8.

16 High Cany person is prosecuted in either division of Defendant in misdemeanor, misdemeanor, may not post the High Court of Justice for Ontario, for any misdemeanor, may not post trial by information of Justice for Ontario, for any misdemeanor, may not post trial by information or post trial by by information there filed or by indictment there found, or pone trial by information there filed or by indictment there found, or pone trial by indictment in term time, imparlance. in person into such court, and appears therein in term time, by the attorney, to answer to be such into such court, and appears therein in to the such such in to such court, and appears therein in to the such such in the such defendant, upon to such information or indictment, such defendant, upon being of the policy of the pol being charged therewith, shall not imparl to a following term, charged therewith, shall not impare to a from the shall plead or demur thereto, within four days and in default of his pleadton, but shall plead or demur thereto, wunin iou. ing or a time of his appearance; and in default of his pleading or demurring within four days as aforesaid, judgment thay be entered against such defendant for want of a plea. C. 8. U. C., c. 108, s. 1.

dictmonds such defendant appears to such information or Defendant shall not imparl may be required to indictment by attorney, such defendant shall not imparl may be required to forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, and a plea to such information or Defendant to the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, and a plea to such information or Defendant to the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term, but a rule, requiring him to plead, may plead forthwith the term of tothwith be given and served, and a plea to such informa- with.

tion or indictment may be enforced, or judgment in default may be entered. in the same may be entered, in the same manner as might have done formerly in cases in which have a might have done formerly in cases in which the defendant had appeared to such information or indicate. to such information or indictment by attorney in a previous term; but the court or any indictment of attorney in a previous term; term; but the court, or any judge thereof, upon sufficient cause shown for that purpose cause shown for that purpose, may allow further time for such defendant to pland or defe Time may be such defendant to plead or demur to such information or indictment. C.S.H.C. allowed

Provision if defendant is

not brought to trial

within 12

months.

275. If any prosecution for misdemeanor instituted by a Attorney General for O the Attorney General for Ontario in the said court, is not brought to trial within to the said court, is not brought to trial within to the said court, is not the pleasure. brought to trial within twelve months next after which of not guilty has been plead in the said court, be plead to the plead of the ple of not guilty has been pleaded thereto, the court in which such prosecution is deposited. such prosecution is depending, upon application made on behalf of any defendant behalf of any defendant in such prosecution, of which application twenty days? application twenty days' previous notice shall be given to such Attorney General such Attorney General, may make an order, authorizing such defendant to bring any make an order, authorizing such defendant to bring on the trial of such prosecution and thereupon such defendant to bring on the trial of such prosecution. and thereupon such defendant may bring on such prosecutival accordingly, unless a mall accordingly, unless a nolle prosequi is entered to such prosecution. C. S. II C. a 100

Calendar of criminal cases for grand jury in N. S.

276. In the Province of Nova Scotia a calendar of the iminal cases shall be seen to criminal cases shall be sent by the clerk of the Crown to the grand iury in each term of the clerk of the cle the grand jury in each term, together with the depositions taken in each case and the control of the Crown the grand jury in each term, together with the depositions taken in each case and the control of the Crown the control of the control of the Crown the control of th taken in each case and the names of the different witnesses, and the indictments shall and the indictments shall not be made out, except in fax, until the grand in the made out, except in fax, until the grand in the made out, except in fax, until the grand in the made out, except in fax, until the grand in the made out, except in fax, until the grand in the made out, except in fax, until the grand in the made out, except in fax, until the grand in the fax of the different with Halifax, until the grand jury so directs. R. S. N. S. (3rd S.), c. 123, s. 17.

When sentence may be pronounced in N.S.

277. A judge of the Supreme Court of Nova Scotia may ntence convicted original sentence convicted criminals on any day of the sittings at Halifax, as well as in tarm in the sittings at the sitting a Halifax, as well as in term time. R. S. N. S. (3rd S.), c. 171, s. 75.

GENERAL PROVISIONS.

Forms in schedule to be sufficient.

278. The several forms in the schedules to this and forms to the liber of or forms to the like effect, shall be good, valid and sufficient in law and it sufficient in law, and the forms of indictment contained in the second schedule to the forms of indictment and shall in the second schedule to this Act may be used, and shell be sufficient as respected. be sufficient as respects the several offences to which they respectively relate. As to offences respectively relate; and as respects offences not mentioned in such second schedule. in such second schedule, the said forms shall serve to be guide to show the guide to show the manner in which offences are to the charged, so as to avoid charged, so as to avoid surplusage and verbiage, and the averment of matters not averment of matters not necessary to be proved, and the indictment shall be good in indictment shall be good if, in the opinion of the court, to be prisoner will sustain no initial to be so, prisoner will sustain no injury from its being held to be so, and the offence or offence its being held to be so, and the offence or offences intended to be charged by it can be understood from it 20 20 W be understood from it. 32-33 V., c. 29, s. 27, and c. 30, s. 66.

the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect any Army and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the la Nothing herein contained shall alter or affect and the later of the laws relating to the government of Her Majesty's affected. land or naval forces. 32-33 V., c. 29, s. 137.

FIRST SCHEDULE.

IMPORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Province of $C_{anada,}$ district (or county, united counties, or as the case may be),

The information and complaint of C. D. of before the year before taken this district (or county, or as the case may be), of day of , in the year before the underthat (&c., stating the offence). , a justice of the peace in and for the said

Sworn (or affirmed) before (me) the day and year first bove mentioned, at

J.S.

TO APPREHEND A PERSON CHARGED WITH AN OFFENCE.

Province of $c_{anada,}$ $\mathtt{dist_{rict}}$ united (or countries, or the case may be),

all or any of the constables or other peace officers in the had districted counties, or as the case may aid district (or county, united counties, or as the case may

Whereas A. B., of charged as A. B., of (laborer), has this way the peace of the peace is oath before the undersigned a justice on the peace is oath before the undersigned in the county, united of the upon oath before the undersigned , a justice peace in and for the said district (or county, united tore, did (see as may be), of , for that he, on , forthwith to to to command you, in Her Majesty's name, forthwith to the and the soil A. R. and to bring him before (me) or prehend the said A. B., and to bring him before (me) or other in the said district county justice of the peace in and for the said district or as the case may be), of county, united counties, or as the case may be), of

to answer unto the said charge, and to be further dealt with according to law

day of Given under (my) hand and seal, this , in the district (county, &c.), aforesaid. \mathbf{at}

J. S. [L.S.]

PERSON CHARGED WITH AN INDICTABLE SUMMONS TO A

Canada, Province of district (or county, united counties, or as the case may be), of

To A. B., of

, (laborer):

Whereas you have this day been charged before the under gned a justice of the charged before the under gned to a justice of the charged before the under gned to the un , a justice of the peace in and for the said disty, united country, trict (or county, united counties, or as the case may the of for that you on (&c., stating shortly the offence); These are therefore to command you, in Her ye jesty's name, to be and o'clock in the (fore) noon, at , or before such other justice or justices of the peace of the pe jesty's name, to be and appear before (me) on tice or justices of the peace for the same district (or country, united counties. or gothern , as shall then be there, to answer to the said charge, and to be further dealt with according to large

, at , in the district (or county, &c.), aforesaid. Given under (my) hand and seal, this the year

(D.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada, Province of district (or county, united counties, or as the case may be),

To all or any of the constables, or other peace officers in the said district (or county main that the case said district (or county, united counties, or as the case may be), of : (instant or last past) day of Whereas on the

A.B., of the undersigned (or name the justice or justices, or as the case in and for the said may be), (a) justice of the peace in and for the said district, (a) justice of the peace in and for the said district (or county, united counties, as the case may be), of or he the said justice of the peace, or we or they, the said justice of the peace, or we or they, the said iustices of the peace, or we or their) summer of the peace) did then issue (my, our, his or their) summons to the said A. B., commanding him, in Her Majest... Majesty's name, to be and appear before (me) on be there justice or justices of the peace as should then be there justice or justices of the peace as should dealt, to answer to the said charge and to be further dealt. dealt with according to law; and whereas the said A. B. has neglected to be or appear at the time and place appointed to be or appear at the time and place appointed to be or appear at the time and place appear at the time at the time and place appear at the time a pointed in and by the said summons, although it has now been hard by the said summons was been proved to (me) upon oath that the said summons was duly proved to (me) upon oath that the said summer commerced upon the said A. B.; These are therefore to command upon the said A. B.; These are the hend the you, in Her Majesty's name, forthwith to apprehend the before (me) or some hend the said A. B., and to bring him before (me) or some other: other justice of the peace in and for the said district (or out to be said district of the peace in and for the said district (or to said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the peace in and for the said district (or the said district of the said district county, united counties, or as the case may be), of answer the said charge, and to be further dealt with ac-

Given under (my) hand and seal, this in the in the year day of &c.), aforesaid. , at , in the district (or county,

J. S. [L.s.]

(D. 2.)

MARRANT TO APPREHEND A PERSON CHARGED WITH AN IN-DICTABLE OFFENCE COMMITTED ON THE HIGH SEAS OR

For offences committed on the high seas the warrant may be same the same as in ordinary cases, but describing the offence to have been committed "on the high seas, out of the body of any district" on the high seas, out of the body of any district or county of Canada and within the jurisdiction of the Admiralty of England."

For offences committed abroad, for which the parties may be dicted in may be the same as in indicted in Canada, the warrant also may be the same as in offence to have been comrdinary cases, but describing the offence to have been committed " cases, but describing the opening at land out of Canada, to wit: at in the Is in the West Indies, or at the case may be. , in the Island of , in the East Indies," or as

(E.)

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that at a Court of (Oyer and Terminer, General Gaol Delivery of Court of (Oyer and Terminer) or General Gaol Delivery, or General Sessions of the peace, holden in and for the district ' holden in and for the district (or county, united countries, or as the case man he) of , in the said district, or as the case may be), of , at , in the said disd by (county, &c)., on , a bill of indictment was found B. the grand jury against A. B., therein described as late of (laborer) for the described as late of (laborer), for that he (&c., stating shortly the the said A B L. offence), and that the said A. B. has not appeared or pleaded to the said indictment

Dated this

day of , in the year

Clerk of the Crown, (or deputy clerk of the Crown) for edistrict (or county with a county may the district (or county, united counties, or as the case may be); be);

Clerk of the peace of and for the said district (or county, nited counties, or as the arm united counties, or as the case may be).

(F.)

WARRANT TO APPREHEND A PERSON INDICTED.

Canada, Province of district (or county, united counties, or as the case may be), of

To all or any of the constables or other peace officers in e said district for country the said district (or county, united counties, or as the case may be), of

Whereas it has been duly certified by J. D., clerk of the cown, of (name the county) Crown, of (name the court) (or E. G., deputy clerk of the Crown or clerk of the court) the district (or county, united counties, or as the case may be), in and the district (or county, united counties, or as the case may be), of , that (&c., stating the certificate); These are mand von in Hard , that (&c., stating the certificate); These therefore to command you in Her Majesty's name forthwith to apprehend the said A D to apprehend the said A. B., and to bring him before (me) чар. 170.

2089

or some other justice or justices of the peace in and for the be), to be dealt with according to law.

in the year , at , in the district (or

J. S. [L. S.]

(G.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Province of
district (or county,
united counties, or
of case may be),

To all or any of the constables, or other peace officers in the keeper of the county, &c.), of , and the county, united counties, or as the case may be), of

Whereas by a warrant under the hand and seal of justice by a warrant under the hand and seal of (a) Whereas by a warrant under the hand and sear or county, notice of the peace in and for the said district (or under the case may be), of under hand are december of the peace in and for the same hand are counties, or as the case may be), of after reciting the hand and seal, dated , after recuiring the justice of the peace commanded all or any majesty's name, forthwith to a harden the constant of the peace commanded all or any harden to before (him) to hand and seal, dated , after reciting that it had the justice by J. D., (orc., as in the constables, in Her Majesty's name, forthwith to appear to bring him before (him) the prehend the said A. B., and to bring him before (him) the combination of the said district (or County, united the peace in and for the said district (or the case may be), of or county district of dis-before some other justice or justices in and for the said dis-deal (or countries, or as the case may be), to be trict (or country, united counties, or as the case may be), to be has with sold whereas the said A. B. dealt (or county, united counties, or as the case may ve), that with according to law; and whereas the said A. B. has been apprehended under and by virtue of the said war-bank, and hair has been apprehended under and by virtue of the said war-bank, and hair has same hoved to (ma) now brought before (me) it is hereupon duly proved to (me) upon oath that the said A. B. is the same indicated who is the said in the person who is named and charged by indiction who is named and charged by , in the said ham tables. These are therefore to command you, the said ham tables are therefore to command you, in Her Majesty's constables and peace officers, or any of you, in Her Majesty's common common contract the said A. B. to the in the said district (or

control common gaol at , in the said district , in the said district , in the said district , united counties, or as the case may be), of this precept is and (I) hereby command you the said keeper

to receive the said A. B., into your custody in the said good, and him there safely to keep married to the said good, he and him there safely to keep until he shall thence be de-livered by due course of law.

, in the district Given under (my) hand and seal, this in the year , at J. S. [L.S.] (or county, &c.), aforesaid.

(H.)

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY
IN CUSTORY FOR

Canada. Province of district (or county, united counties, or as the case may be), of

in the said district (or county, united counties, or as the case may be), of To the keeper of the common gaol at

Whereas it has been duly certified by J. D., clerk of the cown of (name the court of the court) Crown of (name the court, or deputy clerk of the Crown tell clerk of the peace) of and for the clerk of the variety united clerk of the peace) of and for the district (or county, statistics, or as the case many half of the certificate); And whereas (I am) informed that the said.

A. B., is in your custody in the said. aforesaid, charged with some offence, or other matter; and it being now duly proved upon and it is and it is said. being now duly proved upon oath before (me) that the said A. B., so indicted as aforesaid A. B., so indicted as aforesaid, and the said A. B., These custody, as aforesaid, are one and the same person; to detail therefore to command you in the same person; therefore to command you, in Her Majesty's name, to detail the said A. B. in your custod and the same person; aforesaid, the said A.B. in your custody in the common gaol aforesaid, until by a writ of habene some the common gaol aforesaid. until by a writ of habeas corpus he shall be removed their from, for the purpose of being the shall be removed indiction. from, for the purpose of being tried upon the said or disment, or until he shall all tried upon the said or disment, or until he shall all tried upon the said or disment. ment, or until he shall otherwise be removed or discharged out of your custody. charged out of your custody by due course of law.

day of in the Given under (my) hand and seal, this , at in the year J. S. [L.s.] district (or county, &c.), aforesaid.

(I.)

INDORSEMENT IN BACKING A WARRANT.

Province of district (or county, united counties, or of the case may be),

Whereas proof upon oath has this day been made before district (or county, united counties, or as the case may be), of that the name of J.S. to the within warrant subscribed, mentioned; I do therefore hereby authorize W.T. who brings warrant was originally directed, or by whom it may be officers of the said district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or said last mentioned district (or county, united counties, or

Year under my hand, this county, &c.), aforesaid.

day of , in the , in the district (or

J. L.

(K.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Province of
district (or county,
united counties, or
of case may be),

in the information of A. B., of the said district (or county, &c.), (yeoman), taken this before me, W. S., Esquire, a justice of the peace, in and for be, of district (or county, united counties, or as the case may (insert the description of articles stolen) of the goods and chartels of deponent, were feloniously stolen, taken and this deponent, at the (township, &c.), aforesaid, by some or persons unknown (or name the person), and that he

has just and reasonable cause to suspect, and suspects, that the said goods and chattele are a the said goods and chattels, or some part of them are concealed in the (dischling-house) in the said district (or county, &c.), (here add the causes of suspicion, whatever they may be a suspicion, whatever they may be a suspicion. picion, whatever they may be); Wherefore (he) Prays that a search warrant may be greated. search warrant may be granted to him to search the dwelling-house, &c.). of the soid C. D. ing-house, &c.), of the said C. D., as aforesaid, for the goods and chattels so follows. goods and chattels so feloniously stolen, taken and carried away as aforesaid

Sworn (or affirmed) before me the day and year first above entioned, at in the said district (or county, &c.), of mentioned, at

(K.2.)

SEARCH WARRANT.

Canada. Province of district (or county, united counties, or as the case may be), of

To all or any of the constables, or other peace officers, in the district (or county with a second of the may) the district (or county, united counties, or as the case may be), of

in the said district (or county, &c.), has this day made oath before me the said dersigned a justice of the peace, in and for the said, united control of a justice of the peace, in and for the bel, of district (or county, united counties, or as the case may be), of that, on the as far as place of supposed concealment); These are therefore in Her Majestv's name to the supposed concealment and in Her Majesty's name to authorize and require you, each and every of you, will each and every of you, with necessary and proper assistance, to enter in the day-time. to enter in the day-time into the said (dwelling-house, said of the said , and there diligently search for the said, and if the said goods and chattels, and if the same, or any part thereof, are found, found upon such sound. found upon such search, that you bring the goods so some and also the body of the and also the body of the said C. D. before me, and some other justice of the passage of the said C. D. before me, and some other justice of the passage of t other justice of the peace, in and for the said district (of county, united counties county, united counties, or as the case may be), of to be disposed of and dealt with according to law.

, in the said , in the Given under my hand and seal, at day of district (or county, &c.), this W. S., J. P. (Seal.) year

(L.)

SUMMONS TO A WITNESS.

```
Province of
     Canada,
 district (or county,
 united counties, or
 as the case may be),
```

To E. F., of

~ ~ 1V.

(laborer).

Whereas information has been laid before the undersigned that A. R. (e) counties, or as the case me be), of that A. B. (&c., as in the summons or warrant against the accused), and it has been made to appear to me upon (oath), my you are it has been made to appear to me upon (or prosecution); that you are likely to give material evidence for (prosecution); These are likely to give material evidence for (prosecutor), before me therefore to require you to be and to appear o'clock in the (fore) before me on 100n, at of the same district (or county, united counties, as shall then be there, to or as the case may be), of testify what you know concerning the said charge so made that the you know concerning the said charge so made Herein fail not. what you know concerning the said charge the said A. B. as aforesaid. Herein fail not.

Given under my hand and seal, this in the dis the year Moresaid. day of in , in the district (or county, &c.),

 $J.S. \cdot [L.s.]$

(L. 2.)

WARRANT WHEN A WITNESS HAS NOT OBEYED THE

Province of $c_{a_{nada,}}$ district (or county, united counties, or of the case may be),

To all or any of the constables or other peace officers in the said or any of the constables or other peace once on be, of district (or county, united counties, or as the case

Whereas information having been laid before of the of the said district hereas information having been laid before, of the peace, in and for the said district (or county, as in the summons); and it having been made to appear to (me) upon oath that B.F. of (laborer). was libered to (me) upon oath that B.F. (laborer), was likely to give material evidence for cution (I) duly issued the prosecution (I) duly issued (my) summons to the said E.F., requiring him to be and

or before such other justice or justices the same district E.F., requiring him to be and appear before (me) on counties, or as the case may be), as should then be there, to testify what he knows respectively. testify what he knows respecting the said charge so made against the said A R as aforesaid against the said A.B., as aforesaid; and whereas proof has this day been made upon coth is this day been made upon oath before (me) of such summons having been duly served water the summons that the summons having been duly served water the summons that the summons having been duly served water the summons that the summon summons that the summons that the summon summons that the summon summons that the summons that the summon s having been duly served upon the said E.F.; and whereas the said E.F. has neglected to the said E.F. has neglected to appear at the time and place appointed by the said summer and place has appointed by the said summons, and no just excuse to been offered for such position. been offered for such neglect; These are therefore command you to bring and here command you to bring and have the said E.F. before (me) on at or before such other justice or justices for the same shall (or county, united counties (or county, united counties, or as the case may be), as shall then be there, to testify what I then be there, to testify what he knows concerning the said charge so made against the said the charge so made against the said the charge so made against the said t charge so made against the said A.B. as aforesaid.

day of in the district (or county, Given under (my) hand and seal, this in the year , at J. S. [L.S.] &c.), aforesaid.

(L. 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, Province of district (or county, | united counties, or as the case may be), of

To all or any of the constables or other peace officers in the said district (or county) the said district (or county, united counties, or as the cast may be), of

Whereas information has been laid before the undersigned, a justice of the page. , a justice of the peace, in and for the said district of that, united counties or as the (&c., as in the summons); and it having been made to appear to (me) upon oath, that E F give material evidence for the prosecution, and that it probable that the said E. F. will probable the said E. Will probable the said E. Will probable the said E. Will probable the sai probable that the said E. F. will not attend to give evidence unless compelled to do so. The unless compelled to do so: These are therefore to command you to bring and have the soid E. F. will not attend to give evidend unless compelled to do so: These are therefore to command you to bring and have the soid E. F. you to bring and have the said E. F. before (me) on

as shall then be there, to testify what he knows concerning the said A. B. as aforesaid. the said charge so made against the said A. B. as aforesaid.

Given under my hand and seal, this in the in the year day of 4c.), aforesaid. , at in the district (or county,

J. S. [L.S.]

(L. 4.)

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO

Province of Canada, district (or county, united counties, or as the case may be),

To all or any of the constables or other peace officers in distance of as the case the district (or county, united counties, or as the case be) of (or county, united counties, or as the case) ties, or as the case may be), of in the said district (or county, united coun-

Whereas A. B. was lately charged before justice A. B. was lately charged before a in hereas A. B. was lately charged before whited continuous the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county, and the peace in and for the said district (or county). thited counties, or as the case may be), of in the peace in and for the peace in and for the case may be), of at in the counties, or as the case may be), of the summons); and it having been made to appear to was likely to give ma-(me) upon oath that E. F. of tenal pon oath that E. F. of was likely to give the prosecution (I) duly issued (my) be mong to the prosecution him to be and appear before months to the said E. F., requiring him to be and appear or before such other before me on Justice or justices of the peace for the same district (or the same district (or the same district). country, justices of the peace for the same uncluded by, united counties, or as the case may be), as should have he knows concerning the then be there, to testify what he knows concerning the there, to testify what he knows aforesaid; and the there, to testify what he knows concerning the charge so made against the said A. B. as aforesaid; and harden (me) (or being brought the charge so made against the said A. B. as anoreome, before (me) (or being brought to the land to th before (me) by virtue of a warrant in that behalf), to testify the toresaid by virtue of a warrant in that behalf or affirmation. tion as a mile (me) by virtue of a warrant in that penant, to a sea mile as a mile as tion as a witness in that behalf, now refuses so to do (or tails duly make only refuses to answer cerbeing as a witness in that behalf, now refuses so to the duly sworn as a witness now refuses to answer cerban quest; the duly sworn as a witness now refuses to answer that duestions concerning the premises which are now here big to him. to him, and more particularly the following without offering any just excuse for such refusal; These are therefore to the said constables, peace officers, therefore to command you, the said constables, peace officers,

or any one of you, to take the said E. F. and him safely convey to the common cool , in the district los county, &c.), aforesaid, and there to deliver him to do keeper thereof. together will be to deliver him to do keeper thereof, together with this precept: And (I) do hereby command you the said hereby command you, the said keeper of the said the said gaol to receive the said E D gaol to receive the said E. F. into your custody in the space common gaol, and him common gaol, and him there safely keep for the space of days, for his said and days, for his said contempt, unless in the meaning the ents to be examined he consents to be examined, and to answer concerning the premises; and for your so premises; and for your so doing, this shall be your sufficient warrant.

day of , in the district (or county, Given under (my) hand and seal, this in the year , at J. S. [L. S.] &c.), aforesaid.

(M.)

WARRANT REMANDING A PRISONER.

Canada. Province of district (or county, united counties, or as the case may be),

To all or any of the constables and other peace officers in the case said district (or county and other peace officers in the case). said district (or county, united counties, or as the may be), of and to the county gad , and to the keeper of the (common good ise) , in the said district (or county, or lock-up house) &c.), of

Whereas A. B. was this day charged before the under gned a institute of the said , a justice of the peace in and for the said, y, united countries district (or county, united counties, or as the case may be), of that (&c as in it as a state case may be), or that (&c as in it as a state case may be). , for that (&c., as in the warrant to apprehend), B; it appears to (me) to be necessary to remand the said A. These are therefore to command to the said A. These are therefore to command the said A. The These are therefore to command you, in Her Majesty's name forthwith to convey the said A gool of forthwith to convey the said A. B. to the (common gaulty, lock-up house) at , in the said district (or country m to the φc.), and there to deliver him to the keeper thereof, the said with this precept: and I have with this precept; and I hereby command you in the keeper to receive the said A D keeper to receive the said A. B. into your custody said (common gaol or lookers) said (common gaol or lock-up house), and there sate keep him until the o'clock in the (fore) noon of the same of the before such other o'clock in the (fore) noon of the same of the fore (me) or before such other justice or justices of when I hereby command you to have him at

Peace for the said district (or county, united counties, or as the case may be), as shall then be there, to answer further to the soil may be), as shall then be there, to answer further dealt with according to the said charge, and to be further dealt with according to law and charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the mean-

Given under my hand and seal, this day of $a_{foresaid}$. in the district (or county, &c.), , at

J. S. [L.s.]

J. S.

(M. 2.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURN-

Province of Canada, district (or county, united counties, or of the case may be),

Be it remembered, that on the in the year L. M., of day of personally came before me, A.B. of (laborer), (butcher) of the peace for the said district (or county, united (grocer), and N. O., of counties, or as the case may be), and severally acknowledged hardselvor as the case may be) themselves to owe to our Sovereign Lady the Queen, her and send sums following, that is to heins and successors, the several sums following, that is to and the said L. M. and we said A. B. the sum of and N. O. the sum of everal money of Canada, to be made and levied of their the time sum of the real money of Canada, to be made and levied of the local processors in the condition in dorsed (or he, the said A.B., fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above nentioned, at

The condition of the within (or above) written recognizance that that have bounden A. B. was this day is such that whereas the within (or above) written recognized to that whereas the within bounden A. B. was this day that whereas the within bounder as the witherest before me for that (&c., as for the bross, and whereas the examination of the witnesses behalf is adjourned until the last past) charged better the prosecution in this behalf is adjourned until the linstant): If, therefore, the

Chap. 170.

said A. B. appears before me on the said

day of o'clock

in the (fore) noon, or before such other justice or justices of the peace for the said district of the peace for the said district (or county, united counter or as the case man he) as shall or county. or as the case may be), as shall then be there, to answer (further) to the said observed that the observed the said obse (further) to the said charge, and to be further dealt wise according to law the said result and to be further dealt wise according to law, the said recognizance to be void, otherwise to stand in full force and with

(M. 3.)

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND

Canada, Province of district (or county, united counties, or as the case may be),

, and your sureties, L. M. and N. O., in the of the Take notice that you, A. B., of , each, that you, A. B., appear before me, the peace form sum of J. S., a justice of the peace for the district (or county, united counties or go the , or before such other justice or justices of the same district (or county, united counties, or as the case man 1) , the day of counties, or as the case may be), as shall then be there, D, answer (further) to the charge made against you by unless and to be further dealt with and to be further dealt with according to law; and unless you, A. B., personally appears to law; and unless you, you, A. B., personally appear accordingly, the recognizated entered into by yourself and according to law; entered into by yourself and sureties will be forthwith levied on you and them

Dated this

day of

, in the year

J. S.

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON THE

I hereby certify that the said A. B. has not appeared but the time and place, in the above the time and place, in the above condition mentioned, the within therein has made default therein has made default, by reason whereof the within written recognizance is forfaited (N.)

DEPOSITIONS OF WITNESSES.

Province of district (or county, united counties, or of the case may be),

The examination of C. W., of (farmer), and E. F., in the year, taken on (oath) this day of county, for or as the case may be), aforesaid, before the undercounty, united counties, or as the case may be), in the before (me) for that he, the said A. B., at (&c., escribe the offence as in a warrant of commitment).

This deponent, C. D., upon his (oath) says as follows: in the words he deposition of the witness as nearly as possible sign it). When his deposition is completed let him

(& this deponent, E. F., upon his (oath) says as follows:

The above depositions of C. D. and E. F. were taken and above mentioned.

J. Š.

(O.)

STATEMENT OF THE ACCUSED.

Province of district (or county, united counties, or of case may be),

A. B. stands charged before the undersigned country, united counties, or as the case may be), aforesaid, that the said A. B., on , at (&c.,

as in the captions of the depositions); and the said charge being read to the said A. B., and the witnesses for the prosecution, C. D. and E. F., being severally examined in his presence, the said A. B. is now addressed by me as follows: "Having heard the evidence, do you wish to say anything "in answer to the charge? You are not obliged to say say "thing unless you desire to do so; but whatever you in "will be taken down in writing, and may be given in "evidence against you at your trial." Whereupon the said "evidence against (Here state whatever the prisoner A. B. says as follows: (Here state whatever the prisoner says, and in his very words, as nearly as possible. Get him to sign it if he will).

A. B.

Taken before me, at above mentioned.

, the day and year first

J.S.

(P.)

WARRANT OF COMMITMENT.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the district (or county, united counties, or as the case may be), district (or county, united counties, or as the case may be), district (or county, united counties, or as the case may be), at , in the said district (or county, at , in the said district (or county, at).

Whereas A. B. was this day charged before (me) J. S., a justice of the peace in and for the said district (or county, on the united counties, or as the case may be), of oath of C. D., of (farmer), and others, to that (&c., stating shortly the offence); These are therefore to command you the said constables or peace officers, or the of you, to take the said A. B., and him safely convey to the common gaol at aforesaid, and there him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in

Chap. 170.

the said common gaol, and there safely to keep him until he shall be thence delivered by due course of law.

Given under my hand and seal, this day of , in the year , at , in the district (or county, &c.), aforesaid.

J.S. [L. s.]

(Q.)

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Canada, Province of district (or county, united counties, or as the case may be),

Be it remembered, that on the C. . in the year day of in the said district (or county, &c.), of a justice of the said district (or county, &c.), of (juite), the said district me , a justice of the peace in and for maited counties, or as the case , in the (township) of the said district (or county, united counties, or as the case may be), of however, and acknowledged himself to owe to the of the of the Queen, Her heirs and successors, the lawful current money of and lawful current money of chattels, Canada, to be made and levied of his goods and chattels, the and the made and levied of our said Sovereign Lady hands and tenements, to the use of our said Sovereign Lady the One made and review of our said Sovereign the Oneen, Her heirs and successors, if the said C. D. fails condition to the borounder written). the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned at

J.S.

The CONDITION 10 1...

izance is another of the within (or above) written recognized is another of the within (or above) written recognized is another or a second A. B. was this day charged for his condition of the within (or above) written recognized is such that whereas one A. B. was this day charged that whereas one A. B. was this day charged that whereas one A. B. was this day charged that whereas one A. B. was this day charged that whereas one A. B. was this day charged the condition of the within mentioned, for that (Ac, as in), a justice of the peace within mentioned, for the denositions); if, therefore, he that (Arc., as in the caption of the depositions); if, therefore, he caption of the next court of over and terms or papers at the next court of the next court of the he holden in General gaol delivery, (or at the next court of open and general gaol delivery, to be holden in General gaol delivery, (or at the next course or Quarter Sessions of the Peace), to be holden in

and for the district (or county, united counties, or as the case to may be), of* , and there prefers or caused dreament for be preferred a bill of indictment for the offence aforesaidragainst the said A R and the sa against the said A. B., and there also duly prosecutes such indictment, then the said indictment, then the said recognizance to be void otherwise to stand in full force and river.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(Same as the last form, to the asterisk,* and then thus) in And there prefers or causes to be preferred a bill of indictment against the said A preferred a foresaid, dictment against the said A. B. for the offence aforesaid, and duly prosecutors and and duly prosecutes such indictment, and gives evidence thereon, as well to the thereon, as well to the jurors who shall then inquire into the said offence as all into the said offenc into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said recognizance to be void, or else to stand in full f

CONDITION TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk, * and the us):—And there gives thus):—And there gives such evidence as he knows upon a bill of indictrocate upon a bill of indictment to be then and there preferred against the said A R for 11 against the said A. B. for the offence aforesaid, as the jurors who shall the the jurors who shall there inquire of the said also to the jurors who shall there inquire of the said of the said also to the jurors who shall also to the jurors who shall pass upon the trial of the said. A. B., if the said bill shall is a upon the trial of the the A. B., if the said bill shall be found a true bill, then full said recognizance to be a said recognizance to be a said recognizance. said recognizance to be void, otherwise to remain in full force and virtue.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECULOR

Canada. Province of district (or county, united counties, or as the case may be),

, are bound in the to appear at the next court of over and tern neral gaol deliver to appear at the next court of over and of miner and general gaol delivery (or at the next district General Sessions of the Posses) General Sessions of the Peace), in and for the district (or county, united counties are in and for the district to be a session of the peace). (or county, united counties, or as the case may be), of to be holden of , in the said district (or county sainst and then and there (prosecute and) give evidence A. B., and unless you then appear there (prosecute and) you will be forthwith levied on you.

 $D_{ated\ this}$

day of

in the year

J.S.

(R.)

 $c_{0M_{\mathrm{MITMENT}}}$ of a witness for refusing to enter into the recognizance.

Province of district (or county, united counties, or of case may be),

To all or any of the constables or other peace officers in of the said district (or county, &c.), of , and to the keeper or as the case may be), at , in the said district (or county, &c., or as the case may be), of :

Whereas A. B. was lately charged before the undersigned (hume of the justice of the peace), a justice of the peace and for the said district (or county, &c.), of for that (Ac., as in the said district (or county, &c.), or hade to the summons to the witness), and it having been was hade to appear to (me) upon oath that E. F., of for the prosecution likely to appear to (me) upon oath that E. F., of issued (give material evidence for the prosecution, (I) duly issued (my) summons to the said E. F., requiring him to be or before such and (my) summons to the same of the peace as s other justice or justices of the peace as should then be there, to testify the said charge so to testify what he knows concerning the said charge so wade are what he knows concerning the said E. F. Made against the said A. B. as aforesaid; and the said E. F. Now against the said A. B. as aforesaid; and the before (me) by inthe of appearing before (me) (or being brought before (me) has Virtue of a warrant in that behalf to testify as aforesaid), has been now examined before (me) touching the premises, but being by (me) required to enter into a recognizance condithough by (me) required to enter into a recognization to give evidence against the said A. B., now refuses a to do. Sive evidence against the said command you the said conto to do give evidence against the said A. D., now the said control of vou, to take the said These are therefore to command you the said in and peace officers, or any one of you, to take the said h the distriction and there in the district (or county, &c.), aforesaid, and there deliver and I do has said keeper thereof, together with this precept: and I do hereby command you, the said keeper of the said common do hereby command you, the said keeper of the said gaol, to receive the said E. F. into your custody in keeper said safely keep the said gaol, to receive the said E. F. into your case, bin until a gaol, there to imprison and safely keep until a gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence

aforesaid, unless in the meantime the said E. F. duly enters into such recognizance as aforesaid, in the sum of before some one justice of the peace for the said condictor county, united counties, or as the case may be, tioned in the usual form to appear at the next court of and terminer, or general gaol delivery (or General or and terminer, or general gaol delivery (or General or said district (or county, united counties, or as the case may be), of , and there to give evidence before the grand be), of , and there to give evidence before the grand be preferred against the said A. B. for the offence aforesaid, be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a true bill is found against him for the same.

Given under my hand and seal, this day of the year, at in the district (or county, green, aforesaid.

J. S. [L.S.]

(R. 2.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To the keeper of the common gaol at district (or county, &c.), of aforesaid

, in the

Whereas by (my) order dated the day of (instant) reciting that A. B. was lately before then charged before (me) for a certain offence therein mentioned, and as E. F. having appeared before (me) and being examined as witness for the prosecution on that behalf, refused to enter witness for the prosecution on that behalf, refused to A. B., into recognizance to give evidence against the said A. B., into recognizance to give evidence against the said E. F. to your and F therefore thereby committed the said E. F. to the custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the trial of the said A. B. for the offence aforesaid, unless afore meantime he should enter into such recognizance as against said; and whereas for want of sufficient evidence against holden to bail for the said A. B. has not been committed or the recognizance as a sainst holden to bail for the said offence, but on the contrary holden to bail for the said offence, but on the contrary hereof has been since discharged, and it is therefore in necessary that the said E. F. should be detained longer in

Your custody: These are therefore to order and direct you the said 1: F. out of your the said keeper to discharge the said E. F. out of your custod, keeper to discharge the said E. F. out of your castody, as to the said commitment, and suffer him to go at

Given under my hand and seal, this in the in the year day of ec.), aforesaid. in the district (or county. , at

> J. S. [L. S.]

(S.)

RECOGNIZANCE OF BAIL.

Province of Canada, district (or county, united counties, or of the case may be),

Be it remembered, that on the in day of tor the district (us) the undersigned, (two) justices of the peace (laborer), L. M. the district (or county, united counties, or as the case owe to our Sovereign Lady the Queen, Her heirs and selessors to say: the and several,

and several,

and several,

and the Queen, Her news.

the Several sums following, that is to say: the and the said L. M. and N.O. the sum of chattels long be made and levied of their several goods and surface of their several goods and surfaces. chattels, to be made and levied of their several goods and tenements respectively, to the use of said Someon. Her heirs and successions and tenements are sed for ont being lands and tenements respectively, to the was said Sovereign Lady the Queen, Her heirs and succession if he is the condition indorsed (or tors, if he, the said A. B., fails in the condition indorsed (or hereunder Written).

Taken and acknowledged the day and year first above mentioned, at

> J. S. J. N.

The condition of the within (or above), written recognithe condition of the within (or above), written recognized, is such that whereas the said A. B. was this day the ged here. charged, is such that whereas the said A. B. was the said before (us), the justices within mentioned for that the said A. B. appears of the said A. B. appears he next warrant); if, therefore, the said A. B. appears the next court of over and terminer (or general gaol delivery or court of General or Quarter Sessions of the Peace) to be holden in and for the dialectric distriction. be holden in and for the district (or county, united counties, or as the case man he) of or as the case may be), of , and there surrenders and (or into the custody of the leaves and the surrenders and the custody of the leaves are the custody of the leaves and the surrenders and the custody of the leaves are the custody of the custod into the custody of the keeper of the common good lock-up house) there are a second to the common good to the common good second to the common good second to the common good second to the common good to lock-up house) there, and pleads to such indictment in may be found against him may be found against him by the grand jury, for and the respect to the charge aforage. respect to the charge aforesaid, and takes his trial upon the same, and does not deport same, and does not depart the said court without leave, then the said recognizence the then the said recognizance to be void, otherwise to stand in full force and virtue

(S. 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE

, are bound in the , and your sureties (L. M. and N. in the ach, that won the sum of , each, that you A. B. appear (\$\frac{\phi_c}{c}\$ as in the condition of the recognization) Take notice that you A. B., of condition of the recognizance), and not depart the said coult without leave; and unless you, the said A. B., personally appear and plead, and take appear and plead, and take your trial accordingly, the recognizance entered into her recognizance entered into by you and your sureties shall be forthwith levied on you and

Dated this

day of

, in the year J. S.

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A

Canada. Province of district (or county, [united counties, or as the case may be),

To the keeper of the common gaol of the district (or county, in the said district (or county, united counties, or as the case may be).

(laborer), has before (us) (100) for the scientification of the scientific the sc justices of the peace in and for the said district (or countried united counties, or as the case , entered

his appearance, and found sufficient sureties for his appearance at the next court of over and terminer or general general gaol delivery (or court of General or Quarter lor county the Peace), to be holden in and for the district to the case may be), of to answer, united counties, or as the case may be), of to answer Our Sovereign Lady the Queen, for that (&c., as the case may oc,). to Your are therefore to comto your said common gaol: These are therefore to comhand said common gaol: These are therefore.

A. B. you, in Her Majesty's name, that if the said common gaol A.B. You, in Her Majesty's name, that it the for the remains in your custody in the said common gaol for the said cause, and for no other, you shall forthwith the said cause, and the him to go at large.

Given under our hands and seals, this , at district (or county, &c.), aforesaid.

day of in the

J. S. L. S. J. N. [L. S.]

Q_{lOLER'S} RECEIPT TO THE CONSTABLE FOR THE PRISONER.

W.T. constable, the district that I have received from W.T., constable, the district (or county, &c.), of

A Re district (or county, &c.), of , the bod, I, together with a warrant under the hand and seal of county, Esquisite with a warrant under the said district (or T. B., together with a warrant under the hand and some county, Bequire, a justice of the peace for the said district (or navy, brite). County, united counties, or as the case may be), of

be), and that the said A. B. was sober, (or as the case may the time he was delivered into my custody.

P. K..

Keeper of the common gaol of the said district (or county, &c).

CONVEY THE ACCUSED BEFORE A JUSTICE OF THE CONVEY THE ACCUSED BEFORE A JUSTICE OF THE COMMITTED. COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, district (or county, united counties, or as the case may be),

the said or any of the constables or other peace officers in be, of district (or county, united counties, or as the case may

(laborer), has this day been , a justice of the peace, in and for the said district (or county, united counties, or the case may be), of Whereas A. B., of for that (&c., as in the warrant) to apprehend): and whereas (I) have taken the deposition of C. D., a witness examined by C. D., a witness examined by (me) in this behalf, but insection much as (I) am informed the deposition to the deposition to the deposition to the deposition of the deposition to the deposition to the deposition of the deposition much as (I) am informed that the principal witnesses the prove the said offence against 11 prove the said offence against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county, united against the said A. B. reside in the district (or county). district (or county, united counties, or as the case may be), of where the where the said offence is alleged to these are the where the said offence is allegy you, have been committed: These are therefore to command the in Her Majesty's name forth. in Her Majesty's name, forthwith to take and convey of said A.B. to the said district / said A.B. to the said district (or county, united counties, or as the case may be) of , and there carry hat before some justice or justices of the peace in and for the district (or county, united county). district (or county, united counties, or as the case may be), and near unto the (township of) where the offence is alleged to have been committed, to answer further dealt said charge before him and the committed answer further dealt said charge before him and the committed answer further dealt said charge before him and the committed answer further dealt said charge before him and the committed answer further dealt said charge before him and the committed answer further dealt said charge and the committed said charge before him or them, and to be further with according to law: and /n with according to law; and (I) hereby further command you to deliver to the said in the further command information in the said in the sai you to deliver to the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the information in this behalf, and also the said justice or justices the said justice or justices the information in this behalf, and also the said justice or justices the said justice tion in this behalf, and also the said deposition of C. D., now given into your possession for the said deposition of ther with given into your possession for that purpose, together with this precept. , in the

Given under my hand and seal, this , in the year district (or county, &c.), aforesaid.

J. S. [L.S.]

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE COMMIT FOR THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, Province of district (or county, united counties, or as the case may be),

I, J. P., a justice of the peace in and for the district of the unty, &c.), of , hereby certify that W. T. conf stable, (or peace officer), of the district (or county, united counties, or as the case man ho) , by virtue of and in obedience to a warrant of

J. S., Esquire, a justice of the peace in and for the district (or county, united counties, or as the case may be), of produced before me one A. B., charged before the said J. S. with heart series and delivered with having (&c., stating shortly the offence), and delivered by my direction, to him into the custody of answer to the custody of according to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant (if anu) in that be-Warrant, together with the information (if any) in that behalf, and the deposition (s) of C. D. (and of Raid Warrant mentioned, and that he has also proved to me, apon oath, the handwriting of the said J. S. subscribed to

Dated the day and year first above mentioned, at in the said district (or county, &c.), of

J. P.

SECOND SCHEDULE.

FORMS OF INDICTMENT.

Murder.

County (or district) } The jurors for our Lady the Queen, th_{e} , to wit: upon their oath, present that A. B., on day of in the year , at in the county (or district) thought, did feloniously, wilfully, and of his malice afore-kill and murder one C. D.

County (or district) \ Same as last form, omitting "wilfully " -forethought," and subtiluting the word "slay" for the word "murder." , to wit: and of malice aforethought," and sub-

Bodily Harm.

County (or district) The jurors for our Lady the Queen, , to wit: upon their oath, present that J. B., on to (or cause to be taken by) one A. B., poison (or other destructive thing) and did thereby cause bodily harm to the A. B., With intent to kill the said A. B. (or C. D.)

County (or district) Rape.

The jurors for our Lady the Queen, or the present that A. B., on to wit: upon their oath, present that A. B., on will, feloniously ravished and carnally knew C.D., a woman above the age of twelve years.

Simple Larceny.

The jurors for our Lady the Queen, , to wit:) upon their oath, present that A.B., on County (or district)) , did feloniously steal a day of , at the gold watch, the property of C. D.

County (or district) The jurors for our Lady the Queen, of to wit. , to wit:) upon their oath, present that A. B., did feloniously rob C. D. (and at the time of, or immediately before or after such robbery (if the case) such robbery (if the case is so), did cause grievous harm to the said C. D.) harm to the said C. D.), (or to any person, naming him).

The jurors for our Lady the Queen, , to wit: upon their oath, present that A. B., on County (or district) did feloniously break into and enter the dwelling-house of C. D., in the night-time, with intent to night-time, with intent to commit a felony therein (or as the case may be).

Stealing Money.

The jurors for our Lady the Queen , to wit: upon their oath, present that A. B., or County (or district) , did feloniously steal a certain sum of money, to wit, to the amount of dollars, the property of dollars, the property of one C. D. (or as the case may be).

Embezzlement.

The jurors for our Lady the Queen , to wit:) upon their oath, present that A. B., on County (or district)) , being a servant day of , at , being a servaid (or clerk) then employed in that capacity by one then and there, in virtual that capacity by one sum of then and there, in virtue thereof, receive a certain sum on money, to wit, to the amount of account of the said C. D., and the said money did feloniously embezzle.

County (or district) the jurors for our Lady the R. on of , to wit , to wit: on their oath, present that A. B., on day of day of , at , unlawing in the fraudulently and knowingly, by false pretences, did obtain from one C. D., six wards of marking in the pretences and chattels from one C. D., six yards of muslin, of the goods and chattels of the said C. D., with intent to 100 Offences against the Habitation.

County (or district) } The jurors for our Lady the Queen, , to wit: upon their oath, present that A.B., on the and maliciously set fire to the dwelling-house of C. D., the said C. D. (or some other person by name, or if the name is unknown, some person) being therein.

Malicious Injuries to Property.

County (or district) The jurors for our Lady the Queen, , to wit:) upon their oath, present that A.B., on and maliciously set fire, or attempt to set fire, to a certain building to house or barn or bridge, building or erection, that is to say (a house or barn or bridge, or as the or as the case or as the or erection, that is to say (a house or pain or may be) the property of one C. D. (or as the case

of district) The jurors for our Lady the the to wit: Upon their oath, present that A.B., on did feloniously promissor. Anowing the same to be forged) a certain without the conpromissory note, &c. (or clandestinely and without the consent of the owner, did make an alteration in a certain written instruction of the defraud, or as the case may be). ten instrument with intent to defraud, or as the case may be).

of the contract of the contrac continue day of , at , did ielonical, some reign a gold coin of the United Kingdom, called a Canada with intent to defraud, topereign, current by law in Canada, with intent to defraud, had in his possession a had in his possession had in his possession had in his possession to the United Kingdom, called a sold coin of the United Kingdom, called a sold knowing the same to be Counterfeit of a gold coin of the United Kingdom, counterfeit of a gold coin of the United Kingdom, counterfeit by law in Canada, knowing the same to be defraud by uttering the same). counterfeit, and with intent to defraud by uttering the same).

Perjury.

of district) The jurors for our Lady the Queen, the, to wit; upon their oath, present thet) of wit, at the (assizes) holden for the county (or disday of beto of "1t, at the (assizes) notice.

left of (one of the judges of our Lady the Queen), a certain come between the judges of one J. H., in a certain action of the between one E. F. and one J. H., in a certain action of with ant. Ween one E. F. and one J. H., in a certain action of the pulper one E. F. and one J. H., withes for and on behalf of the said E. F., and was then in.

, and did then and there, upon his oath, aforesaid, falsely, wilfully and corruptly depose and sman in the effect, corruptly depose and swear in substance and to the deed following, "that he saw the said of the deed to the deed t following, "that he saw the said G. H. duly execute the the on which the said action was hard." on which the said action was brought," whereas, in truth said A. B. did not see the said G. H. duly execute the the said A. B. did not see the said G. H. said A. B. did not see the said G. H. execute the said deed, and the said deed was not and the said deed was not executed by the said G. H. eriury. the said A. B. did thereby committee by the said G. H. periury. the said A. B. did thereby commit wilful and corrupt perjury.

Subornation of Perjury.

Same as last form to the end, and then , to wit: \} mame as last form to the end, under the pre-County (or district) sent, that before the committing of the said offence by the said A. B., to wit. on the unlawfully, wilfully and corruptly did cause and procure the said A. B. to do and committee the said A. B. to do and commit the said offence in manner and form aforesaid.

Offences against the Public Peace.

The jurors for our Lady the Queen to wit: upon their oath, present that A.B., or County (or district) , with two or more persons, of day of , at , with two or more Persund did riotously and tumultuously assemble together disturbance of the public possible together aid demonstrates and demonstrates are the public possible. disturbance of the public peace, and with force did demolish, pull down or destroy (and with force demolish) lish, pull down or destroy (or attempt or begin to demolish, \$\sigma c.\), a certain building or an arms.

Offences against the Administration of Justice.

The jurors for our Lady the Queen , to wit: The jurors for our Lady the 4.B., of upon their oath, present that A.B., and av of County (or district) did corruptly take or receive money under pretence of helping C. D. to a chattel (or note, ney, &c.), that is to say a helping C. D. to a chattel or a note, a constant of the constant of t ney, &c.), that is to say, a horse (or five dollars, or may be).
or a carriage), which had be or a carriage), which had been stolen (or as the case may be).

Bigamy or offences against the Law for the Solemnization

The jurors for our Lady the Queen, County (or district) The jurors for our Lady the W. O. O. O. The jurors for our Lady that A.B., on upon their oath, present that A.B., of , being then married, and day of , at , being then married, wife of feloniously marry C. D. during the lifetime of the wife of the said A. B—(or not being day) the said A. B—(or not being duly authorized, did solemnized) (or assist in the solemnization of the will be a solemnization (or assist in the solemnization of) a marriage between and E. F., or being duly authorized and E. F., or being duly authorized between of and E. F., or being duly authorized to marry, did solemnion marriage between C. D. and E. E. authorized to marry, did solemnion marriage between C. D. and E. E. marriage between C. D. and E. F. before proclamation of banns according to law or with the process of the proce banns according to law, or without a license for such marriage under the hand and soul file. riage under the hand and seal of the Governor).

County (or district) . } Offences relating to the Army. The jurors for our Lady the Queen, , to wit: upon their oath, present that A.B., on to desert the Queen's service (or as the case may be). , did solicit (or procure) a

Offences against Public Morals and Decency. Offences against Public Morais and I of (or district) The jurors for our Lady the Queen, , to wit:) upon their oath, present that A. B., on , at , did keep a common gaming,

General Form.

County (or district) The jurors for our Lady the Queen, to wit:) upon their oath, present that A.B., on offence in the terms in which it is described in the law, or state if the one constitute the offence intended to be charged, and if the offence is felony, state the act to have been done feloniously).

Whereas at (stating the session of the court before which the nereas at (stating the session of the court vegore conduction) was convicted), held for the county (or united before the substance) I, and judgment thereon given, that (state the substance), the court before whom he was tried reserved in certain to the consideration of the substance), the court before whom he was tried reserved that the question of law for the consideration of the respited in the meantime (as the case may be): This is to that the meantime (as the case may be): certify that the meantime (as the case may be): 11115 ...

that the justices of (name of court) having met at term (or as the that the ind, it was considered by the said justices there, and an an about the ind. that the judgment aforesaid should be annulled, and an that the said A. B. ought not, in the judgment aforesaid should be annuneu, and the judgment aforesaid should be annuneu, in the judgment aforesaid should be annuneu, and the judgment aforesaid the judgment atoresau should be judgment of the said justices, to have been convicted of the said justices. the ladgment of the said justices, to have been convicted to the said justices, to have been convicted to the said; and you are therefore hereby required to the said; and you are therefore hereby required A. B. from your custody. with to discharge the said A. B. from your custody.

E. F.

To the sheriff of Clerk of (as the case may be). the gaoler of , and l all gaoler of C. 8. V. c. 29, schs. A and B, and c 30, sch. R. L. C., c. 112, sch. C. S. U. C. R. S. L. C., c. 112, sch. 12, sch. A. R. N. S. (3rd S.), c. 171, sch. This is a constant of the co 18. N. S. (3rd S.), c. 171, sch.
1831, B., Title XL, and sch., Form (U).

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
c. 32 c. 108 c. 109 c. 112 c. 113.	ls 139.			
	ss. 56(part),57,58 59,60,61,62 and schedule A.	}		
c. 105 R.S.N.S., 3rd S., c. 123. R.S N.S., 3rd S.,	s. 2. s. 17.			
	ss 75, 99,100,101, 102, 103 and schedule.			
c. 160 19 V. (N.B.), c 41				•
16 V.(P.E.I.)c.12 29-30 V. (Can.), c. 46.		s 3.		
c. 74	ss. 7 and 8. The whole.			
	ss. 6 (part), 27, 28, 29, 30, 31 and 33.			
	ss. 36, 48, 49, 50, 51, 53 and 54. ss 6, 9, 19 (part), 24,48,58(part), 61(part),62,65,			
с 21	71, 78 and 79. 88. 5, 6, 14 (part), 16 (part), 17 (part), 18(part),			
	20 (part), 33, 34, 36, 40, 57, 58, 72 (part), 73, 74, 75 (pa r t), 92, 93 (part), 96(part), 101, 102, 103, 104 (part), 105, 110 (part), 113, 114, 117 and 121.			
	ss. 16 (part), 68 and 69. ss. 8, 9, 10 and 11			ati
	The whole, ex- cept— s. 1 (part) s. 7	s. 1 (part)	s. 1 (part) s. 7	ounishments. Summary com- victions.
ļ	ss 54, 55 and 56		s. 1 (part)s s. 7s ss. 54,55 and 56 I	· uu

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
c. 30 33 V. c. 36	ss. 54, 85 and 87. s. 86	s. 80 (part). s. 138. s. 67.	s. 86ss. 106-129sf 130-135	Penitentiaries. Escapes, &c. Threats, &c. Punishments. Actions against Justices. &c.
17	ss. 1-3			

Chap.

CHAPTER 171.

An Act respecting Recognizances.

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

Surety may obtain order to render.

1. Any surety for any person charged with any indictable offence may, upon affidavit showing the grounds from a for, with a certified copy of the recognizance, obtain judge of a superior court or from a judge of a county having criminal jurisdiction, an order in writing under hand, to render such person to the common gaol of the county hand, to render such person to the common gaol of the county where the offence is to be tried. 1 R S N R c. 157, s. 1.

Sureties may arrest, &c.

2. The sureties, under such order, may arrest such person, and deliver him, with the order, to the gaoler named therein, who shall receive and imprison him in the said gaol, and shall be charged with the keeping of such person until he saidscharged by due course of law. 1 R. S. N. B., c. 157, s. 2.

Application for admission to bail.

3. The person rendered may apply to a judge of a superior court, or in cases in which a judge of a county court, again admit to bail, to a judge of a county court, to be admitted to bail, who may on examination allow or refuse the same, and make such order as to the number of the sureties and the amount of recognizance as he deems the —which order shall be dealt with in the same manner as the first order for bail, and so on as often as the case requires. 1 R. S. N. B., c. 157, s. 3.

Entry of such render.

4. On due proof of such render, and certificate of that sheriff, proved by the affidavit of a subscribing witness, rior such person has been so rendered, a judge of the superior or county court, as the case may be, shall order an entry of such render to be made on the recognizance by the officer in charge thereof, which shall vacate the recognizance, and may be pleaded or alleged in discharge thereof.

N. B., c. 157, s. 4.

Effect of entry.

Render in open court.

5. The sureties may bring the person charged as said into the court at which he is bound to appear, render the sitting thereof, and then, by leave of the court, him in discharge of such recognizance at any time to trial, and such person shall be committed to gaol, there are the trial, and such person shall be committed to gaol, there are the trial, and such person shall be committed to gaol, there are the trial, and such person shall be committed to gaol, there are the trial, and such person shall be committed to gaol, there are the trial, and such person shall be committed to gaol, the such remain until discharged by due course of law;

опар. 171.

2117

any time admit such person to bail for his appearance at N R c 157, s. 5. any time it deems meet. 1 R. S. N. B., c. 157, s. 5.

The arraignment or conviction of any person charged Arraignment of conviction of the recognition of the reco The arraignment or conviction of any person enarged or conviction of any person enarged or conviction not to distance, hat it appearance for charge recognitions. Lance, but the same shall be effectual for his appearance for charge recognizance. tial or sentence, as the case may be; and the court may nizance.

Commit such commit sentence, as the case may be; and the country may be person to gaol upon his arraignment or trial, or may require new or additional sureties for his appearance for trial or sentence, as the case may be, notwithstanding at recommendation of the commitment shall be a disthal or sentence, as the case may be, notwinstance that the commitment shall be a discharge of t charge of the sureties. 1 R. S. N. B., c. 157, s. 6.

Nothing in the foregoing provisions shall limit or Other rights trict and in the foregoing provisions shall limit or Other rights. heat Nothing in the foregoing provisions shall limit or other rights headering to right which a surety now has of taking and of taking and officering to the surety now has of taking the surety now has of taking the surety now has officering to the surety now has officering the surety now has Reddering in the loregoing 1 of the loregoing 1 of the loregoing to custody any person charged with any such surety. offence, and for whom he is such surety.

Inless otherwise provided, all fines, issues, amerce-fines, for-feits and for the disposal of which is nizances, & wents and forfeited recognizances, the disposal of which is nizances, &c., and the control of the Parliament of the entered on a roll. within the legislative authority of the Parliament of to be entered on a roll. Canada, set legislative authority of the Parliament of the legislative authority of the legislative a of chiminal set, imposed, lost or forfeited before any contact imposed imposed, lost or forfeited before any contact imposed the adjournment of such court be fairly entered and exdeted on a roll by the clerk of the court, or in case of his or about the direction and the person, under the direction shall shall deted on a roll by the clerk of the court, or in case of the judge of the judge of the court, which roll shall at such court, which roll shall of the or absence, by any other person, under the uncontent of the judge who presided at such court, which roll shall a such court, which roll shall be in a such court, which roll shall are the court, he judge who presided at such court, which rouse in duplicate and signed by the clerk of the court, which rouse in case of the court, which rouse in duplicate and signed by the clerk of the court, in case of his death or absence, by such judge:

on le of court is a superior court of criminal jurisdic- With whom roll shall be filed. tion, one of such rolls shall be filed with the clerk, profiled. onotary, registrar or other proper officer,—

Court In the Province of Ontario, of a division of the High

The Provinces of Nova Scotia, New Brunswick and Columbia, of the Supreme Court of the Province,—

the Province of Prince Edward Island, of the Month of Judicature of that Province, and—

Lourt of Judicature of that Frozince,

of that Province of Manitoba, of the Court of Queen's thought of that Province,—

that Province,—

the court before the first day of the term next succeeding Time for the court by or before which such fines or forfeitures were filing. by or beach or forfeited:

If such court is a court of General Sessions of the Copy with county court, one of such rolls shall remain tain courts.

deposited in the office of the clerk of such court. C., c. 117, ss. 1 and 2. nart 2 and 4

Duplicate to be transmitted to sheriff

9. The other of such rolls shall, as soon as the same the repared, be sent by the prepared, be sent by the clerk of the court making the same, or in case of his down same, or in case of his death or absence, by such judge as aforesaid, with a writ of face and as making as same, or in case of his death or absence, by such judge as aforesaid, with a writ of fieri facias and capias, according to the form in the schoolto the form in the schedule to this Act, to the sheriff of the county in and for which Powers of the county in and for which such court was holden; sheriff thereunder. such writ shall be authority to the sheriff for proceedings to the immediate lawring. to the immediate levying and recovering of such the issues, amercements and forfeited recognizances, on per goods and chattels lands and goods and chattels, lands and tenements of the several persons named therein or far is sons named therein, or for taking into custody the bodies of such persons respectively. of such persons respectively, in case sufficient pareof the chattels, lands or tenements of the bodies and chattels, lands or tenements of the chattels. chattels, lands or tenements cannot be found, whereof the sums required can be made. sums required can be made; and every person so until shall be lodged in the common are a sum of the shall be lodged in the common gaol of the county, such satisfaction is made or until satisfaction is made, or until the court into which subwrite is returnable, upon cause at writ is returnable, upon cause shown by the party, as herein after mentioned, makes an artistic which such as the court into which such after mentioned, makes an artistic with the party, as herein after mentioned, makes an artistic with the court into which such as the court into which is th after mentioned, makes an order in the case, and until solve order has been fully complied. order has been fully complied with. C. S. U. C., c. 117, ss. 2, part, 4, part, and 5. 10. If any person bound by recognizance for his appearance (or for whose appearance)

estreats to prepared.

10. If any person bound by recognizance for his become ance (or for whose appearance any other person has so bound) to prosecute and the person has become case it. so bound) to prosecute or give evidence in any assault felony or misdemeanor, or to answer for any common asset the or to articles of the peace makes any common asset the or to articles of the peace makes any common asset the or to articles of the peace makes any common of the order of the peace makes any common asset the order of the peace makes any common of the order of the peace makes any common asset the order of the peace makes any common asset the order of the peace makes any common asset the order of the peace makes any common asset the order of the peace makes any common asset the order of the order of the peace makes any common asset the order of the peace makes any common asset the order of or to articles of the peace, makes default, the officer of court by whom the estracta court by whom the estreats are made out, shall prepare so nerson of the What the list list in writing, specifying the name of every respect of shall set forth. making default, and the nate which such person or him which such person, or his surety, was so bound, of every with the residence. trade with the residence, trade, profession or calling distinguish such person and surety, and shall, in such list, the cause the principals from the surety. the principals from the sureties, and shall state a whether if known, why each such part of the state a whether if known, why each such part of the state a whether if known, why each such part of the state as whether if known, why each such part of the state as whether if known, why each such part of the state as whether it is a state as whethe if known, why each such person did not appear, and the end of the reason of the non-appear. by reason of the non-appearance of such person, the endsol justice have been defeated and shall state d whether the endsol by reason of the non-appearance of such person, 199, s. 190. justice have been defeated or delayed. C. S. C., c. 99, s. 111. From

To be submitted to the judge.

11. Every such officer shall, before any such recognizated estreated, lay such list had, is estreated, lay such list before the judge or one judges who presided at the court was not presided. judges who presided at the court, or if such court the presided over by a indeed to the presided to the presided to the presided over by a indeed to the presided to the pres presided over by a judge, before two justices of the persided who attended at such court and examine who attended at such court, and such judge or justices examine such list, and make examine such list, and make such order touching estreating or putting in process. estreating or putting in process any such recognization appears just, subject in the process are such recognization. appears just, subject, in the Province of Quebec, to provisions hereinafter contains process any such recognition for the provisions hereinafter contained; and no officer of such court shall estreat or might be such court of the such court shall est the such court shall est the such court shall est the such court sha such court shall estreat or put in process any such right nizance without the written and no officer of use of the court shall estreat or put in process any such court shall estreat or put in process and put in process and put in process and put in process are put in process. nizance without the written order of the judge of justice of the peace before whom respectively such list has been laid. C. S. C., c. 99, s. 121.

No estreat without order.

12. Except in the cases of persons bound by recognizance Court may be their forbear estroying refor their appearance, or for whose appearance any other forbear esperson happearance, or for whose appearance any other forbear esperson happearance, or for whose appearance any other forbear especially or give evidence in cognizances person has become bound to prosecute or give evidence in cognizances any control and the prosecute of the answer for any under certain cognizances. any case of felony or misdemeanor, or to answer for any circumcommon every case of stances. common assault, or to articles of the peace, in every case of stances. default whereby a recognizance becomes forfeited, if the cause of absence is made known to the court in which the person was bound to appear, the court, on consideration of such a was bound to appear, the court, on the such a was bound to appear, the court, on the such a was bound to appear, the court is such as the such a Buch cause, and considering also, whether, by the non-appearance, and considering also, whether, by the non-appearance have been pearance of such person the ends of justice have been to be not delayed, may forbear to order the recognizance section be not to be not to be estreated; and, with respect to all recognizances estreated; and, with respect to all recognizances estreated; treated, if it appears to the satisfaction of the judge who presided. presided at such court that the absence of any person for whose appearance any recognizance was entered into, was think rendered such absence jusowing to circumstances which rendered such absence justifiable to circumstance and circums tifable, such judge may make an order directing that the belevied of the such judge may make an order directing that the belevied of the such judge may make an order directing that the belevied of the such judge may make an order directing that the belevied of the such judge may make an order directing that the belevied of the such judge may make an order directing that the belevied of the such judge may make an order directing that the be levied. C. S. U. C., c. 117, s. 6, part.

The clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall, for such purpose, before Minute on roll and in the clerk of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a such as a constant of the court shall be a constant of sending to the sheriff any roll, with a writ of fieri facias by the judge and capias, as directed by this Act, submit the same to the thereof. Judge who presided at the court, and such judge may make a minute on the said roll and writ of any such forfeited levied. A such said roll and writ of any such forfeited levied. levied; and the sheriff shall observe the direction in such minute ; and the sheriff shall observe the direction indersed thereon written upon such roll and writ, or indersed thereon written upon such roll and writ, or indersed thereon, and shall forbear accordingly to levy any such forfeited, and shall forbear accordingly to levy any such forfeited recognizance or fine. C. S. U. C., c. 117, s. 7.

If upon any writ issued under this Act, the sheriff Proceedings when lands are seized. takes lands or tenements in execution, he shall advertise when lands the same is or tenements in execution, he shall advertise are seized. the same in like manner as he is required to do before the sale of lands in execution in other cases; and no sale shall take plands in execution in other cases. Writ con- in less than twelve months from the time the Writ came to the hands of the sheriff. C. S. U. C., c. 117, s. 8.

The clerk of the court shall, at the foot of each roll Affidavit to be lade on the clerk of the court shall, at the foot of each roll Affidavit to be lade on the court. made out as herein directed, make and take an affidavit in of the court. the following form, that is to say:

"I, A. B. (describing his office), make oath that this roll is truly and carefully made up and examined, and that all fines, issues, amercements, recognizances and forfeitures which "Which Were set, lost, imposed or forfeited, at or by the court 41 were set, lost, imposed or forfeited, at or by the "court therein mentioned, and which, in right and due Course of law, ought to be levied and paid, are, to the best of my law. of my knowledge and understanding, inserted in the said pressed 11 knowledge and understanding, inserted in the pressed 12 that in the said roll are also contained and expand to or received by "Pressed all such fines as have been paid to or received by me, air without any wilful me, either in court or otherwise, without any wilful

"discharge, omission, misnomer or defect whatsoever.

" help me God;"

Which oath any justice of the peace for the county is hereby authorized to administer. C. S. U. C., c. 117, s. 9.

Release of a person or goods of a person in custody.

16. If any person on whose goods and chattels a sheriff, for bailiff or other officer is authorized to levy any such for feited recognizence feited recognizance, gives security to the said sheriff of other officer for his any other officer for his appearance at the return day mentioned in the writ in the country to the said shermander. in the writ, in the court into which such writ is returnable, then and there to all it into which such writ is returnable. then and there to abide the decision of such court, and also to pay such forfited to pay such forfeited recognizance, or sum of money to be paid in lieu or satisfaction. paid in lieu or satisfaction thereof, together with all such expenses as are adjudged. expenses as are adjudged and ordered by the court, such sheriff or officer shall dischar. sheriff or officer shall discharge such person out of custody; and if such person discharge such person out of custody; and if such person does not appear in pursuance of first undertaking the court many a undertaking, the court may forthwith issue a writ of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith issue a write of fiering facials and carries accepted to the court may forthwith its superior of fiering facials and carries accepted to the court may forthwith its superior of fiering facials and carries accepted to the court may forthwith its superior of fiering facials and carries accepted to the court may forthwith its superior of fiering facials and carries accepted to the court may forthwith its superior of the court may forthwith a court may forthwith the court m facias and capias against the surety or sureties of the person so bound as aforesaid. so bound as aforesaid. C. S. U. C., c. 117, s. 10.

Forfeited recognizances may be discharged under certain circumstances

17. The court, into which any writ of fieri facias and capias, sued under this A-1 issued under this Act, is returnable, may inquire into the circumstances of the core circumstances of the case, and may, in its discretion, order the discharge of the whale the discharge of the whole of the forfeited recognizance, or sum of money paid or to 1 sum of money paid or to be paid in lieu or satisfaction thereof, and make such and paid in lieu or satisfaction thereof, and make such order thereon as to such court appears just: and such court thereon as to such court appears just; and such order thereon as to such correspondingly be a discharge to the sheriff or charge to the sheriff, or to the party, according to the circumstances of the corr cumstances of the case. C. S. U. C., c. 117, s. 11.

Return of writ by the sheriff.

18. The sheriff, to whom any writ is directed under this et, shall return the same is Act, shall return the same on the day on which the same is made returnable and all li made returnable, and shall state, on the back of the roll attached to such write. attached to such writ, what has been done in the execution thereof; and such return the execution thereof; thereof; and such return shall be filed in the court into which such return is med and in the court into which such return is made. C. S. U. C., c. 117, s. 12.

Copy of roll and return for Minister of Finance.

19. A copy of such roll and return, certified by the clerk the court into which and return, certified by the forthof the court into which such return is made, shall be forthwith transmitted to the court into which such return is made, shall be court with transmitted to the court into which such return is made, shall be court into which such return is made, shall be court into which such return is made, shall be court into which such return is made, shall be court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be forthwise to the court into which such return is made, shall be court into which such return is made, shall be court into which such return is made, shall be considered to the court into which such return is made, shall be considered to the court into the co with transmitted to the Minister of Finance and Receiver General, with a minister General, with a minute thereon of any of the sums therein mentioned, which have mentioned, which have been remitted by order of the court, in whole or in part in whole or in part, or directed to be forborne, under the authority of this Antithe authority of this Act. C. S. U. C., c. 117, s. 13.

Payments by the sheriff.

20. The sheriff or other officer shall, without delay, pay to the over all moneys collected under this Act by him, to the Minister of Finance and B Minister of Finance and Receiver General, or other person entitled to receive the entitled to receive the same. C. S. U. C., c. 117, s. 14.

Фр. 171.

QUEBEC.

twelve to provisions of sections eight and nine and of Provisions approvince to nineteen, both inclusive, shall not apply to the plicable to Quebec. apply to nineteen, both inclusive, shall not apply to app apply to that Province only.

Whenever default is made in the condition of any Forfeited re-Recognizance of Onebec, within cases in Comban to be case, proceeding or matter, in the Province of Quebec, within cases in legislating or matter, in the Province of Canada, so Quebec estreated the legislative authority of the Parliament of Canada, so Quebec to be estreated. that the penal sum therein mentioned becomes forfeited and to the first the penal sum therein mentioned becomes forfeited and the penal sum therein mentioned becomes fortested estreated crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it or withdrawn from any record or proceeding in which it then is—or a certificate or minute of such recoghizance, it then is—or a certificate or minute or such records, under the seal of the court, shall be made from the Records of such court where the recognizance has been

entered into orally in open court: 2 Such recognizance, certificate or minute, as the case And certified to Superior Court. May be, shall be transmitted by the court, recorder, justice Court. of the peace, magistrate or other functionary before whom the peace, magistrate or other functionary before was deety or so, or the principal cognizor, where there is a deety or so, or the principal cognizor, or to do that, by his defay or sureties, was bound to appear, or to do that, by his half to defay or sureties, was bound to appear, or to do that, by his half to defay or sureties, was bound to appear, or to do that, by his half to defay the defay of the recognizance is default to do which the condition of the recognizance is booken, to the Superior Court in the district in which the bace when the Superior Court in the district in which the superior court in the district in which the bace when the Superior Court in the district in which the bace when the Superior Court in the district in which the superior court in the superior place where such default was made is included for civil of the court, recorder, justice of the Deace where such default was made is included for the Deace which the certificate of the court, recorder, justice of the peace, with the certificate of the court, recorder, justice be beace, magistrate or other functionary as aforesaid, of the breach, magistrate or other functionary as aforesaid, of which the peace, with the certificate of the breach, magistrate or other functionary as aforesaid, and of the of the condition of such recognizance, of which the condition of the penal sum therein neach of the condition of such recognizance, or when tioned forfeiture to the Crown of the penal sum therein conclusive evidence: nentioned, such certificate shall be conclusive evidence:

The date of the receipt of such recognizance or minute Judgment for the certificate of the receipt of the said court, shall be entered. The date of the receipt of such recognizance or minute Judgment to be indorsed +1 by the prothonotary of the said court, shall be entered. be indorsed the receipt of such in favor of the said court, such in favor of the receipt of such in favor of the said court, such in favor of the said court of the in fadorsed thereon by him, and he shall enter juugmonth ment; the Crown against the cognizor for the penal which the crown against the cognizor for the period the crown against the cognizor for the period the crown against the cognizor, and execution may then therefore in such recognizance, and execution may also the cases, which the Crown against the Cognizance, and execution include therefor after the same delay as in other cases, which be real after the same delay as in other be real. therefor after the same delay as in other cases, white the reckoned from the time when the judgment is be reckoned from the time when the prothonotary of the said court:

Attorney General, or of any person thereunto authorized issue on flat or practipe of the Execution to writing by him; and the Crown shall be entitled to the General. writing by him; and the Crown shall be entitied to the equention and to costs on all proceedings in the case the leadent to execution, and to such costs for the entry of such costs for the entry of the s judgment, as are fixed by any tariff:

5. Mothing in this section contained shall prevent the Other modes can't of the breach of any recognot affected. Nothing in this section contained shall prevent the other mountained shall prevent the other mountained from the sum forfeited by the breach of any recognot affected. diance from being recovered by suit in the manner provided by law, whenever the same cannot, for any reason, be recovered in the manner process. recovered in the manner provided in this section:

Proceedings in such case.

6. In such case the sum forfeited by the non-perform tice of the conditions of analysis. ance of the conditions of such recognizance shall be recorderable, with costs by action erable, with costs, by action in any court having jurisdiction in civil cases to the amount in civil cases to the amount, at the suit of the Attorney General of Canada or of Oral General of Canada or of Quebec, or other person or authorized to sue for the Canada or of Canada or of Quebec, or other person or it authorized to sue for the Canada or other person or other person it authorized to sue for the Crown; and in any such action it shall be held that the person; shall be held that the person suing for the Crown is empowered so to do and that it empowered so to do, and that the conditions of the recognizance were not performed. nizance were not performed, and that the sum therein mentioned is, therefore due to the conditions of the reconditions of the tioned is, therefore, due to the Crown, unless the defendant proves the contrary

Cognizor defined.

7. In this section, unless the context otherwise requires, e expression "cognizor" of cognizor the expression "cognizor" includes any number of cognizors in the same recognization nizors in the same recognizance, whether as principals of sureties. C. S. L. C. o. 100

Recognizances transmitted to have the same effect as if taken where the court is held.

23. When a person has been arrested in any district for crime or offence committed. a crime or offence committed within the limits of the province of Quebec, and a institution of the province of vince of Quebec, and a justice of the peace has taken recognizances from the witnesser. nizances from the witnesses heard before him or another justice of the peace for their justice of the peace, for their appearance at the next session, or term of the court of or term of the court of competent criminal jurisdiction, before which such parson before which such person is to undergo his trial, there to testify and give evidence testify and give evidence on such trial, and such recognizances have been transmitted. zances have been transmitted to the office of the clerk of such court, the said court many such court, the said court may proceed on the said recognizances in the same manner. nizances in the same manner as if they had been taken in the district in which such actions in the same manner as if they had been taken in the district in which such actions in the same manner as if they had been taken in the district in which such actions in the same manner as if they had been taken in the same manner as if they had the district in which such court is held. C. S. L. C., c. 106, s. 1.

SCHEDULE.

FORM.

Victoria, by the Grace of God, &c.

To the sheriff of

, Greeting:

You are hereby commanded to levy of the goods per the chattels, lands and tenements, of all and singular, the perchattels, lands and tenements, of all and singular, annexed. sons mentioned in the roll or extract to this writ and them all and singular the debts and all and singular the debts and sums of money upon severally imposed and charged severally imposed and charged, as therein is specified; and if any of the said several dabta if any of the said several debts cannot be levied, by reason that no goods or chattels land that no goods or chattels, lands or tenements can and found belonging to the said name. found belonging to the said parties, respectively, then, in all such cases, that you take the bodies of such parties, and keep them safely in the gaol of your county, there to abide the case may be) upon abide the judgment of our court (as the case may be) upon any matter to be shown by them, respectively, or otherwise notice to be shown by them, respectively, or otherwise notice and such debt is to remain in your custody as aforesaid, until such debt is Satisfied, unless any of such persons respectively gives the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, on the return security for his appearance at the said court, or the return security for his appearance at the said court security for his appearance at the sa the return day hereof, for which you will be held appearable; and what you do in the premises make appearable; and what you do in the premises make appear before us in our court (as the case may be), on the

this writ. C. S. U. C. term next, and have then and there Witness, &c., A. B., clerk (as the case may be).

	. 1		, -
٠,	U	71.	sch.
	⁻•, ∪.	111	sen

Proposed Consolidated.	Part	Left	To be Consolidated	To be Consolidated
C.S.C., c. 99 ss. C.S.L.C., c. 117 TI R.S.N.B, c. 106 TI	Consolidated. 120 and 121. he whole except ss. 15 and 16 he whole. he whole.	for Repeal.	elsewhere.	with.

CHAPTER 172.

An Act for the speedy trial, in the Provinces of Ontario, Quebec and Munitaba C. Quebec and Manitoba, of certain indictable offences.

HER Majesty, by and with the advice and consent of the Senate and House of Consents as Senate and House of Commons of Canada, enacts as 1/25: follows:-

Short title.

1. This Act may be cited as "The Speedy Trials Act." V., c. 44, s. 1. 42 V., c. 44, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Judge."

- (a) The expression "judge" means and includes,
- (1) In the Province of Ontario, any judge of a county urt, junior judge or depute. court, junior judge or deputy judge authorized to act also the chairman of the General State of the chairman of the chairman of the General State of the chairman o chairman of the General Sessions of the Peace, and also the judge of the provisional distance of the Peace, and to act judge of the provisional district of Algoma, authorized to act as chairman of the General S as chairman of the General Sessions of the Peace;
- (2) In the Province of Quebec, in any district wherein ere is a judge of the society there is a judge of the sessions, such judge of sessions, but in any district wherein there in any district wherein there is no judge of sessions but wherein there is a district magis wherein there is a district magis wherein there is a district magistrate, such district magistrate, and in any district trate, and in any district wherein there is neither a pide of sessions nor a district magnitude. of sessions nor a district wherein there is neither a lustrict of such district;
- (3) In the Province of Manitoba, the chief justice, of suisné judge of the Court of puisné judge of the Court of Queen's Bench or a judge of secounty court:

"Court of General Sessions of the Peace."

- (b) The expression "Court of General Sessions of the eace" means and include: Peace" means and includes,—
- (1) In the Province of Quebec, any court for the time being discharging the functions of a Court of General Sessions of the Peace.
- (2) In the Province of Manitoba, the Court of Queen's each and the county court index. Bench and the county court judges' criminal courts:

(c) The expression "county attorney" or "clerk of the eace" includes, in the Property "County at (c) The expression "county attorney" or "clerk of the peace" includes, in the Province of Manitoba, any deputy of the peace of the county of the peace of the county attorney of the county clerk of the peace, Crown attorney, the prothonotary the Court of Queen's Bench and any the prothonotary the Court of Queen's Bench and any deputy prothonotary

√47 V., c. 41.

- 8. This Act shall apply to the Provinces of Ontario, Application Mehan Section 1988 V. of Act. Quebec and Manitoba only. 32-33 V., c. 35, s. 9;—38 V.,
- The judge sitting on any trial under this Act, for all Court to be a court of the name of the court of the co the purposes thereof and proceedings connected therewith record. or relating thereto, shall be a court of record, and in the Pro-Vinces of Ontario and Manitoba such court shall be called How styled.

 The Country of the country or The County Judge's Criminal Court" of the county or thion of counties or judicial district in which the same is
- 2. The record in any such case shall be filed among the Records, where filed are as inrecords of the court of General Sessions of the Peace, as indictments are filed, and as part of such records. V, c. 35, s. 5;—42 V., c. 44, s. 2.
- of being guilty of any offence for which he may be tried of certain offenders with the Peace may, with his their own at a court of General Sessions of the Peace, may, with his their own own consent of General Sessions of the Peace, may, with his consent. of records (of which consent an entry shall then be made consent.) of record), and subject to the provisions herein, be tried out of sessions, and subject to the provisions herein, be the court before which, but for such the sent is, whether the court before which, but for such consent, the said person would be triable for the offence charged, the said person would be triable for the sion, and in the grand jury thereof is or is not then in sestion, and in the grand jury thereof he may be sentenced by the judge. 32-33 V., c. 35, s. 1;—38 V., c. 45, s. 2.
- Every sheriff shall within twenty-four hours after Duty of sheriff by prison sheriff shall within twenty-four hours after Duty of sheriff by prison sheriff shall within twenty-four hours after Duty of sheriff by prison sheriff shall within twenty-four hours after Duty of sheriff by prison sheriff shall within twenty-four hours after Duty of sheriff by prison sheriff shall within twenty-four hours after Duty of sheriff shall within twenty-four hours after the principle of the principle shall be added to be a shall within the principle shall be added to be a shall be added to be added to be a shall be added to be tial notice charged as aforesaid is committed to gaol for having a prisoner so triable. trial Prisoner charged as aforesaid is committed to gao. confined the judge in writing that such prisoner is so triable. confined, notify the judge in writing that such prisoner preferred stating his name and the nature of the charge with as little delay as preferred against him,—whereupon with as little delay as possible, such judge shall cause the prisoner to be brought before him. 32-33 V., c. 35, s. 2.
- The judge, upon having obtained the depositions on Statement to the hall state to him,— be made to the prisoner Which the judge, upon having obtained the depositions on be made to the prisoner was so committed, shall state to him,—be made to the prisoner by the judge.
 - (a) That he is charged with the offence, describing it;
- That he has the option to be forthwith tried before the judge without the intervention of a jury, or to remain httied until the next sittings of the court of the General of the next sittings of the court of over and terminer, Resions of the Peace or of a court of over and terminer, in Quah. or, in Quebec, of any court having criminal jurisdiction:
- If the prisoner demands a trial by jury, the judge If the prisoner remainder the consents to be tried objects—or consents. If the prisoner demands a trial by jury, the judge in the judge in the prisoner demands a trial by jury, the

If he pleads guilty.

by the judge without a jury, the county attorney or clerk of the peace shall draw up a recounty attorney as of the peace shall draw up a record of the proceedings in the nearly as may be in one of the proceeding in the nearly as may be in one of the forms A or B in the schedule to this Act and if schedule to this Act; and if, upon being arraigned upon the charge, the prisoner places. charge, the prisoner pleads guilty, such plea shall be entered on the record and tered on the record, and the judge shall pass the sentence of the law on such prisoner. of the law on such prisoner, which shall have the same force and effect as if passed force and effect as if passed at any Court of General Sessions of the Peace 22 22 Y sions of the Peace. 32-33 V., c. 35, s. 3.

offence.

8. If one of two or more prisoners charged with the me offence demands a tribular or me offence demands a tribular or me of the or me o charged with same offence demands a trial by jury, and the other of the offence. others consent to be tried by the judge without a jury, to judge, in his discretion many the judge without a jury to judge, in his discretion, may remand the said prisoners had gaol to await trial in all gaol to await trial, in all respects as if this Act had not been passed. 38 V., c. 45, s. 3.

Effect of election, under certain Acts, of trial by a jury.

9. If under "The Summary Trials Act," or "The Juvenile fenders' Act," any parson has Offenders' Act," any person has been asked to elect Whether he would be tried by the marrials act, as would be tried by the magistrate or justices of the peace, as the case may be or before a the case may be, or before a jury, and he has elected in the tried before a jury, and if such election is stated in warrant of committal for trial 11. warrant of committal for trial, the sheriff and judge shall not be required to take the not be required to take the proceedings directed by this Act. 38 V. c. 47 s 6 and

If the magistrate decides not to proceed under the said Acts.

10. If, on the trial under "The Summary Trials Act," of The Juvenile Offendam" Act," "The Juvenile Offenders' Act," of any person charged with any offence triable under the summary Trials Act, of any person charged with a street of the summary Trials Act, of any person charged with a street of the summary Trials Act, on offence triable under this Act, the magistrate or justices but the peace decide not to the peace decide not to try the same summarily, commit such person for trial commit such person for trial, such person may afterwards, with his own consont is with his own consent, be tried under this Act. V., c. 33, s. 5, part; -38 V., c. 47, s. 7, part.

If the prisoner pleads not guilty.

11. If the prisoner upon being so arraigned and consent g as aforesaid pleads and consent. ing as aforesaid pleads not guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty, the judge shall appoint an early day, or the same and guilty. an early day, or the same day, for his trial, and the county attorney or clerk of the reason to the same day. attorney or clerk of the peace shall subpæna the witnesses named in the depositions named in the depositions, or such of them and such other witnesses as he thinks witnesses as he thinks requisite to prove the charge, the attend at the time appointment of the prove the charge, and the attend at the time appointed for such trial, and try him, prisoner being ready the prisoner being ready, the judge shall proceed to try him, and if he is found guilty, sentence shall be passed as here inbefore mentioned but if inbefore mentioned; but if he is found not guilty so judge shall immediately in he is found not guilty so judge shall immediately discharge him from custody, 35, far as respects the charge in from the charge in the charge i

Trial and conviction or discharge.

12. The county attorney or clerk of the peace may, with the consent of the judge may or clerk of the peace may, or some the consent of the judge may or clerk of the peace may, or some the consent of the judge may be a second or clerk of the peace may, or clerk of the peace may are clerk of s. 4. the consent of the judge, prefer against the prisoner he charge or charges for any offence or offences for which may be tried at a court of Garage. may be tried at a court of General Sessions of the Peace, he was committed.

Offender may be charged with other offences than that for which Chap. 172.

other than the charge or charges for which he has been charges which the pear or are not mentioned in the depositions upon which the pear or are not mentioned in the depositions upon the deposition of the pear or are not mentioned in the deposition of the pear or are not mentioned in the deposition of the pear or are not mentioned in the deposition of the pear or are not mentioned in the deposition of the pear of Which appear or are not mentioned in the deposition the prisoner was so committed. 42 V., c. 44, s. 3.

The judge shall, in any case tried before him, have powers of the same in judge in any case tried before him, have powers of the the same power as to acquitting or convicting, or convict-judge in any last of any of any of the same power as to acquitting or convicting, or convict-judge in any last of any of the sharped, as a jury would before him. ing of any other offence than that charged, as a jury would before him. General Stephen of the prisoner was tried at a sitting of the court of General Sessions of the Peace, and may render any rendict Which may be rendered by a jury, upon a trial at a atting of a court of General Sessions of the Peace. 42 V., c.

the intervention of a jury, the judge may, in his discretion, admit to bail prisoner electing to be sail, from time to bail to appear for his trial, and extend the electing to be the form time to be a prize of the court is adjourned or tried without a jury. bail, from time to time, in case the court is adjourned or tried without there is any other reason therefor; and such bail may be entered into and perfected before the clerk of the peace in open court. 42 V., c. 44, s. 5.

If a prisoner elects to be tried by a jury, the judge or if he elects by instance prisoner elects to be tried by a dmit him to bail, to be tried by a jury. May, instead of remanding him to gaol, admit him to bail, to be tried by a purplear for the manding him to gaol, admit him to bail, to be tried by a purplear for the manding him to gaol, admit him to bail, a jury. to appear for trial at such time and place and before such in the as is a such time and such bail may be entered court as is determined upon, and such bail may be entered and place and place and penore and and such bail may be entered the clerk of the peace in open ont as is determined upon, and such bail may be entered and perfected before the clerk of the peace in open 42 V., c. 44, s. 6.

The judge may adjourn any trial from time to time Adjourning trial. The judge may adjourn any time and the finally terminated. 42 V., c. 44, s. 7.

The judge shall have all powers of amendment Powers of amendment the Course of the Peace would amendmen Which the judge shall have all powers of amendment Powers of the Peace would amendment. If the court of General Sessions of the Peace would amendment. have the Judge snan have and the reace work of the trial was before such court. 42 V., c. 44, s. 8.

Rivery witness, whether on behalf of the prisoner or Attendance of the evidence, duly summoned or subpænaed to attend and witnesses. the day are before such judge, sitting on any such trial, the day appointed for the same, shall be bound to attend, remain appointed for the same, shall be bound to attend, throughout the trial; and if the day appointed for the same, shall be bound to accomple fails so to in attendance throughout the trial; and if he fails so to attend, he shall be held guilty of contempt of \$2.50, and to attend, he shall be held guilty of accordingly. count in attendance throughout of contempt of the stand may be proceeded against therefor accordingly.

Upon proof to the satisfaction of the judge of the Proceedings against witness who fails to attend against witness failing to attend to before of subpæna upon any witness who fails to attend against witnesses failing being him against witnesses failing and such judge to attend before when sumbefore of subpæna upon any witness who fails to attend nesses fails to him, as required by such subpæna, and such judge to attend him is indispensable to the ends of justice, he may, by his to the cause the caid witness to be apprehended and witness to be apprehended and wals indispensable to the ends of justice, he may, of indispensable to the ends of justice, and indispensable to the ends of justice, he may, of indispensable to the ends of justice, he may, of indispensable to the ends of justice, he may, of indispensable to the ends of justice, he may, of indispensable to the ends of justice, he may indispens tothwith brought before him to give evidence as required

Witness may be admitted to bail.

by such subpœna, and to answer for his disregard of the same; and such witness may be detailed before the same; and such witness may be detained on such wiew to before the said judge or in the before the said judge or in the common gaol, with a view of secure his presence as a with a view of the said judge. secure his presence as a witness; or, in the discretion of the judge, such witness may be released. the judge, such witness may be released on recognizance to give or without sureties, conditioned to or without sureties, conditioned for his appearance his de evidence as therein mentioned and his appearance his defendable. evidence as therein mentioned, and to answer for a confault, in not attending upon the fault, in not attending upon the said subpœna, as axamine tempt; and the indoa man tempt; and the judge may, in a summary manner, the said into and dispose of the charge of for contempt. into and dispose of the charge of contempt against the said witness who. if found against the said suppose of the charge of contempt against into and dispose of the charge of contempt against into and dispose of the charge of contempt against into an against into an against into an against into an against into a said suppose into witness who, if found guilty thereof, may be fined or prisoned, or both,—such fine not to prisoned, or both,—such fine not to exceed one hundred gool, lars, and such imprisonment lars, and such imprisonment to be in the common term with or without hard labor. with or without hard labor, and not to exceed the of ninety days:

Form of warrant and conviction.

viction for contempt in the form D in the schedule and this Act, and the same shall be set to the schedule and the schedule and the same shall be set to the schedule and the same shall be set to the schedule and the same shall be set to the schedule and the sch this Act, and the same shall be authority to the persons are officers therein required to not the same they are officers therein required to act, to do as therein they are respectively directed. 32-32 V

SCHEDULE.

FORM A.

Form of Record when the Prisoner pleads Not Guilty. County (or district) of to wit:

Be it remembered that A.B., being a prisoner in the gaol of the for trial on a characteristic country. trial on a charge of having, on day of , 18 , the case may stolen, &c. (one cow, the property of C.D., or as the case ments be, stating briefly the offence) be, stating briefly the offence), and being brought before and (describe the judge) and being brought as the case me. asked by me if he consented to be tried before me with the intervention of a jury company to the jury comp the intervention of a jury, consented to be so tried; and that upon the day of look and the broad of look and the broad of look and the broad of look and the look and the broad look and look and look and look are look and look and look are look and look and look are look are look and look are look are look and look are look a day of , 18 , the said A.B., being again me for trial and day brought before me for trial, and declaring himself ready, and arraigned upon the said charge arraigned upon the said charge and pleaded not guilty; of after hearing the evidence and pleaded not guilty; the said charge and guilty; the said after hearing the evidence adduced, as well in support the said charge as for the will be a supported the said charge as for the will be a supported the said charge as for the will be a supported the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the will be a supported to the said charge as for the said charge the said charge as for the prisoner's defence (or as the may be), I find him to be said the said charge as for the prisoner's defence (or as the high may be). may be), I find him to be guilty of the offence with which he is charged as aforesaid he is charged as aforesaid, and I accordingly sentence judge to be (here insert such sentence) to be (here insert such sentence as the law allows and the offence thinks right), (or I find the law allows and the offence thinks right), I find him not guilty of the offence ed, and discharged with which he is charged, and discharge him accordingly.

Witness Witness my hand at , in the county (or district) , this day of , 18 O. K., Judge. Signature of

FORM B.

Form of Record when the Prisoner pleads Guilty.

Province of County (or district) of having to wit:

Be it remembered that A.B., being a prisoner in the gaol of the said county (or district), on a charge of having on the county (or district), on a charge of the offence the property of, or as the case may be, stating briefly on the offence), and being brought before me (describe the judge) consented to be tried before me without the intervention of that the said A.B., being a jury, consented to be so tried; and that the said A.B., being then are he pleaded guilty then arraigned upon the said charge, he pleaded guilty thereof a A.B. to be (here thereof, whereupon I sentenced the said A.B. to be (here insert such sentence as the law allows and the judge thinks

 $W_{it_{ness}}$ my hand this

day of

18 ·

O.K., Signature of Judge.

FORM C.

Form of Warrant to apprehend Witness. •

Province of the case may be) of may be) of to wit:

To all or any of the constables County (or district, as county (or district, or as the case

Whereas it having been made to appear before me, that it having been made to appear before me, that or as the case may be), Whereas it having been made to appear before me, was in the said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be), which is a said county (or district, or as the case may be). was likely to give material evidence on behalf of the prosection or as give material evidence on the trial of a certain charge of defence (as the case may be) on the trial of a certain A Be of (as larceny, or as the case may ve), agained and that the said E. F. was duly subprenaed or bound la day of , and that the said E. F. was the recognizances to appear on the said county (or nay be, at belone me, to testify what he knows concerning the charge against the said E. F.

And whereas proof has this day been made before me, been duly served upon the said F, of such subpæna having been duly served upon in E having been duly bound the said E. F. or of the said E. F. having been duly bound before me (as the case may be); in recognizances to appear before me (as the case may be); and whereas the said E. F. has neglected to appear at the trial and place appointed and an arrival and place appointed and arrival arr trial and place appointed, and no just excuse has been offered for such neglect: These are the such sections to for such neglect: These are therefore to command you to take the said E. F., and to bring him and have him forthwith before me, to testify what he have him forthwith before me, to testify what he knows concerning the charges against the said A D charges against the said A. B., and also to answer his contempt for such necleat

Given under my hand this year 18

day of

, in the

O. K., Judge.

FORM D.

Form of Conviction for Contempt.

Be it remembered, that on the (L.S.) Canada, County (or district) of , to wit:

day of , in the year 18 , the county (or district, or as is the county (or district, F. F. is Province of convicted before me, for that he the said E. F. did not attend before me to give evidence before me to give evidence on the trial of a certain charge against one A. B. of Harranse against one A. B. of (larceny, or as the case may be), although duly subpænaed or bound. duly subpænaed or bound by recognizance to appear and give evidence in that behalf give evidence in that behalf (as the case may be), but made default therein, and beaut default therein, and has not shown before me any sticie his excuse for such default excuse for such default, and I adjudge the said E. F., for the said offence, to be imprised adjudge the said E. F. said offence, to be imprisoned in the common gaol of the county (or district) of for the space of there to be kept at hard labor (and in case a fine is also that tended to be imposed that tended to be imposed, then proceed); and I also adjudge that the said E. F. do forthwith the said E. F. do forthwith pay to and for the use of Majesty a fine of dollars, and in default of payment, that the said fine, with the cost of collection, be levied B. f. distress and sale of the distress and sale of the goods and chattels of the said B. f. (or in case a fine alone is imprison. (or in case a fine alone is imposed, then the clause for imprisonment is to be omitted)

in the said county (of , the day and year first above mentioned. Given under my hand at district) of

O. K., Judge.

32-33 V., c. 35, sch. A, B, C and D.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 33 32-33 V., c. 35 37 V., c. 41	The whole.			Juvenile Offen- ders.
38 V., c. 47	The whole except 8. 1.	••••••	s. 1	Procedure.
38 V 42 V , C 54	7 (part).			Summary trials and Juvenile Of- fenders. Summary con-
47 V., c. 41	s. 10. The whole.			victions.

Chap. 173

CHAPTER 173.

An Act respecting the Summary Administration of Cri-

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

Short title.

1. This Act may be cited as "The Summary Trials Act."
New.

Interpretation. 2. In this Act, unless the context otherwise requires:

"Magistrate."

- (a) The expression "magistrate" means and includes,
- (1) In the Provinces of Ontario, Quebec and Manitoba, any recorder, judge of a county court, being a justice of the peace, commissioner of police, judge of the sessions of peace, police magistrate, district magistrate, or other functionary or tribunal, invested by the proper legislative authority, with power to do alone such acts as are usually authority with power to do alone such acts as are required to be done by two or more justices of the peace, and acting within the local limits of his or of its juris diction;
- (2) In the Provinces of Nova Scotia and New Brunswick, any recorder, judge of a county court, stipendiary magisformate or police magistrate, acting within the local limits of his jurisdiction, and any commissioner of police and any functionary, tribunal or person invested by the proper legislative authority with power to do alone such acts of are usually required to be done by two or more justices of the peace;
- (3) In the Provinces of Prince Edward Island and British Columbia and in the District of Keewatin, any two justices of the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace:

"Common gaol or other place of confinement." (b) The expression "the common gaol or other place the confinement," in the case of any offender whose age at is time of his conviction does not, in the opinion of the major trate, exceed sixteen years, includes any reformatory proprovided for the reception of juvenile offenders in the provided in which the conviction referred to takes place, be to which by the law of that Province the offender may be sent; and—

обар. 173. (c) The expression "property" includes everything in- "Property." cluded under the same expression or under the expression raluable. "The Larceny Act," and in the case of a courity," as defined by "The Larceny Act," and in the case of any "valuable security," the value thereof shall reck on any "valuable security," the value thereof shall be case of any "valuable security," the value mercor sale reckoned in the manner prescribed in the said Act. 32. 33 V. c. 32, ss. 1 and 33;—37 V., c. 39, s. 3;—37 V., c. 40 V. c. 4. sch., part;—47 V., 40. 50 V., c. 32, ss. 1 and 33;—37 V., c. 39, s. 5,—5. c. 42, s. 1, c. 21, sch., part;—40 V., c. 4, sch., part;—47 V., c. 42, s. 1, part.

ate, Whenever any person is charged before a magis- Certain offences specified.

(a) With having committed simple larceny, larceny from Larceny, &c. the person, embezzlement or obtaining money or property, so stolen, embezzlement or obtaining stolen property, by false pretences, or feloniously receiving stolen property, and the pretences, or feloniously receiving storen property alleged to have been stolen, of the property alleged to have been stolen, of the property alleged to have been stolen, ember value of the property alleged to have been succeed the manifold of the property alleged to have been succeed the manifold of the property alleged to have been succeed the manifold of the property alleged to have been succeed to the property alleged to the pr of the magistrate, exceed ten dollars,—

(b) With having attempted to commit larceny from the Attempts at larceny. person, or simple larceny,—

(c) With having committed an aggravated assault by un-Aggravated in the person, assault. lawfully with having committed an aggravated assault by un-Aggravated assault by un-Aggravated assault by un-Aggravated with and maliciously inflicting upon any other person, assault. either with or without a weapon or instrument, any Wounding any other person,—

With having committed an assault upon any female Assaults on the state of the state With having committed an assault upon any female Assaults of the Opinion of upon any male child whose age does not, in females or children. the naving committee an above age does not, or upon any male child whose age does not, that the magistrate, exceed fourteen years, such cannot, in the opinion of being of a nature which cannot, in the opinion of the magistrate, exceed fourteen years, being of a nature which cannot, in the opinion of the magistrate of a nature which cannot, in the opinion of the punished by a summary contract the punished by a summary co the had being of a nature which cannot, in the opinion if the before, be sufficiently punished by a summary control before, be sufficiently punished by a summary control before to an Niction before him under any other Act, and such assault, thon before him under any other Act, and such assault with in the amounting, in his opinion, to an with a rape, a female, not amounting, with intent to commit a rape,—

(e) With having assaulted, obstructed, molested or hin-Assaults on the excise or other partial performance of his or officers. det any magistrate, bailiff or constable, or officer of customy, or with other officer, in the lawful performance of his detcise or other officer, in the lawful performance of with intent to prevent the performance thereof,—
habitua

With keeping or being an inmate, or habitual Disorderly house any disorderly house, house of ill-fame or houses. handy house, or—

(g) With using or knowingly allowing any part of any Using prelocation and the purpose of mises for betlocation or registering any bet or wager, or selling any selling. onding or knowingly allowing or the purpose of ting or the purpose of ting or registering any bet or wager, or selling any selling.

Keeping, exhibiting, or employing, or knowingly allowing to be kept, exhibited or the standard of the standard ing to be kept, exhibited or employed, in any part of any premises under his control premises under his control, any device or apparatus for the purpose of recording for the purpose of recording or registering any bet of wager, or selling any pool

Becoming the custodian or depositary of any money, property, or valuable there property, or valuable thing staked, wagered or pledged, or—

Recording or registering any bet or wager, or selling any pool,—

Upon the result of any political or municipal election, of any race, or of any contest and an andurance of any race, or of any contest or trial of skill or endurance of man or beast,—

Summary trial.

The magistrate may, subject to the provisions hereinafter ade, hear and determine the made, hear and determine the charge in a summary way. 32-33 V., c. 32, s. 2;—40 V

4. The jurisdiction of such magistrate shall be absolute the case of any person observed and police limits in the case of any person charged, within the police limits of any city in Canada with 11 or being and of any city in Canada with 11 or being and or being an or certain cases. of any city in Canada, with therein keeping or being inmate or habitual frequentes. inmate or habitual frequenter of any disorderly house, the of ill-fame or bawdy house and on is of ill-fame or bawdy house, and shall not depend on the consent of the person characteristics. consent of the person charged to be tried by he consent to be great in the person be and the person because the per trate, nor shall such person be asked whether he consent to be so tried; nor shall this A to be so tried; nor shall this Act affect the absolute of the mary jurisdiction given to a street the mary jurisdiction given the street the mary jurisdiction given to a street the mary jurisdiction given g mary jurisdiction given to any justice or justices of peace in any case by any other Act. 32-33 V., c. 32, s. 15. 32-33 V., c. 32, 8. 15.

And as to certain persons.

5. The jurisdiction of the magistrate shall be absolute the case of any person in the case of any person who, being a seafaring and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person who, being a seafaring person and only transiently in Constitution of the magistrate shall be absolute person who, being a seafaring person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and only transiently in Constitution of the magistrate shall be absolute person and the magistrat and only transiently in Canada, and having no permanent domicile therein, is charged domicile therein, is charged, either within the city of within as limited for the purpose of the as limited for the purpose of the police ordinance, or within the city of Montreal. as so the city of Montreal, as so limited, or in any other seafer city or town in Canada with the city of Montreal city or town in Canada with the city of the city or town in Canada with the city of the city or town in Canada with the city of the city city or town in Canada, where there is such magistrate with the commission there: with the commission therein of any of the offences herein before mentioned, and also in the offences herein of the offences herein before mentioned, and also in the offences are the offences and also in the offences are the off before mentioned, and also in the case of any other person charged with any such and also in the case of any laint of the such and the charged with any such and the case of any laint of the such and the case of any laint of the such and the case of any laint of the such and the such as the such a charged with any such offence on the complaint of the such seafaring person where the complaint to and such seafaring person whose testimony is essential to proof of the offence: and such is essential to proof of the offence and proof of the offence; and such jurisdiction shall not magis on the consent of any such on the consent of any such person to be tried by the magis trate, nor shall such person to be tried by the person to be tried by the person to be tried by the consents to be as a such person by the consents to be as a such person by the consents to be as a such person by the consents to be as a such person by the consents to be as a such person by the consents to be as a such person by the consents to be a such person by t trate, nor shall such person be asked whether he consent to be so tried.

And in all cases in certain parts of Canada.

6. The jurisdiction of the magistrate under this Act shall the Provinces of Prince Ed in the Provinces of Prince Edward Island and absolute Columbia, and in the District Columbia, and in the District of Keewatin, be without the consent of the person charged. sch., part;—40 V., c. 4, sch., part;—47 V., c. 42, s. 1, part.

7. If any person is charged, in the Province of Ontario, Trial by conbefore a police magistrate or before a stipendiary magistrate in ontario, innany county, district or provisional county in such ontario, instead of Court of C. S. Province, with having committed any offence for which he stead of Court man. With having committed any offence for which he stead of G. S. may be tried at a court of General Sessions of the Peace, or if any person is committed to a gaol in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence. offence, such person may, with his own consent, be tried before, such person may, with his own consent, be senbefore such person may, with his own consent, be teneral such magistrate, and may, if found guilty, be sentenced such magistrate, and may, if found guilty, be sentenced such magistrate, and may, if found guilty, be sentenced such magistrate, and may, if found guilty, be sentenced such magistrate, and may, if found guilty, be sentenced such as the such person may, with his own consent, so the such person may, with his own consent, so the such person may, with his own consent, so the such person may, with his own consent, so the such person may, with his own consent, so the such person may, with his own consent, so the such person may, and the such person may are such person may, and the such person may are such person tenced, by the magistrate, to the same punishment as he would, by the magistrate, to the same punishment as he Would have been liable to if he had been tried before the court of General Sessions of the Peace. 38 V., c. 47, s. 1.

8. Whenever the magistrate, before whom any person is Accused to be charged as aforesaid, proposes to dispose of the case summa-asked if he consents to be rily under the provisions of this Act, such magistrate, after tried sumascertaire the provisions of this Act, such magistrate, after tried sumascertaining the nature and extent of the charge, but before marily. the formal examination of the witnesses for the prosecution, and hos and before calling on the person charged for any statement which is Which he wishes to make, shall state to such person the substant with the wishes to make with the charge is Substance of the charge against him, and (if the charge is not one of the charge against him, and the charge is not one that can be tried summarily without the consent of the account the acc the accused) shall then say to him these words, or words to the lib. the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be ent for the court at which it sent shall be tried by me, or do you desire that it could so trial by a jury at the (naming the court at which it could soonest be tried);" and if the person charged consents If he conto the charged end determined as jurisdiction to the charge being summarily tried and determined as jurisdiction is aforence. aforesaid, or if the power of the magistrate to try it does absolute. not depend, or if the power of the magistrate to my shall read on the consent of the accused, the magistrate thall read the same to shall reduce the charge to writing, and read the same to or not of or not of such charge. 32-33 V., c. 32, s. 3.

ate shall person charged confesses the charge, the magis- If he admits the shall person charged confesses the charge, upon him as the charge. trate shall then proceed to pass such sentence upon him as the charge.

by law and then proceed to pass such sentence subject to by law may be passed in respect to such offence, subject to the provisions of this Act; but if the person charged says If not. that he is not guilty, the magistrate shall then examine the witnesses not guilty, the magistrate shall then examination Witnesses for the prosecution, and when the examination has been for the prosecution, and when the examination has been completed, the magistrate shall inquire of the person completed, the magistrate shall inquite charge charged whether he has any defence to make to such charge, charged whether he has any defence to make to sach all he and if he states that he has a defence, the magistrate And if he has a defence a defence. shall hear such defence, and shall then proceed to dispose a defence. of the case summarily. 32-33 V., c. 32, s. 4.

10. In the case of larceny, feloniously receiving stolen Sentence in coperty from the person, or case of conviction of property, or attempt to commit larceny from the person, or case of complete. simple larceny, or attempt to commit larceny from the person, viction of the third larceny, &c.

Rection of this Act, the magistrate, after hearing the whole case for the prosecution and for the defence, shall, if he

finds the charge proved, convict the person charged and commit him to the common and commit him to the common gaol or other place of confinement, there to be imprisoned. ment, there to be imprisoned, with or without hard labor, for any term not exceed. for any term not exceeding six months. 32-33 V., c. 32, s. 5.

Sentence on persons convicted of certain offences.

11. In any case summarily tried under paragraphs (c), (d), (f) or (g), of the third goals of the control of the (e), (f) or (g), of the third section of this Act, if the magistrate finds the charge proved have finds the charge proved, he may convict the person charged and commit him to the comment and commit him to the common gool or other place of confinement, there to be imprisoned. ment, there to be imprisoned, with or without hard labor, for any term not exceeding for any term not exceeding six months, or may condemn him to pay a fine not exceeding. him to pay a fine not exceeding, with the costs in the case, one hundred dollars or to be the case, and not one hundred dollars, or to both fine and imprisonment not exceeding the said sweet and imprisonment be exceeding the said sum and term; and such fine may be levied by warrant of distress levied by warrant of distress under the hand and seal of the magistrate, or the person and term; and such fine may of the magistrate. the magistrate, or the person convicted may be condemied, in addition to any other investigation. in addition to any other imprisonment on the same conviction, to be committed to the convergence of tion, to be committed to the common gaol or other place of confinement for a further to confinement for a further term not exceeding six months, unless such fine is sooner and 32-33 V., c. 32, s. 17. unless such fine is sooner paid.

Levying fine imposed.

the property exceeds \$10,

magistrate

thinks the case one to

be tried sum-

and the

marily.

12. When any person is charged before a magistrate with mple larceny or with simple larceny, or with having obtained property by false pretences or with having obtained property If the value of false pretences, or with having obtained properly felorals false pretences, or with having embezzled, or having niously received stolor properly niously n niously received stolen property, or with committing larceny from the person or with i from the person, or with larceny as a clerk or servant, and the value of the property. the value of the property stolen, obtained, embezzled of received exceeds ton dellar. received exceeds ten dollars, and the evidence in support of the prosecution is in the evidence in support of the prosecution is in the evidence in support of the prosecution is in the evidence in support of th the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial a to put the person on his trial for the offence charged, such magistrate, if the case approximation of the magistrate, if the case approximation is the case approximation of the magistrate. magistrate, if the case appears to him to be one which may properly be disposed as properly be disposed of in a summary way, and may be adequately punished by with adequately punished by virtue of the powers conferred this Act, shall reduce the this Act, shall reduce the charge to writing, and shall read it to the said person. read it to the said person, and, unless such person is one put can be tried summarily and can be tried summarily without his consent, shall then put to him the question without his consent, shall then and to him the question mentioned in the eighth section, shall explain to him thetical shall explain to him that he is not obliged to plead or answer before such magistrate before such magistrate, and that if he does not plead or answer before him ha will he answer before him, he will be committed for trial in the usual course.

If the offender consents and pleads guilty.

13. If the person so charged consents to be tried by the agistrate, the magistrate magistrate, the magistrate shall then ask him whether that is guilty or not of the is guilty or not of the charge, and if such person says he is guilty, the magistrate he is guilty, the magistrate shall thereupon cause a plea of guilty to be entered man. guilty to be entered upon the proceedings, and shall convict him of the offence vict him of the offence, and commit him to the common gaol or other place of care. gaol or other place of confinement, there to be imprisoned, with or without board 1-1 with or without hard labor, for any term not exceeding twelve months 29-22 W

14. If, when his consent is necessary, the person charged If the accused does not condoes not consent is necessary, the person charged if the accused the magistrate, or whenever it appears to the magistrate magistrate thinks the case nervious convictions. that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, to have the magistrate magistrate magistrate thinks the case proper to be otherwise to be of the beautifu ought to be made the subject of prosecution by indictment wise tried. rather than to be disposed of summarily, such magistrate may, has hay, before such person has made his defence, decide not ading. to adjudicate summarily upon the case, and shall deal there-with in the summarily upon the case, and shall deal therewith in all respects as if this Act had not been passed; but previous the magistrate from a previous conviction shall not prevent the magistrate from the harmonic transfer of the shinks fit so to do. trying the offender summarily, if he thinks fit so to do. 32.33 V, c. 32, s. 8;—38 V., c. 47, s. 7, part.

15. If, When his consent is necessary, the person charged Fact of elecdoes not so consent, but elects to be tried before a jury, the mentioned in the sistrate all the same of committal the fact the warrant. magistrate shall state in the warrant of committal the fact the warrant.

38 V. c. 47, s. 6, part. of such election having been made. 38 V., c. 47, s. 6, part.

16. In every case of summary proceedings under this full defence to the land to make his full allowed. Act, the person accused shall be allowed to make his full allowed. and cross defence, and to have all witnesses examined and cross defence, and to have all witnesses examined are cross defence. and defence, and to have all witnesses examined by counsel or attorney. 32-33 V., c. 32,

Every court, held by a magistrate for the purposes of Magistrate's court to be open. this Act, shall be an open public court, and a written or court to be shall be an open public court, and a written or open. printed, shall be an open public court, and a winted notice of the day and hour for holding such court the be northly be northly the clerk of the court, upon that hotice of the day and hour for holding such the posted up or affixed, by the clerk of the court, upon the outside of the court, upon the outside of the building or place Where the same is held. 32-33 V., c. 32, s. 26.

The magistrate before whom any person is charged Power to summent this magistrate before whom any person is charged power to summent the attendance pel attendance pel attendance The magistrate before whom any person is charged rower to sum-of any person this Act may, by summons, require the attendance pel attend-pel attendance of the case, at ance of witnesses. of this Act may, by summons, require the attenuance per and time and as a witness upon the hearing of the case, at ance of witness upon the hearing of the case, at ance of witness upon the hearing of the case, at ance of witness and all the summons, and such witness here. a time and place to be named in such summons, and such witnesses. hagistrate may bind, by recognizance, all persons whom he halders may bind by recognizance to be matter of only ders may bind, by recognizance, all persons whom a still be the natter of his charge and place appointed by the charge, to attend at the time and place appointed by tin charge, to attend at the time and place appointed and then and there to give evidence upon the hearing of the characteristics and there to give evidence upon the hearing on the characteristics. of and then and there to give evidence upon the nearest on bound as ge; and if any person so summoned, or required and as ge; and if any person so summoned, or refuses to attend in purbound as aforesaid, neglects or refuses to attend in purbance of such summons or recognizance, and if proof is had of such summons or duly summoned as herehade of such summons or recognizance, and in proceedings of such summons or recognizance, and in proceedings of such person having been duly summoned as herethe of such summons or recognitive of such person having been duly summoned as after mentioned, or bound by recognizance as aforesaid, the magistration of such person should have the mentioned, or bound by recognizance as another magistrate before whom such person should have Magistrate before whom such person should hit hess may issue a warrant to compel his appearance as Witness. 32-33 V., c. 32, s. 13.

delivering summons issued under this Act may be served mode of summons to the person summoning under this Act. by delivering a copy of the summons to the person summoning under this Act. doled, or by delivering a copy of the summons to some

inmate of such person's usual place of abode; and every, person so required by any waiting person so required by any writing under the hand of shall magistrate to attend and give magistrate to attend and give evidence as aforesaid, shall be deemed to have been dollar. 32-33 V., c. 32, s. 14.

Offence not proved.

20. Whenever the magistrate finds the offence and coved, he shall dismiss 11. proved, he shall dismiss the charge, and make out and deliver to the person charged deliver to the person charged a certificate under his hand stating the fact of such dismissions. 32-33 V., c. 32, s. 6.

Discharge in certain cases.

21. If, upon the hearing of the charge, the magistrate is opinion that there are simple that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge, the magistrate is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion that there are simple to the charge is opinion to the charge i of opinion that there are circumstances in the case which render it inexpedient to indicate the case was render it inexpedient to inflict any punishment, a condismiss the person charged dismiss the person charged, without proceeding to a conviction. 32-33 V. 6 22 6 0

Effect of conviction.

22. Every conviction under this Act shall have the same me effect as a conviction man and the same the same same effect as a conviction upon indictment for the under offence would have had offence would have had, except that no conviction the this Act shall be attended to the conviction of the this Act shall be attended to the conviction of th this Act shall be attended with forfeiture beyond the penalty, if any, imposed in the penalty, if any, imposed in the case. 32-33 V., c. 32, s. 28; —38 V., c. 47, s. 3.

And of dismissal.

23. Every person who obtains a certificate of dismissal is convicted under this Act. or is convicted under this Act, shall be released from all further or other criminal process. further or other criminal proceedings for the same canse. 32-33 V., c. 32, s. 29 — 22 V

No conviction to be quashed for want of form.

24. No conviction, sentence or proceeding under this ct, shall be quashed for want and a warrant of Act, shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void the reason of any defect therein is it. reason of any defect therein, if it is therein alleged that ide offender has been convicted and valid offender has been convicted, and there is a good and go; conviction to sustain the 32-33 V., c. 32, s. 30; 38 V., c. 47, s. 5.

Conviction to be transmitted to court of sessions of the peace.

25. The magistrate adjudicating under this Act shall assembly the conviction of the transmit the conviction, or a duplicate of a certificate dismissal, with the written of this Act space of a certificate of dismissal, with the written of the conviction of of the convicti dismissal, with the written charge, the depositions of the nesses for the prosecution of the states. nesses for the prosecution and for the defence, and of statement of the accused to the defence, and the statement of the accused to the defence, and of the defence, and of the defence, and the statement of the accused to the defence of the defence of the accused to the accuse statement of the accused, to the next court of General of Quarter Sessions of the Page 14. Quarter Sessions of the Peace or to the court discharging the functions of a court of General Ressions at the functions of a court of General or Quarter to be kept the Peace, for the district the Peace, for the district, county or place, there to be 32.33 by the proper officer among the by the proper officer among the records of the court.
V., c. 32, s. 23.

Proof of conviction or dismissal.

26. A copy of such conviction, or of such certificate of smissal, certified by the smissal, certified by the smissal, certified by the smissal, certified by the smissal transfer of such certificate of smissal court, in dismissal, certified by the proper officer of the court, to proved to be a true copy, shall be sufficient evidence prove a conviction or dismissal for the conviction of the court, to prove a conviction or dismissal for the conviction of the convi prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings whatsoever. 32-33 V., c.

The magistrate by whom any person has been con-Restitution of the property. ricted The magistrate by whom any person has been constolen under this Act, may order restitution of the property property. stolen under this Act, may order restitution of the particles, or taken or obtained by false pretences, in any the person convicted case in which the court before whom the person convicted Would have been tried but for this Act, might by law order restitution. 32-33 V., c. 32, s. 25.

*Whenever any person is charged before any justice or Persons brought fore justices of the control of the contr justices Whenever any person is charged before any justice or Persons Act, and in the peace, with any offence mentioned in this forejustices is proper to the opinion of such justice or justices the case may be remainded for manded for manded for trial under is proper to be disposed of by a magistrate, as herein protrial under
the disposed of by a magistrate, as herein protrial under
trial under rided, the justice or justices before whom such person is so this Act. charged the justice or justices before whom such person for further may, if he or they see fit, remand such person for like hather examination before the nearest magistrate, in like manner examination before the nearest magistrate, in to remain all respects as a justice or justices are authorized at any court, under to remand all respects as a justice or justices are authors. The Co. a person accused for trial at any court, under The Criminal Procedure Act." 32-33 V., c. 32, s. 19.

No justice or justices of the peace, in any Province, But not into any other province. shall No justice or justices of the peace, in any Province, any other before any person for further examination or trial Province. before any such magistrate in any other Province. 32-33 V., c. 32, s. 20.

Any Person so remanded for further examination Before whom to be tried. before Any person so remanded for further examination Before who dealt a magistrate in any city, may be examined and to be tried. dealt a magistrate in any city, may be examined with by any other magistrate in the same city.

into If any person suffered to go at large, upon entering according to his and recognizance as the justice or justices are author-cording to his appearance before of a person accused, conditioned for his appearance before a happerson accused, conditioned for his appearance becognizante, does not afterwards appear, pursuant to such a happerson hap Recognizance, does not afterwards appear, pursuant to supple a shall be magistrate before whom he should have have a shall be hand, on the back of the ppeared shall certify, under his hand, on the back of the spizance, the magistrate before whom he snound medical certify, under his hand, on the back of the spizance of the district, county place, the magistrate beautiful on the back of the place, to the clerk of the peace of the district, county of place. The clerk of the peace of the district, county of place of the clerk of the peace of the district, county of place. of place, or other proper officer, as the case may be, the fact months of the peace of the district, or other proper officer, as the case may be, the fact man other proper officer, as the recognizance shall be of place, or other proper officer, as the case may be, the land proceeded non-appearance, and such recognizance shall be other proper officer as other recognizances; hoceeded upon in like manner as other recognizances; and such upon in like manner as other recognization appearance, and such certificate shall be primâ facie evidence of such appearance, and such appearance, appearance. 32-33 V., c. 32, s. 22.

this Act shall and penalty imposed under the authority Application and penalty imposed under the authority Application by Act shall and penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority Application by Act shall a penalty imposed under the authority application by Act shall a penalty imposed under the authority and a penalty imposed unde of this Every fine and penalty imposed under the authority Application Act shall be paid and applied as follows, that is to of penalties.

(a) In the Province of Ontario, to the magistrate who im- In Ontario. beace, as the province of Ontario, to the magistrate who have as the paid over by him to the beace, as the case may be, to be paid over by him to the treasures; county treasurer for county purposes;

In Quebec.

(b) In any new district in the Province of Quebec, to the eriff of such district as tracers. sheriff of such district, as treasurer of the building and if in fund for such district to form fund for such district, as treasurer of the building and if in fund for such district, to form part of such fund, monotary any other district in the soil D any other district in the said Province, to the prother of such district to be applied? of such district, to be applied by him, under the has keep of the Lieutenant Governor. of the Lieutenant Governor in Council, towards to be ing in repair of the count has ing in repair of the court house in such district, or to for added by him to the monormal and the monormal a added by him to the moneys and fees collected by him 50 the erection of a court house the erection of a court house and gaol in such district, so long as such fees are collected by him such district, so long as such fees are collected to defray the cost of such erection;

In N.S. and

(c) In the Provinces of Nova Scotia and New Brunswick, the county treasurer for to the county treasurer for county purposes; and

In P.E.I., (d) In the Provinces of Prince Edward Island, Province.

and British Columbia, to the treasurer of the Province.

32-33 V., c. 32. s. 32:—40 V.

33. Every conviction or certificate may be in the form in the schedule hereto applicable. Schedule may be in the forms the schedule hereto applicable to the case, or to the like effects and whenever the natural of the case, or to the like effects and whenever the natural of the case, or to the like effects and whenever the natural of the case, or to the like effects and whenever the natural of the case, or to the like effects and whenever the natural of the case, or to the case, or to the like effects and whenever the natural of the case, or to the like effects and the case and the case are the ca and whenever the nature of the case requires it, such forms may be altered by omitting the may be altered by omitting the words stating the consent of the person to be tried before the the person to be tried before the magistrate, and by adding the requisite words. stating the consensus and the the requisite words, stating the fine imposed, if any, and is imprisonment, if any to which the imprisonment, if any, to which the person convicted is to be subjected if the fine is 32, s. 7, s. 11, part, and s. 18.

Certain provisions not to apply to cases under this Act.

34. The provisions of "The Criminal Procedure and of the as mentioned in the Criminal Procedure and of the Criminal Procedure and the Criminal Procedu except as mentioned in the twenty-eighth section, and of "The Summary Convictions Add" "The Summary Convictions Act," shall not apply to any proceedings under this Act ceedings under this Act. 32-33 V., c. 32, s. 27.

35. Nothing in this Act shall affect the provisions to The Juvenile Offenders' Act." affect that for trial of juvenile Offenders' Act," and this Act shall not extended to persons punishable under the provisions of the provisions to affect that for the provisions to affect the provisions the provisions to affect the provision to affect the provisi ile offenders. persons punishable under that Act, so far as regards offender. for which such persons for which such persons may be punished thereunder. 32-33 V., c. 32, s. 31.

SCHEDULE.

FORM A.

CONVICTION.

, city (or as the) Province of to wit: case may be) of

, A.B., being day of , of the said Be it remembered that on the (city) (and consenting to my trying the charge summarily), is convicted before me, for that he, the said A.B., &c. (stating the offermed where committed), the offence, and the time and place when and where committed), and I adjudge the said A.B., for his said offence, to be imprisoned under the said A.B., for his said offence, to hard labor) prisoned in the for the term of

Given under my hand and seal, the day and year first above mentioned, at aforesaid.

J. S. [L.S.]

FORM B.

CONVICTION UPON A PLEA OF GUILTY.

Province of case may be) of , city (or as the) to wit:

Be it remembered that on the in the year day of charged before me, the undersigned, A.B., being (city) (and consenting to my trying the charge summarily), that L consenting to my trying the offence, and the for that he, the said A.B., &c. (stating the offence, and the suilty to place when and where committed), and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him, the said A.B., for kept to hard, to be imprisoned in the said offence. kept to hard labor) for the term of

Given under my hand and seal, the day and year first above mentioned, at

J. S. [L.S.]

FORM C.

CERTIFICATE OF DISMISSAL.

Province of case may be) of , city (or as the to wit:

the undersigned, the case undersion of . , of the city (or as , certify that on the

the said of my trying the charge summarily), for that the said of my trying the charge summarily), for that aforesaid, A.B., being to my trying the charge summarily), for the said A.B., &c. (stating the offence charged, and the ld; and many land alleved to have been committed), time and A.B., &c. (stating the offence chargea, unu lidid, after then and where alleged to have been committed), after tried the said charge, disdid nd place when and where alleged to have been community, after having summarily tried the said charge, disting the said charge, dis-

Given under my hand and seal, this afores day of aforesaid.

³²⁻³³ V., c. 32, sch. J. S. [L.S]

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
37 V., c 39 37 V., c 40 38 V., c 47	The whole. The whole except ss. 6(part), and 7 (part) Part of schedule s. 8 (part), and		s. 3 (part) ss. 6(part),and 7 (part). s. 6 (part)	Juvenile offen. ders.
•	part of sche- dule. s 3		s. 2	Lotteries. Bet- ting and Pool selling. Juvenile offen- ders.

CHAPTER 174.

An Act respecting Juvenile Offenders.

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

Act." This Act may be cited as "The Juvenile Offenders' Short title.

2. In this Act, unless the context otherwise requires:— Interpretation.

(a) The expression "two or more justices," or "the "Two or mor justices" includes,—

more justices" or "the justices."

of the Provinces of Ontario and Manitoba any judge magistrate county court being a justice of the peace, police magistrate or stipendiary magistrate, or any two justices the peace or stipendiary magistrate, or any two justices; of the peace, acting within their respective jurisdictions;

of the Province of Quebec any two or more justices and Quebec, the sheriff of any district, except Montreal in Quebec. and Quebec, the sheriff of any district, except house by the Beace, police magistrate, district, except house of the Peace police magistrate, district, except house police magistrate, except house police magist judge of the deputy sheriff of Gaspé, and any reconstitute of the Sessions of the Peace, police magistrate, district magistrate acting within the trict magistrate or stipendiary magistrate acting within the limits of the sessions of the Peace, police magistrate, imits of the sessions of the sessions in the sessions of limits of their respective jurisdictions;

Prince Edward Island, and British Columbia, and in the District of Keewatin, any functionary or tribunal invested by the property with power to do acts by the proper legislative authority with power to do acts beace; the done by two or more justices of the

(b) The expression "the common gaol or other place of "Common gaol or other place of gaol or other place of cor prison provided for place of cor confinement includes any reformatory prison provided for place of confinement." the reception of juvenile offenders in the Province in which mement.' the conviction of juvenile offenders in the Province in value of that D referred to takes place, and to which, by the c. 33 s. 1. Province, the offender may be sent. 32-33 V., 2 mart:—39 V., c. 21, sch., part; c. 33, s. 1;—37 V., c. 39, s. 3, part;—39 V., c. 21, sch., part;

10, v., c. 4, sch., part;—47 V., c. 42, s. 2, part.

having attempted to commit, or with having been an aider, sons not more offer, compactly to commit the commission of any than sixteen years of age abettor, counsellor or procurer in the commission of any than sixteen which which or procurer or punishable as simple charged with offence Which is simple larceny, or punishable as simple charged with

certain offen- larceny, and whose age, at the period of the commission of attempted commission of attempted commission of such offence, does not, in the opinion of the justice before ion of the justice before whom he is brought or appears, exceed the age of sixton exceed the age of sixteen years, shall, upon conviction thereof, in open court was the thereof, in open court, upon his own confession or upon proof, before any two or more in the proof, before any two or more in the proof. proof, before any two or more justices, be committed to the common gaol or other plants. common gaol or other place of confinement within jurisdiction of such instinct. jurisdiction of such justices, there to be imprisoned, with or without hard labor for without hard labor, for any term not exceeding forfeit months, or, in the discretion of such justices, shall forfeit and pay such sum, not exceeding such justices, shall forfeit and pay such sum, not exceeding the such and pay such sum, not exceeding the such as and pay such sum, not exceeding twenty dollars, as such justices adjudge 29-29 W justices adjudge. 32-33 V., c. 33, s. 2.

Compelling person accused to attend.

4. Whenever any person, whose age is alleged not to ceed sixteen years is chart whose age is alleged not to exceed sixteen years, is charged with any offence mentioned in the next preceding continuous in the next preceding section, on the oath of a credible witness, before any instice of a credible may witness, before any justice of the peace, such justice may issue his summons or week. issue his summons or warrant, to summon or to apprehend the person so charged to see the person of the person so charged to see the person of the person so charged to see the person of the person so charged to see the person of the person so charged to see the person of the person the person so charged, to appear before any two justices of the peace, at a time and min the peace, at a time and place to be named in such summons or warrant 22-22 W

Power to remand or take bail.

5. Any justice of the peace, if he thinks fit, may remard refurther examination or f for further examination or for trial, or suffer to go at larged upon his finding sufficient upon his finding sufficient sureties, any such person charged before him with any such before him with any such offence as aforesaid. c. 33, s. 8.

6. Every such surety shall be bound by recognizance the conditioned for the average to be conditioned for the average to be a surely shall be bound by recognizance the conditioned for the average to the conditioned for the con recognizance. be conditioned for the appearance of such person before the same or some other interest. same or some other justice or justices of the peace for further examination, or for trial had examination, or for trial before two or more justices of the peace as aforesaid or for trial before two or more justices of the proper peace as aforesaid or for trial before two or more justices of the proper peace as aforesaid or for trial before two or more justices of the proper peace as aforesaid or for trial before two or more justices of the peace for turble peace for turble peace for turble peace for turble peace and the peace for turble peace are peace as aforesaid or for trial before two or more justices of the peace for turble peace are peace as aforesaid or for trial before two or more justices of the peace for turble peace as aforesaid or for trial before two or more justices of the peace as aforesaid or for trial before two or more justices of the peace as aforesaid or for trial before two or more justices of the peace as aforesaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace as a foresaid or for the peace are peace are peace as a foresaid or for the peace are peace as aforesaid, or for trial by indictment at the proper court of criminal invision. court of criminal jurisdiction, as the case may be. V., c. 33, s. 9.

recognizance time to time, by any such justice or justices to recognizance further time as he or thousand the following the recognizance or justices to such further time as he or thousand the recognizance of justices to such recognizance or justices or 7. Every such recognizance may be enlarged, to further time as he or they appoint; and every such fee or nizance not so enlarged chall not seem to such such seems fee or nizance not so enlarged chall not seem to such such seems fee or nizance not so enlarged chall not seem to such seems fee or nizance not so enlarged chall not seem to such seems feel or nizance not so enlarged chall not seem to such seems feel or nizance not so enlarged chall not seem to such seems feel or nizance not so enlarged chall not seem to such seems feel or nizance not so enlarged chall not seem to such seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not so enlarged chall not seem to seem to seem to seem to seem to seem to see the seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not so enlarged chall not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance not seems feel or nizance not seem to see the seems feel or nizance not seems feel or nizance not seem to see the seems feel or nizance not seem to see the seems feel or nizance necessarily necessarily nizance not so enlarged shall be discharged without fee or reward, when the person reward, when the person has appeared according to the condition thereof. 32-33 V

marily.

8. The justices before whom any person is charged and receded against under this half to the nerson is consents to be proceeded against under this Act, before such person is charged is such person is tried summarily. asked whether he has any cause to show why he should not be convicted, shall say to 11 not be convicted, shall say to the person so charged, these words, or words to the like officer.

[&]quot;We shall have to hear what you wish to say in answer to the charge against you. here's "to the charge against you; but if you wish to say in answer
"to the charge against you; but if you wish to be tried at
"a jury, you must object nearly grown it at "a jury, you must object now to our deciding upon it at once:"

And if such person, or a parent or guardian of such per-If he does not son, then objects, such person shall be dealt with as if this consent. Act had not been passed; but nothing in this Act shall prevent not been passed; but nothing in the Act shall prevent the summary conviction of any such person before one or more justices of the peace, for any offence for which he is 1. More justices of the peace, for any offence for which 32-33 he is liable to be so convicted under any other Act. 32-33 V., c. 33, s. 3.

9. If the justices are of opinion, before the person charged Justices may has made his defence, that the charge is, from any circumstance to be tried by stance, a fit subject for prosecution by indictment, or if the a jury. person charged, upon being called upon to answer the charged, upon being caneu upon to undoes, objects to the case being summarily disposed of under the provisions of this Act, such justices shall, instead of specific provisions of this Act, such justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed; and, in the latter committal the fact latter case, shall state in the warrant of committal the fact of such election having been made. 32-33 V., c. 33, s. 5, part; 38 V., c. 47, s. 6, part.

Any justice of the peace may, by summons, require Summoning witnesses. the attendance of any person as a witness upon the hearing witnesses. of any case before two justices, under the authority of this act, at a such summons. Act, at a time and place to be named in such summons. 32.33 V., c. 33, s. 11.

Any such justice may require and bind by recogni-Binding witzance every person whom he considers necessary to be examined at the amined, touching the matter of such charge, to attend at the time and place appointed by him and then and there to give and place appointed by him and then and there to give evidence appointed by nim and then are c. 32-33 V., c. 33, s. 12.

Oregain any person so summoned or required or bound, as Compelling attendance of such asse of reaforesaid, neglects or refuses to attend in pursuance of such case of resummons or recognizance, and if proof is given of such fusal or person 1 or recognizance, and if proof is hereinafter menperson having been duly summoned, as hereinafter mentioned as hereinafter menneglect. tioned, or bound by recognizance, as aforesaid, either of the justices I hould by recognizance, should have attended, justices before whom any such person should have attended, may is. may issue a warrant to compel his appearance as a witness. 32.33 V., c. 33, s. 13.

et messelvery summons issued under the authority of this Service of the per-summons. Act may be served by delivering a copy thereof to the persummons. and even some inmate at such person's usual place of abode, and every person so required by any writing under the hand or person so required by attend and give hand or hands of any justice or justices to attend and give evidence and of any justice deemed to have been duly evidence as aforesaid, shall be deemed to have been duly summoned. 32-33 V., c. 33, s. 14.

em the justices, upon the hearing of any such case, Discharge in the the justices, upon the hearing of any such case, Discharge in the the justices, upon the hearing of any such case, Discharge in the post expedient to deem the justices, upon the hearing of any such case, Discharge in the offence not proved, or that it is not expedient to certain cases. Certificate of discharge.

inflict any punishment, they shall dismiss the person charged—in the letter of the let charged,—in the latter case on his finding sureties for his future good behavior and in the finding sureties for the future future future future for the first finding sureties finding su future good behavior, and in the former case without sure ties, and then make out and it is the former case without sure ties, and then make out and it is the former case without sure ties. ties, and then make out and deliver to the person charged a certificate in the form A a certificate in the form A in the schedule to this Act, or to the like effect under the schedule to this Act, or to the like effect, under the hands of such justices, stating the fact of such dismissal 32-33 V., c. 33, s. 4, part.

15. Every person who obtains such certificate of dismission or is so convicted about 1 certificate of also of conviction sal, or is so convicted, shall be released from all further of other criminal proceedings of the certificate of also of the certificate of also of conviction. c. 33, s. 6.

Form of conviction.

16. The justices before whom any person is summarily nvicted of any offence beautiful and person is summarily convicted of any offence hereinbefore mentioned, may cause the conviction to be desired. the conviction to be drawn up in the form B in the schedule hereto, or in any other form to the same effect, and the conviction shall be an all intents and the conviction shall be good and effectual to all intents and purposes 29-29 V

Conviction not void for want of form,

17. No such conviction shall be quashed for want of rm, or be removed by form, or be removed by certiorari or otherwise into any court of record and no court of rec court of record; and no warrant of commitment shall be held void by reason of held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and there is a good and valid conviction to good and valid conviction to sustain the same. c. 33, s. 16.

Conviction to be sent to Clerk of the Peace, &c.

18. The justices before whom any person is convicted ider the provisions of the American and the provisions of the American and the provisions of the American and the provisions of the provision of the provision of the provision of the provision under the provisions of this Act, shall forthwith transmit the conviction and recover the conviction and recognizances to the clerk of the peace or other proper officer for the or other proper officer, for the district, city, county or union of counties wherein the affi of counties wherein the offence was committed, there to be kept by the proper offence kept by the proper officer among the records of the court of General or Quarter Services General or Quarter Sessions of the Peace, or of any other court discharging the court discharging the functions of a court of General or Quarter Sessions of the D 32-33 V., c. 33, s. 17.

Returns to Minister of Agriculture.

19. Every clerk of the peace, or other proper officer, shall ansmit to the Minister of transmit to the Minister of Agriculture a quarterly return of the names. offences the names, offences and punishments mentioned in the convictions with such a punishments mentioned in time convictions, with such other particulars as are, from to time, required 20.00 Y

No forfeiture, but restitution may be ordered.

20. No conviction under the authority of this Act shall attended with and a sis be attended with any forfeiture, except such penalty as is imposed by the sentence of this Act of the sentence of this Act of the sentence of imposed by the sentence; but whenever any person is adjudged guilty under the judged guilty under the provisions of this Act, the presiding justice may order restrictions of this Act, the presiding justice may order restrictions. ing justice may order restitution of the property in respect of which the offence was accounted to the property in the rest of which the offence was committed, to the owner thereof or his representatives

21. If such property is not then forthcoming, the Orthe paylatican such property is not then forthcoming, the Orthe payjustices, whether they award punishment or not, may ment of the inquire into and ascertain the value thereof in money; money. and, if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments, at such periods the continuous process of the cont as the justices deem reasonable. 32-33 V., c. 33, s. 20.

for the person ordered to pay such sum may be sued Recovery of like amount as a debt in any court in which debts of the such value. like amount are, by law, recoverable, with costs of suit, accord; 22-33 V.. c. 33, s. 21. according to the practice of such court. 32-33 V., c. 33, s. 21.

Whenever the justices adjudge any offender to forfeit Enforcing payment of this payment of this penalties. and pay a pecuniary penalty under the authority of this penalties. they deem it penalty is not forthwith paid, they may, if they deem it expedient, appoint some future day for the payment thereof, and order the offender to be detained in safe cost thereof, and order the offender to be detained in safe custody until the day so appointed, unless such offender gives gives security, to the satisfaction of the justices, for his appearance with institutions may take such appearance on such day; and the justices may take such Security by Way of recognizance or otherwise in their discretion cretion. 32-33 V., c. 32, s. 22.

24. If at any time so appointed such penalty has not been Committal for non-payment. Paid, the same or any other justices of the peace may, by non-payment. warrant under their hands and seals, commit the offender to the confinement within to the common gaol or other place of confinement within their in for any time not exceedtheir jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication. 32-33 V., c. 32, s. 23, part.

The justices before whom any person is prosecuted Costs of protein this Act. may, in secution may be awarded. or tried for any offence cognizable under this Act, may, in be awarded. their discretion, at the request of the prosecutor or of any other normalizance or summons to other discretion, at the request of the prosecutor of the prosecut prosecute or give evidence against such person, order pay-Ment to the prosecutor and witnesses for the prosecution, of such some such sums as to them seem reasonable and sufficient, to reimburse as to them seem reasonable and sumset, they have such prosecutor and witnesses for the expenses they have such prosecutor and witnesses for the expenses they have such prosecutor and witnesses for the expenses they have such prosecutor and witnesses for the expenses they have before them, and they have such prosecutor and witnesses for the have severally incurred in attending before them, and other severally incurred in attending before them. in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein, and early order. hay order payment to the constables and other peace officers the payment to the constables and other peace officers. for the payment to the constables and other peace 32.33 V Prehension and detention of any person so charged. 32-33 V., c. 32, s. 24.

The justices may, although no conviction takes place, Even without conviction. order all or any of the payments aforesaid to be made, when conviction. are of any of the payments aforesaid to be made, when acted in good faith. 32-33 V., c. 32, s. 25.

Application of penalties.

27. Every fine imposed under the authority of this Act all be paid and applied as follows: shall be paid and applied as follows, that is to say:

In Ontario.

(a) In the Province of Ontario, to the justices who impose e same, or the clark of the the same, or the clerk of the county court, or the clerk of the peace, or other proper officer. peace, or other proper officer, as the case may be, to be by him or them paid over to the him or them paid over to the county treasurer for county purposes:

In Quebec.

(b) In any new district in the Province of Quebec, to the eriff of such district as the control of the control sheriff of such district as treasurer of the building and jury fund for such district to form fund for such district, to form part of such fund, and in any other district in the Province (Co. 1) other district in the Province of Quebec, to the prothonotary of such district to be applied to of such district, to be applied by him, under the direction of the Lieutenant Governor. of the Lieutenant Governor in Council, towards the keep ing in repair of the council ing in repair of the court house in such district, or the added by him to the manager of added by him to the moneys or fees collected by him for the erection of a court bouse or the collected by him as erection of a court house or gaol in such district, so long as such fees are collected to defend? such fees are collected to defray the cost of such erection;

In N.S. and N.B.

(c) In the Provinces of Nova Scotia and New Brunswick, the county treasurer to the county treasurer, for county purposes; and

In P.E.I., Man., and B.C.

(d) In the Provinces of Prince Edward Island, Manitoba British Columbia to 11 and British Columbia, to the treasurer of the Province. 32-33 V., c. 33. s. 26. — 40 V

Certificate of expenses.

28. The amount of expenses of attending before the justices and the companyation of tices and the compensation for trouble and loss of time there in, and the allowances to the in, and the allowances to the constables and other peace officers for the apprehension cers for the apprehension and detention of the offender, and the allowances to be reight in the allowances to be reight. the allowances to be paid to the prosecutor, witnesses and constables for attending of the constables for attending at the trial or examination of the offender, shall be ascertainty offender, shall be ascertained by and certified under thands of such justices. hard hands of such justices; but the amount of the costs, charges and expenses attending and expenses attending any such prosecution, to be allowed and paid as aforesaid about and paid as aforesaid, shall not in any one case exceed the sum of eight dollars.

By whom such expenses shall be paid.

29. Every such order of payment to any prosecutor of her person, after the arm other person, after the amount thereof has been certified by the proper justices of the the proper justices of the peace as aforesaid, shall be one of with made out and delivered as aforesaid, shall be one with made out and delivered by the said justices or officer, them, or by the clerk of the them, or by the clerk of the peace or other proper officer, as the case may be to said justices or other proper upon as the case may be, to such prosecutor or other person, upon such clerk or officer being such clerk or officer being paid his lawful fee for the sand and shall be made upon it and shall be made upon the officer to whom fines imposed under the authority of the A under the authority of this Act are required to be paid over in the district city and the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over in the district city are required to be paid over the district city are r over in the district, city, county or union of counties which the offence was committed which the offence was committed, or was supposed to have been committed, who may recommitted to the shall been committed. been committed, who, upon sight of every such order, other forthwith pay to the person such order, other forthwith pay to the person named therein, or to any other

person duly authorized to receive the same on his behalf, out of under this Act, the out of any moneys received by him under this Act, the money shall be allowed the money in such order mentioned, and shall be allowed the same in his accounts of such moneys. 32-33 V., c. 33, s. 28.

30. This Act shall not apply to any offence committed As to certain the D. Act shall not apply to any offence in Offences in P. E. J. B.C. in the Provinces of Prince Edward Island or British Columbia, or the District of Keewatin, punishable by imprisonand Keeand District of Version and Upwards; and in such Provinces

This Act shall not apply to any offence committee as to certain
P.E.I., B.C.,
went for two years and upwards; and in such Provinces

and District in the Processory to transmit any recogand District it shall not be necessary to transmit any recognizance that the proper officer. nizance to the clerk of the peace or other proper officer. 39 V, c. 21, sch., part; -40 V., c. 4, sch., part; -47 V., c. 42,

This Act shall not authorize two or more justices of No sentence to a reformation a reformation in a reforma the peace to sentence offenders to imprisonment in a reformatory in 11 Sentence offenders to imprisonment in a reformatory in 11 Sentence offenders to imprisonment in a reformatory in 15 Sentence of the sen atory in the Province of Ontario. 43 V., c. 39, s. 15, part. Ontario.

SCHEDULE.

FORM A.

 T_{o}_{Wit} : , justices of the peace for &c., I, a , (or if a recorder. of , of the on the , as the case may be), do hereby certify, that , in the year day of was brought before us, the said justices (or me, the said to say the property of the charge), and that to say (here state briefly the particulars of the charge), and that thereupon we, the said justices, (or I, the said dismissed the said charge.

Given under our hands (or my hand) this day of

J. P. L. S. J. R. [L. S.] or S. J. [L. S.]

FORM B.

day of Be it remembered, that on the , in the year , in the district of of the no. 0. is convicted before us, J. P. and J. R., justices for city. &c., or me, S. J., , at of the peace for the said district (or city, &c., or me, S. J., of , or recorder, &c.,

as the case may be) for that, he, the said A. O. did (specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence), and we, the said J. P. and J. R. (or I, the said S.J.), dence), and we, the said J. P. and J. R. (or I, the said S.J.), in the (or to be imprisoned in the and there kept at hard labor), for the space of (or we) (or I) adjudge the said A.O., for his said offence, to (or we) (or I) adjudge the said A.O., for his said offence, to the said sum, to be imprisoned in the said sum, to be imprisoned in the and kept at hard labor) for the term of the said sum, unless the said sum is sooner paid.

Given under our hand and seals (or my hand and seal), the day and year first above mentioned.

J. P. [L. S.] J. R. [L. S.] or S. J. [L. S.]

32-33 V., c. 33, s. 4, part, and s. 15, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 33	The whole except ss. 5 (part), 23 (part), 29 and	ss. 29 and 30	s. 5 (part) s. 23 (part)	Speedy Trials. Punishments.
38 V., c. 47 39 V., c. 21	s. 3 (part)s. 6 (part). Part of schedules 8 (part), and		s. 3 (part)	
43 V., c. 39 47 V., c. 42	part of schedule s 15 (part).		s. 1	Summary Trials.

CHAPTER 175.

An Act respecting Summary Proceedings before Justices

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

SHORT TITLE.

1. This Act may be cited as "The Summary Convictions Short title. New.

INTERPRETATION.

- 2. In this Act, unless the context otherwise requires:— Interpretation.
- (a) The expression "justice" means a justice of the peace, "Justice." and includes two or more justices if two or more justices of the power or have jurisdiction, and also any person having the power or authority of two or more justices of the peace;
- (b) The expression "clerk of the peace" includes the "Clerk of the proper officer of the court having jurisdiction in appeal peace. inder this Act;
- (c) The expression "territorial division" means district, "Territorial division." county, union of counties, township, city, town, parish or division." other judicial division or place;
- (d) The expression "district" or "county" includes any "District" territorial or judicial division or place, in and for which or "county." there is such judge, justice, justice's court, officer or prison as is mentioned in the context;
- (c) The expression "common gaol" or "prison" means "Common charged with than a penitentiary in which persons gaol" or "prison." charged with offences are usually kept and detained in the stody with th custody. 32-33 V., c. 31, ss. 94 and 95;—40 V., c. 27, s. 3.

JURISDICTION.

A. This Act shall apply to,—

Application of Act.

(a) Every case in which any person commits, or is Offences pun-**Dected of having committed any offence or act over ishable on summary controls.

which the Parliament of Canada has legislative authority, and for which such person is liable, on summary conviction, to imprisonment, fine, penalty or other punishment;

Cases in which an order for the payment of money may be made.

(b) Every case in which a complaint is made to any justice in relation to any matter over which the Parliament of Canada has legislative authority, and with respect which such justice has authority by law to make any order for the payment of money or other payment.

Subject to any special provision otherwise enacted with respect to such offence, act or matter. 32-33 V., c. 18, s. 35, c. 20, s. 80, c. 21, s. 123, c. 22, s. 75, c. 27, s. 7, c. 29, s. 7, and c. 31, s. 1, part;—33 V., c. 31, s. 6;—35 V., c. 31, ss. 2, part, c. 31, s. 1, part;—33 V., c. 31, s. 6;—35 V., c. 31, ss. 2, part, and 3;—38 V., c. 42, s. 11;—40 V., c. 35, s. 5;—43 V., c. 38, s. 4;—44 V., c. 30, s. 10 part

By whom complaint shall be heard.

4. Every complaint and information shall be heard, tried, determined and adjudged by one justice or two or the 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. 32-38 V 2 21 225

If there is no direction in the Act.

then then then the then the complaint or information may be heard, tried, determined and adjudged by any one justice for the territorial division where the matter of the complaint or information arose. 32-33 V... c. 31 c. 32

In what cases one justice may act.

plaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of witnesses for either party, and do all other acts and matter necessary, preliminary to the hearing, even if by the statut in that behalf it is provided that the information or more plaint shall be heard and determined by two or more justices. 32-33 V., c. 31 s 25

After hearing, &c.

7. After a case has been heard and determined, one justice may issue all warrants of distress or commitment thereon. 32-33 V., c. 31 s 86

Proceedings after judg-ment.

8. It shall not be necessary that the justice who the before or after the hearing be the justice or one of justices by whom the case is or was heard and determined. 32-33 V., c. 31, s. 87.

If two justices are required.

9. If it is required by any Act or law that an information or complaint shall be heard and determined by two or two justices, or that a conviction or order shall be made by ting or more justices, such justices shall be present and acting together during the whole of the hearing and determination of the case. 32-33 V., c. 31, s. 88.

10. Every judge of Sessions of the Peace, recorder, police Certain ma-lagistrot magistrate, gistrates to have the magistrate, district magistrate or stipendiary magistrate, gistrates to have the horough, town or power of two appointed for any district, county, city, borough, town or power of two place, shall have full power to do alone whatever is au-justices. thorized to be done by two or more justices. 32-33 V., c. 31, 8. 91, part.

LIMITATIONS.

Complaint or laying any information in the Act or law for information of the lating to the laying any information in the Act or law for information or laying any information in the Act or law for information or laying to the complaint shall be made the laint. relating to the particular case, the complaint shall be made tion or comand the particular case, the complaint shall be made the information shall be laid within three months from plaint. the time information shall be laid within three months at 108e, even the matter of the complaint or information that atose, except in the North-West Territories, and in that Exception as but of the North-West Territories, from to certain districts. part of the in the North-West Territories, and in that exception to certain the county of Saguenay which extends from districts. In the limits of said county, to the eastward as far in the said county, all the islands adjoinas the limits of Canada, including all the islands adjoining the limits of Canada, including all the Islanus application of the stands where the time within which such complaint shall, where the time within which such comparison shall be laid, shall plaint shall be made, or such information shall be laid, shall be extended by the time when the be extended to twelve months from the time when the hattended to twelve months from the time will.

c. 81, 8.90 complaint or information arose. 32-33 V.,

ABETTORS.

te committee committee who aids, abets, counsels or procures Where abetthe commission of any offence punishable on summary tors may be proceeded proceeded against. Conviction, may be proceeded against and convicted either against. in the the territorial division or place where the principal division or place which the offence offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was commit-

ENFORCING ATTENDANCE OF DEFENDANTS.

ce for Whenever an information (A) is laid before any jus- When intormation is laid before any person, before justice the for any territorial division of Canada, that any person, before justice, with with a summons to the accused being for any territorial division of Canada, that any person, before justice, ted 8 within the jurisdiction of such justice, has commit-a summons to for is suspected to have committed any offence or act the accused has which have in the jurisdiction of such justice, has committed any offence or act may be summary conviction, to issued. for or is suspected to have committed any offence of may be imprisoned is liable by law, on summary conviction, to issued. be imprisoned or fined, or otherwise punished, or a complaint is made or fined, or otherwise punished, or atterthe which I to any such justice in relation to any matter than which I to any such justice in relation to any order for the payment he has authority by law to make any order for the payment of money or otherwise, such justice may issue the summer of money or otherwise, and the summer of money or otherwise the summe his summons (B), directed to such person, stating shortly his matter of (B), directed to such person, and requiring the matter of the information or complaint, and requiring to applications to applications of the information or complaint, and requiring the total applications and place, before such justices and place to the information of the information of the information of the information and place the information of the inform him that ter of the information or complaint, and required to appear at a certain time and place, before such justice, or here at a certain time and for the same territies in and for the same territies in the said to, or before such other justice in and for the same terriing division such other justice in and for the same terriing between the said tonal division as shall then be there, to answer to the said information as shall then be there, to answer to the cording to low complaint, and to be further dealt with according to law. 32-33 V., c. 31, s. 1, part.

Service of summons.

14. Every such summons shall be served by a constable other peace officer or other or other peace officer, or other person to whom the same is delivered. upon the person to whom the person is delivered. is delivered, upon the person to whom the business delivered, upon the person to whom it is directed, by delivering the same to such delivering the same to such person personally, or by leaving it with some person for him. it with some person for him at his last or most usual place of abode. 32-33 V 2 21

Proof of service.

15. The constable, peace officer or person, who serves ach summons, shall attended to such summons, shall attend at the time and place, and if fore the justice in the arms. fore the justice in the summons mentioned, to depose, if necessary, to the service them. necessary, to the service thereof. 32-33 V., c. 31, s. 3.

As to ex parte cases.

16. Nothing herein contained shall oblige any justice to issue any such summons whenever the application any order may, by law he made

If the summons is not

17. If the person served with a summons does not appear before the justice of the pear before the justice at the time and place mentioned by the summons, and it is made it the summons, and it is made to appear to the justice, by oath or affirmation that it issue his war- oath or affirmation, that the summons was duly served, a reasonable time. a reasonable time, in the opinion of the justice, before the time therein appointed for time therein appointed for appearing to the same, the justice, upon oath or affirmation. tice, upon oath or affirmation being made before him, substantiating the matter of 11 stantiating the matter of the information or complaint to his satisfaction, may if he the information or complaint (C) to his satisfaction, may, if he thinks fit, issue his warrant (c) to apprehend the person so sure him be apprehend the person so summoned, and to bring him the fore such justice or before seen fore such justice or before some other justice in and for the same territorial division to same territorial division, to answer to the said information or complaint, and to be first? or complaint, and to be further dealt with according to law. 32-33 V., c. 31, s. 6 part

Warrant may issue in the first instance on information supported by oath, &c.

18. Any justice before whom any such information is id for any offence purish 11 laid for any offence punishable on summary conviction may, if he thinks fit man may, if he thinks fit, upon oath or affirmation being to before him, substantiating the before him, substantiating the matter of the information the satisfaction, instead of income in the his satisfaction, instead of issuing a summons, issue in the person first instance his warrant (D) of first instance his warrant (D) for apprehending the person against whom the information against whom the information has been laid, and bringing the period against whom the information has been laid, and bringing in and him before such justice or her him before such justice, or before some other justice in and for the same territorial division. for the same territorial division, to answer to the information and to be further dealers. Copy of warrant to be served on vided, that whenever a served on vided, the vided of the vided o vided, that whenever a warrant is issued in the first instance, the justice issuing it al. Il. vided, that whenever a warrant is issued in the first instance the justice issuing it shall furnish a copy or copies and cause a copy to be according to the present at the justice issuing it shall furnish a copy or copies and cause a copy to be according to the first instance th and cause a copy to be served on each person arrested at the time of such arrest the time of such arrest. 32-33 V., c. 31, s. 6, part.

19. Every warrant to apprehend a defendant, shall be he may answer to an information or complaint, shall under the hand. under the hand and seal of the justice issuing all of the Warrant to be and may be directed to any one or more or to all of the constables or other peace officers. under hand constables or other peace officers of the territorial division and seal; to whom directed.

Within Which it is to be executed, or to such constable that the territorial division which it is to be executed, or to such within which will be a such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which it is to be executed, or to such within which will be executed as a such within which will be executed as a such within which will be executed as a such will be executed as a such will be executed as a such will be exe within which the justice who issued the warrant has jurisdiction which the justice who issued the warrant has jurisdiction diction, which the justice who issued the warrant within or generally to all the constables or peace officers within such territorial division:

2. Such warrant shall state shortly the matter of the in- What the founded and shall warrant shall contain. formation or complaint on which it is founded, and shall warrant shall contain. name or otherwise describe the person against whom it has issued in the constables or other describes the constables of the constabl been issued, and it shall order the constables or other peace officers to whom it is directed, to apprehend the independent to before one or more justice or defendant and to bring him before one or more justice or Justices of the same territorial division, as the case requires, to answer to the same territorial division, as the case required dealt with to the information or complaint and to be further dealt with according to law. 32-33 V., c. 31, s. 8.

thable at the same shall remain warrant and how to be the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant re-puration of the lit shall not be necessary to make the warrant and how to be necessary to make the warrant and how to be necessary to make the warrant may be executed. in falle at any particular time, but the same shall remain now to be ted by an until executed; and the warrant may be exe-executed. cuted by apprehending the defendant at any place in the territorial division within which the justice who issued the lane has jurisdiction, or, in case of fresh pursuit, at any place has jurisdiction, or, in case of fresh pursuit, at the next adjoining territorial division, within seven with of the next adjoining territorial division, without he border of the first mentioned territorial division, without having the warrant backed as hereinafter mentioned. having the was 32-33 V., c. 31, s. 9.

If the warrant is directed to all constables or peace What officer has in the warrant is directed to all constables or peace what officer may execute it, and where officers in the warrant is directed to all constables or peace what officers in the territorial division within which the justice it, and where. who issued the territorial division within which the jurisdiction, any constable or peace the for any the same has jurisdiction, any constable or peace the same has jurisdiction the jurisdiction officer for any place within the limits of the jurisdiction manner as if the warrant way execute the warrant, in like manner as if the warrant in the limits of the jurisdiction of the jurisdi has directed the warrant, in like manner as if the warrant-by that the specially to him by name, and notwithstandthe the warrant, in the specially to him by name, and notwithstant the place in which the warrant is executed is not. within the place in which the warrant is executed in the place for which he is a constable or peace officer. 82.38 V, c. 31, s. 10.

is the lift any person against whom any warrant has been Indorsing of whom it was issued within the jurisdiction of the justice by the warrant in another in another in the lift was issued to accome into, or is or is sus-jurisdiction. whom is not found within the jurisdiction of the justice by in another lected to he issued, or, if he escapes into, or is or is sus-jurisdiction. betted to be in any place within Canada, out of the juristion of such diction of such justice, any justice, within whose jurisdiction of such justice, any justice, within whose jurisdiction of such justice, any justice, within whose jurisdiction is such justice, any justice, within whose jurisdiction is such justice is suing the or afficient signed oath or affirmation of the handwriting of the justice issuing warrant with his name may make an indorsement upon it, signed with his name may make a indorsement upon it, signed with his name may make a indorsement upon it, signed with his name may make an indorsement upon it, shall be a warrant, may make an indorsement upon 11, significant, his name, authorizing the execution of the warrant and with his name, may make an indorsement of the warrant state his jurisdiction; and such indorsement shall be a Effect of such independent and such indorsement. Min his jurisdiction; and such indorsement shall be a Effect of Such being jurisdiction; and such indorsement, and indorsement.

To all other possible to the person bringing the warrant, and indorsement. to all other persons to whom it was originally directed, and constall constall and such as a special constall c to all other persons to whom it was originally directed, and division who when it was originally directed, and the constables or other peace officers of the territorial made, to execute the division persons to whom it was constables or other peace officers of the territorial wherein the indorsement is made, to execute the indivision of the justice wherein the indorsement is made, to execute any place within the jurisdiction of the justice

indorsing the same, and to carry the offender, when appropriately hended, before the institute of the instit hended, before the justice who first issued the Warrant or some other justice having. 32-33 V., some other justice having the same jurisdiction. c. 31, s. 11.

INFORMATIONS AND COMPLAINTS.

Certain complaints need not be in writing.

23. It shall not be necessary that any complaint upon hich a justice may make which a justice may make an order for the payment of money or otherwise, shall be money or otherwise, shall be in writing, unless it is such quired by some particular. quired by some particular Act or law upon which such complaint is founded. 29-29 Tr

24. Every complaint upon which a justice is authorized by w to make an order and need not be on oath unless law to make an order, and every information for any offence or act punishable on summer. or act punishable on summary conviction, may, provided herein or by some particular A herein or by some particular Act or law otherwise provided be made or laid without any otherwise as to the be made or laid without any oath or affirmation as to the truth thereof. 32-33 V a 21

Exception. when warrant is issued in the first instance.

25. Whenever the justice issues his warrant in the first stance, the matter of the inc. whenever the justice issues his warrant in the instance, the matter of the information shall be substituted by the oath or affirmation shall be substituted by the oath or affirmation. tiated by the oath or affirmation of the informant, or some witness or witnesses on the information warrant some witness or witnesses on his behalf, before the Warrant is issued. 32-33 V. c. 31 a 27

Complaint to be for one matter only. &c.

26. Every complaint shall be for one matter of complaint, and ly, and not for two or more only, and not for two or more matters of complaints for every information shall be for every information shall be for one offence only, and not for two or more offences: and are two or more offences only, and not for two or more offences: two or more offences; and every complaint or informant in may be laid or made by the may be laid or made by the complainant or information person, or by his counsel person, or by his counsel or attorney or other person authorized in that behalf

Description of property of partners, &c.

27. In any information or complaint, or proceeding ereon, in which it is necessarily interesting. thereon, in which it is necessary to state the owners, joint any property belonging to critical thereon. any property belonging to or in possession of partners, it tenants, parceners or tenants tenants, parceners or tenants in common, or par indivision shall be sufficient to name one of the property belonging to or in possession of partners, job tenants, parceners or tenants in common, or par indivision shall be sufficient to name one of the property belonging to or in possession of partners, job tenants, shall be sufficient to name one of such persons, and another or other the property to belong to the person so named, and another or others, as the case may be

Partners, &c., may be described in like manner.

2. Whenever, in any information or complaint, or the purpose edings thereon, it is necessary but as whatsoever, any partners joint to mention, for any partners in a partners ioint to mention, for any partners ioint to mention. whatsoever, any partners, joint tenants, parceners or tenants in common, or par indivise it also in them in the in common, or par indivis, it shall be sufficient to them in the manner aforesoid.

Description of property of municipal corporation.

3. Whenever, in any information or complaint, or recovered in of the control of the complaint, or recovered in of the control proceedings thereon, it is necessary to describe the ship of any work or building mediant the at the state of repairs at the second state of repairs at the second ship of any work or building made, maintained or repair at the expense of the corporation at the expense of the corporation or inhabitants

territorial division or place, or of any materials for the making, altering or repairing the same, they may be therein described in the same in the s in described as the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of such territorial in the property of the inhabitants of the property of the prope territorial division or place. 32-33 V., c. 31, s. 14.

No objection shall be allowed to any information, com- No objection allowed on allowed on account of plaint, No objection shall be allowed to any information, com-in substantial or warrant, for any alleged defect therein, account of the substantial or warrant, for any alleged between such in-defect in su in substance or in form, or for any variance between such in-defect in subformation and the evidence or form, &c. formation, complaint, summons or warrant, and the evidence form, &c. adduced on the part of the informant or complainant at the hearing of such information or complaint:

2. Any variance between the information, for any offence when variance and the evidence ance as to or act Punishable on summary conviction, and the evidence ance as to time shall not be adduced in support thereof as to the time at which such not be the comparited shall not material. offence or act is alleged to have been committed, shall not material. be deemed material, if it is proved that such information was, in the material, if it is proved that such information was, in fact, laid within the time limited by law for laying

8. Any variance between the information and the evi- when variance between the information and the evi- when variance and the place in which ance as to place shall dence adduced in support thereof, as to the place in which ance as to place shall not be manufactured. the offence or act is alleged to have been committed, shall not be make to be done or act is alleged to have been committed to terial. not be deemed material, if the offence or act is proved to terial. have been committed within the jurisdiction of the justice by whom by whom the information is heard and determined:

4. If any such variance, or any other variance between If defendant le information is new arrant, and the had been mis led, the justic the information, complaint, summons or warrant, and the had been misled, the justice may adjourn to be such that the defenpresent, and acting at the hearing, to be such that the defentable may, and acting at the hearing, to be such that the defentable may, dant has been thereby deceived or misled, the justice may, thon such terms as he thinks fit, adjourn the hearing of the to so the terms as he thinks fit, adjourn the hearing of the case to some future day. 32-33 V., c. 31, ss. 5, 12, part, 21 and 22, part.

WITNESSES.

If it is made to appear to any justice, by the oath or Summonsto If it is made to appear to any justice, by the oath or summons to the jurisdiction of any credible person, that any person within person likely vidence on both justice is likely to give material to give material evidence. evidence on behalf of the prosecutor or complainant or dethe time and will not voluntarily appear as a witness at the time and will not voluntarily appear as a witness to time and place appointed for the hearing of the in-(Enlation or complaint, the justice shall issue his summons time to be and appear at a (E 1) to or complaint, the justice shall issue and appear at a had and person, requiring him to be and appear at a had all person, requiring him to be and appear at a tine such person, requiring him to be and appearant batice, or place mentioned in the summons, before such batice, or place mentioned in the summons, before such betice, or any other justice in and for the territorial division, the summons, between the summons of the su who shall then be there, to testify what he knows concenting the information or complaint. 32-33 V., c. 31, s. 16.

If any person so summoned neglects or refuses to Warrant if such person at the person so summoned by the summons, fails to appointed by the summons, fails to appoint the summons of the s appear at the time and place appointed by the summons, fails to appear.

and no just excuse is offered for such neglect or refusal, then, after proof upon onth are or then, after proof upon oath or affirmation of the summons having been served upon the summons by having been served upon him, either personally or leaving the same for him with leaving the same for him with some person at his last or most usual place of shede. most usual place of abode, the justice before whom such person should have appeared person should have appeared may issue a warrant (E2) to be bring and have such person issue a warrant to be bring and have such person, at a time and place to be the therein mentioned before the such person. therein mentioned, before the justice who issued the summons, or before any other interest who issued the terrimons, or before any other justice in and for the same torial division who shall the same torial division the same torial division who shall the same torial division division the same torial division division to the same torial division divis torial division who shall then be there, to testify as a foresaid, and the said warrant more in and the said warrant may, if necessary, be backed as herein mentioned, in order to its herein mentioned, in order to its being executed out of the jurisdiction of the instice who is made as necessary, be backed as necessary, but nec diction of the justice who issued the same. 32-33 V., c. 31, s. 17.

May be backed.

Warrant in the first instance.

31. If the justice is satisfied, by evidence upon oath of firmation, that it is probable to the satisfied of affirmation, that it is probable that the person will not do, tend to give evidence with any to do, tend to give evidence without being compelled so war, he may instead of isonia. he may instead of issuing a summons issue his war rant (E 3) in the first instance. rant (E 3) in the first instance, and the warrant 18. necessary, be backed as aforesaid. 32-33 V., c. 21, s. 18.

Commitment for refusal to give evidence.

32. If, on the appearance of the person so summoned efore the justice either in the person so summons of before the justice, either in obedience to the summons of upon being brought have upon being brought before him, by virtue of the Warrant, such person refuses to be such person refuses to be examined upon oath or affirms tion, concerning the process. tion, concerning the premises, or refuses to take an oath or affirmation, or having take affirmation, or having taken the oath or affirmation, refuses to answer such questions. to answer such questions concerning the premises as his then put to him. without a second concerning the premises for his then put to him, without offering any just excuse for his refusal, any justice then present and invisdiction. refusal, any justice then present and having jurisdiction may, by warrant (E 4) may, by warrant (E 4), commit the person so refusing the common gaol or other prices. the common gaol or other prison for the territorial division where the person then is where the person then is, there to remain and be imprisoned for any term not exceeding the second means and the means of the second means of the s for any term not exceeding ten days, unless, in the meantime, he consents to be available to the meantime, the consents to be available to the consents to the time, he consents to be examined and to answer concerning the premises. 32-33 V

Place of hearing to be deemed an open court.

33. The room or place in which the justice sits to hear and try any complaint or in which the justice sits to hear and try any complaint or information shall be deemed and open and public court to which the justice sits to be and supplied to which the justice sits to be and supplied to which the public sits to be a supplied to which the public sits to be a supplied to the supplied t open and public court, to which the public generally may have access, so far as the have access, so far as the same can conveniently contain them. 82-33 V c 81 2 20

Defendant may make full defence.

34. The person against whom the complaint is made of formation laid shall be admitted. information laid shall be admitted to make his full answer and defence thereto, and to have and defence thereto, and to have the witnesses examined and cross-examined by counsel and witnesses behalf. and cross-examined by counsel or attorney on his behalf. 32-33 V., c. 31, s. 30. Chap. 175.

all handly complainant or informant in any such case Prosecutor may be hear hy counsel or information, may be hear hy counsel or information. shall be at liberty to conduct the complaint or information, may be heard by counsel or and to have been and cross-examined, and cross-examined, attorney. and to have the witnesses examined and cross-examined, attorney. by connect the witnesses examined and cross-examined, attorney. by counsel or attorney on his behalf. 32-33 V., c. 31, s. 31.

86. Every witness at any hearing shall be examined Witnesses to be examined be examined be examined on oath. upon oath or affirmation, and the justice before whom any be examined withess or affirmation, and the justice before whom any be examined on oath. witness appears for the purpose of being examined shall have full have full power and authority to administer to every witness the power and authority to a power and authority to a power and authority to a power and a power a power and a power ness the usual oath or affirmation. 32-33 V., c. 31, s. 45, part.

Every prosecutor of any information not having any Prosecutor, competential and overy complainant in dec., competent witness pecuniary prosecutor of any information not having any incompany interest in the result, and every complainant in &c., competent witnesses of the salarit, whatever his interest may be in the result in certain witness to support such cases. of the same, whatever his interest may be in the result information, shall be a competent witness to support such cases. information or complaint, and no prosecutor shall be deemed incompation or complaint, and no prosecutor shall be deemed incompetent as a witness on the ground only that he may be liable. be liable to costs. 32-33 V., c. 31, s. 45, part.

The evidence of the person aggrieved, and also the Certain evidence of the person aggrieved, and also the Certain evidence may be admitted. evidence of the person aggrieved, and also the certain end in which of any inhabitant of the district, county or place admitted. in which any offence has been committed, shall be admitted proof any offence has been committed, shall be admitted or penalty the offence, notwithstanding that any forfeiture or penalty incurred by the offence is payable to any public and of vincurred by the offence is payable to any public 32-33 V., c. 31, s. 90. find of such district, county or place. 32-33 V., c. 31, s. 90.

If, on the day and at the place appointed by the If the defendsummons for hearing and determining the complaint or ant does not hearing and determining the same has information, the defendant against whom the same has been mation, the defendant against whom the stable or laid does not appear when called, the con-summons shall declare upon oath in what manner he served the summons to the satisfaction of the the summons; and if it appears to the satisfaction of the Proceeding extice that; and if it appears to the satisfaction of the Proceeding extice that Justice that such constable or other person duly served parte, or warand such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and such constable or other person duly served parte, or warrant and served parte p the such that such constable or other person duly server rant and appearance a reasonable time before the time appointed for adjournment. appearance, such justice may proceed exparte to hear and etermine the such justice may proceed exparte to hear and a su determine the case in the absence of the defendant, as fully effect. and effectually, to all intents and purposes, as if the defendant had understand purposes and purposes. dant had personally appeared in obedience to such sumhons, or the justice, upon the non-appearance of the defen-bat, may if lattice, upon the non-appearance in manner dant, or the justice, upon the non-appearance of the description, may, if he thinks fit, issue his warrant in manner the hearing of the complaint herein directed, and adjourn the hearing of the complaint beformation and adjourn the hearing of the complaint beformation. or information until the defendant is apprehended. V. c. 81, ss. 7 and 32.

When the defendant has been apprehended under When defendant has been apprehended who and has been apprehended. the When the defendant has been apprehended under when defendant has been apprehended under when defendant has been apprehended it it is shall be brought before the justice who apprehended. issued it, or some other justice in and for the same territohald it, or some other justice in and for the same (k) committy who shall thereupon, either by his warrant be common gaol or other (F) division, who shall thereupon, either by me was prison, or the defendant to the common gaol or other common, or the defendant to the custody of the prison wit the defendant to the common gaus of the constable of the thinks fit, verbally to the custody of the constable or other person who apprehended him, or to such

Proviso.

other safe custody as he deems fit, and may order the defendant to be brought up at a second to be brought up at a second to the fore the fore fendant to be brought up at a certain time and place before him, of which order the him, of which order the complainant or informant shall have due notice; but no have due notice; but no committal under this section shall be for more than one week and a committal under this section shall

If defendant

41. If, upon the day and at the place so appointed, the fendant appears voluntarily defendant appears voluntarily in obedience to the summons in that behalf served when the summons that behalf served when the summons that behalf served when the summons that the place so appointed, and the place so appointed the summons are the place so appointed the place so plainant does in that behalf served upon him, or is brought before the justice by virtue of a warment of justice by virtue of a warrant, then, if the complainant or informant, having had drawn, then, if the complainant informant, having had drawn to the complainant or informant. informant, having had due notice, does not appear by the self, his counsel or attorner to self, his counsel or attorney, the justice shall dismiss complaint or information and a prear by the self, his counsel or attorney, the justice shall dismiss complaint or information and a self-thinks counself the self-think complaint or information, unless for some reason he thinks proper to adjourn the bearing of the reason he other proper to adjourn the hearing of the same until some of s. 34, day, upon such terms of hearing of the same until some of s. 34, day, upon such terms as he thinks fit. 32-33 V., c. 31, s. 34, part.

If both parties appear.

42. If both parties appear, either personally or by their spective counsel or attended to the specific personal or attende respective counsel or attorneys, before the justice who is to hear and determine the hear and determine the complaint or information, same. justice shall proceed to be a such justice shall proceed to hear and determine the same. 32-33 V., c. 31 s 36

Proceedings on the hearing.

43. If the defendant is present at the hearing, the sub-ance of the information stance of the information or complaint shall be stated to him, and he shall be asked is him, and he shall be asked if he has any cause to show who he should not be convicted. he should not be convicted, or why an order should not be made against him as the made against him, as the case may be. 32-33 V., c. 31, s. 37.

Justice may convict, &c., if defendant admits the truth.

44. If the defendant thereupon admits the truth of the formation or complaint information or complaint, and shows no sufficient cause why he should not be a sufficient chould why he should not be convicted, or why an order should not be made against him not be made against him, as the case may be, the justice present at the hearing at the present at the hearing, shall convict him or make an order against him accordingly against him accordingly. 32-33 V., c. 31, s. 38.

If he does not admit the truth, &c., examination of witnesses. &c.

45. If the defendant does not admit the truth of the formation or complaint to hear information or complaint, the justice shall proceed to hear the prosecutor or complaint, the prosecutor or complainant and such witnesses as port examines and such other examines and such other evidence as he adduces in support of his information of the support the of his information or complaint, and shall also hear such defendant and such with defendant and such witnesses as he examines, and such the defendant and such witnesses as he examines, also hear other evidence as he addother evidence as he adduces in his defence, and also hear such witnesses as the such witnesses as the prosecutor or complainant examines in reply, if such defendant in reply, if such defendant has examined any witnesses of given any evidence other. given any evidence other than evidence as to his general character. 32-33 V 221 232

As to observations by either party.

46. The prosecutor or complainant shall not be entitled make any observations in to make any observations in reply, upon the evidence given by the defendant nor shall it by the defendant, nor shall the defendant be entitled make any observations in reply, upon the evidence given make any observations in reply. make any observations in reply upon the evidence given by the prosecutor or complainant in reply. 32-33 V., c. 31, s. 40

47. If the information or complaint in any case negatives If information or complaint in the statute or complaint negatives any any exemption, exception, proviso or condition in the statute or complaint negatives any which is a complaint of which is a complaint of the necessary for exemption, on which the same is founded, it shall not be necessary for exemption, the process the pro the prosecutor or complainant to prove such negative, but the default or or complainant to prove such negative thereof in his the prosecutor or complainant to prove such negative defendant may prove the affirmative thereof in his bimself of the same. 32-33 defendant may prove the affirmative increase. 32-33 V., c. 31, s. 44.

Before or during the hearing of any information or Adjournment of the case. complaint, the justice may, in his discretion, adjourn the of the case. hearing of the justice may, in his discretion, aujourappointed the same to a certain time and place, to be then appointed and stated in the presence and hearing of the arty or agents party or parties, or of their respective attorneys or agents then present, but no such adjournment shall be for more than one Week. 32-33 V. c. 31, s. 46, part.

49. If, at the time and place to which the hearing or If prosecutor or both of the does not apforther hearing is adjourned, either or both of the does not appear, case may proceed. parties hearing is adjourned, either or both of the document of attornary appear, personally or by his or their counsel pear, case the justice or such other may proceed the process of th or attorneys respectively, before the justice or such other may proceed. Justice as shall then be there, the justice who is then there party or position to the hearing or further hearing as if the party proceed to the hearing or further nearing or parties were present. 32-33 V., c. 31, s. 47.

If the prosecutor or complainant does not appear, the If the prosecutor does not appear, the cutor does not appear. If the prosecutor or complainant does not appear, curor as to him so dismiss the information with or without costs, appear. to him seems fit. 32-33 V., c. 31, s. 48.

case, he may suffer the defendant to go at large or may ant may be the mit him (C) for other prison, within allowed to go at large, or commit him (G) to the common gaol or other prison, within allowed to go at large or may be common to the territorial (G) to the common gaol or other prison, within allowed to go at large, or may be common to the territorial (G) to the common gaol or other prison, within allowed to go at large, or may be common to the common gaol or other prison, within allowed to go at large or may ant may be common to the common gaol or other prison, within allowed to go at large or may ant may be common to the common gaol or other prison, within allowed to go at large or may ant may be common to the common gaol or other prison, within allowed to go at large or may ant may be common to the common gaol or other prison, within allowed to go at large or may ant may be common to the common gaol or other prison, within allowed to go at large, or may be common gaol or other prison. the territorial division for which such justice is then act-may be coming territorial (iv) to the common gaustice is then accommand the form to such other safe custody as such justice thinks mitted.

(it) or to such other safe custody as such justice thinks mitted.

(it) with or may discharge the defendant upon his recognizance the discretion of such justice. (h) or may discharge the defendant upon his recognization, with or without sureties, at the discretion of such justice, condition in the condition of the condi to with or without sureties, at the discretion or such to which small discretion at the time and place Which such hearing or further hearing is adjourned:

2. Whenever any defendant who is discharged upon Warrant may be structured as a large does not appear at a carrest of defendant on recognizance or allowed to go at large, does not appear at be issued for bear. the time mentioned in the recognizance or to which the fendant on bail not appearing.

The distance of allowed to go at large, does not appear at arrest of the leading mentioned in the recognizance or to which the fendant on bail not appearing. hearing mentioned in the recognizance or to which the rengant on issue his warment hearing is adjourned, the justice may appearing. Reputationed in the recognition of the justice and the state of further hearing is adjourned, the justice and the warrant for the apprehension of the defendant. 32.33 V warrant for the apprehension of the use of the part, c. 31, ss. 12, part, 13, part, 22, part, 34, part, and

The justice, having heard what each party has to Decision of the mild the mild the mild have adduced, shall consider The justice, having heard what each party has to become whole witnesses and evidence adduced, shall consider the case. whole matter, and, unless otherwise provided, determine

the same, and convict or make an order upon the defendant, or dismiss the information or complete upon the defendant be. or dismiss the information or complaint, as the case may be 32-33 V., c. 31, s. 41

Minute of conviction or order to be made.

53. If the justice convicts or makes an order against the efendant, a minute or more against the defendant, a minute or memorandum thereof shall metion made, for which no fee shall riction made, for which no fee shall be paid, and the conviction or order shall afterwards. or order shall afterwards be drawn up by the justice on parchment or on paper. on parchment or on paper, under his hand and seal, in such one of the forms of course such one of the forms of conviction (J 1, 2, 3) or of or the (K 1, 2, 3) in the schedule to the (K 1, 2, 3) in the schedule to this Act, as is applicable to the case or to the like affixed. 32-33 V., c. 31, ss. 42, 50 and 51.

Amount payable to person aggrieved limited.

54. When several persons join in the commission of the me offence, and upon convert same offence, and, upon conviction thereof, each is adjudged to pay a penalty, which installed to pay a penalty, which includes the value of the property or the amount of the injury. or the amount of the injury done, no further sum shall be paid to the person accoming all the paid to the person accoming a line. paid to the person aggrieved than such amount or value and costs, if ann and the residue and costs. and costs, if any, and the residue of the penalties imposed shall be applied in the same shall be applied in the same manner as other penalties imposed by a justice are discovered by a justice are discov imposed by a justice are directed to be applied. V., c. 31, s. 89.

In certain

55. Whenever any person is summarily convicted before justice of any offence again. a justice of any offence against "The Larceny Act," or the respecting Malicious Inimiants discharged on respecting Malicious Injuries to Property," or the "Actrespecting Malicious Injuries to Property," or the "Actrespection of the Property." making satisfaction.

making satisfaction.

making satisfaction.

making satisfaction of the Property of Seamen in the Navy, and it is a first conviction. is a first conviction, the justice may, if he thinks fit, discharge the offender from his and the such the offender from his conviction, upon his making such satisfaction to the person against a point of the person against the state of the person against the person ag satisfaction to the person aggrieved, for damages and costs or either of them as are or either of them, as are ascertained by the justice.

V., c. 21, s. 119. and c. 22. V., c. 21, s. 119, and c. 22, s. 72;—33 V., c. 31, s. 5, part.

Certificate if the complaint, &c., is dismissed.

56. If the justice dismisses the information or complaints may, when required and the information of complaints. he may, when required so to do, make an order of dismissal of the same (L). and shall of the same (L), and shall give the defendant a certificate thereof (M),—which certificate thereof (M),—which certificate, upon being afterwards produced, shall, without form duced, shall, without further proof, be a bar to any subsequent information or completely and the state of th quent information or complaint for the same matter, against the same defendant.

57. Whenever, by any Act or law, authority is given his mmit a person to price. commit a person to prison or to levy any sum upon of s goods or chattels by distress for the sum order of s minute before goods or chattels by distress, for not obeying an order of distress or commitment. Justice, the defendant chall justice, the defendant shall be served with a copy of minute of the order before minute of the order before any warrant of commitment of of distress is issued in that habite of distress is issued in that behalf; and the order or of shall not form any part of the order of the order or shall not form any part of the warrant of commitment of distress. 32-33 V. c. 21 a. 50

Justice may award costs not inconsis-

58. In every case of a summary conviction, or of an order ade by a justice, such instinction. made by a justice, such justice may, in his discretion, award ant shall pay to the prosecutor or complainant such costs fees established by the prosecutor or complainant such costs fees established by law. as to the said justice seems reasonable in that behalf, and not incompanied by law to be not inconsistent with the fees established by law to be taken on the said justice seems reasonable in that because the said justice seems reasonable in the said justice seems reasonable in that because the said justice seems reasonable in that because the said justice seems reasonable in the said justice seems re taken on proceedings had by and before justices. 32-33 V.,

making an order, dismisses the information or complaint, defendant when the may in line or derived to he may in line or derived to he may in line or derived to he his order of dismissal, when the case is dismissed. he may, in his discretion, in and by his order of dismissal, when the case pay to the discretion is to the said justice seems pay to the order that the prosecutor or complaniant reasonable defendant such costs as to the said justice seems 32-33 V., c. 31, s. 54. reasonable and consistent with law. 32-33 V., c. 31, s. 54.

The sums so allowed for costs shall, in all cases, be Costs so allowed shall specified; specified in the conviction or order, or order of dismissal, specified, &c. and the same shall be recoverable in the same manner and under the same shall be recoverable in the same manner and and the same shall be recoverable in the same manner the same warrants as any penalty, adjudged to be by the same warrants as any penalty, adjudged to be by the same warrants as any penalty, adjudged to be by the same warrants as any penalty, adjudged to be by the same warrants as any penalty, adjudged to be by the same warrants as any penalty, adjudged to be by the same warrants. paid by the same warrants as any penalty, adjudged, by the conviction or order, is to be recovered. 32-33 V, c. 81, s. 55.

Whenever there is no such penalty to be recovered, May be recovered by distress and sale of the distress. Whenever there is no such penalty to be recovered, may covered by costs shall be recoverable by distress and sale of the distress. goods and chattels of the party, and in default of distress, imprise that the control of the party and the chattels of the chattel and the chattel a by imprisonment, with or without hard labor, for any term exceed: Not exceeding one month. 32-33 V., c. 31, s. 56, part.

WARRANTS OF DISTRESS AND COMMITMENT.

or compensation to be paid, or an order requires the payof a support of a support ment of a sum of money, and by the Act or law authorizing cases where a pecuniary penalty compensation or sum penalty compensation or sum penalty compensation or sum penalty compensation or sum penalty. to f a sum of money, and by the Act or law authorizing pecuniary penalty, ac., defining to or order, the penalty, compensation or sum pecuniary penalty, ac., are oney is to order, the penalty, and chattels of the has been adiabated. of nonviction or order, the penalty, compensation or sum penalty, accordence is to be levied upon the goods and chattels of the has been adhered and the levied upon the goods and whenever, by defendant, by distress and sale thereof,—and whenever, by judged.
the Act or lay distress and sale thereof,—and whenever, by judged. the Act or law in that behalf, no mode of raising or levying the Penalty of money, or of enforcing the Act or law in that behalf, no mode of raising or review the penalty, compensation or sum of money, or of enforcing or payment of payment of the payment the penalty, compensation or sum of money, or of emotion of any one of the same, is stated or provided, the justice of the same, is stated or provided, the justice of the same of the same and conviction or order, or payment of the same, is stated or provided, the justices making such conviction or order, institute institute in the justices making such conviction, may or any one of the justices making such conviction of the justices making such conviction of the justice in and for the same territorial division, may have his transfer in and for the same territorial division, may be his transfer in and for the same territorial division, may be his transfer in and for the same territorial division, may be his transfer in and for the same territorial division, may be his transfer in and for the same territorial division, may be his transfer in and for the same territorial division, may be his transfer in and for the same territorial division. is the justice in and for the same territorial division, may level his warrant of distress (N 1, N 2) for the purpose of the control of distress shall be in Writing the same,—which warrant of distress shall be in warrant of distress in 1, warrant of distress snan some, which warrant of distress snan some, which warrant of distress snan some some state of the justice making the 32-33 V., c. 31, s. 57.

If, after delivery of the warrant of distress to the Incertain cases warrant of has been directed may be been directed for execution and f constable or constables to whom the same has been directed may be backthe leave on the language of the warrant of distress to the in certain
the leave of cases warrant
the language of constables to whom the same has been directed may be backtion in to be or constables to whom the same has been directed may be been directed the executed, sufficient distress cannot be found within ed for execution in another jurisment of the justice granting the another jurisment diction. the executed, sufficient distress cannot be found within equipment in its of the jurisdiction of the justice granting the another jurisdiction. Warrant, then upon proof being made upon oath or affirmadiction. tion of the upon proof being made upon oath of the handwriting of the justice granting the warof the handwriting of the justice granting inc., before any justice of any other territorial division,

such justice shall thereupon make an indorsement (N 3) on the warrant, signed with his hard indorsement (N 3) on the warrant. the warrant, signed with his hand, authorizing the tion of the warrant within the hand, tion of the warrant within the limits of his jurisdictionally by virtue of which warrant by virtue of which warrant and indorsement the Perore or sum and costs or so much it or sum and costs, or so much thereof as has not been before the levied or paid, shall be levied or be the shall be levied. levied or paid, shall be levied by the person bringing the warrant, or by the person bringing that warrant, or by the person or persons to whom the warrant was originally directed or by was originally directed, or by any constable or other peace officer of the last mantioned to officer of the last mentioned territorial division, by the rein and sale of the goods and chair land division, by the rein and sale of the goods and chair land and sale of the goods and sale of the goods are chair land and sale of the goods and sale of the goods and sal and sale of the goods and chattels of the defendant therein 32-33 V., c. 31 s 58

When the issuing of a warrant would be ruinous to defendant, or there are no goods, justice may commit him.

64. Whenever it appears to any justice to whom applies on is made for any warrant of plustice to whom issuing tion is made for any warrant of distress, that the family, thereof would be ruinous to the thereof would be ruinous to the defendant and his family or whenever it appears to 11 or whenever it appears to the justice, by the confession of the defendant or otherwise. the defendant or otherwise, that he has no goods and chattels whereon to law and the has no goods if chattels whereon to levy such distress, then the justice, may he deems it fit, instead of inhe deems it fit, instead of issuing a warrant of distress, then the justice, may be deems it fit, instead of issuing a warrant of distress, other (O 1, O 2) commit the defendance of the content of the (O1, O2) commit the defendant to the common gaol or other prison in the territorial distriction of the common gaol or other prison in the territorial distriction. prison in the territorial division, there to be imprisoned with or without hard labor of with or without hard labor, for the time and in the manner the defendant could be a labor. the defendant could by law be committed in case such warrant of distress had in the manufacture. warrant of distress had issued, and no goods or chattels had been found whereas to be had been found whereon to levy the penalty or sum and costs. 32-33 V. c. 21 a. 50

When warrant of disturned.

65. Whenever a justice issues any warrant of distress, any warrant of distress, and many suffer the defendant of healty, or he may suffer the defendant to go at large, or verbally, of by a written warrant in the defendant to go at large, or verbally, or the defendant to go at large, or the defendant to go at large to by a written warrant in that behalf, may order the till fendant to be kept and data may be bailed fendant to be kept and detained in safe custody, return has been made to the return has been made to return has been made to the warrant of distress, unless of defendant gives sufficient defendant gives sufficient security, by recognizance otherwise, to the satisfaction otherwise, to the satisfaction of the justice, for his appearance, at the time and plant ance, at the time and place appointed for the return of instice warrant of distress, before him or before such other justice for the same territorial distress. for the same territorial division as shall then be there 32-33 V. c. 31 s. 60

In default of sufficient distress, justice may commit defendant to prison.

66. If, at the time and place appointed for the return of y warrant of distress the return of had the any warrant of distress, the constable, who has had no execution of the same returns (NT) and the return the return the return the any warrant of distress, the constable, who has had no execution of the same returns (NT). execution of the same, returns (N 4) that he could find no goods or chattels whereas goods or chattels whereon he could levy the sum or street therein mentioned together. therein mentioned, together with the costs of or occasioned by the levy of the same by the levy of the same, the justice before whom the same is returned may issue him. is returned may issue his warrant of commitment (N the directed to the same or any all directed to the same or any other constable, reciting to conviction or order shortly. conviction or order shortly, the issuing of the warrant of distress and the return thereto. distress and the return thereto, and requiring the constant to convey the defendant to the convey the convey the defendant to the convey the con to convey the defendant to the common gaol or other prings of the territorial division for which it of the territorial division for which the justice is then acting and there to deliver him to the beautiful and requir and there to deliver him to the keeper thereof,—and requir

ing the keeper to receive the defendant into such gaol or prison are to imprison him and prison, and there to imprison him, or to imprison him and keen k, and there to imprison him, or to imprison him and for the time director, and there to imprison him, or to imprison director, at hard labor, in the manner and for the time directed by the Act or law on which the conviction or order mention by the Act or law on which the conviction or order mentioned in the warrant of distress is founded, unless the sum or sums adjudged to be paid, and all costs and charges of the dist the distress, and also the costs and charges of the commit-Ment and conveying of the defendant to prison, if such Justice thinks fit so to order (the amount thereof being ascertains) are sooner paid. certained thinks fit so to order (the amount mereor serial serial and stated in such commitment), are sooner paid. 32-33 V., c. 31, s. 62, part.

Whenever, by the Act or law on which the convictor of which determined to issue a dant may tion or order is founded, the justice is authorized to issue a dant may be a committed in Warrant of distress, to levy penalties or other sums recommitted in default of distress. covered before him by distress and sale of the defendant's tress. Boods, but no further remedy is thereby provided in case penalties is found whereon to levy such Denalties or other sums,—and whenever the Act or law on which is founded provides no which the conviction or order is founded provides no remedy, in case it shall be returned to a warrant of distress thereon, in case it shall be returned to a warrant of distributed to the defendant can be sufficient goods of the defendant can be return is made, or any found, that no sufficient goods of the defendant of the justice to whom such return is made, or any tarritorial division, may, other justice to whom such return is made, or if he justice in and for the same territorial division, may, he there is a foresaid, commit the the justice in and for the same territorial division, defendant in the same territorial division, defendant in the same territorial division, and the same territorial division and the sam defendant to the common gaol or other prison of the tentorial division for which such justice is acting, for any not not such such justice is acting, for any across a 32-33 V., c. 31, s. 62, term torial division for which such justice is acting, 101 and part.

Part. 10t exceeding three months. 32-33 V., c. 31, s. 62,

Andrafted in conformity with 11-12 V., c. 43, s. 22 (Imp.). tence In every case of a summary conviction for an Term of impression of the summary conviction for an Term of impression cases. offence inder "The Larceny Act," the "Act respecting prisonment in certain cases to Property," or the "Act respecting the if penalty imposed is not pead. Protection of the Property of Seamen in the Navy," when the posed is not paid, in the Property of Seamen in the Navy, when the paid. penalty imposed by the justice is not paid, either imme-inally after 11 diately imposed by the justice is not paid, eliner intermediately after the conviction, or within such period as the balloce, at all the conviction, appoints, such justice, Datice, at the time of the conviction, appoints, such justice, the whole where the conviction is the directed, may commit the conviction is the conviction in the conviction in the conviction is the conviction in the conviction in the conviction is the conviction in the conviction in the conviction in the conviction is the conviction in the conviction i the offendary otherwise specially directed, may commit the offendary otherwise specially directed, may comfine of the conviction, appoints, such justified the offendary otherwise specially directed, may commit the offendary otherwise specially directed, may comfine out of the other place of confine out of the other place of the other p the offender to the common gaol or other place of confinebent, there to the common gaol or other place or commentation at hand the imprisoned only, or to be imprisoned and the state of the justice, for any tept, there to the common gaon of the property at hard labor, in the discretion of the justice, for any hard labor, in the discretion of the amount of the tend thard labor, in the discretion of the justice, io. ..., behalty impressed two months if the amount of the two months in the costs, does not exceed behalty imposed, together with the costs, does not exceed the costs of the costs of the costs of the costs of the costs. wenty imposed, together with the costs, does not calculate the dollars, and for any term not exceeding three dollars, and for any term to exceed twenty-five costs. exceeds twenty-five costs. dollars, and for any term not exceeding collars, and for any term not exceeding the large such amount, with costs, exceeds twenty-five and c. 22, s. 71;—33 V., c. 31, 8. 5, part.

Whenever a justice, upon any information or com- Imprisonment of a subsequent of the imprisoned, and the for a subsequent offence if defendant plaint, Whenever a justice, upon any information or comdefendant, adjudges the defendant to be imprisoned, and the for a subsequent offence
quent offence
and is in the defendant in the defendant of the defend defendant is then in prison undergoing imprisonment if defendant

upon conviction for any other offence, the warrant of commitment for the subsequent mitment for the subsequent offence, the warrant of with delivered to the gapler of the subsequent offence shall be forth it is is already in delivered to the gaoler or other officer to whom directed; and the instice who makes gaol. directed; and the justice who issued the same, if he thinks fit, may award and order the same is the s fit, may award and order therein that the imprisonment for the subsequent offence shall for the subsequent offence shall commence at the expiration of the imprisonment tion of the imprisonment to which the defendant previously sentenced 29.29 W

If information is dismissed, costs may be recovered by distress on prosecutor.

70. When any information or complaint is dismissed ith costs, the sum awarded for with costs, the sum awarded for costs in the order for missal may be levied by distance or complaint is distributed by distance or complaint is distance or complaint. missal may be levied by distress (P 1) on the goods and chattels of the prosecutor o chattels of the prosecutor or complainant, in the manner aforesaid; and in default of all aforesaid; and in default of distress or payment, the prosecutor or complainant man be to the common gaol or other prison, in manner aforesaid, and all term not exceeding one manifeld (P 2) to any and all term not exceeding one month, unless such sum, and all costs and charges of the distance to th costs and charges of the distress, and of the commitment and conveying of the prosecution and conveying of the prosecutor or complainant to prison (the amount thereof being (the amount thereof being ascertained and stated in the commitment), are sooner not assert and stated in the commitment), are sooner paid. 32-33 V., c. 31, s. 64.

RECOGNIZANCES.

71. Whenever a defendant gives security by or is distance appearance. charged upon recognizance and does not afterwards appear at the time and place mantial zance and fails at the time and place mentioned in the recognizance who justice who took the recognizance. justice who took the recognizance, or any justice who the then present, having certified (C) then present, having certified (Q) upon the back of recognizance the non-appearance to the recognizance the non-appearance to the recognizance the non-appearance to the recognizance to t recognizance the non-appearance of the defendant, in the transmit such recognizance transmit such recognizance to the proper officer in the Province appointed by law 1 Province appointed by law to receive the same, to be and ceeded upon in like manner. ceeded upon in like manner as other recognizances; non such certificate shall be such certificate. such certificate shall be primâ facie evidence of the spid appearance of the spid document of 32-33 V., c. 31, ss. 13, part, 23, 35, 49 and 61.

mitted.

In Ontario.

72. Whenever a person who has entered into any recognionce under this Act has fall and to the officers recognizances shall be transcondition of such recognizances.

Whenever a person who has entered into any recognizances shall be transcondition of such recognizance according been the condition of such recognization. condition of such recognizance, and his default has the certified by the justice the certified by the justice, the proper officer to whom the recognizance and certificate of default are to be transmitted in the Province of Optonia and the recognizance are to be transmitted in the Province of Optonia and the recognizance are to be transmitted in the Province of Optonia and the recognizance are to be transmitted in the Province of Optonia and the recognizance are to be transmitted in the Province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the province of Optonia and the recognizance are to be transmitted as the recognizance are the re in the Province of Ontario, shall be the clerk of the county for which such of the county for which such justice is acting; and the count of General Sessions of the Posses for the Posses of General Sessions of the Peace for such county shall, at its then next sitting, order all small and the county shall, at its then next sitting, order all small and the county shall, at its then next sitting, order all small sm then next sitting, order all such recognizances to be forfeited and estreated, and the same shall account a collected in the same shall account account and same shall account and estreated, and the same shall be enforced and collected in the same manner and subject to be forfelted. in the same manner and subject to the same conditions any fines, forfeitures or amount of the same conditions any fines, forfeitures or amount of the same conditions any fines, forfeitures or amount of the same conditions and subject to the same conditions are subject to the same conditions and subject to the same conditions are subject to the same conditions and subject to the same conditions are subject to the same conditions and subject to the same conditions are subject to the same conditions and subject to the same conditions are subject to the same conditions and subject to the same conditions are any fines, forfeitures or amercements imposed by or forfeithe before such court; and in the other D before such court; and in the other Provinces of Canada, the proper officer to whom any such proper officer to whom any such recognizance and certificate shall be transmitted. shall be shall be transmitted, shall be the officer to whom

In the other Provinces.

nitted have been heretofore accustomed to be transmitted under the law in force before the passing of this and and collected Act; and such recognizances shall be enforced and collected in the south recognizances have heretofore in the same manner as like recognizances have heretofore been and warmen manner as like recognizances have heretofore been enforced and collected. 32-33 V., c. 36, s. 6.

ASSAULTS.

78. Whenever any person unlawfully assaults or beats Proceedings of the or on in a case of assault. whenever any person unlawfully assaults or beats rectangled other person, any justice, upon complaint by or on in a case of assault. behalf of the person aggrieved, praying him to proceed assault. summarily on the complaint, may hear and determine such

of to have 1 justice finds the assault or battery complained When there has been an attempt to commit attempt to of to have been accompanied by an attempt to commit attempt to commit attempt to commit felony. Acc. felony or is of opinion that the same is, from any other circumstance, a fit subject for prosecution by indictment, he abstance is the same is the sam shall abstain from any adjudication thereupon, and shall with in from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same:

8. No justice shall hear and determine any case of assault In certain cases justice to the title to not to determine any case of assault In certain cases justice and the case of assault In certain cases justice and the case of assault In certain cases justice and case and cases and c or battery, in which any question arises as to the title to not to determine any lands. any lands, tenements, hereditaments, or any interest therein mine the matter. or ands, tenements, hereditaments, or any interest therein matter.

or any executing therefrom, or as to any bankruptcy or insolvency, matter. or any execution under the process of any court of justice. 82.38 V., c. 20, s. 43, part, and s. 46.

battery to justice, upon the hearing of any case of assault Certificate if the case is dismissed. by battery upon the merits, where the complaint is preferred dismissed. by or on behalf of the person aggrieved, under the next precoding section, deems the offence not to be proved, or finds assant, on deems the offence not to be proved, or so trifling as the assault or the person and accordingly dismisses the to merit any punishment, and accordingly dismisses the bia plaint have been justified, or so uning the plaint have been justified and accordingly dismisses the plaint have been justified and acc complaint, he shall forthwith make out a certificate under his hand, he shall forthwith make out a certificate and then certific the fact of such dismissal, and shall deliver was preferred to the person against whom the complaint was preferred. 32-33 V., c. 20, s. 44.

If any person against whom any such complaint has Certificate or conviction a base preferred land to the person aggrieved, bar to any been If any person against whom any such complaint has conviction a conviction a blains such by or on the behalf of the person aggrieved, bar to any bar to any been convicted, pays the further proceeding. thing such certificate, or, having been convicted, pays the further proceed amount of the person against whole person against the person agai whole amount adjudged to be paid or suffers the imprison-proceeding. bent, or imprisonment with hard labor awarded, he shall be released from all further or other proceedings, civil or riminal, for the same cause. 32-33 V., c. 20, s. 45.

APPEALS.

Unless it is otherwise provided in any special Act Unless otherwise which the place or an order is made wise provided parties Unless it is otherwise provided in any special Act Unless otherwise which a conviction takes place or an order is made wise provided parties

by a justice, or unless some other court of appeal having jurisdiction in the premises is present that the Legis. oy a justice, or unless some other court of appeal having less certain courts diction in the premises is provided by an Act of the Province and lature of the Province and the several lature of the lature o in the several lature of the Province within which such conviction bimself place or such order is made place or such order is made, any person who thinks himself aggrieved by any such conviction who thinks himself in aggrieved by any such conviction or order may appeal, in the Province of Outario the Province of Ontario, to the court of General the sions of the Peace in the sions of the sion sions of the Peace; in the Province of Quebec, inces of Court of Queen's Bench Court of Quebec, inces of Court of Queen's Bench, Crown side; in the Provinces of Nova Scotia, New Brunswick Nova Scotia, New Brunswick and Manitoba, to the county court of the district or county court of the district or county where the cause of Prince formation or complaint area. formation or complaint arose; in the Province of Prince Edward Island, to the Superscience of Province Edward Island, to the Supreme Court; and in the Province of Provin of British Columbia, to the Supreme Court; and in the Protein of British Columbia, to the county or district court, at the sitting thereof which shall be about the place. sitting thereof which shall be held nearest to the place where the cause of the information where the cause of the information or complaint arose; and any other court of appeal in the property as any other court of appeal is provided in any Province as aforesaid, the appeal shall had

In certain districts and provisional counties in Ontario.

2. In the districts of Muskoka and Parry Sound, in the court covince of Ontario such a court Province of Ontario, such person may appeal to the court of General Sessions of the D of General Sessions of the Peace for the county of Simcooin the provisional county of sourt of in the provisional county of Haliburton, to the court of General Sessions of the Peace for the county of Simulation of Haliburton, to the court of General Sessions of the Peace for the county of Simulation of the Peace for the General Sessions of the Peace for the county of Victoria, to the the said Province in the air to the county of Part to the the said Province; in the district of Thunder Bay, to of court of General Sessions court of General Sessions of the Peace for the district of Algoma; and in the district of Peace for the district of Court of Cour Algoma; and in the district of Nipissing, to the court of General Sessions of the Peace of Nipissing, to the Renfrew. General Sessions of the Peace for the county of Renfrew. 43. s. 1. 40 V., c. 4, s. 6, part, and c. 27, s. 2, part;—47 V., c. 43, s. 1,

77. Every right of appeal shall, unless it is otherwise covided in any special provided in any special Act, be subject to the conditions following, that is to say: Conditions of appeal.

(a) If the conviction or order is made more than twelve the system of the sittings of the system of shall be made. days before the sittings of the court to which the appeal shall be given, such appeal shall be made. given, such appeal shall be made to the then next sittings of such court; but if the of such court; but if the conviction or order is made within twelve days of the sitting twelve days of the sittings of such court, then to the second sittings next after such

Notice to be given.

complainant, or to the convicting justice, for him, a notice in writing (R) of such appeal arithmetic for him, a such in writing (R) of such appeal, within four days after such conviction or order.

Person so appealing to remain in custody or give security.

(c) The person aggrieved shall either remain in custody it the holding of the arm that the holding of the arm to the same that the holding of the same that the same tha until the holding of the court to which the appeal is given, or shall enter into a recent to which the appeal is given, or shall enter into a recognizance (S) with two sufficient sureties, before a justice and its appearance at the sureties are sureties as the sureties are sureties are sureties as the sureties are sureties as the sureties are sureties are sureties as the sureties are sureties. sureties, before a justice, conditioned personally to appear at the said court, and to two sufficients to appear the said court, and to two sufficients to appear the said court. at the said court, and to try such appeal, and to abide as judgment of the court therewere judgment of the court thereupon, and to pay such costs as are awarded by the court. Or if the are awarded by the court; or, if the appeal is against any

Conviction or order, whereby only a penalty or sum of Deposit of the Derson aggrieved, money in cases. money is adjudged to be paid, the person aggrieved, money in certain cases. (a)though the order directs imprisonment in default of payment) ment), instead of remaining in custody as aforesaid, or giving special of remaining in custody as aforesaid, or giving such recognizance as aforesaid, may deposit with the Justice convicting or making the order such sum of money as such justice deems sufficient to cover the sum so adjudged to justice deems sufficient to cover the sum so adjudged to consist of the conviction Jadged to be paid, together with the costs of the conviction or order. or order, and the costs of the appeal; and upon such recognizance, and the costs of the appeal; nizance being given, or such deposit being made, the justice before with the costs of the appeal; and upon such before with the costs of the appeal; and upon such before with the costs of the appeal; and upon such before with the costs of the appeal; and upon such before with the costs of the appeal; and upon such before with the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal; and upon such before the costs of the appeal in the costs of the costs of the appeal in the costs of the appeal in the costs of before being given, or such deposit being made, and before whom such recognizance is entered into, or deposit made, shall liberate such person, if in custody:

(d) The court to which such appeal is made shall there-proceedings on the appeal and make on the appeal the court to which such appeal is made shall there-receedings on the appeal. In order 11 determine the matter of appeal and make on the appeal. the hear and determine the matter of appear and including therein, with or without costs to either party, as seems meet to the including costs of the court below, as seems meet to the court, g costs of the court below, as seems meet to the affirmand, in case of the dismissal of the appeal or the lifthe conviction or order is affirmed. affirmand, in case of the dismissal of the appear of the interest of the conviction or order, shall order and adisaffirmed. Indee of the conviction or order, shall order and tion of the offender to be punished according to the conviction or the amount adjudged by the tion, or the offender to be punished according to the defendant to pay the amount adjudged by the defendant to pay the awarded,—and shall, said order, and to pay such costs as are awarded,—and shall, necessary to pay such costs as are awarded,—and shall, if decessary, and to pay such costs as are awarded,—and something the judgment of the area, and to pay such costs as are awarded,—and something the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the area, and the process for enforcing the judgment of the process for enforcing the judgment of the area, and the process for enforcing the judgment of the process for enforcing the proces court; and whenever after any such deposit has been made as aforesaid, the conviction or order is affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the deposited, and the resiappeals of the conviction or order, and the costs of the interest of the conviction of the money deposited, and the resistant, if any paid out of the money deposited, and whenever, the any specific and the repaid out of the money deposited, and the resider any, to be repaid to the defendant; and whenever, If quashed, ther any, to be repaid to the defendant; and when the court such deposit, the conviction or order is quashed, the court shall order the money to be repaid to the defen-

time to time, by order indersed on the conviction or order, journed. adjourn the hearing of the appeal from one sittings to another, or others, of the said court:

Whenever any conviction or order is quashed on ap-Memorandum of quashing to be made. peal, Whenever any conviction or order is quashed on apmemorandum officer shall form, the clerk of the peace or other proper be made. officer shall forthwith indorse on the conviction or order a been quashed; and when-Memorandum that the same has been quashed; and whenthe any copy or certificate of such conviction or order is shall be added thereto, any copy or certificate of such conviction or or such shall will be added thereto, head shall will be such memorandum shall be added thereto, head shall will be added thereto, head shall will be such memorandum shall be added thereto, and of the and e, a copy or certificate or such control beaded thereto, beace, or of the certified under the hand of the clerk of the Its effect. beace, or of the proper officer having the custody of the proper officer having the custody of the proper officer having the custody of the same all courts and for all purbes, that the evidence, in all courts and for all purboses, be sufficient evidence, in all courts and in a c. 27, a the conviction or order has been quashed. the conviction or order has been quasied.

1, part;—40 V., c. 4, s. 6, part, and c. 27, s. 2, part.

When an appeal against any summary conviction or Court appealform, and in compliance ed to may empanel a jury decision has been lodged in due form, and in compliance panel a jury

to try the case.

with the requirements of this Act, the court appealed to may, at the request of oither may, at the request of either appellant or respondent panel a jury to try the feets. panel a jury to try the facts of the case, and shall administer to such jury an oath in the

Oath of juror.

"You shall well and truly try the facts in dispute in the atter of A. B. (the information) matter of A. B. (the informant) against C. D. (the defendant) and a true verdiet give seem? and a true verdict give according to the evidence. you God:"

Judgment.

And the court, on the finding of the jury, shall give such dement as the law requires judgment as the law requires; and if a jury is not so manded, the court shall the same as indee, as manded, the court shall try and be the absolute judge, as well of the fact as of the law well of the fact as of the law, in respect to such conviction or decision; and any of the or decision; and any of the parties to the appeal may call witnesses and adduce avidents to the appeal mitnesses witnesses and adduce evidence, whether such witnesses were called or evidence and adduce and adduce whether such were the were called or evidence adduced at the hearing before 10. justice or not. 39-38 V 32-33 V., c. 31, s. 66;—42 V., c. 44, s. 10.

As to evidence.

substance, except in cases specified.

79. No judgment shall be given in favor of the appellant the appeal is based on an appeal appeal appeal is based on an appeal ap oe based on alleged defect if the appeal is based on an objection to any information in form or complaint or summons or to substance, excomplaint or summons, or to any warrant to apprehend a defendant, issued upon any warrant to apprehend app defendant, issued upon any such information, complaint or summons, for any alloged a few summons, few summons and few summons are allowed a few summons are allowed a few summons and few summons are allowed a few summons and a few summons are allowed a few summons and a few summon summons, for any alleged defect therein, in substance comports, or for any variance between the substance comports. form, or for any variance between such information, in plaint, summons or warrant plaint, summons or warrant and the evidence adduced in support thereof at the heaving of company or support thereof at the hearing of such information or the plaint, unless it is proved in a such information of the plaint, unless it is proved before the court hearing appeal that such objection was made before the justice before whom the case was the plaint. before whom the case was tried and by whom such conviction, judgment or decision viction, judgment or decision was given, nor unless it is proved that notwithstanding it proved that notwithstanding it was shown to such justing that by such variance the port. that by such variance the person summoned and appearing or apprehended had been described to such justice. or apprehended had been deceived or misled, such justice refused to adjourn the harmonic or misled refused to adjourn the hearing of the case to some further day, as herein provided

Decision to be given on the merits, not-

80. In every case of appeal from any summary conviction or order had or made had tion or order had or made before any justice, the court to which such appeal is made about the court to the c which such appeal is made shall hear and determine the charge or complaint on which charge or complaint on which such conviction or order and been had or made. in conviction, charge or complaint on which such conviction or order which may be been had or made, upon the merits, notwithstanding and amended. defect of form or order defect of form or otherwise in such conviction or order and if the person charged are and if the person charged or complained against is found guilty, the conviction or order guilty, the conviction or order shall be affirmed and the court shall amend the same if court shall amend the same if necessary; and and shall be tion or order so affirmed and shall be tion or order so affirmed, or affirmed and amended, shall be enforced in the same enforced in the same manner as convictions or affirmed on appeal. 29-29 W

If appeal is abandoned, after notice

81. The court to which an appeal is made, upon proof notice of the appeal to such court of notice of the appeal to such court having been given

the person entitled to receive the same, though such appeal given, costs was not contained may, if such apto be received may. was not afterwards prosecuted or entered, may, if such aptoverable. peal has not been abandoned according to law, at the same sittings of the party sittings for which such notice was given, order to the party or parties receiving the same such costs and charges as are thought reasonable and just by the court, to be paid by the party or parties giving such notice; and such costs the recoverable in the manner provided by this Act for the recoverable in the manner provided by the convince; of costs upon an appeal against an order or conviction. 32-33 V., c. 31, s. 69.

ded in any appeal against any conviction or order is de-proceedings who made the after appeal. cided in favor of the respondents, the justice who made the after appeal. conviction or order, or any other justice for the same territorial division, may issue the warrant of distress or comhitment for execution of the same, as if no appeal had been brought. for execution or and 32-33 V., c. 31, s. 70.

No conviction or order affirmed, or affirmed and No conviction hended. conviction or order affirmed, or affirmed and No conviction to the for want of form, or approved to be removed anended, in appeal, shall be quashed for want of form, or approved to be removed, appeal, shall be quashed for want of form, or be removed to be removed. be removed by certiorari into any superior court, and no by certiorari, and no by certiorari, be held void by reason of the held warrant or commitment shall be held void by reason of &c. any defect therein, provided it is therein alleged that the defendant therein, provided it is therein alleged unau valid converted, and there is a good and converted, and there is a good and converted, and there is a good and converted. valid conviction to sustain the same. 33 V., c. 27, s. 2.

convicted of any offence, shall transmit the conviction to victing to return the conviction to return the conviction. district court to which the appeal is herein given, in and for the conviction. district, county or place wherein the offence has been comhitted, county or place wherein the offence has been ton may have the time when an appeal from such conviction may have the time when an appeal from such conviction has been to be been the proper officer hon may be heard, there to be kept by the proper officer anong the heard, there to be kept by the proper once.

been appealed of the court; and if such conviction has And the deliber.

Appealed of money made, such posit money, if any. been appealed against, and a deposit of money made, such posit money, if such conviction has And the uestice shall against, and a deposit of money made, such posit money, if any. the appealed against, and a deposit of money maue, some on viction return the deposit into the said court, and the conviction shall be presumed not to have been appealed appears, notified by the presumed shall be presumed as a 32-33 V., c. 31, s. 72, Sainst, until the contrary is shown. 32-33 V., c. 31, s. 72,

by And upon any indictment or information against Certificate of the person for any indictment or information against Certificate of the person for the person of such conviction to be evidence. And upon any indictment or information against Useruncate of the court, or proved to be a true by the proper officer of the court, or proved a true by the proper officer to prove a true by the proper officer of the court, or proved a true by the proper officer to prove a true by the proper officer to pr to be a true copy, shall be sufficient evidence to prove a subsequent one sub Conviction for the former offence. 32-33 V., c. 31, s. 72, part.

Whenever it appears by the conviction, that the Effect of condefendant has appeared and pleaded, and the merits have viction if no appeal. been dant has appeared and pleaded, and the merits at the conviction that the defendant has not appealed against a solution. tried, and that the defendant has not appeared and present as conviction, where an appeal is allowed, or if appealed affirmed, such conviction affirmed, such conviction Sonviction, where an appeal is allowed, or in appeal in a not afternoon to be a state of the conviction and appeal is allowed, or in appeal is allowed. not afterwards be set aside or vacated in consequence any defect of form whatever, but the construction shall

be such a fair and liberal construction as will be agreeable to the justice of the case. 39-22 V

To whom costs to be payable.

87. If upon any appeal the court trying the appeal ders either party to pay and the court trying the appeal the orders either party to pay costs, the order shall direct the costs to be paid to the alast a state of the order shall direct the costs to be paid to the alast a state of the order shall direct the order shall direct the costs to be paid to the alast a state of the order shall direct the order shal costs to be paid to the clerk of the peace or other proper officer of the court to be paid to the clerk of the peace or other person officer of the court to be peace or other person of the court to be peace or other person of the peace of the officer of the court, to be paid over by him to the person entitled to the same and shall entitled to the same, and shall state within what time the costs shall be paid. 39-29 V

Enforcement of payment.

imprison-

ment.

88. If such costs are not paid within the time so limited, and the person ordered to make the person or the person ordered to make the person ordered to make the person or the person or the person ordered to make the person or the perso and the person ordered to pay the same has not been bound by any recognizance condition by any recognizance conditioned to pay such costs, the clerk of the peace or his deputy of the peace or his deputy, on application of the person entitled to the costs or of entitled to the costs, or of any person on his behalf, and to payment of any fee to which he is entitled, shall grant to the person so applying a contile of the person so app the person so applying, a certificate (T) that the costs have not been paid: and was not been paid; and upon production of the certificate to any justice in and for the certificate to any justice in and for the same territorial division, such justice may enforce the parameter tribular and such justice may tice may enforce the payment of the costs by warrant of distress (U) in manner aforesist distress (U) in manner aforesaid, and in default of tress may commit (II 9) the By distress or tress may commit (U 2) the person against whom the war rant has issued in manner because against whom the say rant has issued in manner hereinbefore mentioned, for any term not exceeding two term not exceeding two months, unless the amount of the costs and all costs and about costs and all costs and charges of the distress and last to costs of the commitment and conveying of the party to prison, if the justice thinks 61 prison, if the justice thinks fit so to order, (the amount thereof being ascertained and the order, (the amount) thereof being ascertained and stated in the commitment, are sooner paid. 32-22 V

In case of tender or payment of the amount of distress.

S9. Whenever a warrant of distress has issued against by person, and such person any person, and such person pays or tenders to the constant in the having the execution of the constant in the execution of the constant in the constant in the execution of the constant in t ble having the execution of the same, the sum or sums the the warrant mentioned towards the warrant mentioned, together with the amount of tender, expenses of the distress mentioned. expenses of the distress up to the time of payment or tender, the constable shall cases the constable shall cease to execute the same. c. 31. s. 83.

90. Whenever any person is imprisoned for non-payment any penalty or other sum. Whenever any person is imprisoned for non-payment be made to the keeper of the prison.

Whenever any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he imprisoned, had to the keeper of the prison in which he is imprisoned together sum in the warrant of sum in the warrant of commitment mentioned, together with the amount of the costs with the amount of the costs and charges and expenses therein also mentioned and in acceive the therein also mentioned, and the keeper shall receive is in same, and shall thereupon distill same, and shall thereupon discharge the person, if he is in his custody for no other matter.

RETURNS RESPECTING CONVICTIONS AND MONEYS RECEIVED.

91. Every justice shall, quarterly, on or before June cond Tuesday in each of the made quarter-ly by justices. Second Tuesday in each of the months of March,

Chap. 175. September and December in each year, make to the 2173clerk of the peace or other proper officer of the court having jurisdiction in appeal, as herein provided, a return in writing, under his hand, of all convictions made by him, and of the receipt and application by him of the moneys received from the defendants,—which return shall neelings and splication by min shall matters not included in include all convictions and other matters not included in the brev: some previous return, and shall be in the form (V) in the chedule to this Act:

2. If two or more justices are present, and join in the Joint return. conviction, they shall make a joint return:

8. In the Province of Prince Edward Island such return In Prince Edward be Province of Prince Edward assize of the Edward Island. the Province of Prince Edward Island such return in rince county in wal. to the clerk of the court of assize of the Edward Island. county in which the convictions are made, and up to the welfth day next before the sitting of the said court next after such convictions are so made:

4. Every such return shall be made, in the districts of Incertain districts and provisional Maskoka and Parry Sound, in the Province of Ontario, to tricts and Province of the peace for the country of Simcoe, in the said counties in Ontario. Province: in the provisional county of Haliburton, in the Province of the provisional county of Haliburton, in the Ontario. Victoria, in the provisional county of Haliburton, in the province, to the clerk of the peace for the county of Haliburton, in the district of Thunder Victoria, in the provisional county
Bay, in the said Province; in the district of Thunder
dia, in the said Province; in the peace for the district of All Province, to the clerk of the district of the said Province; in the district of the peace for the district of All Province, to the clerk of the peace for the peace district of Algoma, in the said Province; and in the said Province, to the clerk of Ranfrew, in the said Province. Nipissing in the said Province, to the clear the Victor the county of Renfrew, in the said Province. Peace for the county of Renfrew, in the said From the county of Renfre William the county of Renfre William the county of Renfre William the said From the county of Renfre William the County of Renfre Willia

Return of spaid shall sh Every justice, to whom any such moneys are after-subsequent thereof thereof the receipts and application in appeal as tion thereof, to the court having jurisdiction in appeal as electronic to the receipts and appeal as thereof, to the court having jurisdiction in appeal as 32-33 bett thereof, to the court having jurisdiction in appearance of the provided,—which return shall be filed by the of the peace with the records of his office. V. C. 31, 8. 77.

Resplace of justice, before whom any such conviction Penalty on justices of the peace neglection in the company of the peace neglection is to company the company of the peace neglection in the company of the peace neglection is to company of the peace neglection in the company of the peace neglection is to company of the peace neglection in the peace neglection is to company of the peace neglection is t takes Every justice, before whom any such conviction Penalty on justices of the place or who receives any such moneys, who neglects ing to comply on make such return thereof, or wilfully makes a ing to comply with the property of the penalty of the peace neglection of the penalty of the peace neglection of the penalty o Telegos to who receives any such moneys, who have a ing to compare the property of face. Partial or incorrect return, or wilfully receives a larger with the provisions of this visions of the full returns, &c. make such return thereon, of the such return thereon, or wilfully receives a larger visions of the such return, or wilfully receives a larger visions of the such receive, act as to such incur a such as the such returns, a such as the such return thereof, or will be such as the such return thereof, or will be such as the such return thereof, or will be such as the such de of suit all or incorrect return, or wiltuny receive, Act as to come of suit a penalty of eighty dollars, together with full returns, &c. Containing the stand by law he is authorized the penalty of eighty dollars, together with the story the which may be recovered by any person who contain the story that the story the story that the story the story that the stor of suit, which may be recovered by any person to he of record by action of debt or information in any which such return ought to the same by action of debt or information in any bear bear in the Province in which such return ought b have been or is made:

2. One moiety of such penalty shall belong to the person Application of penalty.

The Majesty, for the public of penalty. One moiety of such penalty shall belong to the person Application of Canado of Canada. 32-33 V., c. 31, s. 78.

cause.

94. All prosecutions for penalties arising under the prosions of the next prosecutions arising under the prosecutions of the next process. such penalties visions of the next preceding section shall be commenced months after within six months. within six months next after the cause of action accrues, and the same shall be tried to the same shal the same shall be tried in the district, county or place wherein such paneltics. wherein such penalties have been incurred; and if a verdict or judgment passes for its been incurred; or judgment passes for the defendant, or the plaintiff becomes non-suit becomes non-suit, or discontinues the action after given joined, or if upon domain joined, or if, upon demurrer or otherwise, judgment is full against the plaintiff the land of the land against the plaintiff, the defendant shall recover his full costs of suit. as between costs of suit, as between solicitor and client, and shall law the like remedy for 11 the like remedy for the same as any defendant has by law in other cases. 32-22 V

As to costs.

Clerk of the peace, &c., to publish and post up the returns so made.

95. The clerk of the peace of the district or county in hich any such returns which any such returns are made, or the proper officer, made, than the clerk of the made. than the clerk of the peace, to whom such returns are made, shall, within seven down of the peace. shall, within seven days after the adjournment of the next ensuing General or Opportunity ensuing General or Quarter Sessions, or of the term or sitting of such other court or of such other court as aforesaid, cause the said returns or be published in one be published in one newspaper in the district or county, and if there is no such proper of the district or county. if there is no such newspaper in the district or county, and if there is no such newspaper, then in a newspaper in the adjoining district or county. adjoining district or county, and shall also post up a continuous of the district or county. court house of the district or county, and shall also post up a conspicuous place in the acce, or spicuous place in the office of such clerk of the peace, of the proper officer other proper officer, for public inspection, a schedule of the returns so made by such returns so made by such justices; and the same shall continue to be so posted we are shall continue to be so posted when the shall continue to be so posted when the shall continue to be so posted when the shall continue to the shall c tinue to be so posted up and exhibited until the end of next ensuing General and exhibited until the peace, or an extension of next ensuing General or Quarter Sessions of the Peace, of the term or sitting of such and the sessions of the Peace, and the term or sitting of such and the sessions of the peace, and the term or sitting of such and the sessions of the peace, or the peace of the term or sitting of such other court as aforesaid; every schedule so made every schedule so made and exhibited by such clerk of officer, he shall be allowed by such clerk of the shal officer, he shall be allowed the expense of publication and such fee as is fixed by and such fee as is fixed by competent authority. 82-33 V. c. 31, s. 80.

Fee for posting up.

> 96. Such clerk of the peace or other officer of each diet or county, within trict or county, within twenty days after the end of General or Quarter Sassiana General or Quarter Sessions of the Peace, or the sitting of such court as aforesaid shall such court as aforesaid, shall transmit to the Minister Finance and Receiver General Finance and Receiver General a true copy of all such return made within his district

Copy of returns to be sent to Minister of Finance.

Not to prevent prosecution of a justice in default.

Not to preventing in the six sections next preceding from the prosecution of a prosecuting, by indictment, any justice for any offence, and the prosecution of a prosecuting in the six sections next preceding for any offence, and the prosecution of a prosecuting in the six sections next preceding for any offence, and the prosecution of a prosecuting in the six sections next preceding for any offence, and the prosecution of a prosecution of a prosecuting in the six sections next preceding for any offence, and the prosecution of a prosecution of a prosecuting in the six sections next preceding for any offence, and the prosecution of a prosecuting in the six sections next preceding from the prosecution of a prose prosecuting, by indictment, any justice, for any dictment of the times of which would be sections next precise of the times of the time commission of which would subject him to indictment the time of the coming into factors. 31, s. 82.

Returns not vitiated by certain mat98. No return purporting to be made by any justice under this Act shall be vitiated by the fact of its including.

by mistake, any convictions or orders had or made before ters being him in any convictions or orders had or made before ters being Provincial Legislature included therein. him in any matter over which any Provincial Legislature included therein. has exclusive jurisdiction, or with respect to which he acted under the jurisdiction, or with respect to which he acted under the authority of any provincial law. 82-33 V.,

other includes stated in any summons, warrant, document Seals to waror other instrument issued at any time in any Province of rants and Lanada. hy Canada, by any justice, that the same is given under the ments.

Presumed to have the justice signing it, such seal shall be to have the ments and its absence shall presumed to have been affixed by him, and its absence shall not inval; a have been affixed by him, and its absence shall not invalidate the instrument; or such justice may at any there there is the instrument; or such justice may at any in the same effect as if it time thereafter affix such seal with the same effect as if it had been affix such seal with the same enect as 1. V., c. 36 when such instrument was signed. 32-33

ate, distain judge of Sessions of the Peace, police magis- Power to pretrate, district magistrate or stipendiary magistrate, shall serve order, and such an agricultation of the Peace, police magistrate, shall serve order, such an agricultation of the Peace, police magistrate or stipendiary magistrate, shall serve order, anthority to preserve have district magistrate or stipendiary magistrate, order in the and like powers and authority to preserve order in the said courts during the holding thereof, and by the like ways and means as now by law are or may be exercised ways and means as now by law are or may be any court in God in like cases and for the like purposes by any court in Canada, or by the judges thereof, during the sittings thereof. 32-33 V., c. 31, s. 92.

Resistrate districted and the Sessions of the Peace, police Power to punalistrate districted to process, &c. magistrate, district magistrate or stipendiary magistrate, ish resistance to process, &c. Whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued has him. by him, may enforce the due execution of the same by him, may enforce the due execution of the bound of the means provided by the law for enforcing the execution of the provided by the law for enforcing the execution of the provided by the law for enforcing the execution of the provided by the law for enforcing the execution of the provided by the law for enforcing the execution of the executi the means provided by the law for enforcing the ease. 32-33 V., s. 93.

The several forms in the schedule to this Act con- Forms to be sufficient. tained, The several forms in the schedule to this Act con-rorms with the deemed to suit the case, or forms to the like effect, sufficient. hall be deemed good, valid and sufficient in law. 32-33 V. c. 81, ss. 91, part, and 96.

Notiction or and of this Act as gives any appeal from any No appeal in any or and of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of this Act as gives any appeal from any No appeal in the control of the control to the North-World Thad or made under it, shall not apply N. W. T. to the North-West Territories. 43 V., c. 25, sch., part.

SCHEDULE.

(A.)

FORM OF INFORMATION OR OF COMPLAINT ON OATH.

Canada. Province of district (or county, united counties, or as casemay

The information (or complaint) of C. D., of the township counties, , in the said district (or county, united counties, see may hele of or as the case may be), of (laborer). (If preferred by an attorney or agent can be laborer). attorney or agent, say—by D. E., his duly authorized agent the attorney), in this behalf. attorney), in this behalf, taken upon oath before me, the said distundersigned, a instign of the said disturbed by the said disturbe undersigned, a justice of the peace in and for the said district (or county united) trict (or county, united counties, or as the case may be), of at N :: 11 to 12 to 12 to 12 to 13 to 14 to 15 , at N., in the said district (or county, as who says * that he has just cause to suspect and believe, and does suspect and land to suspect and thousand to suspect and the and does suspect and believe that A. B., of the case of , in the said district (or county, as the case, (the time within which the information (or complaint) should be laid), last past to with in the district (county, or as the case may be) aforesaid, did (here set out the offence, &c.), contrary to the &c.), contrary to the form of the statute in such case made and provided.

C. D. (or D. E.) Taken and sworn before me, the day and year and at the ace above mentioned place above mentioned.

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OF

Canada. Province of district (or county, united counties, or as the case may be),

Whereas information has this day been laid (or complaint as this day been laid to a justice has this day been made) before the undersigned, a justice

of the peace in and for the said district (or county, united counties are he) of counties, city, town, &c., as the case may be), of for that for that you (here state shortly the matter of the information or complete (here state shortly the matter of the information to command you, in or complaint): These are, therefore, to command you, in Her Majesty's name, to be and appear on at more noon, at before me, o'clock in the (fore) noon, at said district such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall (or county, united counties, or to the said informabe), as shall then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal this in the year (or county, or as the case may be), aforesaid. day of in the district

J. S. [L. S.]

(C.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada. district (or county, united counties, or as the case may be),

To all or any of the constables or other peace officers in the said district of the constables or other peace officers in the said district (or county, united counties, or as the case may

 $W_{
m here}$ as on complaint was made) before in and for the said district (or county, united counties, or as many 1 and district (or county, as in the sumther A B. (&c., as in the sumther then the case may be), of for that A. B. (&c., as in the sumikan for the said district (or county, united counties, some fixed); And sold instice of the peace then mons); And whereas (I) the said justice of the peace then in red (mv) whereas (I) the said A. B. commanding him, is Her Majori, or that I the said justice of the peace in Her Majori, mons unto the said A. B., commanding him, at institute in the said A. B., commanding him, at institute in the said A. B., commanding him, at institute in the said same are institute. in Her (my) summons unto the said A. D., o'clock in the said A. D., before (me) o'clock in the (fore) noon, at , before (me) or such justice build then be there, to answer or justices of the peace as should then be there, to answer dant the said in the peace as should then be there, to answer Unto the said information (or complaint), and to be further with a local whereas the said A. B. dealt the said information (or complaint), and to be taken the said information (or complaint), and to be taken the said A. B. has neglected to be and appear at the time and place so have the same appointed in the same appear at the same and place so have a summons, although it has appointed to be and appear at the time and problem been in and by the said summons, although it has was duly proved to me upon oath that the said summons to B. These are, therefore, Was deen proved to me upon oath that the said summer to duly served upon the said A. B.: These are, therefore, and command upon the said A. B.: These are, therefore, and command upon the said A. B.: to duly served to me upon out.

apprehend to we upon the said A. B.: These are, more apprehend you, in Her Majesty's name, forthwith to bring him before (me) or apprehend you, in Her Majesty's name, form with 1371 the said A. B. and to bring him before (me) or

some one or more justices of the peace in and for the said district (or county united district (or county, united counties, or as the case may be), to answer to the sciling. to answer to the said information (or complaint), and to be further dealt with account further dealt with according to law.

day of , in the district (or Given under my hand and seal, this in the year county, united counties, or as the case may be), aforesaid.

J.S. [L.S.]

(D.)

WARRANT IN THE FIRST INSTANCE.

Canada. Province of district (or county,) united counties, or [as the case may be),

To all or any of the constables or other peace officers in the said district for country said district (or county, united counties, or as the case may be), of be), of

Whereas information has this day been laid before the indersigned, a instign of the undersigned, a justice of the peace in and for the said district (or county united at the said trict (or county united at the said trict). trict (or county, united counties, or as the case may be), of for that A R /harmonics

for that A. B. (here state shortly the matter of information oath being not as the case may be in the case m tion); and oath being now made before me substantiating the matter of such information. the matter of such information: These are, therefore, to command you in Her Maintain mand you, in Her Majesty's name, forthwith to apprehend the said A. B. and to be a proper of the said A. B. and the said the said A. B. and to bring him before (me) or some one or more justices of the poor more justices of the peace in and for the said district to county, united counties county, united counties, or as the case may be), to answer the said information and the case may be), to answer the said information and the case may be). the said information, and to be further dealt with according to law.

day of , in the district (county, Given under my hand and seal, this the year J.S. [L.S.] &c., as the case may be) aforesaid.

(E. 1.)

SUMMONS TO A WITNESS.

Province of c_{anada} district (or county, united counties, or as the case may be),

To E. F., of united counties, or as the case may be), of , in the said district (or county,

Whereas information was laid (or complaint was made) district (or county, united counties, or as the case may be), of made, for that (&c., as in the summons), and it has been give to appear to me upon (oath) that you are likely to material evidence on behalf of the prosecutor (or this hehalf: These are, therecomplainant or defendant), in this behalf: These are, therefore, to require you to be and appear on o'clock in the (fore) noon, at the or such justice or justices of the peace for the said disthict (or such justice or justices of the peace for the same shall then half, united counties, or as the case may be), as . before shall then be there, to testify what you know concerning the matter of the complaint. the matter of the said information (or complaint).

Given under my hand and seal this (or county, or as the case may be), aforesaid. day of , in the district

J. S. [L. S.]

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Province of district (or county, united counties, or as the case may be),

the said district of the constables and other peace officers in mited counties, or as the case the said district (or county, united counties, or as the case

Whereas information was laid (or complaint was made) district (or county, united counties, or as the case may

, for that (&c., as in the summons), and to appear to it having been made to appear to (me) upon oath unty, E. F., of , in the said district (or county, **E**. F., of united counties, or as the case may be), (laborer) likely to give material evidence on behalf of the cutor, or as the case may be), (I) did duly issue (my) mons to the said F F mons to the said E. F., requiring him to be and appear on o'clock in the (fore) non , before me or such justice or justices of the peace for the said district (or county, united counties or as the united counties, or as the case may be), as should then be there, to testify to what he less than the case may be the case may there, to testify to what he knew concerning the said A.B. or the matter of the said income and the said and or the matter of the said information (or complaint); noon whereas proof has this whereas proof has this day been made before me, the oath, of such summons the oath, of such summons having been duly served upon the said E, F.: And whereas the bear duly served upon to said E, F.; And whereas the said E. F. has neglected appear at the time and place. mons, and no just excuse has been offered for such neglect. These are, therefore to come These are, therefore, to command you to take the said E. F., and to bring and have him and to bring and have him on me or such justice or justices of the peace for the district (or county, united counties (or county, united counties, or as the case may be), as shall then be there, to testify what! then be there, to testify what he knows concerning the said information (or complaint)

Given under (my) hand and seal this in the year , at in the district in the case may be), aforesaid.

J. S. [L. s.]

(E. 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE

Canada.
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of

Whereas information was laid (or complaint was of the before the undersigned , a justice county peace in and for the said district (or county, united that (for the case may be), of

upon summons), and it being made to appear before me . (laborer), upon oath, that E. F., of is likely to give material evidence on behalf of the (prosecond) to give material evidence on behalf of the (prosecutor, or as the case may be), in this matter, and it is probably to give evidence Probable that the said E. F. will not attend to give evidence without that the said E. F. will not attend to give evidence without being compelled so to do: These are, therefore, to command you to bring and have the said E. F., on before me o'clock in the (fore) noon, at the dist. or such other justice or justices of the peace, for the district (or county, united counties, or as the case may be), as a the case may be), as shall then be there, to testify what he knows concerning the matter of the said information (or complaint).

Given under (my) hand and seal this. day of (or county, or as the case may be), aforesaid. , in the district

J. S. [L. S.]

(E. 4.)

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN

Province of C_{anada} . district (or county, united counties or as the case may be),

To all or any of the constables or other peace officers in the said distribution of the constables or other peace officers in the said distribution of the case said district (or county, united counties, or as the case the be), of and to the keeper of the common case said district (or county, united counties, or as the case may be), at

Whereas information was laid (or complaint was made) before (me) district (me)

, a justice of the peace, in and 101 the following the case may be), of the summons), and one E. F., tounty, united the summons, and at appearing before me, such justice as aforesaid, on the summons before me, such justice as aforesaid, on the summons of th heing hour, las a witness in that behalf, refuses so to do (or being now here duly sworn as a witness in the matter of the said inc. the Row here duly sworn as a witness in the manufacture duly sworn as a witness in the witne tain question or complaint) refuses to answer a question concerning the premises which is now here to him concerning the premises which is now here Question concerning the premises which is now the insert in the insert i there insert the exact words of the question), without offering the exact words of the pression, without offering the exact words of the pression. Just excuse for such his refusal: These are, therefore, to contract words of the said constables or peace the said, or any one of the said constables or peace and him safely to convey to cers, to take the said E. F., and him safely to convey to

aforesaid, and there deliver him to the said keeper thereof, together with this precept; And I do hereby command And I do hereby command you, the said keeper of the said common gaol. to receive the said keeper of the said common gaol, to receive the said E. F. into your custody in the said common gool and it the said common gaol and there imprison him for such his contempt for the tarm of shall in the meantime consent to be examined and to answer concerning the premises concerning the premises, and for so doing this shall be your sufficient warrant

day of , in the district (or Given under (my) hand and seal, this in the year , at J. S. [L. S.] county, or as the case may be), aforesaid.

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Canada. Province of district (or county, united counties, or as the case may be),

To all or any of the constables, or other peace officers in the said district for court said district (or county, united counties, or as the case may be), of , and to the keeper of the common gaol (of at

Whereas information was laid (or complaint was made) for the , a justice of the peace in and for the district (or county, united counties, or as the case may be), of , for that (&c. as a state case may be); and for that (&c., as in the summons or warrant); and by he said A. R has been , for that (&c., as in the summons or warrant), dby whereas the said A. B. has been apprehended, under and virtue of a warrant warrant. virtue of a warrant, upon such information (or complaint), and is now brought before and is now brought before me as such justice as aforesaid.

These are, therefore to accome as such justice as aforesaid. These are, therefore, to command you, or any one of the said constables or peace officers. constables or peace officers, in Her Majesty's name, fork with to convey the said A D with to convey the said A. B. to the common gaol (or to the said approximately approxi , and there to deliver him to the said keeper thereof, together with this precept; And I do hereby command you. the said beautiful from the s command you, the said keeper, to receive the said A. B. into your custody in the said your custody in the said common gaol (or lock-up and there safely keep him (instant), when you are hereby commanded ave him at noon of the same day, before me, or such justiced united the peace of the same day. noon of the same day, before me, or such justiced justices of the peace of the said district (or county, there, counties, or as the case man below the county of the count day of counties, or as the case may be), as shall then be answer to the said information. answer to the said information (or complaint), and to further dealt with according

Given under (my) hand and seal, this county, or as the case may be), aforesaid. day of , in the district (or

J.S. [L.S.]

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN UPARING.

 C_{anada} . $P_{\text{rovince of}}$ district (or county, united counties, or as the case may be),

To all or any of the constables or peace officers in the district for any of the constables or peace officers in the district for as the case may be), of trict (or county, united counties, or as the case may be), of $\mathfrak{h}_{ouse)'at}$, and to the keeper of the common gaol (or lock-up

Whereas on laid (or complaint made) before the peace in and for the said district (or county, united for that (&c., as counties, or as the case may be), of , a justice of in the summons); And whereas the hearing of the same is (instant) at adjourned to the hecessary that the said A.B. should, in the meantime, be kept in safe custody: These are, therefore, to command you, or any one of the said constables or peace officers, in Her Majesty's of the said constables or peace officers, in the said A.B. to the Majesty's name, forthwith to convey the said A.B. to the and there common gaol (or lock-up house), at deliver I gaol (or lock-up house) at deliver him into the custody of the keeper thereof, together this minto the custody of the keeper thereof, together With this into the custody of the keeper thereon, to keeper this precept; And I do hereby require you, the said I do hereby require you, the said I do hereby require you, the said I do hereby require your custody in the keeper, to receive the said A.B. into your custody in the said common gaol (or lock-up house), and there safely keep until 11 gaol (or lock-up house), and there safely keep . (instant) when him until the you until the said lor lock-up months and the said hearing is so that the tire required to convey and have him, the said hearing is so for A.B. are hereby required to convey and have nim, and adjourned time and place to which the said hearing is so instices of the peace for adjourned as aforesaid, before such justices of the peace for the said district (or county, united counties, or as the case may said shall the county and county the said be), as shall then be there, to answer further dealt with information (or county, united according to lor complaint), and to be further dealt with

Given under my hand and seal, this in the in the year &c., as the case may be) aforesaid. day of , in the district (or county.

J. S. [L.s.]

(H.)

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS A PROPERTY OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH

Canada. Province of district (or county, united counties, or as the case may be),

Be it remembered, that on (grocer), and O. P. of (yeoman), personally came and appeared before the signed, , a justice of the peace in and for the , a justice of the peace in and way said district (or county, united counties, or as the case be) of , and severally acknowledged the , and severally acknowled the themselves to owe to our Sovereign Lady the Queen R. the several sums following, that is to say: the said A. B., the sum of , and the said L. M. and O. P. the sun , each, of good and lawful current money of made and lawful current money and , each, of good and lawful current money and Canada, to be made and levied of their several goods and chattels, lands and topograph chattels, lands and tenements respectively, to the use of the our said Lady the Open has been decided in the the our said Lady the Open has been decided in the our said Lady the Open has been decided in the open has bee our said Lady the Queen, her heirs and successors, if he, the said A. B., fails in the control of the said A. B., fails in the said A. B., fails in the condition indersed (or hereunder written).

Taken and acknowledged the day and year first above entioned at [L. S.] mentioned at

J. S.

The condition of the within (or the above) written recognizance is such that if the nizance is such that if the said A. B. personally appears the day of o'clock in the , before me or such justices the peace for the said district (or county, united counties, or as the case may be) or as the case may be), as shall then be there, to answer further to the information (further to the information (or complaint) of C. D., exhibited against the said A R and a coordagainst the said A. B., and to be further dealt with according to law, then the said ing to law, then the said recognizance to be void, otherwise to remain in full force and

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE

Take notice that you, A. B., are bound in the sum of , and you, L. M. and O. P., in the sum of , before me or such each, that you A. B., appear personally on justice of the peace for the district (or county, united be ties, or as the case man he) there, to answer further to a certain information (or

plaint) of C. D., the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the room and place, and unless you appear accordingly, the room and place, and unless you appear accordingly the room and place. ingly, the recognizance entered into by you, A. B., and by L. M. and O. P. as your sureties, will forthwith be levied

 $D_{ated\ this}$ eight hundred and

day of

, one thousand

J. S. [L. S.]

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS,

AND THE FOR A PENALTY TO BE LEVIED BY DISTRESS,

BY IM-AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IM-

Province of $c_{a_{n_{ada}}}$ district (or county, united counties, or as the case may be),

Be it remembered, that on the in the year

in the

the year at the case may be), at the country, united counties, or as the case may be), a justice of the country, a justice of the case may be. A. B. is convicted before the undersigned, the peace of the design of the peace of the design of the peace of the design of the terms of the county, the beace for county, united county, peace for the said district (or county, united counties, the case the said district (or county, united counties, stating the or as the for the said district (or county, united county, and the case may be), for that the said A. B. (&c., stating the committed), forfeit offence, and the time and place when and where committed), and the time and place when and where committed), and the time and place when and where to forfeit an enalty, and pay the said A. B. for his said offence to forfeit (stating the penalty, and pay the sum of conding to law pensation, if any), to be paid and applied ac-

cording to law, and also to pay to the said C. D. the sum of this behalf; and if the the several sums are not paid forthwith, (or on or before next), * I order that the same sums are not paid fortnymm, the same be levied by distress and sale of the goods and the same be levied by distress and sale of the goods and in the chattels of the said A. B., and in default of sufficient dis-

these, * I adjudge the said A. B. to be imprisoned in the gaol of the said A. B. to be imprisoned in the said A. B. to be common gaol of the said district (or county, united counting the said district (or county, united district (or county) in the said labor, ties, or as the case may be), at if such is the sentence) for the term of sums and all

the said distress the sentence) for the term of the said distress the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said distress (and of the commitment and Gi. A. B. to the said gaol) are sooner paid.

Given under (my) hand and seal, the day and year first above mentioned, at counties, or as the case may be), aforesaid.

* Or when the issuing of a distress warrant would be ruing to to the defendant of its distress warrant would be ruing ous to the defendant or his family, or it appears he has goods whereon to law goods whereon to levy a distress, then instead of the made between the astericks # between the asterisks * * say, "inasmuch as it is now made to appear to me that the to appear to me that the issuing of a warrant of distress; this behalf would be mind the state of the state o this behalf would be ruinous to the said A. B. and his family, whereon [or, "that the said A. B. and his mhereon [or, "that the said A. B. has no goods or chattels whereon to levy the said sums to levy to levy the said sums by distress"], I adjudge, &c., [as above, to the end]

(I. 2.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT,

Canada. Province of district (or county, united counties, or as the case may be),

, in the said district (or county, united counties, or as the case may be), A. B. is convicted before the understanding the peace with for the said district (or county, united counties, or as the case may be), for that he the said A D 1000 the offence, and the may be), for that he the said A. B. (&c., stating the offence, and the time and place when and I. the time and place when and where it was committed, and pay adjudge the said A B fall where it was committed and pay adjudge the said A. B. for his said offence to forfeit and the sum of (stating the penalty and the compensation and applications) if any), to be paid and applied according to law; and into pay to the said C. D. it this behalf; and if the said several sums are not paid forthwith (or, on or before next), I adjudge the said A.B. to be imprisoned in the common gaol of the said district (or county, united counties (and there to be (or county, united counties, or as the case may be), at in the said distinction the said distinction the said distinction the said distinction to the said dis the said distinction to the said distinction to the said distin unless the said sums and the costs and charges of conveying the said. A. B. to the said common A. B. to the said common gaol are sooner paid.

Given under (my) hand and seal, the day and year county, in the district (or county, united counties, or as the case may be), aforesaid. J. S. [L.S.]

(I. 3.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISON-

Province of $C_{\mathbf{anada}}$ district (or county, united counties, or as the counties, or of case may be),

Be it remembered, that on the in the year thited year , in the said district to combefore the counties, or as the case may be), A. B. is convicted instice of the peace before the undersigned, in and for the undersigned, a justice of the part of the said district (or county, united counties, or of ence, and the best of the said A.B. (&c., stating the and where it was comoffence, and the time and place when and where it was committed); and the time and place when and where u was be imprison. I adjudge the said A. B. for his said offence to be imprisoned in the common gaol of the said district (or county united in the common gaol of the said district (or many be), at county, united counties, or as the case may be), at the counties the counties or as the case may be be kel in the county of labor) for the term of said A. B. to pay to the said C. D. the sum of for his cont. Pay to the said S. D. the sum of (and there to be kept at hard for his costs in this behalf, and if the said sum for costs are next,) then * ; and I also adjudge the not paid forthwith (or on or before Jord paid forthwith cor on or before next, the goods the said sum be levied by distress and sale of R: and in default of the goods and chattels of the said A. B.; and in default of to be imprisoness in that behalf, * I adjudge the said A. B. to be imprisoned in the said common gaol (and kept there to commence at the labor). at hard labor) for the term of and from the term of , to comment the said and from the term of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under (my) hand and seal, the day and year first in the district (or county, above mentioned at United counties, or as the case may be), aforesaid.

* Or, when the issuing of a distress warrant would be ruin-Ous to the observation of a distress warrant would be soods when and his family, or it appears that he has then instead of the words between the catalog of a distress, then, instead of the words whereon to levy a distress, then, instead of the words "incomuch as it is now made between whereon to levy a distress, then, instead of the asterisks * * say, "inasmuch as it is now made this ppear to distress in the asterisks * * say, "inasmuch as it is now made his to appear to me that the issuing of a warrant of distress in the said A. B. and his chattels this behalf me that the issuing of a warrant of distress in the said A. B. and his whereon to levy the said A. B. has no goods or chattels diage, &c. odjudge, &c.

(K. 1.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Canada. Province of district (or county, united counties, or as the case may be),

in the year

, complaint was made , a justice of the Peace in and for the said district (or county, united counties, as the case may be) of , for that (stating the facts entilling the complainant to the order, with the time and place when and where then occurred. when and where they occurred), and now at this day, to pear on , at , the parties aforesaid appear before me the said justice (or, the said C. D. appears and called the said justice) but the said C. D. appears and called the said justice but the said C. D. appears and called the said called the said called the said is said to said the said called the me the said justice (or, the said C. D. appears peled, me the said justice, but the said A. B., although duly called does not appear by himself it. does not appear by himself, his counsel or attorney, and his now satisfactorily proved to is now satisfactorily proved to me on oath that the said A. B. was duly served with the said for B. was duly served with the summons in this behalf, which required him to be and appearance. required him to be and appear here on this day before menty, such justice or justices of the such justice or justices of the peace for the district (or county, united counties, or as the united counties, or as the case may be), as should now the here, to answer the said are may be), as should not dealth here. here, to answer the said complaint, and to be further with according to law). with according to law); and now having heard the matter of the said complaint. I do add to be further acter to pay to the said complaint. of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of forthwith (or on or below next, or as the Act or law requires), and also to this d C. D. the sum of for his costs in this behalf; and if the said several sums are not paid forth that the corder that t next), then, * I hereby order that stress and the same be levied by distress and sale of the goods chattels of the said A R and is all and sale of the said distress. chattels of the said A. B., and in default of sufficient distress in that behalf, * I adjudged to in that behalf, * I adjudge the said A. B. to be imprisoned in the common gool of the said A. B. to be into united in the common gool of the common gool of the common gool of t in the common gaol of the said district (or county, district counties, or as the case may be), at , in the said labor) all (or county) of , (and there kept at hard labor) all less the said , unless the said several sums, itment the said district costs and charges of the said distress (and the common gaol) and conveyance of the said A. B. (and the common gaol) and conveyance of the said A. B. to the said common gaol are sooner paid. in the district (or county, of Given under (my) hand and seal, this

J. S. [Ls.] *Or, when the issuing of a distress warrant would be responded to the defendant and his family to the defendant and his family, or it appears he has no set whereon to levy a distress them as the case may be), aforesaid. whereon to levy a distress, then, instead of the words to appear the asterisks * * say. "inasmuch the asterisks * * say, "inasmuch as it is now made to appear

to me that the issuing of a warrant of distress in this behalf would be and his family," (or, would be ruinous to the said A. B. and his family," (or, that the ruinous to the said A. B. about the said whereon to levy that the said A. B. has no goods or chattels whereon to levy the said sums by distress").

(K. 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

 $P_{rovince of}$ Canada. district (or county, united counties (or as the case may be),

Be it remembered, that on before the undersigned, , complaint was made in and for the undersigned, a justice of the rate as the case the said district (or county, united counties, or that (stating the facts as the case may be) of entitling the case may be) of , for that (stating when and place and place and and sulfation), for that (stating when and place and sulfation), for that (stating who when and sulfation) on this day, to with on where they occurred), and now on this day, to wit, before me the said justice (or the said C. D. appears before the said justice (or the said C. D. appears before although duly called, does not appear by himself, his counsel or attorney, and A now satisfies the said A. B., although amy it is now appear by himself, his counsel or attorney, and A now satisfies the said A. B., although amy satisfie itis not appear by himself, his counsel or attorney,

A. B. was dollar before A. B. was duly served with the summons in this behalf, here this day before which required him to be and appear here this day before Me, or such justice or justices of the peace for the said district no county justice or justices of the peace for the said district has case may be), as should (or county justice or justices of the peace for the salu and to be how be how and counties, or as the case may be), as should have be how and counties, or as the case may be how and to be how be here, to answer to the said complaint, and to be the here, to answer to the said complaint, and the matter of the matter of the here and the matter of the here. the matter of the said complaint, I do adjudge the said A.B. forthwith to pay to the said complaint, for on the said C. D. the sum of requires), and also to pay to the said C.D. the sum of this costs next, or as the Act or law tor his costs in this behalf; and it the said several sums the not haid costs in this behalf; and it the said several next), are not paid forthwith (or on or before then I paid forthwith (or on or before
non gaol of the said A. B. to be imprisoned in the counties, mon adjudge the said A. B. to be imprisoned in the or as the case the said district (or county, united counties, in the said district or as kaol of the said (or the case may be), at (or county) of the county of the Act or law authorizes this for the term of his ess the soil are authorizes this for the term of (there to be kept at hard labor hiless the said several sums (and costs and charges of com-Mitment and conveying the said A. B. to the said common are sooner paid.

Given under (my) hand and seal this in the United Counties, or as the case may be), aforesaid. day of , in the district (or county,

[L.S.] J. S.

ORDER FOR ANY OTHER MATTER WHERE THE DISOBETING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada. Province of district (or county, united counties, or as the case may be),

, complaint was made a justice of the peace in and for the said district (or county, united counties, or as the commany be), of , for that (stating the facts entitling the come er, with the plainant to the order, with the time and place where and they occurred); and now they occurred); and now on this day, to wit, on

, the parties aforesaid appear before me the said just the said C.D. appear tice (or the said C.D. appears before me the said justice, by the said A.B., although delivered me the said justice, by the said A.B., although duly called, does not appear by himself, his counsel or attended to the said justice, by himself, his counsel or attorney, and it is now satisfactorily proved to me, upon oath proved to me, upon oath, that the said A.B. was duly served with the summons in this. with the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required himstice of the summons in this dark in the summons in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be and appear here this dark in the summons in this behalf, which required him to be a summon t be and appear here this day before me, or such justice of justices of the peace for the justices of the peace for the said district (or county, to counties, or as the case many) counties, or as the case may be), as should now be here, the answer to the said complete. answer to the said complaint, and to be further dealt with according to law); and now be further of the according to law); and now having heard the matter of the said complaint. I do adjude the said the said complaint. said complaint, I do adjudge the said A.B. to (here state the matter required to be down) matter required to be done), and if, upon a copy of the minute of this order being served of this order being served upon the said A.B., either personally or by leaving the said A.B., last or most ally or by leaving the same for him at his last or the usual place of abode he are to obey the usual place of abode, he neglects or refuses to his distance, in that case I adjudantly and the same for him at his last or the usual place of abode, he neglects or refuses and his distance. same, in that case I adjudge the said A.B., for such his said obedience, to be imprisoned. obedience, to be imprisoned in the common gaol of the said district (or county. united district (or county, united counties, or as the case may set at , in the said counties, or as the case may set at ... , in the said county of (there to be kept of hard labor, if the statute authorizes this), for the and I do , unless the said , unless the said order is sooner obeyed, and I do ge the said A R

, unless the said order is sooner obeyed, and sum also adjudge the said A.B. to pay to the said C.D. the said of , for his costs in 11. , for his costs in this behalf, and if the said sun next, so not paid forthwith I order the same to be levied by distress and sale of the goods and chattels of the said A.B., and in default of to be cient distress in that behalf I addition the said A.B. and in the said A.B. as the said A.B. and in the said A.B. and in the said A.B. and in the said A.B. as the said A.B. and in the cient distress in that behalf, I adjudge the said he kept at imprisoned in the said company to the said company to the said he kept at the said company to the said co imprisoned in the said common gaol (there to be kept and hard labor) for the space of , to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs is soon.

, in the district (or county, united ay be). aforesit Given under (my) hand and seal, this J. S. [L.s.] , at the year counties, or as the case may be), aforesaid.

(L.)

 $^{
m PORM}$ of $^{
m ORDER}$ of dismissal of an information or

Province of C_{anada} district (or county, United counties, or as the case may be),

Be it remembered, that on or complaint was made) before the undersigned, Justice of the peace in and for the said district (or county, for that , information was laid united counties, or as the case may be), of (&c., as in the summons of the defendant) and now at this day, to wit, on here: "to which day the hearing of this case was duly had due notice"), both adjourned, of which day the hearing of this case was the said north which the said C.D. had due notice"), both in order that I should the said parties appear before me in order that I should that and data appear before me in order that I should the said complaint or complaint or complaint or complaint. hear and parties appear before me in order that I such the said A D mine the said information (or complaint) (or her the said C.D., although the said determine the said information (or complainty called a appears before me, but the said C.D., although duly called, does not appear; [whereupon the matter of the sidered, it manifestly complaint) being by me duly constant on the sidered of the side information (or complaint) being by me any contain (or complaint) being by me any contain (or complaint) appears to me that the said information (or complaint) appears to me that the said informant (or complaint) and (if the informant (or complaint) and (if the informant (or complaint)) and (if the informant) idea. tion (or the manifestly appears to me that the said incomplaint) is not proved, and if the informant (or the manifestly appears to me that the said incomplaint) is not proved, and if the informant (or the said incomplaint) is not proved, and it is said complaint or complaint is not proved, and (if the informance therefore dismission appears, these words may be omitted), I do not appear, these words may be omitted), I do adjudge that the said therefore dismiss the same) and do adjudge that the said have do not appear, these words may be omitten, and in the said of the said C.D. do pay to the said A.B. the sum of in his behalf incurred by him in defence in his behalf; and if the said I constant in defence in his behalf; and if the said in order that is not paid forthwith (or on or before l order costs is not paid forthwith (or on or before costs and chatter be levied by distress and sale of the costs and chatter be levied by distress and in default of sufficients and chatter be levied by distress and chatter by distress and chatter by district b goods and chattels of the said C.D., and in default of sufficient and chattels of the said C.D., and in default of imprisoned in that behalf, I adjudge the said C.D. to be imprisoned in that behalf, I adjudge the said U.D. at the common gaol of the said district (or ty, united the common gaol of the said district (or ty, united the common gaol of the said district (or ty, united the common gaol of the said district (or the common gaol of the said U.D. at the common gaol of the said district (or the common gaol of the the common gaol of the sure that y, united counties, or as the case may be), of there kept at hard labor) for the term of disc said sum for the said (county) the kept at hard labor) for the term of the said sum for costs, and all costs and charges of the said conveying of the said distinction for costs, and all costs and charges of the said to the said the commitment and conveying of the said. C.D. to the said common gaol) are sooner paid.

Given under my hand and seal, this in the mited year , at , in the assured counties, or as the case may be), aforesaid. day of , in the district (or county,

J. S. [L.s.]

(M.)

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify that an information (or complaint) preferred by C.D. against A.B. for that (&c., as in the summons) was this day considered by me, a justice of the peace and for the said district (or county, united counties, with the case may be), of , and was by me dismissed (with costs).

Dated this

day of

, one thousand J. S.

(N. 1.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada.
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of

(laborer) was on this day Whereas A.B., late of a justice of the peace, in and for the said district (or county, united counties or as the that (stating the offence, as in the conviction), and it thereby adjudged that the thereby adjudged that the said A.B. should for such offence, forfeit and pay 160 offence, forfeit and pay (&c., as in the conviction), and for his also pay to the said CD +1. costs in that behalf; and it was thereby ordered that if the said several sums was thereby ordered that if the said several sums were not paid (forthwith) the same should be levied by districtions. should be levied by distress and sale of the goods and chattels of the said AR and the said AR chattels of the said A.B., and it was thereby also should that the said A.B. in default that the said A.B., in default of sufficient distress, should be imprisoned in the communication of the communicat be imprisoned in the common gaol of the said district county, united counties (and there kept at hard county, united counties, or as the case may be), at , unless the said several sums and all costs and charges of the said distress, the said the commitment and conveying of the said distress, the said the said distress. the commitment and conveying of the said A.B. to the said common gaol were some many the said A.B. to the said A.B. to the said common gaol were some many the said A.B. to the said and said A.B. to the said common gaol were some many than the said A.B. to the said and said common gaol were sooner paid; *And whereas the (now) A.B., being so convicted as aforesaid, and being

required to pay the said sums of paid the same or any part thereof, but therein has made default: These are, therefore, to command you, in Her distress of the goods Majesty's name, forthwith to make distress of the goods and chart name, forthwith to make distress of the goods and chattels of the said A.B.; and if within distress. next after the making of such distress, the said sums, together the making of such distress, the said sums, together the making of such distress, the together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the said goods and chattel chattels so by you distrained, and to pay the money arising from so by you distrained, and to pay the money arising from such sale unto me (the convicting justice, or one of the convicting justices, or one sale unto me (the convicting justice, or one sale by large justices) that I may pay and apply the same as by law directed, and may render the overplus, if any, on demand directed, and may render the distress is found, demand, to the said A.B.; and if no such distress is found, then to certify the same unto me, that such further proceeding. ceedings may be had thereon as to law appertain.

Given under my hand and seal, this day of county, or as the case may be), aforesaid. , in the district (or

J. S. [L.s.]

(N. 2.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT

Province of $\mathbf{c}_{\mathbf{anada}}$ district (or county, united counties, or as the case may be),

To all or any of the constables or other peace officers, in the said district of counties, or as the case may Baid district (or county, united counties, or as the case may be), of

 $W_{
m hereas~on}$ district (or county, united counties, or as the case may be), that (&c. in the county) and afterwards, to wit, on before , last past, a complaint was made that (&c., as in the order), and afterwards, to wit, on adjudged " having been considered, the said A.B. was adjudged (to pay to the said C. D. the sum of $\widetilde{\mathfrak{o}_r} \widetilde{\mathfrak{b}}_{ef\widetilde{o}r_e}$ of the sum of then next), and then next), and then next), and then next, the same should then next, the same should on or before the said

be levied by distress and sale of the goods and chattels of the said A.B.; and it was adjudged that in default be sufficient distress in that behalf, the said A.B. should (or imprisoned in the common gaol of the said district (or county, united counties or as the case were the control of the said district.)

(and there kept at hard county, united counties, or as the case may be), at , unless the said several , in the said county of sums and all costs and charges of the distress (and of the commitment and conveying after commitment and conveying of the said A.B. to the the common gaol) were sooned common gaol) were sooner paid; *And whereas time in and by the said order time in and by the said order appointed for the payment of the said several sums of but the said A. B. has not paid the same, or any part thereof, but therein has made in the same, or therefore, thereof, but therein has made default: These are, therefore, to command you in How Manager to the same, or any fore, therefore, the make to command you in How Manager to the same, or any fore, the make to command you in How Manager to the same, or any fore, the same are the same and the same are the same ar to command you, in Her Majesty's name, forthwith to make distress of the goods and about 1 name, forthwith to make distress of the goods and about 1 name, forthwith to make distress of the goods and about 1 name, forthwith the same if distress of the goods and chattels of the said A. B.; and if within the space of days after the making of such distress, the said last mentioned sums, together distress, reasonable charges of toking and sums, together distress, reasonable charges of taking and keeping the said distress, are not paid, then to sail the are not paid, then to sell the said goods and chattels so by you distrained and to parth and goods and chattels sale you distrained, and to pay the money arising from such sale unto me (or some other of the unto me (or some other of the convicting justices, as the case may be), that I (or he) may be as by may be), that I (or he) may pay and apply the same as by law directed, and may round apply the same on delaw directed, and may render the overplus, if any, can be mand to the said A D mand to the said A. B.; and if no such distress that found, then to certify the found, then to certify the same unto me, to the end that such proceedings may be a like in apper such proceedings may be had therein, as to law apper tain.

Given under my hand and seal, this in the year , at , in the district (or county, or as the case may be), aforesaid.

J. S. [L. s.]

(N. 3.)

INDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada.
Province of
district (or county,
united counties, or
as the case may be),
of

Whereas proof upon oath has this day been made before me, a justice of the peace in and for the said district (or county, united counties, or as the case may be), that the name of J. S. to the within warrant subscribed, is of the

Writing of the justice of the peace within mentioned, I do therefore authorize U. T., who brings me this warrant, and other authorize U. T., who brings me this warrant was originally all other persons to whom this warrant was originally directed persons to whom this warrant was originally directed, or by whom the same may be lawfully executed, and also all by whom the same may be lawfully executed. and also all constables and other peace officers in the said district (or the said other peace of the case may be), of district (or county, united counties, or as the case may be), of county, united counties, or as the case may be). to execute the same within the said district (or

Given under my hand, this thousand eight hundred and

day of , one

O. K.

(N. 4.)

 ${
m co}_{
m NSTABLE'S}$ return to a warrant of distress.

I, W. T., constable of county, united counties, or as the case may be), of hereby certify to J. S., Esquire, a justice of the peace in and district. J. S., Esquire, a justice of the peace in and for the the district (or county, united counties, or as the case made diligent search for the goods and chattels of the Within mentioned A. B., and that I can find no sufficient being or chattell A. B., and the property of the sums goods or chattels of the said A. B. whereon to levy the sums Within mentioned.

Witness my hand, this and eight hundred and

day of

, one thou-

W. T.

(N. 5.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Province of district (or county,) united counties, or as the case may be),

the district of the constables, or other peace officers in counties, or as the case may the district (or county, united counties, or as the case may of the constables, or other peace once be), of the county, united counties, or as the case may of the common gaol of the said district (or county, united counties, or as the in the said district case may be), of (or county) of

Whereas (&c., as in either of the foregoing distress was rants, N 1, N 2, to the asterisk, * and then thus): And whereast afterwards on the , in the year aforesaid, I, the said justice, issued a warrant to all or the constables of the con of the constables or other peace officers of the district of commanding them, or any of them, to levy the said sums of and

by distress and sale of the goods and B. And -chattels of the said A. B.; And whereas it appears to me, as well by the return of the as well by the return of the said warrant of distress, by the constable who had the arrant constable who had the execution of the same, as other the that the said constable had the same as other the that the said constable has made diligent search for the goods and chattels of the arrival and the said constable has made diligent search ficient goods and chattels of the said A. B., but that no sufficient distress whereon to leave the said and the said and the said and the said are the said as distress whereon to levy the sums above mentioned could be found. These could be found: These are, therefore, to command you the said constables or the said constables or peace officers, or any one you, to take the said A D you, to take the said A. B., and him safely to and vey to the common and aforesaid, and there deliver him to the said keeper, together said this precept: And I do have this precept: And I do hereby command you, the said keeper of the said common cool keeper of the said common gaol, to receive the said in into your custody in the said. into your custody, in the said common gaol, there to prison him (and keep him at 1) prison him (and keep him at hard labor) for the term of

, unless the said several sums, and all the costs and of the said distress (and all the costs and charges of the said distress (and of the commitment gaol) conveying of the said A. B. to the said common gaid amounting to the further sum of , are sooner paid unto you, the said keeper; and for so doing this shall be your sufficient warrant

day of , in the district (or county, Given under my hand and seal, this in the year , at united counties, or as the case may be), aforesaid.

J.S.

(O. 1.)

A CONVICTION FOR A WARRANT OF COMMITMENT UPON PENALTY IN THE FIRST INSTANCE.

Canada. Province of district (or county united counties, or [as the case may be),

To all or any of the constables and other peace officers in the said district for country the said district (or county, united counties, or as may be), of , and to the keeper of the common of the common of the common as gaol of the said district (or county, united counties, or as the case may be), of district (or county) of

Whereas A. B., late of convicted before the undersigned (laborer), was on this day peace in and for the said district (or county, united counties, or as the offence, as in the con-, a justice of the or as the case may be), for that (stating the offence, as in the contiction) case may be), for that (stating the offence, as in the contiction) viction), and it was thereby adjudged that the said A. B., for his offence, should forfeit and pay the sum of should pay to t (&c., as in the conviction), and should pay to the said C. D. thereby further adjudged that if the said several sums were not baid to be adjudged that if the said several sums were , for his costs in that behalf; and it was not paid (forthwith) the said A. B. should be imprisoned in the company to the company the company the said A. B. should be imprisoned in the company to the said A. B. should be imprisoned in the company to the said A. B. should be imprisoned in the company to the said A. B. should be imprisoned in the company to the said A. B. should be imprisoned in the said several summer to the said several s the paid (forthwith) the said A. B. should be improved common gaol of the said district (or county, united in the said district), in the said common gaol of the said districts, or as the case may be), at district (or county) of for the term of the costs and charges of conveying the said A. B. to the said control common gaol) were sooner paid; And whereas the in and gaol) were sooner paid; time in and by the said conviction appointed for the payment of the said several sums has elapsed, but the said in B. h. and by the said several sums has elapsed, but the said in B. h. and by the said several sums has elapsed, but the said in B. h. and by the said several sums has elapsed, but the said in B. h. and by the said several sums has elapsed, but the said several sums has elapsed several sums has elapsed, but the said several sums has elapsed several therein has not paid the same, or any part thereof, but therein has not paid the same, or any part mercy, you, the made default: These are, therefore, to command the therefore, to command of the same or any one of you, you, the said constables or peace officers, or any one of you, to take the said constables or peace officers, or any one common good A. B., and him safely to convey to the common gaol at to the said keeper thereof, together with this precept: And the said keeper of the said I do hereby command you, the said keeper of the said in mon goal and the said A. B. into your custody common gaol, to receive the said A. B. into your custody his the said A. B. into your custody in the said common gaol, there to imprison him (and keep the at hand) him at hard labor) for the term of costs and the said several sums (and costs and charges of carrying to the further him to the said common gaol, amounting to the further and of said common gaol, amounting to the said keeper; of of), are sooner paid unto you, the same work.

G:

G:

G:

Common 500,

Av of ,

Given under (my) hand and seal, this in the year or county, united counties or as the case may be), aforesaid.

J. S. [L. S.]

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST

Province of c_{anada} district (or county,) nited counties, or of the case may be),

the said as of the constables and other peace officers in mited counties, or as the case the said district (or county, united counties, or as the case be), of

of the district (or county, united counties, or as the case may be), of , in the said district (or county) of

last past, complaint was made before, a justice of the , a justice of the peace in and for the inited counties. Whereas, on said district (or county, united counties, or as the case may be) of , for that the grant the case may be to of ... , for that (&c., as in the order), and afterwards, to day of appeared before me, the said justice (or as it is in the order), and thereupon having constant and thereupon having considered the matter of the plaint, I adjudged the said A D plaint, I adjudged the said A. B. to pay the said c. D. then sum of ... on or before the his costs in that behalf; and I also thereby adjudged that if the said several sums if the said several sums were not paid on or should be day of then not paid on or should be then next, the said A. B. should be named and a should be named as a should be should imprisoned in the common gaol of the district (or county, in united counties. or as the account of the district (or county). (and there be kept at hard labor) less the , unless the said several sums (and the costs and charges of conveying the said A.B. to the said common gaol, as the case may be) were sooner paid; the whereas the time in and by the the said county of whereas the time in and by the said order appointed the payment of the said some said order appointed the payment of the said some said the payment of the said several sums of money has elapsed, but the said A.B. has not but the said A.B. has not paid the same, or any part thereof but therein has made default but therein has made default: These are, therefore, to command you, the said constable mand you, the said constables and peace officers, or any of you, to take the said A R you, to take the said A.B. and him safely to convey said common gaol. at aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command was a street to deliver the said. I do hereby command you, the said keeper of the sin that it is precept; said to hereby common gaol, to receive the said keeper of the sin that it is the said keeper of the said the said keeper of the said the said keeper of the said the common gaol, to receive the said A.B. into your custody of the said keeper of the into your custody of the said common gaol, there to the said A.B. into your fand kein him and the said common gaol, there to the said the said keeper of the sa the said common gaol, there to imprison him (and said him at hard labor) for the several sums (and the costs and charges of conveying sum of to the said common gaol, amounting to the further of), are sooner paid unto the further to the said common gaol, amounting to the further to), are sooner paid unto you the said keeper; so doing this it is for your so doing, this shall be your sufficient warrant.

, in the district (or county, united ay be), aforeseid Given under my hand and seal, this in the year , at counties or as the case may be), aforesaid.

J. S. [L.S.]

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

 $\mathrm{Can}_{ada_{a}}$ $P_{\text{rovince of}}$ district (or county, united counties, or as the case may be),

To all or any of the constables or other peace officers in the said distance of the constables or other peace officers in the said district (or county, united counties, or as the case may

 $W_{hereas on}$ complaint was made) before and flaint was made) before a justice of the peace as in the order of dismissions. case may be), of sal) and afterwards, to wit, on ties appearing before and determine before , in order that (1) should be the same, and the several proofs adduced to the same that the sam , both par-(me) in that behalf, being by (me) duly heard and considered, the it man; (ma) that the said information of the said informati and it manifestly appearing to (me) that the said information (or completely appearing to (me) that the fore dismissed tion (or complaint) was not proved, (I) therefore dismissed the same and adjudged that the said C.D. should pay to the Said A.B. the sum of , for his costs incurred by him in for costs in that behalf; and (I) ordered that if the said law for costs in the said (I) ordered that if the said (I) ordered that (I) ordered that (I) ordered that (I) ordered that (I) ordere equip for costs was not paid (forthwith) the same should be all on the was not paid (forthwith) the same should be all on the was not paid (forthwith) the said C.D., and (I) didged the goods and chattels of the said C.D., and (I) adjudged the goods and chattels of the said U.D., and the goods and chattels of the said U.D., and the said C.D. and the said C.D. and the said C.D. and the common gool of the the said C.D. should be imprisoned in the common gaol of the district (soundies, or as the case may aid district (or county, united counties, or as the case may and there kept at hard labor) for the space of less there kept at hard labor) for the space of said distress sum for costs, and all costs and charges of the said distress sum for costs, and all costs and conveying of the and distress, and of the commitment and conveying of the A.B. to the commitment and conveying of the said whereas the the said common gaol, were sooner paid; *And whereas to the said common gaol, were sooner pau, a.B. the said C.D. being now required to pay to the said ban the said C.D. being now required to pay to the said the same, or any A.B. the said C.D. being now required to pay to the said sum for costs, has not paid the same, or any thereof a sum for costs, has not paid the same, therepart the said sum for costs, has not paid the same, of thereof, but therein has made default: These are, therefore, thereof, but therein has made default: These are, was to command you, in Her Majesty's name, forthwith to that distress to the said C.D., make distress of the goods and chattels of the said C.D., of if within the goods and chattels of the making and if within the term of of all within the goods and the term of days next after the manner the reasonally, the said last mentioned sum, together with the reasonally and keeping the said disthe reasonable charges of taking and keeping the said dischar, shall not have sell the said goods and these, shall not be paid, then to sell the said goods and the so have be paid, then to pay the money arising chattels so by you distrained, and to pay the money arising such sol you distrained, and to pay the money arising the such sol you distrained, and to pay the money arising the such sol you distrained. from such sale to me (the justice who made such order or dis-Missal, as the case may be) that (I), may pay and apply the as by law directed, and may render the overplus (if

any) on demand to the said C.D., and if no distress can be found, then to certify the same found, then to certify the same unto me (or to any naited justice of the peace for the justice of the peace for the same district or county, may counties, or as the case may be), that such proceedings be had therein as to law are

, in the district (or county, united Given under my hand and seal, this in the year , at J.S. [L.S.] counties, or as the case may be), aforesaid.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN

Canada. Frovince of district (or county, { united counties, or as the case may be),

To all or any of the constables or other peace officers in the said district (or county and the case may said district (or county, united counties, or as the case be), of and to the , and to the keeper of the common gas the cot (or county) the said district (or county, united counties, or as the case may be), of

Whereas (&c., as in the last form, to the asterisk, * and then day of day of , in the year aforesaid, I, the said justice, issued o all or any of the , in the year aforesaid, I, the said justice, issuffices a warrant to all or any of the constables or other peace of the said district for care of the said cers of the said district (or county, united counties, to levy, the may be), commanding the case may be), commanding them, or any one of them, it the said sum of the goods and chattels of the said C. D.: And whereas of appears to me, as well by the return distress of the appears to me, as well by the return to the said with the distress of the constable for a distress of the constable (or peace officer) charged with the execution of the same as of the constable (or peace officer) charged constable has been as of the constable (or peace officer) charged constable because of the constable (or peace officer) charged constable constable (or peac execution of the same, as otherwise, that the said constable has made diligent search for its has made diligent search for the goods and chattels of the said C.D., but that no sufficient goods are to levy as said C.D., but that no sufficient distress whereon therefore, sum above mentioned could be sufficient distress whereon therefore, sum above mentioned could be found: These are, officers, or to command you. the said to command you, the said constables and peace officers, any one of you, to take the said constables and peace officers, any one of you, to take the said constables and peace of the said constables are said constables. any one of you, to take the said C.D., and him safely united to the common gaol of the to the common gaol of the said district (or county, district counties, or as the case man ha) there deliver him to the keeper thereof, together with the precept; And I hereby commendations after the second the secon precept; And I hereby command you, the said keeper of uses said common gaol, to receive it said common gaol, to receive the said C.D. into your cand tody in the said common gaol. tody in the said common gaol, there to imprison him (and

keep him at hard labor) for the term of the said and char the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said , unless C.D. to the said common gaol, amounting to the further for your so doing, this shall be your sufficient warrant.), are sooner paid unto you the said keeper; and

Given under my hand and seal, this district in the year , at , aforesaid or county, united counties, or as the case may be), day of $\mathbf{afor}_{e8}\mathbf{aid}.$, in the

JS. [L.S.]

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON THE

I hereby certify that the said A.B. has not appeared at a condition mentioned, but the time and place in the said condition mentioned, but the time and place in the said condition mentioned, written recommended default, by reason whereof the within Written has made defaunt, by recognizance is forfeited.

J. S. [L. s.]

NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER. To C.D., of, &c., and _____(the names and additions of the whom II., and _____(the names and be given). parties to whom the notice of appeal is required to be given).

tend to anto that I, the undersigned, A.B., of intend to enter and prosecute an appeal at the next General of the court, as the case may be), to be holden at the Peace (or other court, as the case may be) on some enter and prosecute an appear and prosecute an appear and prosecute an appear and the peace (or other court, as the case may be the count of the district (or county countries, or as the case may be), of against a conviction (or county bearing date on or about the Esquire, a instant, and made by (you) C.D., Esquire, and ited countries in and for the said district (or country, whereby the Nited counties, or as the case may be), of said A.B. Was convicted of having (or was ordered) to pay he conviction, information, in the order, or summons, (here state the offence as in the conviction, information, Description, or the amount adjudged to be paid, as in the order, Orrectly as possible). bundred and day of , one thousand eight

And the state of t or by an attorney, it may be adapted to the case. 33 V., c.

FORM OF RECOGNIZANCE TO TRY THE APPEAL

(laborer), , (yeoman), A. B., of , a justice of Be it remembered, that on the peace in and for the said district (or county, united convities, or as the case man hole of , (grocer), and N. O., of , and severally acknow ledged themselves to owe to our Sovereign Lady the great the several sums following the several sum several sums following the several sum several sums following the several sum se the several sums following, that is to say, the said A.B. the sum of and the several sums following that is to say, the said we sum of , each, of good and lawful money of Canada, lands and tenements respectively, to the model of their several goods and chattels, queen, her heirs and the manufacture of the model of the mo and levied of their several goods and chattels, is and tenements respectively, to the use of our said Lady the Queen, her heirs and suggestions of the last of the Queen, her heirs and successors, if he the said A. B. fails in the condition indorsed for 1 the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above entioned at mentioned at

The condition of the within (or the above) written recognized ance is such that if the nizance is such that if the said A. B. personally other continued the (next) General Session of the personal session of the discharge of the continued the continued that it is a session of the continued that it is a sessio the (next) General Sessions of the Peace (or other discharging the functions of the Peace (or other discharging the functions of the Peace) discharging the functions of the court of General sessions as the case may be). to habel next, in and for the said district (or count), or as the case an appeal against a certain conviction, bearing date the day of instant, and made by (me) the said the said justice, whereby he, the said A. B., was convicted, not the he, the said A. B., did on the , on the day of united, in the said district (or county, united ase may he) offence as stated in the conviction); and also also pays are judgment of the court process. judgment of the court upon such appeal and pays costs as are by the court appeal and pays said recognicosts as are by the court awarded, then the said recognizance to be void, otherwise to be considered. zance to be void, otherwise to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT (1997) THE DEFENDANT (APPELLANT) AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of each, the you L. M. and N. O. ... you L. M. and N. O. in the sum of you the said A. B. will personally appear at the General Sessions of the Peace to be helden at the in and for the said. in and for the said district (or county, united counties, of the case may be), of conviction conviction (or order) dated the

(instant) whereby you A. B. were convicted of (or ordered, at.), (stating of the order shortly), and &c.), (stating offence or the subject of the order shortly), and abide by the judgment of the court upon such appeal and pay such costs as are by the court awarded, and unless you all said A p as are by the court awarded and try such appeal and the said A. B. personally appear and try such appeal and the recognizers and pay such costs accordingly, he wou will forthwith be the recognizance entered into by you will forthwith be levied on you, and each of you.

Dated this hundred and

day of

, one thousand eight

Redrafted in conformity with section 77.

CRETIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF

Office of the clerk of the peace for the district (or county, united counties, or as the case may be), of

the Peace / that at a court of General Sessions of the Peace, (or other court discharging the functions of the of Games, (or other court discharging the functions of the may be), holden at Court of General Sessions, as the case may be), holden at mast, and for the said albumber of as the case may be), on appeal by A. B. against a conviction (or order) of J. S., to hounty. United the peace in and for the said district and the case may be), came on and the county, united counties, or as the case may be), came on determined, and the be tried, united counties, or as the case may be), came on court of a was there heard and determined, and the case of a the case did courted counties, or as the courted, and was there heard and determined, and court, as the case order, there heard Sessions (or other court, as the case that the said conviction (or that the court, and was there heard and control of General Sessions (or other court, as the control of should be should be and that the said conviction (or should be should be sum ordered that the said conviction (or should be sum order) should be confirmed (or quashed), and that the said (respondent) the said should be confirmed (or quashed), and that the phonon should pay to the said (respondent) the sum the paid to hpeal, and , for his costs incurred by him in the succeptive of the sum was thereby ordered to be paid to day the clerk of the peace for the said district (or county, united of the peace for the said district the day of clerk of the peace for the said district (or co-the peace for the said district (or co-the case may be), on or before the (tespondent), or as the case may be), on or before the instant, to be by him handed over to the said ence has not, nor I further certify that the said sum for her paid in obedi-Instant, to be by him named the said sum to the said, nor has any part thereof, been paid in obedi-

handred and

day of

, one thousand eight

G. H., Clerk of the Peace.

(U. 1.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST

Canada. Province of district (or county. united counties, or as the case may be),

To all or any of the constables or other peace officers the the said district (or country) the said district (or county, united counties, or as the case may be), of

Whereas (&c., as in the warrants of distress, N 1, N2, and d to the end of the statement of and to the end of the statement of the conviction or order, the then thus): And whereas the then thus): And whereas the said A.B. appealed to other court of General Sessions court of General Sessions of the Peace (or other discharging the functions of discharging the functions of the Court of General Sessions, as the case may be) for the court of General Sessions. as the case may be), for the said district (or said count of general session). united counties, or as the case may be), against the said the viction or order, in which viction or order, in which appeal the said A. B. was the appellant, and the said C. D. the justice appellant, and the said C. D. appellant, and the said C. D. (or J. S., Esquire, order) was of the peace who made the of the peace who made the said conviction or order) the respondent, and which the respondent, and which said appeal came on to tried and was heard and data appeal came last General Sessions of the Peace (or other court, as the case may be) the said district (or country) the said district (or county, united counties, or as the said may be), holden at and the said court thereupon ordered that the said conviction (or order) should be confirmed (or great the said conviction (appells should be confirmed for great the said should be confirmed (or quashed) and that the said lant) should pay to the said (appellant) should pay to the said (appel for his costs incurred by him in the said appeal, for the sum was to be paid to the said appeal, for the said districts the said appeal of the said appeal. sum was to be paid to the clerk of the peace for may hit district (or county, united district (or county, united counties, or as the case may be on or before the , to be by him handed over to the said C. D.; and whereas the clerk of the peace of may be district (or county, united district (or county, united counties, or as the case may certain, on the tified that the said sum for costs had not been paid.

These are, therefore to compare the costs had not been paid. These are, therefore, to command you, in Her Majesty's name for the forthwith to make district of the state o forthwith to make distress of the goods and chattels of said A. B., and if. within the after the making of such distress, the said last mentional sum, together with the records. sum, together with the reasonable charges of taking aid keeping the said distress keeping the said distress, are not paid, then to sell the the goods and chattels so by your paid, then to pay for goods and chattels so by you distrained, and to peace for money arising from such salari. money arising from such sale to the clerk of the peace of the said district (or county and to pay for money arising from such sale to the clerk of the case the said district (or county and the case) the said district (or county, united counties, or as the case

Ohop. 175.

may be), of as by law directed; that he may pay and apply the then to certify the and if no such distress can be found, then to certify the same unto me or any other justice of the , that he may pay and apply the same peace for the same unto me or any other Justice or as the case district (or county, united counties, or as the case may be), that such proceedings may be had therein as to law appertain.

Given under my hand and seal, this in the year county, or as the case may be), aforesaid. , in the district (or

O. K. [L.S.]

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE

Province of $c_{anada.}$ district (or county,) united counties, or as the case may be),

To all or any of the constables or other peace officers in the half district (accounties, or as the case may said or any of the constables or other peace officers may be, of county, united counties, or as the case may of the common gaol of the **aid district (or county, united common gaus of be), of (or county, united counties, or as the case in the said county of ; may be), of

Whereas (&c., as in the last form, to the asterisk,* and then day of, thus): And whereas, afterwards, on the undersigned in the had whereas, afterwards, on the day of the or any of the undersigned, issued a warrant of the of the or other peace officers in the to the year whereas, afterwards, on the year aforesaid, I, the undersigned, issued a wallanded district for constables or other peace officers in the constables of the case may to levy the atid of any of the constables or other peace officers in the constables or other peace officers in the constables or other peace officers in the county, united counties, or as the case may of them, to levy the cole of the soid sum of commanding them, or any of them, to levy the Soods and of commanding them, or any of them, to let y bears to me, as well if the said A. B.; And whereas it apticles me, as well if the said A. B.; and warrant of pears and chattels, for costs, by discress —
distress of the said A. B.; And whereas it appoints of the said A. B.; as well by the return to the said warrant of the constable (as peace officer) who was charged that the said dishe to me, as well by the return to the said warrant of the constable (or peace officer) who was charged as otherwise, that the said chatwith the softhe constable (or peace officer) who was charged the execution of the same, as otherwise, that the said the has made of the same as otherwise, that the said the same has made of the same of the goods and charged the same of the same whereon constable constable (or peace omce), the execution of the same, as otherwise, that the same to less of the said A. B. diligent search for the goods and chatter the g tels of the has made diligent search for the goods and charactery the said A. B., but that no sufficient distress whereon mentioned could be found: These said A. B., but that no sufficient distress whereon the said sum above mentioned could be found:

here the said sum above mentioned could be found: These the said A. B., but that no sufficient and the said sum above mentioned could be sound be ace, therefore, to command you, the said constables and he officere of the said A. B., peace said sum above mentioned states, therefore, to command you, the said constant district safely any one of you, to take the said A. B., safely any be, of district, (or connection of convey to the common gaol of the said house of the case may be), of district, (or county, united counties, or as the case may be), of

keeper thereof, together with this precept; And I do hereby command you the said by command you, the said keeper of the said common gaol, to receive the said A P interest of the said common gamon receive the said A. B. into your custody in the said common gaol, there to imprison the said common gaol. gaol, there to imprison him (and keep him at hard labor) for the term of , unless the said sum and all costs and distress (and charges of the said distress (and for the commitment of the said A. P. conveying of the said A. B. to the said common gaol, amounting to the further area.), are sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant

day of , in the district (or county. Given under my hand and seal, this , at in the year united counties, or as the case may be), aforesaid.

J. N. [L.S.]

V.

RETURN of convictions made by me (or us, as the case may be), during the greater

- no long long long long long long long l
Name of the Prosecutor. Name of the Defendant. Nature of the Charge. Nature of Conviction. Name of Conviction. Name of Conviction. Date of Conviction Justice. Time when paid or to be paid to said Justice. To whom paid over by said Justice.

A. B., Convicting Justice,

A. B. and C. D., Convicting Justices (as the case may be) 32-33 V., c. 31, sch. part ;—33 V., c. 27, s. 4.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32 33 V , c. 22 32 33 V , c. 36 35 V , c. 31 40 V , c. 42 40 V , c. 42 40 V , c. 44 43 V , c. 25 44 43 V , c. 25	s. 11. ss. 6 and 7. ss. 2 and 3 s. 5. s. 10.	s. 97s	Part of schedule.	Punishments.

CHAPTER 176.

An Act respecting Punishments, Pardons and the Com-

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

PUNISHMENTS.

Punishment after conviction only.

1. Whenever a person doing a certain act is declared to guilty of any offence. be guilty of any offence, and to be liable to punishment therefor, it shall be and therefor, it shall be understood that such person shall only be deemed only of and to be liable to punish be deemed only of and to be liable to punish on the person of punish on the person of punish on the person of the punish of and the person of the punish of the pu be deemed guilty of such offence and liable to such punishment after being dull. ment after being duly convicted of such act. c. 29, s. 1, part.

Degree of punishment in the discretion of the court.

2. Whenever it is provided that the offender shall be able to different diff liable to different degrees or kinds of punishment, the punishment to be inflicted shall, subject to the limitations contained in the engetree of the limitation of the contained in the enactment, be in the discretion of the court or tribunal before court or tribunal before which the conviction takes place. 32-33 V., c. 29 c. 1

If offender is punishable under two or more Acts, åc.

3. Whenever any offender is punishable under two or ore Acts or two or may more Acts or two or more sections of the same Act, he may be tried and punished be tried and punished under any of such Acts or sections, but no person shall be tried and punished under any of such Acts or sections. but no person shall be twice punished for the same offence, 32-33 V., c. 20. s. 40 32-33 V., c. 20, ss. 40, part and 41, part, and c. 21, s. 90, part;

—36 V., c. 55 s. 22 —36 V., c. 55, s. 33 ;—40 V., c. 35, s. 6.

CAPITAL PUNISHMENT.

Conviction by verdict or on confession.

4. Every one who is indicted as principal or accessory rany offence made carried as principal or accessory for any offence made capital by any statute, shall be liable to the same punishment and the same punis to the same punishment, whether he is convicted by verdict or on confession 22 22 W

Sentence on conviction for treason.

5. In all cases of treason, the sentence or judgment to be concurred against care pronounced against any person convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted and adjudged guilty thereof shall be that he convicted guilty thereof shall be the convicted guilty the convicted guilty thereof shall be the convicted guilty guilty the convicted guilty guil guilty thereof shall be, that he be hanged by the neck until he is dead. 31 V c 60 c 4

Sentence on conviction for murder.

6. Upon every conviction for murder, the court shall conounce sentence of death pronounce sentence of death, and the same may be carried into execution, and all other into execution, and all other proceedings upon such sentence and in respect thereof tence and in respect thereof may be had and taken in the

same manner, and the court before which the conviction takes place, and the court before which the conviction takes place shall have the same powers in all respects, as after a conviction for any other felony for which a prisoner may be sent to for any other felony for which a prisoner sent to a felon. 32-33 V., c. 20, may be sentenced to suffer death as a felon. 32-33 V., c. 20,

Whenever any offender has been convicted before any court to of criminal any offender has been convicted before any court to direct extended to the court of criminal and the court to the court of criminal jurisdiction, of an offence for which such direct execution of sentence of death, the offender is liable to and receives sentence of death, the tence of death. court shall order and direct execution to be done on the death. offender in the manner provided by law. 32-33 V., s. 106 c. 29, s. 106.

8. In the case of any prisoner sentenced to the punish-Report to be made by the made by the judge. ment of death, the judge before whom such prisoner has judge.

The convicted is a report of the case to been of death, the judge before whom such prisoner the Secretary of the Covernor the Secretary of State, for the information of the Governor General; and the day to be appointed for carrying the sentence into execution shall be such as, in the opinion of the Judge into execution shall be such as, in the opinion of Governor's allow sufficient time for the signification of the Governor's pleasure before such day, and if the judge thinks Reprieve in the prisoner such day and if the exercise of certain case such prisoner ought to be recommended for the exercise of certain cases. the Royal mercy, or if, from the non-decision of any point of reserved. Royal mercy, or if, from the non-decision of any position of the case, or from any other cause, it becomes the case, or from any other judge of hecessary to delay the execution, he, or any other judge of same same some held or sat in such the same court, or who might have held or sat in such court, may, from time to time, either in term or in vacation, the rieve snak or time to time, either in term or in vacation, pariod or periods beyond Reprieve such offender for such period or periods beyond the fived for the sentence as are necessary. the time such offender for such period or periods beyond for the execution of the sentence as are necessive for the execution of the Sentence as are necessive for the execution of the Sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as are necessive for the execution of the sentence as a senten The fixed for the execution of the sentence as are now, c. 29. 8 105 V, c, 29, s. 107;—36 V., c. 3, s. 1.

ter Every one who is sentenced to suffer death shall, Treatment of persons conafter Every one who is sentenced to suffer death shall, Treatment of the person, apart for the confined in some safe place within the defined to death. prison, apart from all other prisoners; and no person except death.

of the Saolor and L: the gaolor and his servants, the medical officer or surgeon except prison of the priso of the Booler and his servants, the medical officer or surgeone prison, a chaplain or a minister of religion, shall have writing, of the convict, without the permission, in has he convict when such convict and before whom such convict and the convict and writing, a chaplain or a ministral that to any such convict, without the permission, as been tried court or judge before whom such convict 29.33 V., c. 29, s. 108. been tried, or of the sheriff. 32-33 V., c. 29, s. 108.

lall be carried:

"The walls of the prison in within walls of the prison." thall be carried into effect within the walls of the prison in within walls are the offen. which the carried into effect within the walls of the prison in within we offender is confined at the time of execution. of prison. 32.33 V., c. 29, s. 109.

toler and medical charged with the execution, and the Sheriff, &c., her and medical charged with the prison, and such to be present to be pres Stoler and medical officer or surgeon of the prison, and such to be present.

The sheriff charged with the execution, and the Sheriff, &c.,

to the officers of the prison, and such to be present. other and medical officer or surgeon of the prison, and such persons as the sheriff c. 20 shall be prison and such persons as the sheriff of the prison and t ther officers of the prison and such persons as the such persons at the present at the execution. 32-33 V.,

Justices of the peace, &c., may be present.

12. Any justice of the peace for the district, county of ace to which the prison below the district. place to which the prison belongs, and such relatives of the prisoner or other persons. prisoner or other persons as it seems to the sheriff proper to admit within the prison for the admit within the prison for the purpose, and any minister of religion who desires to all the of religion who desires to attend, may also be present at the execution. 32-33 V a 20 - 33 32-33 V., c. 29, s. 111. execution.

Surgeon to certify death.

13. As soon as may be after judgment of death has been of ecuted on the offender it. executed on the offender, the medical officer or surgeon of the prison shall examine the land of the prison shall examine the land of the the prison shall examine the body of the offender, and shall ascertain the fact of death ascertain the fact of death, and shall sign a certificate there of, and deliver the same of the same o 32-33 V., c. 29, of, and deliver the same to the sheriff. s. 112.

14. The sheriff and the gaoler of the prison, and such stices and other persons produced in the prison, and such stices and other persons produced in the prison, and such stices and other persons produced in the prison, and such stices and other persons produced in the prison, and such stices are produced in the prison, and such stices are prison and such stices and other persons are prison. by sheriff, &c. justices and other persons present, if any, as the quires or allows shall also quires or allows, shall also sign a declaration to the effect that judgment of death has lead to the effect. that judgment of death has been executed on the offender. 32-33 V. c. 29 s 119 32-33 V., c. 29, s. 113.

Deputies may

15. The duties imposed upon the sheriff, gaoler, medical ficer or surgeon by the fi officer or surgeon by the four sections next preceding, and shall in his absence. and shall, in his absence, be performed by his lawful deputy or assistant, or other officer or assistant, or other officer or person ordinarily acting for him, or conjointly with him, in the performance of his duties. 32-33 V., c. 29, s. 114.

Coroner's inquest on the body.

16. A coroner of the district, county or place to which e prison belongs wherein the prison belongs, wherein judgment of death is executed on any offender shall will judgment of death is executed of the offer the on any offender, shall, within twenty-four hours after the execution, hold an increase execution, hold an inquest on the body of the offender; the the jury at the inquest shall inquire into and ascertain was identity of the body and an ascertain was identity of the body, and whether judgment of death was duly executed on the office. duly executed on the offender; and the inquisition shall be in duplicate, and one of the in duplicate, and one of the originals shall be delivered to the sheriff. 32-33 V

Officers and prisoners not to be jurors.

17. No officer of the prison or prisoner confined therein that, in any case has a sure of the prison of prisoner confined therein that the prison of the prison of prisoner confined the prison of the prison of prisoner confined the prison of the prisoner confined the prison of the prison o shall, in any case, be a juror on the inquest. 32-33 V., c. 29, s. 116.

Burial of the body.

18. The body of every offender executed shall be buried ithin the walls of the within the walls of the prison within which judgment of death is executed on him unlawful to the prison within which judgment of the prison within the priso death is executed on him, unless the Lieutenant Council, being satisfied that it Council, being satisfied that there is not, within the walls of any prison, sufficient space for the walls hurial of of any prison, sufficient space for the convenient burial of offenders executed therein offenders executed therein, permits some other place to be used for the purpose. 29-29 V

Penalty for signing false certificate.

19. Every one who knowingly and wilfully signs any lse certificate or declaration and wilfully signs any false certificate or declaration required with respect to impre-execution, is guilty of a misder. execution, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V.,

- Every certificate and declaration, and a duplicate of Certificate, the inquest required by this Act, shall, in every case, be sent to Secretary of of State, and with all convenient speed by the sheriff to the Secretary of of State, and time to time exhibited at State, or to such other officer as is, from time to time, exhibited at approximately and prison. appointed for the purpose by the Governor in Council; and prison. printed for the purpose by the Governor in Council, printed copies of such several instruments shall, as soon as possible copies of such several instruments four hours at possible, be exhibited, and shall, for twenty-four hours at least 1 least, be kept exhibited on or near the principal entrance of the new kept exhibited on or near the principal entrance of the prison within which judgment of death is executed. 32.33 V., c. 29, s. 121.
- The omission to comply with any provision of the Saving clause preceding sections of this Act shall not make the execution as to legality of execution. of judgment of death illegal in any case in which such executions are the such executions of death illegal in any case in which such executions are such as a such execution of death illegal in any case in which such executions are such as a such ention would otherwise have been legal. 32-33 V., c. 29,
- Except in so far as is hereby otherwise provided, As to other demand of the same matters. judgment of death shall be carried into effect in the same manner as if this Act had not been passed. 32-33 V.,

IMPRISONMENT

Every one who is convicted of any offence not pun- offence not punishable in the manner, if with death ishable with death shall be punished in the manner, if with death. any, prescribed by the statute especially relating to such ofence. 32-33 V., c. 29, s. 88, part.

Punishment is specially provided, shall be liable to imspecial punishment is prisonment for life:

2. Every one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment of any mis- And misdemeaning one who is convicted on indictment on the convicted on the demeanor for which no punishment is specially provided, shall meanor on indictment. be liable to five years' imprisonment:

8. Every one who is summarily convicted of any offence for And on summary convicted of any offence for And on summary convicted of a liable to a mary conviction. which no punishment is specially provided, shall be liable to a tion. penalty not exceeding twenty dollars, or to imprisonment, with or without, without hard labor, for a term not exceeding three months, or both hard labor, for a term not exceeding three months, or 32-33 V., c. 29, s. 88, part, and new.

"Twenty" substituted for "fifty" in line 3 at the suggestion of the Parlia-

Revery one who is convicted of felony, not punish- Second conable with death, committed after a previous conviction for viction for felony, is likely that the second conviction for viction for viction for felony. felony, is liable to imprisonment for life, unless some other punishment is directed by any statute for the particular offence, in which case the offender shall be liable to the punishment thereby awarded, and not to any other. 32-33

Term of imprisonment in the discretion of the court.

26. Every one who is liable to imprisonment for life, of for any term of years, or other term, may be sentenced to imprisonment for any shared as hall prisonment for any shorter term; Provided, that no one shall be sentenced to any shorter term: be sentenced to any shorter term: Provided, that no one sthen the minimum term if any shorter term of imprisonment than the minimum term, if any, prescribed for the offence of which he is convicted 29 29 V 32-33 V., c. 29, ss. 89 and 90, part.

Offender convicted of more offences than one, &c.

27. When an offender is convicted of more offences than ne, before the same are one, before the same court or person at the same sitting, or when any offender made when any offender, under sentence or undergoing punishment for one offence is a sentence or undergoing the ment for one offence, is convicted of any other offence, the court or person passing court court or person passing sentence may, on the last conviction, direct that the sentence may direct that the sentences passed upon the offender for his several offences shall talk of the offences several offences shall take effect one after another. V., c. 29, s. 92.

Re-drafted.

Imprisonment in a penitentiary.

28. Every one who is sentenced to imprisonment for life, for a term of warra and the contenced or for a term of years, not less than two, shall be sentenced to imprisonment in the to imprisonment in the penitentiary for the Province in which the conviction to which the conviction takes place:

In the common gaol.

2. Every one who is sentenced to imprisonment for a term se than two weeks of all in the contract of the contr less than two years shall, if no other place is expressly mentioned he sentenced to imprisonment ior a expressly mentioned, be sentenced to imprisonment in the common gaol of the district gaol of the district, county or place in which the sentence is pronounced or if the is pronounced, or if there is no common gaol there, then in that common gaol which is that common gaol which is nearest to such locality, or in some lawful prices some lawful prison or place of confinement, other than a penitentiary in which it penitentiary, in which the sentence of imprisonment may be lawfully executed. lawfully executed:

3. Provided, that any prisoner sentenced for any term any military personer sentenced for any term court martial by any military, naval or militia court martial, or Act, any military or martial court martial, or Act, any military or naval authority under any Mutiny may be sentenced to in may be sentenced to imprisonment in a penitentiary:

Hard labor in penitentiary, έc.

4. Imprisonment in a penitentiary, in the Central Prison r the Province of Ontario for the Province of Ontario, in the Andrew Mercer Ontario Reformatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for formatory formatory for format Reformatory for females, and in any reformatory prison for females in the Description of the hard females in the Province of Quebec, shall be with hard labor, whether so labor, whether so directed in the sentence or not:

And in other places of confinement.

5. Imprisonment in a common gaol, or a public prison, her than those lest other than those last mentioned, shall be with or pass-out hard labor in 12 out hard labor, in the discretion of the court or person passing sentence of the court of of the ing sentence, if the offender is convicted on indictment, under "The Sneed" Their under "The Speedy Trials Act,"—and, if convicted summarily, may be with hard laborated summarish. may be with hard labor, if hard labor is part of the punishment for the offence of all in ment for the offence of which such offender is convicted, and if such imprisonment is such imprisonment is to be with hard labor, the sentence shall so direct.

New in part.

6. The term of imprisonment, in pursuance of any sen-Commence-ment of term of imprisonment, in the sentence, comment of term of imprisontence, shall, unless otherwise directed in the sentence, commence on a unless otherwise directed in the sentence, but ment. mence on and from the day of passing such sentence, but ment. to time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he

The words in italics are inserted at the suggestion of the Parliamentary Com-

7. Every one who is sentenced to imprisonment in any Prisoners sub-enitential one who is sentenced to imprisonment in any Prisoners sub-enitential one who is sentenced to imprison with the prison of the sentence of the prison of the sentence of the sen penitentiary one who is sentenced to imprisonment in any resources sub-be subject to gaol or other public or reformatory prison, shall ject to regula-tions, &c. be subject to the provisions of the statutes relating to such the provisions of the statutes all rules and regula-Penitentiary, gaol or prison, and to all rules and regulations lawfull, gaol or prison, and thereto. 32-33 V., c. 29, ss. tions lawfully made with respect thereto. 32-33 V., c. 29, ss. 1, part, 91, 93, 94, part, 96, part, and 97;—34 V., c. 30, s. 3, V.; 43 V. art; -43 V. c. 40, s. 9, part; -44 Part; 91, 93, 94, part, 96, part, and 97; -34 v., c. ov, v., c. 32, v., c. 39, s. 14, part; -43 V., c. 40, s. 9, part; -44 V, c. 32, s. 4;—46 V., c. 37, s. 4.

REFORMATORIES.

Se at the court or person before whom any offender whose Certain offender the time of the ders may be sentenced to sentenced to sentenced to sentenced to sentence the court of the sentenced to sentence the court of the sentence to the court of the court The court or person before whom any offender whose derivatives the time of his trial does not, in the opinion of the sentenced to make exceed and the trial does not, in the opinion of the sentenced to make exceed and the trial does not, in the opinion of the sentenced to make the trial does not in a reformation are trial and the trial does not in a reformation are trial and the trial does not in a reformation and the trial does not in a reformation and the trial does not in a reformation and the trial does not in the trial court or person before whom the time of his trial does not, in the opinion of the sentencea to opinion of the sentencea to the opinion of the opinion opinion of the opinion o or otherwise, of any offence punishable by imprisonment, in a reformatory sentence and offence punishable by imprisonment. hay sentence such offender to imprisonment in any reforma-lar prison in the first prison in the such conviction takes prison in the Province in which such conviction takes be. Subject to the Province in which such conviction in the Province in which such conviction takes be. place, subject to the provisions of any Act respecting im-Prisonment in such reformatory; and such imprisonment in be substituted by the provisions of any Act respecting the best of the provisions of any Act respecting the best of the imprisonment in the imprisonm the be substituted, in such case, for the imprisonment in spenitential the penitential that the penitential the penitential that the pe the be substituted, in such case, for the imprisonment of the penitentiary or other place of confinement by which the world or world or which the law world or world penitentiary or other place of confinement by which relating the relating of the rwise be punishable under any Act or the relating of the rwise be punishable under any act or the relating of the rwise be punishable under any act or the relating of the rwise be punishable under any act or the rwise because the relating of the rwise because the rwise becaus telating thereto: Provided, that in no case shall the As to term of the need to be a considered the control of relating thereto: Provided, that in no case shall the as to term confinement in such reformatory prison; and in every case than the term of in such reformatory prison; and in every case than the term of in such reformatory prison; and in every case than the term of in the term of in the such reformatory prison; and in every case than the term of in the such reformatory prison; and in every case than the term of in the such reformatory prison; and in every case than the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the term of in the such reformatory prison; and in every case the such reformatory prison; and t where the term of imprisonment is fixed by law to be more than five very of imprisonment is fixed by law to be more than five very of imprisonment is fixed by law to be more than five very of imprisonment is fixed by law to be more than the very of the very than five years, then such imprisonment shall be in the Penitentiary:

2. Every person imprisoned in a reformatory shall be Labor in a reformatory.

To perform a resourced of such person. liable to person imprisoned in a reformatory shall be Labor in a 8 V perform such labor as is required of such person. formatory. by person imprisoned in a recommendation of such person in person 1, part, and 9, part.

WHIPPING.

Whenever whipping may be awarded for any offence, whipping.

Which was a second of the content of th the court may sentence the offender to be once, twice or the prison, under the limits of the prison; and the prison; and the prison; and the prison they shall pervision of the medical officer of the prison; and the indicted shall have the court in the sentence; be inflicted shall be specified by the court in the sentence;

by henever whipping shall take place Noticted shall be specified by the court in the sentence, the sentence of the by the never practicable, every whipping shall take place Time for a prisonment to days before the expiration of any term of infliction. prisonment to which the offender is sentenced for the

No female to be whipped.

2. Whipping shall not be inflicted on any female. 32-33 V-r c. 20, ss. $\overline{20}$, $2\overline{1}$, parts, and c. 29, s. 95;—40 V., c. 26, s. 6.

SURETIES FOR KEEPING THE PEACE, AND FINES.

Sureties may be required in cases of felony.

31. Every one who is convicted of felony may be required enter into his own recommendation. to enter into his own recognizances, and to find sureties, both or either for board both or either, for keeping the peace, in addition to any punishment otherwise authorized:

And in cases of misdemeanor.

2. Every one who is convicted of any misdemeanor may, addition to or in line. in addition to or in lieu of any punishment otherwise authorized, be fined, and required to enter into his or recognizances, and to find authorized. recognizances, and to find sureties, both or either, keeping the peace and being at keeping the peace and being of good behavior:

Imprisonment in default limited.

3. No person shall be imprisoned for not finding sureties ander this section for any terms. under this section, for any term exceeding one year. dc. 20, c. 72, s. 5, part: -32-33 V c. 72, s. 5, part;—32-33 V., c. 18, s. 34, and c. 19, s. 58, and c. 20, s. 77, and c. 21, s. 192, and c. 22

Notice to be given to a judge when a person has been imprisoned for two weeks in default of sureties.

32. Whenever any person who has been required to enter to a recognizance with sweet and be into a recognizance with sureties to keep the peace and be of good behavior has an account of good behavior has a constant of good behavior behavior has a constant of good behavior be of good behavior has, on account of his default therein remained imprisoned for two remained imprisoned for two weeks, the sheriff, gapler of warden shall give notice warden shall give notice, in writing, of the facts to judge of a superior court of the shall give notice, in writing, of the facts court judge of a superior court, or to a judge of the county or district in which is of the county or district in which such gaol or prison is situate, or, in the North-Wart To situate, or, in the North-West Territories, to a stipendiary magistrate,—and such index magistrate,—and such judge or magistrate may order the discharge of such parson. discharge of such person, thereupon or at a subsequent time, upon notice to the country of the c time, upon notice to the complainant or otherwise, or make such other order as here. make such other order, as he sees fit, respecting the number of sureties, the sum in which of sureties, the sum in which they are to be bound and the length of time for which and the length of time for which such person may be bound. c. 19.

Discharge may be ordered.

33. Whenever a fine may be awarded or a penalty cretion of the imposed for any offence, the amount of such fine or penalty shall, within such limit. shall, within such limits, if any, as are prescribed in behalf, be in the discretion behalf, be in the discretion of the court or person passive sentence or convicting c. 29, s. 90.

SOLITARY CONFINEMENT.—PILLORY.

No solitary confinement or pillory.

34. The punishment of solitary confinement of 92-33 Villory shall not be awarded pillory shall not be awarded by any court.

Note—Solitary confinement seldom if ever in practice forms part of the servence. It is a convenient punishment for prison offences, and it is thought each able to omit it from the punishment that may be imposed as part of the sentence.

DEODAND.

There shall be no forfeiture of any chattels, which No deodand. have moved to or caused the death of any human being, in respect of such death. 32-33 V., c. 29, s. 54.

ATTAINDER.

36. Except in cases of treason, or of abetting, procuring Except for counselling the same, no attainder shall extend to the high treason attainder not to disinher the counter of the right or to disinher the counter of the right of the right or to disinher the counter of the right disinheriting of any heir, or to the prejudice of the right or to disinherit title of any person, other than the right or title of the offendany person, other than the right or title of the offendany person, other than the right or title of the the heir. offender during his natural life only. 32-33 V., c. 29,

Every one to whom, after the death of any such The heir may offender, the right or interest to or in any lands, tenements enter after the reditaments, should or would have appertained, if no offender the death of such **Rech attainder had taken place, may, after the death of such offender, enter into the same. 32-33 V., c. 19, s. 56.

PARDONS.

The Crown may extend the Royal mercy to any per-Pardon when Son sentenced to imprisonment by virtue of any statute, is for nonalthough such person is imprisoned for non-payment of payment of p Money to some person other than the Crown. 32-33 V., c. 29, moneys.

Whenever the Crown is pleased to extend the Royal Effect of Mercy to any offender convicted of a felony punishable with pardon are the free to any offender convicted of a felony punishable with pardon of the free to any offender o death or otherwise, and grants to such offender either a free or a conditional pardon, by warrant under the Royal Sign Manual, countersigned by one of the principal Secretaries of that State, or by warrant under the hand and seal-at-arms of the Governor General, the discharge of such offender out of chetody, in case of a free pardon, and the performance of the cay, in case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect that the case of a conditional pardon, shall have the condition in the case of a conditional partion, she effect of a pardon of such offender, under the Great Seal, as to the pardon has been granted; but no fellony for which such pardon has been granted; but no free pardon, nor any discharge in consequence thereof, As to subsequence pardon, nor any discharge in consequence thereof, as to subsequence pardon, nor any discharge in consequence of the contions. nor any discharge in consequence thereor, as we subscribed any conditional pardon, nor the performance of the conditions. dition thereof, in any of the cases aforesaid, shall prevent or miting thereof, in any of the cases aforesaid, shall prevent or miting the offender might othermitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for was remarks or offence other than that for which the pardon Was granted. 32-33 V., c. 29, s. 126.

COMMUTATION OF SENTENCE.

The Crown may commute the sentence of death Crown may co Passed upon any person convicted of a capital crime, to immay commute prisonment in the penitentiary for life, or for any term of death.

Form and effect of commutation.

years not less than two years, or to imprisonment in any other gaol or place of confinence in the property of other gaol or place of confinement for any period less than two years, with or without her than the confinement to the period less than two years. two years, with or without hard labor; and an instrument under the hand and scalet under the hand and seal-at-arms of the Governor General, declaring such commutation declaring such commutation of sentence, or a letter of of instrument under the bard of sentence, or a letter of of instrument under the hand of the Secretary of State or of the Under Secretary of State of the Under Secretary of State o the Under Secretary of State, shall be sufficient authority to any judge or instice have any judge or justice, having jurisdiction in such case, any sheriff or officer to any any sheriff or officer to whom such letter or instrument is addressed, to give affect to addressed, to give effect to such commutation, and to do all such things and to make a such commutation. such things and to make such orders, and to give such tions, as are requisite for tions, as are requisite for the change of custody of such convict, and for his condensate the change of custody of such convict, and for his condensate the change of custody of such convict, and for his condensate the change of custody of such convicts. convict, and for his conduct to and delivery at such gaol or place of confinement place of confinement or penitentiary, and his detention therein, according to the therein, according to the terms on which his sentence has been commuted 22 22 Y

UNDERGOING SENTENCE, EQUIVALENT TO A PARDON.

Undergoing sentence equivalent to a pardon.

41. When any offender has been convicted of an offence not unishable with dooth punishable with death, and has endured the punishment is which such offender which such offender was adjudged,—or if such offence is punishable with dooth and has endured the punishment is which such offence is punishable with dooth and adjudged,—or if such offence, and the punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with dooth and adjudged,—or if such offence is punishable with adjudged,—or if such offence is punishable with adjudged,—or if such offence is punishable with a punish punishable with death and the sentence has been commuted, then if such offender then if such offender has endured the punishment to which his sentence was communication with and the sentence has been communication with death and the sentence has been communication. his sentence was commuted, the punishment so endured shall, as to the offence will shall, as to the offence whereof the offender was so convicted, have the like offent and have the like effect and consequences as a pardon under the Great Seal but will be selved to the consequences. the Great Seal; but nothing herein contained, nor the enduring of such punisher. ing of such punishment, shall prevent or mitigate law punishment to which the punishment to which the offender might otherwise be law-fully sentenced fully sentenced, on a subsequent conviction for any other offence. 32-33 V

Proviso.

"Offence" substituted for "felony" throughout, at the suggestion of the liamentary Committee.

Undergoing punishment, &c., a bar to further proceedings.

42. When any person convicted of any offence has paid the mader such Parliamentary Committee. sum adjudged to be paid, together with costs, under such conviction, or has read together with costs, from the conviction, or has received a remission thereof from non-Crown, or has received a remission thereof for non-grown, or has suffered the imprisonment awarded for first payment thereof payment thereof, or the imprisonment awarded in the first instance, or has been did in the instance. instance, or has been discharged from his conviction by the justice of the pages. justice of the peace in any case in which such justice of the peace may discharge on the peace may dis peace may discharge such person, he shall be released from all further or other process. all further or other proceedings for the same cause. V., c. 21, s. 120, and c. 22, s. 73.

Royal prerogative saved.

43. Nothing in this Act shall, in any manner, limit of 32.33 feet Her Majorty's Deck shall, in any manner, limit of 32.33 affect Her Majesty's Royal prerogative of mercy. V., c. 29, s. 129.

Governor in Council to make rules,

41. The Governor in Council may, from time to the ake such rules and manufactured on the make such rules and regulations to be observed on the Chap. 176.

execution of judgment of death in every prison, as he, from &c., as to time to time of judgment of death in every prison, as well of executions time to time, deems expedient for the purpose, as well of executions. guarding against any abuse in such execution, as also of making known giving greater solemnity to the same, and of making known that such execution is without the prison walls the fact that such execution is taking place. 32-33 V., c. 29, s. 118.

e tables of hate II and regulations shall be laid upon Such rules to the laid before Parliament. the tables of both Houses of Parliament within six weeks be laid before Parliament. within formations thereof, or, if Parliament is not then sitting, within fourteen days after the next meeting thereof. V, c. 29, s. 119.

The forms set forth in the schedule to this Act, with Forms in variations set forth in the schedule to this Act, with Forms in schedule be used. The forms set forth in the schedule to this Act, with Forms in the be used for additions as circumstances require, be used for additions as circumstances indicated in the shall be used for the respective purposes indicated in the the used for the respective purposes indicated in schedule, and according to the directions contained therein. 32-33 V., c. 29, s. 122.

ting to the State of the Majostv's land or naval army and navy not navel of the State of the Sta lating to the government of Her Majesty's land or naval affected. forces. to the government of 32-33 V., c. 29, s. 137.

SCHEDULE.

R. B., Surgeon (or as the case may be) of the (describe the of C.D., hereby certify that I, this day, examined the body that I, this day executed I found of (C.), hereby certify that I, this day, examined the bound the said price judgment of death was this day executed the said prison; and that on such examination I found that the said prison; and that the said C. D. was dead.

 $\mathfrak{d}_{\mathsf{ated}}$ this (Signed),

A. B.

day of 18

DECLARATION OF SHERIFF AND OTHERS.

We the Undersigned, hereby declare that judgment of the Undersigned, hereby declare that judgment of D in the (describe the death was this day executed on C. D., in the (describe the was this day early our presence.

day of 18

E. F., Sheriff of L. M., Justice of the Peace for—G. H., Gaoler of— **32,88** V., c. 29, sch. B.

&c.,

SURETIES.

COMPLAINT BY THE PARTY THREATENED, FOR SURETIES FOR

Canada. Province of district (or county, united counties, or as the case may be),

The information (or complaint) of C. D., of the township in the said district (2) in the said district (or county, united counties may be). of (If preferred by of an attorney or agent, say—by D. E., his duly authorised agent (or attorney), in this behalf: (or attorney), in this behalf), taken upon oath, before me, said undersigned, a justice of the undersigned, a justice of the peace, in and for the below district (or county, united county) district (or county, united counties, or as the case may the of at N in the case or as the case or as the , at N., in the said district, (county, the vest , in the year who says case may be) of , in the district one thousand eight hundred and , did, on the that A. B., of the (township) of (instant or last past, as the case may be), threaten the said C. D. in the words or the effect following, that is to come in the words of the circumstance o (county, or as the case may be), of effect following, that is to say, (set them out, with the cumstances under which them cumstances under which they were used): and that from the above and other threats used! above and other threats used by the said A. B. towards ill said C. D., he, the said C. D. said C.D., he, the said C.D., is afraid that the said A.B. the do him some bodily injury do him some bodily injury, and therefore prays taties and A. B. may be required said A. B. may be required to find sufficient sureties the keep the peace and be of good behavior towards him, not said C. D.; and the said C. D. said C.D.; and the said C.D. also says that he does make this complaint against not the said complaint not make this complaint against nor require such sureties for the said A. B. from any make the said A. B. f the said A. B. from any malice or ill-will, but merely the preservation of his person for

FORM OF RECOGNIZANCE FOR THE SESSIONS.

day of (laboret (butcher) Be it remembered that on the personally came before (us) the undersigned, (two) justices of the peace for the district (as the of the peace for the district (or county, united counties as the case may be), of , and severally acknowledged by the One and severally acknowledged themselves to owe to our Lady the Queen the several substitution of several substitutions, that is to save the several substitution of several substitutions of several sub following, that is to say: the said A. B. the sum of good and lawful money of Canada, to be made and leviedly, their goods and chattels landtheir goods and chattels, lands and tenements respectively, to the use of our said Lady the to the use of our said Lady the Queen, her heirs and successors, if he, the said A. R. foile indorsed for her heirs and successors. sors, if he, the said A. B., fails in the condition indorsed hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S. J. T.

The condition of the within (or above) written recogni-Rance is such that if the within bound A. B. (of, &c.), appears of the Peace, (or at the next court of General Sessions of the Peace, (or the next court of General Sessions of the court of General other next court of General Sessions of the court of General Sessions of the court of General to be holden in and Sessions, or as the case may be), to be holden in and tor the said district (or county, united counties, or as the case may be), of to do and receive what is then and there enjoined him by the court, and in the meantime keeps the peace and is of sood keeps the peace and is of good behavior towards Her Majesty and her liege people, and specially towards C. D. (of, &c.), for the term of **Recially towards C. D. (of, &c.), for the term of the next ensuing, then the said recognizance to be void, wirtue. otherwise to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Province of $\mathbf{c}_{\mathbf{anada}}$ district (or county, united counties, or as the case may be),

district any of the constables or other peace officers in the district (or county, united counties, or as the case may be),
and to the keeper of the common gaol of the said district (or county, in united counties, or as the case may be), at the said district (or county, &c.)

Whereas on the plaint on the day of instance, J. L., day of oath was made before the undersigned (or J. L., and for the said district (or Quire) a justice of the peace in and for the said district (or county, united counties, or as the case may be), of district, of the township of of the township of (&c.) (or county, or as the case may be) (laborer), that A. B., at the township of (&c.), on the did threaten (qc., joint and of complaint, as in form above, in the past tense, then):

The whereas the said A. B. was this day brought and in the said and in the said and in the said are described for J. L., Esquire), a justice The whereas the said A. B. was this day before the said justice (or J. L., Esquire), a justice district (or county, united the peace in and for the said district (or county, united , to counties, or as the case may be), of wer unto the said complaint: and having been required to the said complaint: and having been required the unto the said complaint: and having been required to enter into his own recognizance in the sum of

each, as well for his appearance at the

next General Sessions of the Peace (or other court discharge ing the functions of the court of ing the functions of the court of General Sessions, or as the case may be), to be held in and for the court of General Sessions, or as the court, may be), to be held in and for the said district (or county, united counties. or as the age. to do what shall be then and there enjoined him by the court, as also in the manning the of court, as also in the manning the of court, as also in the manning the of court in the case may be and the case may be a court in the court, as also in the meantime to keep the peace and be of good behavior towards. How M. good behavior towards Her Majesty and her liege people, and especially towards the and especially towards the said C. D., has refused and reglected, and still refuses and glected, and still refuses and neglects, to find such sureties. These are therefore to community towards the said C. D., has refused and such sureties. These are therefore to community towards the said C. D., has refused and such sureties. These are therefore to command you, and each of you, to take the said A. B. and him a common take the said A. B. and him a take the said A. B., and him safely to convey to the (common gaol) at aforesaid, and there to deliver aforesaid, and there to defined him to the keeper thereof, together with this precept; I do hereby command your life in the command your life in t I do hereby command you, the said keeper of the (common gael), to receive the said A. D. gael), to receive the said A. B. into your custody in the said next (common gaol), there to immediately (common gaol), there to imprison him until the said next General Sessions of the Daniel of the Barrier of the B General Sessions of the Peace (or the next term of sitting of the said court discharging the the said court discharging the functions of the court of General Sessions, or as the case man had been sentimed. Sessions, or as the case may be), unless he, in the meanting finds sufficient sureties as a sureties finds sufficient sureties as well for his appearance at the said sessions (or court) as in the mean neace as sessions (or court) as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this in the year , at (or county, or as the case may be) aforesaid. 32-33 V., c. 31, sch., part.

day of district
J. S. [L. s.],

To be Consolidated To be with. Consolidated Proposed Left Part to be elsewhere. Consolidated. for Repeal. Consolidated. 31 V., c. 69...... s. 4. c. 19... s. 58. c. 20...|ss. 2, 20 (part), 21 (part),40(part), 41 (part), and s. 77. c. 21... ss. 90 (part), 120 and 122. c. 22... ss. 73 and 74. c. 29... ss. 1 (part), 54 to 56, 81 to 83, 88 to 93, 94 (part), 95 to 97, 106 to 129, 137 and schedule B. c. 31... Schedule (part). 34 V., c. 30.....s. 3 (part). c. 35..... s. 6. 41 V., c. 19..... The whole. 43 V., c. 39..... s. 1 (part), and s. 14. c. 40.....|s. 1 (part), and s. 44 V., c. 32..... 8. 4. 46 V., c. 37..... 8. 4.

CHAPTER 177.

An Act respecting Penitentiaries.

R Majesty, by and with the advice and consent of the Senators, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as

This Act may be cited as "The Penitentiary Act." 46 V., Short title. c. 37, s. 81.

All the penitentiaries in Canada and such other prisons, Penitentiaries, prisons, associated and such other prisons, Penitentials, associated and penitentials, hospitals, asylums and other public institutions as are, from aries, prisons, in Council hy designated for that purpose by the Governor under control by the Governor under control of Minister of Justice. in to time, designated for that purpose by the Governor under country prisonneil, by proclamation in the Canada Gazette, and all of Minister of Justice. prisoners and other persons confined therein and inmates thereof, shall to the persons confined therein and inmates are of the Minister of Justice, thereof, shall be under the control of the Minister of Justice, who shall be under the control of the Minister of June 1980, c. 37 recise over them complete administrative power. 46 V. c. 37, s. 1, part.

The Minister of Justice shall submit to the Governor Annual report and an annual an annual report thereon by the Minister. General an annual report upon all the penitentiaries, prisons thereon by the Minister.

Control to be laid before both doubler institutions under his control, to be laid before both first twenty-one days of Routher institutions under his control, to be laid before such session the mean within the first twenty-one days of parliament within the first twenty-one days of the state of each penitentiary, Pison or other eof, showing the state of each penitentiary, hison or other institution, and the amounts received and in the institution of the further information expended in respect thereof, with such further information requisit is requisite. 46 V., c. 37, s. 1, part.

Province of Colors situate near the city of Kingston, in Penitentiary situate near the Kingston Penitentiaries en the Kingst the Province Penitentiary situate near the city of Kingston, in Penitentiary, the Denitentiary situate near the city of Kingston, in Penitentiary, the Denitentiaries enumerated and described. Royince of Ontario, known as the Kingston Pennen merated as the penitentiary situate at St. Vincent de Paul, in the described. key, the penitentiary situate at St. Vincent de Paul, in continue of Quebec, known as the St. Vincent de Paul Penitiary, the next of the Paul Penitiary, the rest of the Proince of Quebec, known as the St. Vincent de Paul I complete of New Benitentiary situate at Dorchester, in the Pro-Vince of New Brunswick, known as the Dorchester, in the Populary, the penitentiary situate at Dorchester, in the Property the Populary, the Populary in the county of Lisgar, in the Dorchester Penitentiary, the of New Brunswick, known as the Dorchester Pennent of the Penitentiary situate at Dorchester Pennent of the Penitentiary situate in the county of Lisgar, in the Manitoba Penitentiary, New Westhovince of Manitoba, known as the Boundary, in the penitentiary situate in the country of Lisgar, in the benitoba, known as the Manitoba Penitentiary, the district of New Westhid the of Manitoba, known as the Manitoba Penitentiary, in the David Straight Columbia, known as the district of New Westhinster penitentiary situate in the district of New wester, in the Province of British Columbia, known as the Columbia. british Columbia, known as uncertaining to the Province of British Columbia, known as uncertaining to the Province of British Columbia, known as uncertaining to the province of British Columbia, known as uncertaining pertaining to the same respectively, according to the same hereof as now known and the taining to the same respectively, according to the same respectively, according to the same and bounds thereof as now known and be to and property thereon belongdefined, and sold the same respectively, and the same and bounds thereof as now known and to the same, are, all and each of them, hereby declared the same are, all and each of them, hereby declared 46 V., c. 37, s. 2. be the same, are, all and each of them, new penitentiaries of Canada. 46 V., c. 37, s. 2.

The Kingston Penitentiary, for the Province of Ontario, Penitentiaries for the St. Vincent de Paul Penitentiary, for the Province of Several Provinces.

Quebec,—the Dorchester Penitentiary, for the Provinces of Nova Scotia, New Brunswick Nova Scotia, New Brunswick and Prince Edward Island, the Manitoba Penitentians of the Manitoba Penitentians of the Province Edward is the control of the Manitoba Penitentians of the Province Edward is the control of the Province Edward is the Province E the Manitoba Penitentiary, for the Province of Manitoba the North-West Territories and the North-West Territories and the District of Keewatin, Rritish British Columbia Ponitaria British Columbia Penitentiary, for the Province of British Columbia, shall each be mainly Columbia, shall each be maintained as a prison for the confinement and reformation. finement and reformation of persons lawfully convicted of crime before the courts of crime before the courts of criminal jurisdiction of the province, Territory or District of vince, Territory or District for which it is the peniteriary, and sentenced to confine 32-33 V., c. 29, s. 96, part; 46 V., c. 37, s. 3.

Governor in Council may establish peniten-tiaries, and

6. The Governor in Council may declare, from time to canada me, by proclamation time, by proclamation, to be published in the Gazette, that any tract of leave the published in the caphich the Gazette, that any tract of land within Canada, of which the boundaries shall be partial. boundaries shall be particularly defined in the proclamation is a penitentiary and in the proclamation of the proclamation is a penitentiary and in the proclamation of the proclamation is a penitentiary and in the proclamation of the proclamation is a penitentiary and in the proclamation of the proclamation is a penitentiary and in the proclamation of the proclamation is a penitential proclamation of the proclamation of the proclamation is a penitential proclamation of the proclamation of the proclamation of the proclamation is a penitential proclamation of the proclama is a penitentiary, and is to be so held within the meaning of this Act, and, by such more lished as such not to be so.

Is a penitentiary, and is to be so held within the meaning this Act, and, by such proclamation, may declare for what part of Canada the same at it. of Canada the same shall be a penitentiary, and the Governor in Council, by any process a penitentiary, and the council, by any process as a penitentiary of the council, by any process are the council of the council in Council, by any proclamation published as aforesaid, may declare that any treet declare that any tract of land established as a penitential by the fourth section of the by the fourth section of this Act, or by any other law, or by proclamation under the proclamation under this section, from and after a certain day to be named in and after a certain day to be named in such proclamation, shall cease to be penitentiary, or a named in penitentiary, or a penitentiary for a part of Canada named is such proclamation. such proclamation; and such tract of land shall cease to be penitentiary. or a penitentiary for a part of Canada penitentiary. penitentiary, or a penitentiary for such part of canada accordingly. 46 V

7. Every penitentiary now established, or hereafter tablished by virtue of the land to include the stablished the stablished to include the stablished the sta part of a penieses all carriages, wagging all sales for land all carriages, wagging all sales all sales for land all carriages. all carriages, wagons, sleighs and other vehicles for water carriage, and all boots carriage, wagons, sleighs and other vehicles for water carriage, and all boats, scows and other vessels for carriage, being proporty by carriage, and all boats, scows and other vessels for was of carriage, being property belonging to such penitentiary, employed by hire or other employed by hire or otherwise in its service, although not wharf at or near the said wharf at or near the said penitentiary, which, although not within the limits mentioned by the said penitentiary, which, although the within the limits mention. within the limits mentioned in the proclamation establishing the same, is used for the ing the same, is used for the accommodation of such same scows or other vessels. scows or other vessels, when so employed in or about any work or labor connected and the production of such pour about any scows or other vessels, when so employed in or 46 V., c. work or labor connected with such penitentiary. 37, s. 6.

Streets, roads, &c., when to be part of a penitentiary.

Escapes.

8. Every street, highway or public thoroughfare of any nd, along or across while the street convicts kind, along or across which it is necessary that convicts should pass in going to should pass in going to and returning from their tract shall be considered within shall be considered, while so used, as a portion of the of land forming the position of the position of the position of land the positi of land forming the penitentiary; and every escape, which attempt at escape and ordered. attempt at escape, and every rescue, or aid in rescue, while takes place on such street himlesses, or aid in rescue, while takes place on such street himlesses. takes place on such street, highway or public thoroughfare, while to used, shall have the same so used, shall have the same effect as if such escape, or such the place at escape, or such rescue. at escape, or such rescue, or aid in rescue, had taken place

Within the prison walls or penitentiary limits. 46 V., c. 37, s. 7.

- 9. The inspector of penitentiaries, with the approval of Tram roads the Minister of any may be made the Minister of Justice, may authorize the warden of any may be made. Penitentiary to Justice, may authorize the warden of any may be made. penitentiary to construct rail or tram roads to communicate between and any other part, between any one part of the penitentiary and any other part, and to common or along any public road and to carry the same across, upon or along any public road or street; in the same across, upon or along any public road or street intervening, in such manner as to cause the least possible inconvenience to passengers or carriages using such read or street intervening, in such manner as to cause in the convenience to passengers or carriages using such position to the convenience to passengers or carriages using such position to the convenience to passengers or carriages using such position to the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages using such positions and the convenience to passengers or carriages and the convenience to passengers or carriages are convenience to passengers or carriages and the convenience to passengers or carriages and the convenience to passengers or carriages are convenience to passengers or carriages and the convenience to passengers or carriages are convenience to passengers or carriages and the convenience to passengers or carriages are convenience to passengers or carriages are carriages and carriages are carriages and carriages are carriages and carriages are carriages are carriages are carriages are carriages are carriages and carriages are carriages road or street: but the warden of such penitentiary shall not Notice to break ground: break ground upon any public road or street for the purpose municipality. of constructing such rail or tram roads, in virtue of such authority for the lapse of one authority from the inspector, until after the lapse of one month after a copy of the writing giving such authority, certified have a copy of the writing giving such authority, certified by the warden, together with a plan showing the which are to occupy, has been line which such rail or tram roads are to occupy, has been sharped with the care or served upon the officer or person charged with the care or appervision of the officer or person charged with the care or 46 V. c. 37, s. 8. supervision of such public road. 46 V., c. 37, s. 8.
- The construction and repairs of buildings and other Construction orks in the control of the buildings. Works in the construction and repairs of buildings and other construction Minister of Delli. Minister of Public Works. 46 V., c. 37, s. 9.

- The Governor in Council may appoint some fit and Governor in Derson to the Council may appoint and of Council may appoint inproper Person to be inspector of all penitentiaries, and of Council may appoint institutions as are, from time to time, designated by the dne. Governor in Council; and the inspector shall hold office during pleasure, and shall be an officer of the Department at: of Justice, and shall be an officer of the Department of the of the Mercand, as such inspector, shall act as the representative of the Mr. as such inspector of the Mr. as s ative of the Minister of Justice. 46 V., c. 37, s. 10.
- The inspector, under direction from the Minister of Inspector to ast., shall report to him, upon the visit penitentiaries and Justice, shall visit, examine and report to him, upon the visit penitentiaries and manner of the penitentiaries, and all report. state and management of all the penitentiaries, and all report. negt and management of all the penitentiaries, and ment of such the wardens thereof make for the improvement of such penitentiaries. 46 V., c. 37, s. 11.
- indtes of inspector shall keep an exact record of all To keep min-the inspector shall keep an exact record of all To keep min-the inspection books utes and transmit copy hinutes of inspector shall keep an exact record of all to keep mind the said inspection made by him in the inspection books utes and contract the said institution made by him in the inspection books utes and transmit copy that it is all his proceedings in to Minister. of the said inspection made by him in the inspection books transmit connection institutions, together with all his proceedings in to Minister. connection made by made the said institutions, together with all his proceeding shall transmit transmit shall transmit a copy thereof, under his hand, to the Minister of Justice. 46 V., c. 37, s. 12.
- The inspector, by virtue of his office, without any To be a justice of the peace for every tice of the peace. property qualification, shall be a justice of the peace for every tice of the peace.

 Canada, but shall have district, qualification, shall be a justice of the peace for every peace. of to act iv, city or town of Canada, but shall have power to act in matters connected with the criminal law of Canada act in matters connected that a only. 46 V., c. 37, s. 13.

To make rules and regula-Governor in Council.

15. The inspector shall, subject to the approval of the overnor in Council and the Governor in Council, make rules and regulations for the management discipline and regulations for and subject to ap-management, discipline and police of the penitentiaries, and of Governor in for the duties and conduct of the wardens thereof, and of every other officer or class of every other officer or class of officers or servants employed therein, and for the diet sleth. therein, and for the diet, clothing, maintenance, employment, instruction, discipling, account instruction, discipline, correction, punishment and reward of convicts imprisoned therein of convicts imprisoned therein, and may, from time to time with such approval with such approval, annul, alter or amend the same; and wardens of the popularities. wardens of the penitentiaries, and every other officer and servant employed in or about 10 servant employed in or about the same, shall be bound to obey such rules and recombet: obey such rules and regulations when so approved. c. 37, s. 14, part.

To make an annual report.

16. The inspector shall make an annual report to the inister of Justice on or had Minister of Justice on or before the first day of December in each year, which shall send the first day of December in each year. in each year, which shall contain a full and accurate state ment of the state condition ment of the state, condition and management of the penited tiaries under his control tiaries under his control and supervision, and inspected during the preceding fixed during the preceding fiscal year, together with such suggestions for the improvement of the such suggestions and supervision, and inspection during the suggestion of the suggestion of the such suggestions are suggestions. tions for the improvement of the same as he deems necessary and expedient and expedien and expedient, and accompanied by copies of the annual reports of the officers of the reports of the officers of the penitentiaries, and by such financial and statistical and stati financial and statistical statements and tables as the books kept by them contain. kept by them contain; and such report shall also comprise and embrace the following and embrace the following particulars, that is to say:

What the report shall contain.

Statistics, facts and suggestions.

(a) Such statistical information in respect to each peniter as is embraced in the tiary as is embraced in the registers of such penitentiaries, together with any facts multiplication in respect to each penitentiaries, together with any facts which have come to his knowledge with respect to the world with respect to the working of the criminal laws and penal system of Canada or course of the criminal laws are in system of Canada, or any injustice or hardship which, for his opinion, has arison the company of the criminal laws and prince in which, for his opinion, has arison the company of the criminal laws and prince in the criminal laws are critically and the criminal laws are criminal laws are critically and the criminal laws are critically and critically are criminal laws are critically and critically are critically are critically and cri his opinion, has arisen therefrom, and such suggestions the the improvement or arrangement of the suggestions that the suggestions the suggestions the suggestions the suggestions the suggestions are suggestions. the improvement or amendment of the same, and for the prevention of crime or the prevention of crime or the reformation of criminals, as he deems expedient.

Inventory and valuation of property.

(b) An inventory and valuation of all the movable and importantes, to the penitentiaries, respectively—distinguishing the estimated value of the several descriptions of

(c) A detailed statement showing the money receipts of e penitentiaries, and the converge that have penditure and statement of debts.

(c) A detailed statement showing the money receipts have the penitentiaries, and the sources from which they state been derived. been derived; also, the expenditures, together with a state ment of all dabts draw ment of all debts due on account of the Penitentiaries, showing the names of the penitentiaries, and showing the names of the persons to whom each is due, and showing also the debte if showing also the debts, if any, due to the penitentiary, with

Estimates for ensuing year.

(d) An estimate of the expense of the penitentiaries for the suing year—distinguishing 11 ensuing year—distinguishing the ordinary from the extra-ordinary:

2. The wardens and other officers shall furnish to the officers to inspector all information necessary for the preparation of furnish information. his report, on or before the first day of October in each year. 46 V., c. 37, s. 15.

arm: If the inspector at any time finds that any peniten-special retiary is out of repair, or does not possess the proper and ports as to requisit of repair, or does not possess the proper and ports and the proper and ports and the proper are the proper and ports and the proper are the proper and ports and the proper and ports and the proper are the proper and ports and the proper and ports and the proper are the proper and ports are the proper are the proper and ports are the proper and ports are the proper are the proper and ports are the proper are the proper and ports are the proper are requisite sanitary arrangements, or has become unsafe or ments and unfit for the same does repairs. unfit for the confinement of prisoners, or that the same does repairs. not afford sufficient space or room for the number of prisoners confined sufficient space or room for the number of shop and yard confined sufficient space or room for the number of part space of therein, or the requisite amount of shop and yard space of the prisoners, space for the proper industrial employment of the prisoners, he shall complete the proper industrial employment of Justice, he shall forthwith report the same to the Minister of Justice, Copy to Minand at 11 and at the same time shall furnish a copy of such report for ister of Public the Minister on Justice, copy to minister of the Same time shall furnish a copy of such report for Works. the Minister of Public Works. 46 V., c. 37, s. 16.

EXAMINATIONS AND INVESTIGATIONS.

The inspector may, at all times, enter into and Entry and main the inspector may, at all times, enter into and Entry and examination of naners. remain within any penitentiary or other public institution of papers, &c. placed under his control as aforesaid, and have access to every under his control as aforesaid, and have access to every part of the same, and examine all papers, documents, touch part of the same, and examine all papers, documents, Fouchers, records and books of every kind belonging thereto. 46 V., c. 37, s. 17, part.

ficer The inspector may investigate the conduct of any Inquiries into conduct of officers, &c. officer or servant employed in or about any penitentiary, or officers, &c. other or servant employed in or about any penicarant found much public institution, as aforesaid, or of any person found much public institution, as aforesaid, or of that purpose, found within the precincts thereof; and, for that purpose, Summoning by subject to the summon before him any witnesses an administering suppose. by subpana issued by him, may summon before him any administering the subpana issued by him, may summon before him any administering the summon and the summon before him any administering the summon and the summon before him any administering the summon and the summon before him any administering the summon before him any administering the summon and the summon before him any administering the summon before him and the summon before him a person, and examine such person upon oath,—which oath oaths. the inspector may administer, and may compel the production perform him: and if any perduction of papers and writings before him; and if any per-Punishment for refusal to time and summoned neglects or refuses to appear at the give evil. time and place specified in the subpana legally served upon dence. him, or refuses to give evidence or to produce the papers demand of the subpart cause the said person, demanded of him, the inspector may cause the said person, by warred of him, the inspector may cause the said person, by warrant under his hand, to be taken into custody and to be imposite under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of the locality as for contempt of the locality as for contempt of the locality as for local contempt of court, for a period not exceeding fourteen days. 46 V., c. 37, s. 17, part.

20. The Minister of Justice, at any time when he deems Minister of December 1 December 1 December 1 December 1 December 1 December 2 The Minister of Justice, at any time when he deems Justice may cause special report may appoint one or more persons to make a cause special reports to be made by decessary, may appoint one or more persons to make special report on the state and management of any peniten-reports to be persons so appointed, made by others than in order to such case the person or persons so appointed, made by order to such case the person or persons so appointed, inspector. in order to enable him or them to make such special report, inspector. shall have the powers given to the inspector by the two sections to the powers given to the inspector by the two the powers given to the feetions next preceding. 46 V., c. 37, s. 18.

ACCOUNTANT OF PENITENTIARIES.

Accountant of penitentiaries. His duties.

21. The Governor in Council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appoint a fit and proper person to be the acceptance of the council may appear to be the acceptance of the council may appear to be the acceptance of the council may appear to be acceptance of the council person to be the accountant of penitentiaries, who shall be an officer of the Department of penitentiaries, who sharped an officer of the Department of Justice, and shall be charged generally with the generally with the direction, inspection and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books, accounts monor than the direction and audit of the books. books, accounts, money transactions and financial affairs of the penitentiaries and illustrates are the penitentiaries, and shall have such other powers as are assigned to him by the assigned to him by the Governor in Council; and he shall perform such other devices. perform such other duties as are required of him by the Minister of Justice.

To audit accounts and inquire into money matters.

2. He shall audit the accounts of the penitentiaries and ansmit the same delivered to the transmit the same, duly certified as to correctness, to the Minister of Justice. Minister of Justice; he shall also inquire into the money transactions and formula transactions are supported to the same and the same and the same are supported to the same and the same are supported to the sam transactions and financial affairs of the penitentiaries, prisons, hospitals applications supprisons, hospitals applications supprisons. prisons, hospitals, asylums or other public institutions supported wholly or in part 1 ported wholly or in part by Canada:

Powers.

3. He shall, in the performance of his duties, have all the owers given to the increase of his duties, have all the powers given to the inspector by sections eighteen and nine-teen of this Act 46 W teen of this Act. 46 V., c. 37, s. 19.

WARDENS AND OTHER OFFICERS.

Appointment of officers for each penitentiary.

22. The Governor in Council may appoint, for any penintiary, a warden of the change of tentiary, a warden, a deputy warden, a Protestant chaplain, an assistant Protestant Roman an assistant Protestant chaplain when required, a Roman Catholic chaplain Catholic chaplain, an assistant Roman Catholic chaplain when required a substant Roman Catholic chaplain when required, a surgeon and an accountant, all of whom shall hold their off shall hold their offices during pleasure:

Inspector may suspend any officer.

2. The inspector may summarily suspend any of the above amed officers for many summarily suspend any of the named officers for misconduct, until the circumstances of the case. of which the standard once case, of which the Minister of Justice shall be at once notified, have been a small be and the notified, have been decided upon by the minister, and the inspector may until an analysis of Justice shall be and the minister, and the inspector may until an analysis of Justice shall be and the minister, and the inspector may until an analysis of Justice shall be and the minister, and the minister, and the minister of Justice shall be and the minister of Justice shall be and the minister of Justice shall be and the minister, and the minister of Justice shall be an analysis of the minister of the inspector may, until such decision has been so intimated, cause any officer so cause any officer so suspended to be removed beyond the precincts of the prices. Removal may precincts of the prison; and the inspector shall recommended to be removed beyond be recommended. the removal of any of the above named officers whom he deems incapable income. deems incapable, inefficient or negligent in the execution of his duty, or whose present in the execution of his duty, and his duty, and his duty, and his duty, and h his duty, or whose presence in the penitentiary he considers detrimental to the internal to th detrimental to the interests thereof. 46 V., c. 37, s. 20, part.

mended.

23. The Minister of Justice may appoint, for any penintiary, a schoolmoster tentiary, a schoolmaster, a schoolmistress, a storekeeper, steward a chief because steward, a chief keeper, an engineer, a matron, a to time, matron, and such trade Minister of matron, and such trade instructors as are, from time to time, required. who shall hald the required, who shall hold their offices during pleasure:

Justice may appoint certain officers.

2. The warden may, for misconduct, summarily suspend by of the officers named in this any of the officers named in this section until the next visit of Warden may suspend any of them.

the inspector, when the warden shall submit to the inspector a report of the circumstances of the case, to be dealt with as to the :... 27 s. 21. part. to the inspector seems meet. 46 V., c. 37, s. 21, part.

24. The sistant a warden may appoint, for any penitentiary, an warden may sistant and such and so many appoint certain officers. assistant deputy matron and a clerk, and such and so many appoint certain officers, eepers and a clerk for the proper proguards, &c., keepers and guards and other servants, for the proper proguards, &c. tection and guards and other servants, for the proper programmes, and suspend izes, and care of the institution, as the minister author- and suspend or dismiss or dismiss or dismiss. izes, and may suspend any of them for neglect of duty, for them. such time as he sees fit, or dismiss them, without further charge in the sees fit, or dismiss them, without further charge than that, in his opinion, they are inefficient; and such suspension or dismissal shall be reported forthwith to the inspector. 46 V., c. 37, s. 22.

ector or he pay of every officer so suspended by the in-As to pay in during the period of case of suspended by the period of pension. spector or by the warden shall cease during the period of case of sus-his suspension. his suspension; but the Minister of Justice may direct payment of 1 ment of the same. 46 V., c. 37, s. 23.

appointed by him or by the Minister of Justice, for any impose fines payable in monay or carelessness committed by him, a fine, duty. payable in money, of such reasonable amount, not exceeding one money, of such reasonable amount, not of the case the case the money as the warden, under the circumstances, the of the case, thinks fit; and, under like circumstances, the Minister of Justice may impose a like fine on the deputy Warden and accountant. 46 V., c. 37, s. 24.

The warden of a penitentiary shall be the chief Powers and duties of the warden. executive officer of the same; and as such shall have the warden. entire executive officer of the same; and as such snan navel bleet to the control and management of all its concerns, and the same to the subject to the rules and regulations duly established, and written in rules and regulations duly established by the the written instructions of the inspector authorized by the Minister of Justice; and, in all cases not provided for, and Where the said inspector cannot readily be consulted, the Warden shall act in such manner as he deems most advantageous shall act in such manner as he deems most act in such mann faithful and efficient administration of the affairs of every department of the penitentiary, shall reside in the peniten- Residence that, and shall be penitentiary, shall reside in the peniten- Residence that, and shall be penitentiary, shall reside in the peniten- Residence that the penitentiary is a penitentiary. tiary, and shall receive such allowance of fuel and light as and allowances.

Covernor: Covernor the Governor in Council sees fit to make. 46 V., c. 37, s. 25

In the absence or during the incapacity of the Absence, &c., and the document of the warden and deputy. Warden the absence or during the incapacity of the Absence, ac., and perform all the duties of the warden; and in the chiefe or during the incapacity of the Absence, ac., and perform all the duties of the warden; and in the absence or during the incapacity of the deputy warden the the keeper at the powers and perform all chief keeper shall exercise all the powers and perform all exercise all the powers and perform all 46 V., c. 37, s. 20, part, the duties of the deputy warden. 46 V., c. 37, s. 20, part, and 8. 21, part.

every warden, accountant, storekeeper, steward, and what officers by the Governor in Governor is a such other officer as is, from time to time, designated and sureties of office. the Governor in Council, shall give and enter into a of office.

bond or bonds for the faithful performance of the duties of his office according to large his office according to law, and in such sum, and with such sufficient surety or such sufficient surety or sureties, as the Governor in Council or the Minister of Justice and the Governor in de shall or the Minister of Justice approves of, and such bonds shall be filed in the office of the S be filed in the office of the Secretary of State of Canada. V., c. 37, s. 27.

Oaths of allegiance and office.

30. Every warden, and every other officer and servant approved permanently in employed permanently in a penitentiary, shall severally take and subscribe in a large by take and subscribe, in a book to be kept for that purpose by the accountant in his - or the accountant in his office, the oath of allegiance that is Majesty, and an oath of allegiance that is Majesty, and an oath of office in the form following, that is to say:—

Form of oath of office.

"I (A. B.) do promise and swear that I will faithfully, ligently and instly account to the duties diligently and justly serve in the office and perform the duties of penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the records: carry out all the regulations of the prison. So help me God:"

Before whom.

2. The inspector or warden is hereby authorized to adinister such oaths. minister such oaths. 46 V., c. 37, s. 28.

Penalty if inspector, warden, &c., acts as contractor.

31. Every inspector, warden, or other officer or servant apployed in a penitontian employed in a penitentiary, who, either in his own name or in the name of or in own proin the name of, or in connection with, any other person, provides, furnishes or supply vides, furnishes or supplies any materials, goods or divisions for the use of visions for the use of any penitentiary, or is concerned of rectly or indirectly in functions. rectly or indirectly in furnishing or supplying the same, of in any contract relating the in any contract relating thereto, shall incur a penalty of hundred dollars, recovered hundred dollars, recoverable, with costs, by any person who sues for the same in and person who is a suesting thereto, shall incur a penalty of who hundred dollars, recoverable, with costs, by any person who sues for the same in and penalty of who have the same in a suesting sues for the same in any court of competent jurisdiction. 46 V., c. 37. s. 20

åc.

32. No warden, officer or servant, except the surgeon and naplain, shall carry or not to exercise any other chaplain, shall carry on any trade or calling of profit of emolument other than his and emolument other than his office in the penitentiary; and except in the case mantiage. Nor to buy or except in the case mentioned in section sixty-four, no sell from or to convicts. shall buy from or sell to or for any convict anything whatso ever; or take or received ever; or take or receive for his own use, or for that of any other person, any fee other person, any fee or gratuity or emolument from any convict or visitor or other convict or visitor or other person; or, without the consent of the minister, employ any convict or visitor of the minister. of the minister, employ any convict in working for him. 46 V., c. 37. s. 30

Governor in Council to fix pay of warden and officers.

33. The Governor in Council may, from time to time, fix the other to the sums to be annually maid. the sums to be annually paid to the warden and the other officers and servants of annually paid to the warden and under officers and servants of any penitentiary established under the provisions of this Act, regard being had to the number responsion of the provision of the number of convicts confined therein and the number responsion to the number responsion to the number of of convicts confined therein, and the consequent responsibility attaching to their agents to the number of the number of the consequent responsibility attaching to their agents. bility attaching to their offices respectively, and then; length of service and amount of length of service and amount of labor devolving upon them; but such salaries shall not exceed the sums specified in the schedule to this Act. 46 V., c. 37, s. 31.

184. The warden shall be a corporation sole known by Warden to be the name of "The Warden of the Penitentiary," a corporation sole. the name of "The Warden of the Warden of the (designating the place as named in this Act, or named in the proclamatical the place as named in this Act, and by that proclamating the place as named in this Act, or named in the Act, or nam hame he and his successors shall have perpetual succession, and man man blead and be pleaded and may sue and his successors shall have perpetual successors, in any sue and be sued, and may plead and be pleaded 46 V., c. 37, s. 32. unto, in any of Her Majesty's courts. 46 V., c. 37, s. 32.

atiary and transactions on account of any peni- Contracts, dealings, peni- dealings, peni- contracts, dealings and transactions on account of any peni- contracts, dealings and transactions on account of any peni- contracts, dealings and transactions on account of any peni- contracts, dealings and transactions on account of any peni- contracts, dealings and transactions on account of any peni- contracts, dealings, dea tentiary, and all contracts for goods, wares or merchandise sonal pronecessary for maintaining and carrying on the penitentiary, perty, &c., to for the solution of the maintaining and carrying on the penitentiary be in his penitentiary. or for the sale of goods prepared or manufactured in the name. Corporate property shall be entered into and carried out in the name. corporate name of the warden; and all personal property belonging to the penitentiary shall be held, in the corporate name of the penitentiary shall be held, in the corporate was a superior of the penitentiary shall be held, in the corporate was a superior of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate was a superior of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held, in the corporate of the penitentiary shall be held. name of the warden, for Her Majesty. 46 V., c. 37, s. 33.

the other property of every penitentiary, as well as all Real property, how ther property of every penitentiary, as well as all Real property, how extend and the perty, how wested and the perty, how we have the perty perty and the perty, how we have the perty pe the other property of every penitentiary, as well as all mean pro-Majesty; hn++L thereto belonging, shall be vested in Her perty, how vested and managed. Majesty; but the warden and his successors in office shall managed. have the custody and care thereof under the provisions of this Act. 46 V., c. 37, s. 34.

Whenever any difference arises, between the warden Arbitration in Derson 1 any Derson 1 with him on account of the case of difference between and any henever any difference arises, between the warden Arbitration in benitentiary person having dealings with him on account of the case of difference and by order of the inspector, warden and contractors. penitentiary, such difference may, by order of the inspector, warden and with the with the such difference may, by order of the inspector, warden and contractors, where the such difference may be referred either to contractors, where the such difference may be referred either to contractors, where the such difference may be referred either to contractors, where the such difference may be referred either to contractors, where the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either to contract the such difference may be referred either the such difference may b and with the consent of such person, be referred either to contractors, to the arbitrator consent of such person, or one arbitrator, selected by the warden and such person, or three arbitrator selected by the warden shall be named by the to three arbitrators, selected by the warden and such person, the warden and such person, and a third by the warden and a third by the warden and a third by the warden and a third by the person, and a third by the warden and a third by the person, and a third by warden, and another by such other person, and a third by the two so named as aforesaid; and, in the one case, the award of the arbitrator, and, in the other case, of any two of arbitrator, and, in the other case, of any two of the arbitrator, and, in the other case, arbitrators, shall be final. 46 V., c. 37, s. 35.

gence in enforcing the payment of debts due to the penitentiary. and with a penitentiary shall exercise due difference to the penitentiary, and with a payment of debts due to the penitentiary. thary, and with as little expense as possible; and, on the tiary. report of the inspector approved by the Governor in Council, the may account the inspector approved by the Governor in granting thought he may accept of such security from any debtor on granting cone, or specific such security from the se time as accept of such security from any debtor on ground or such composition in full settlement, as is thought conductive to the interests of the penitentiary. 46 V., c. 37,

returns, receipts, bills of parcels and vouchers, and all other be property of the and doorn being kind relating to the affairs penitentiary. papers, receipts, bills of parcels and vouchers, and an one be property of the and documents of every kind relating to the affairs penitentiary.

The property of the penitentiary, of the and documents of every kind relating to the penitentiary, shall be the property of the penitentiary, the warden shall preserve the penitentiary, shall be the property of the penitentiary, therein at least therein; and the warden shall preserve Copies of reference at least therein. therein at least one set of copies of all official reports made kept.

By whom to be furnished.

to Parliament respecting the penitentiary,—for which pur pose, and for the purpose of enabling him to distribute sher official reports in exchange for like documents from other similar institutions similar institutions abroad, he shall, as soon as they printed be furnished be furnished by printed, be furnished by the clerk of the House of Commons with fifty copies of such research with fifty copies of such reports as are printed by order of the House. 46 V 0.87 7.37 the House. 46 V., c. 37, s. 37.

Monthly statement by warden and accountant.

40. The warden and accountant shall transmit monthly the accountant of a regions to the accountant of penitentiaries, a statement of the receipts and expenditures for the receipts and expenditures for the preceding month, verified under oath in the manner following. oath in the manner following:

Oath of warden and accountant.

accountant, of the penitentiary, make oath and say, that the forement of receipts and I. going statement of receipts and expenditures on account of the said penitentiary for the model. and correct. day

Sworn before me at of

the

A.D., 18

Inspector, or as the case may be.

Storekeeper's oath.

storekeeper of the penitentiary, make oath and say that the articles mentioned in the foregoing statement in the foregoing statement, as purchased for the said penitentiary for the month of , were duly received.

Sworn before me at day of

the

Inspector, or as the case may be.

By whom administered.

2. Such oaths may be administered by the inspector or the countant of penitontian accountant of penitentiaries, or by any justice of the peace, notary public or commission and penitentiaries. notary public, or commissioner for taking affidavits. **c.** 37, s. 38.

PRIVILEGED VISITORS.

Who shall have the right of visiting.

41. The following persons, other than the inspector or persons specially appointed in the inspector of may persons specially appointed by the Minister of Justice may visit any penitontian visit any penitentiary at pleasure, that is to say, the governor General of Governor denoral of Governor denoration of say, ernor General of Canada, the Lieutenant Governor of any Province of Canada Province of Canada, any member of the Queen's Privy Council for Canada, any member of the Queen's Privy of any for Canada, any member of the Queen's Privy Council of any of the said Province of the said Provinces, any member of the Parliament of Canada or of ca of Canada or of any of the local Legislatures, any judge of any court of record in Canada cross of the said Provinces, and any Queen's Counsel; but no other person shall be permitted to the counsel; but no harein the son shall be permitted to enter within the walls wherein of prisoners are confined prisoners are confined, except by the special permission of the warden, and under such the warden, and under such regulations as the inspector prescribes. 46 V. c. 37 s. 20 CONVEYANCE, RECEIPT AND REMOVAL OF CONVICTS.

The sheriff or deputy sheriff of any county or district, What shall any Land sheriff or deputy sheriff of any county or district, What shall be sufficient or other person, by sufficient or deputy sheriff of any county or district, what shall be sufficient or other person, by sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, what shall be sufficient or deputy sheriff of any county or district, when shall be sufficient or deputy sheriff of any county or district. or any bailiff, constable, or other officer, or other person, by be sufficient or any officer conveying his direction or by the direction of a court, or any officer conveying appoints on by the direction of a stached to the convicts to penitentiar appointed by the Governor in Council and attached to the convicts to penitentiary. beniton. Penitentiary for that purpose, may convey to the penitentiary for that purpose, may convict sentenced or liable ary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the warrant than a the Warden thereof, without any further warrant than a copy of the court copy of the sentence taken from the minutes of the court before which the convict was tried, and certified by a judge or by the convict was tried, and certified by a judge or by the court. or by the clerk or acting clerk of such court.

Whenever a prisoner is ordered, by competent au-Whenever a prisoner is ordered, by competent au-Whenever any other any other any other thority, to be conveyed to any penitentiary from any other any other any other penitential or from a compenitentiary penity, to be conveyed to any penitentiary from any other any other any other mon gaol, there shall be delivered to the warden of the or gaol. penitentiary receiving such prisoner, together with all other necessary receiving such prisoner, together with an officer of indocuments, a certificate signed by the medical officer of the institution from which such prisoner has been taken and taken of the institution from which such prisoner has been table countersigned by the warden, if the prisoner has been taken from a penitentiary or a reformatory prison, or by the sheriff or his deputy if from a common gaol, declaring that such prisoner is free from any putrid, infectious or tangon prisoner is free from any putrid, infectious or the to be removed. 46 V., cutaneous disease, and that he is fit to be removed. 46 V.,

The Warden shall receive into the penitentiary every Duty of warden local warden shall receive into the penitentiary every Duty of warden as to receiving and convict legally certified to him as sentenced to imprisonreceiving and
the therein the warden shall receive into the penitentiary every
den as to
receiving and
detaining ment therein, and shall there detain him, subject to all the detaining thes, reconstitution, and shall there detain the term for convicts. Mes, regulations and discipline thereof, until the term for convicts. which he has been sentenced is completed, or until he is therwise has been sentenced is completed, or until he is a sentenced is completed. otherwise discharged in due course of law. 46 V., c. 37,

The Governor General may, by warrant signed by Governor may authorize removal from or the Secretary of State of Canada, or by such other officer as moval from or time of State of Canada, or by such other officer as moval from or time. is from time to time, authorized by the Governor in Council, to any penitect the more to time, authorized by the Governor in Council, to any penitentiary. direct the removal of any convict from any one penitentiary the penitentiary having the Proceedings of the removal of any convict from the removal of the removal o to another removal of any convict from any one pennentary constody of; and the warden of the penitentiary having the proceedings one ody of the warden of the penitentiary having the proceedings one ody of the case. chatother; and the warden of the penitentiary having the proceedings third of any convict so ordered to be removed, when restanted so to any convict so ordered to be removed. Phired so to do, shall deliver up the said convict to the constable so to do, shall deliver up the said convict to the warrant, together officer or person who produces the said of the art, together officer or person who produces the said warden, Watrant, together with a copy, attested by the said warden, the sentence with a copy attested by the said warden, and the sentence with a copy attested by the said warden, where sentence with a copy attested by the said warden, where sentence was a sentence with a copy attested warden. of the state of conviction of such convict as to him to him convict and date of conviction of such convict as to him to him convict and convict into his custody; given to him on reception of such conviction of such conviction of such convict into his custody; and the him on reception of such convict into his customer, a security to the constable or other officer or person shall give with the total stable or other officer or person shall thereupon, with all constable or other officer or person such such all constable or other officer or person such all constabl with all convenient dispatch, convey and deliver up such convict, with all convenient dispatch, convey into the custody of the convenient dispatch, convey and deliver up the with the said attested copy, into the custody of the

Detention of convict.

warden of the penitentiary mentioned in the warrant, who shall give a receipt in writing of shall give a receipt in writing for every convict so received into his custody to such convict. into his custody, to such constable or other officer or person as his discharge, and the constable or other officer or person as his discharge; and the convict shall be kept in custody in the penitentiary to which is in the penitentiary to which he is so removed, until his removal to another penitental removal to another penitentiary, or until the termination of his sentence, or until his needs his sentence, or until his pardon or release, or discharge by law. 46 V. c. 87 c. 49

Powers of sheriff or officer conveying convicts to a penitentiary.

46. The sheriff, or other officer or person employed by impetent authority to competent authority to competent authority to compete the competent authority competent authority to convey any convict to any peniter tiary to which such convey tiary to which such convict is ordered to be taken, State by sentence of a court or be by sentence of a court or by order of the Secretary of state or other officer, as in the norther or other officer, as in the next preceding section mentioned, may secure and convey him to may secure and convey him through any county or district through which he has to page in through which he has to pass in any of the Provinces the Canada; and until the country of the Provinces the Canada; and until the convict has been delivered to warden of such penitentians. warden of such penitentiary, such sheriff, officer or person shall, in all territorial division shall, in all territorial divisions or parts of Canada through which it may be pressent to the parts of through the pressent to the parts of the par which it may be necessary to convey such convict, have the same authority and normal divisions or parts of Canada through which it may be necessary to convey such convict, have the same authority and power over and with regard to such convict, and to commend the Assistance in convict, and to command the assistance of any person and case of escape. preventing his escape of case of escape. preventing his escape, or in recapturing him in case of he escape. as the shariff of the escape, as the sheriff of the territorial division in Which he was convicted would him and the from was convicted would himself have, in conveying him from one part of that division to another. 46 V., c. 37, s. 44.

Power to con-

47. If sentence of death has been passed upon any on ct by any court in Const. vict by any court in Canada, and the Governor General, of behalf of Her Maiesty has tence of death behalf of Her Majesty, has been pleased to commute sentence to imprisonment for the such tence of death behalf of Her Majesty, has been pleased to commute sentence to imprisonment for the such tence to imprisonment for the such tences and the such tences are the such tences and the such tences are the such tences and the such tences are the suc sentence to imprisonment for life, or for any term of years such commutation shall be effect of commutation shall have the same effect as the juick ment of a competent ment of a competent court legally sentencing such convident to such imprisonment for life to such imprisonment for life or other term, and the sherik or other officer. or other or other officer, or other person having such convict to custody, on receipt of a letter of custody, on receipt of a letter from the Secretary of fact of or such other officer as after or such other officer as aforesaid, notifying him of the factor such commutation, and direction of the factor of t such commutation, and directing him to convey such converted to a penitentiary therein no and directing him to convey such convey such to a penitentiary therein no and the such convey such to a penitentiary therein no and the such convey such that the such convey such conveys the such conveys to a penitentiary therein named, shall forthwith conveysuch convict thereto, and shall beautiful forthwith conversions. convict thereto, and shall have the same rights and powers in conveying such convict. in conveying such convict to such penitentiary, as a comconveyance took place by virtue of the sentence of a competent court. 46 V 2 27

48. A letter signed by the Secretary of State of fact of her officer as aforesaid notice. other officer as aforesaid, notifying the warden of the fact of the commutation of any sentences. the warden in the commutation of any sentence of death to imprison fife for life or for a term of years. for life or for a term of years, and of the term of years or life term to which the sentence term to which the sentence has been commuted, shall be sufficient authority to the sufficient authority to the warden to receive such he had into the penitentiary, and to deal to receive such he had into the penitentiary, and to deal with him as if therein been sentenced by a competent been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned; and it shall not be necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to or the the tentiary, or for his reception and detention therein for the term to which such sentence is commuted, that the warden remarks to which such sentence is commuted, that the warden should have in his possession a copy of any pardon. 46 V., c. 37, s. 46.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFOR-MATORY PRISONS.

49. If a juvenile offender has been ordered by competent Juvenile offenders reformatory prison, and offenders found inc atthority to be imprisoned in any reformatory prison, and offenders found incorpies to be imprisoned therein has become incorrigible, and rigible may be removed the chaplains, the be removed to the chaplains, the become incorrigible and rigible may be removed to the chaplains. is so certified by the warden and one of the chaplains, the beremoved from reformation to the chaptains of the reformation to the chaptains of the reformation to the Lieutenant Governor of the Province in which the reformatory prison is situate, by a warrant under his hand, addressed tentiary. to the Warden of such reformatory prison, setting forth the warden of such reformatory prison, setting forth the invenile offender was sentence or order under which the juvenile offender was foot that he is incorrigible, inprisoned therein, and the fact that he is incorrigible, may direct that such juvenile offender be removed to any benitant: and the warden, penitentiary named in the said warrant; and the warden, of any other officer of the prison, or any other person authorized have a powers in conveying such nzed by him, shall have the same powers in conveying such hyenile offender to such penitentiary as are hereinbefore given to like cases: given to a sheriff or other person in like cases:

2. The warden of the penitentiary therein named shall And dealt with as if sentenced Receive Such juvenile offender and deal with him for the sentenced to the pired juvenile offender and deal with min io. ... searched was order term of the sentence or order under which he the penitentiary. was ordered term of the sentence or order under which he had to be imprisoned in such reformatory prison, as the had to be imprisoned in such reformatory by a compeif he had been sentenced to such penitentiary by a competent condition with the said offender, a tent to be a sentenced to such penitentiary by a composition to be described by the warden to be copy of sentenced to sentenced to sentence or order, attested by the warden to be detailed to be described to of the said sentence or order, attested by the reformatory prison, and also an order from the Lieu-livered. tenant Governor, directing the warden of such penitentiary to receive such juvenile offender, shall be delivered to the warden of the penitentiary. 46 V., c. 37, s. 47.

The Governor General may, at any time, in his dis-Juvenile of-etion he Governor General may, at any time, in his dis-Juvenile of-fenders in penitentiary cretion, by Warrant under his hand, cause any convict in a penitentiary benitential warrant under his hand, cause any convict in a penitentiary tention. penitentiary, whose sentence is for a term not less than two may be transferred to reformatory Jeans, and who appears to the inspector to be under reformatory who appears to the inspector to be understoom who appears to the inspector to be prison.

The pears of age, and susceptible of reformation, to be prison. to the rock, for the remainder of his term of imprisonment, to the red, for the remainder of his term of imprisonment, where such convict was sentenced. 46 V., c. 37, s. 48.

TREATMENT OF CONVICTS.

The following general rules shall be of served in the General rules. the The following general rules of convicts in a penitentiary:—

Clothing.

(a) Every convict shall, during the term of his confine ent, be clothed at the owner. ment, be clothed, at the expense of the penitentiary, in suitable prison garments:

Food.

(b) He shall be fed on a sufficient quantity of wholesome od; food:

Bedding.

(c) He shall be provided with a bed and pillow with fficient covering varied as sufficient covering, varied according to the season; and

Solitary confinement.

(d) He shall, except in case of sickness, be kept in a cell himself at night, and dominated by himself at night, and during the day when not employed. 46 V., c. 37, s. 49

Convict labor.

52. Convict labor may be of two descriptions,

Obligatory.

(a) Obligatory, that is to say: every convict, except during ekness or other incapacity. sickness or other incapacity, shall be kept constantly at hard labor during at least ton 1 labor during at least ten hours, exclusive of hours for christ or schools, of every day avantage of hours for christ.

Holidays.

or schools, of every day, except Sunday, Good Friday, and such other day mas Day, and such other days as the Governor General sets apart for days of fasting apart for days of fasting or thanksgiving, and such days as are designated in the miles of the such days as are designated in the miles of the such days as are designated in the miles of the such days as the Governor General apart for days of fasting or thanksgiving, and such days as the Governor General apart for days of fasting or thanksgiving, and such days as the Governor General apart for days and such days are designated in the general apart for days and such days are designated in the general apart for days are designated in the general apart for days and days are designated in the general apart for days are designated apart for days and days are designated apart for days and days are designated apart for days are days as days are days as days are days as days are days as days are days are days as days are days are days are are designated in the rules made by the inspector in half; and the warden shall in the inspector in half; half; and the warden shall determine the kind of such labor, but no convict profession. but no convict professing the Roman Catholic faith shall be compelled to labor on any convict professing the Roman Catholic faith shall be compelled to labor on any convergence of his

As to R. C. holidays.

compelled to labor on any of the obligatory holidays of his church,—that is to say Giral and the church and the church of the obligatory holidays of his church,—that is to say Giral and the church of the obligatory holidays of his church,—that is to say Giral and the church of the church,—that is to say, Circumcision, Epiphany, All Saints. tion, Corpus Christi, Saint Peter and Saint Paul, All Saints Conception and Ascansian Conception and Ascension, or other festival days of obligation;

Voluntary. Over hours, and payment therefor.

(b) Voluntary, that is to say: a convict of exemplary contact may be allowed by the say: duct may be allowed by the warden, if he sees fit, to work over hours at such work are not a convict of exemplary work duct may be allowed by the warden, if he sees fit, to work over hours at such work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work and the convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of exemplary work and the convict of exemplary work are not a convict of e over hours at such work as may be conveniently done in the penitentiary, and at such work as may be conveniently done in the inspector. penitentiary, and at such rates as are fixed by the inspector, the value of which over the value of wh the value of which overwork, at such rates, may either be paid to the convict's family decided by the inspection to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the inspection in the paid to the convict's family decided by the paid to the convict of the co to the convict's family during his imprisonment, should be so desire it, or be credited to so desire it, or be credited to him in the books of the pent tentiary, to be paid him on him in the books of however, tentiary, to be paid him on his discharge, subject, however, to any general rules which it to any general rules which the inspector makes upon the subject:

Labor of convicts not to be let out.

2. The convicts may be employed either in labor shall ades under the control of t trades under the control of the Crown; but no labor shall be let out to any company be let out to any company or private person. s. 50.

53. The female convicts shall be kept separate and the uded from the male convicts. cluded from the male convicts, and shall be under the Female convicts to be kept separate

charge of a matron, with such and so many female officers and under the inspectors, with such and sees fit to order to be female officers. as the inspector, with such and so many female officers and under employed roter, from time to time, sees fit to order to be female officers. employed, reference being had to the number of such con-Victs and the kinds of work in which they are engaged. 46 V., c. 37, s. 51.

The Governor in Council, whenever he deems it ex-Penal cells to be conmany penal cells to be constructed. pedient, may order such and so many penal cells to be conmay be constructed at a constructed at a constructed.

Second Se structed at any penitentiary, as he sees fit. 46 V., c. 37,

SHORTENING OF SENTENCE.

The inspector may, for the purpose of encouraging Rules as to pricts to good conductive and industry, and of good conductive and industry. convicts to good behavior, diligence and industry, and of rewards for the many them for the same, make rules and regulations, and diligence. and regularion, ding them for the same, make rules and regularion which a correct record may be kept of the daily condition of even a correct record may be kept of the daily condition of his duct which a correct record may be kept of the daily construction of every convict in any penitentiary, noting his interest, dilicon convict in any penitentiary, noting his interest. work, and the contract record may penitentiary, noting more, and faithfulness in the performance of his high he observes the prison Work, diligence and faithfulness in the performance of the strictness with which he observes the prison convict, under the prison mles, and the strictness with which he observes the prison has, to earn view to permit such convict, under the prison for heis sentenced to permit such convict, under the prison the is sentenced to permit such convict, under the prison of evaluation of a portion of the time for which Remission of the time sentenced to the prison of the time for which a certain limit. be is sentenced to be confined, not exceeding five days for time within a dilic month days on the confined are exceeding five days for time within a certain limit. every sentenced to be confined, not exceeding five usystingence and fairly, which he is exemplary in industry, which he is exemplary in industry, diligence and during which he is exemplary in manager of the mark faithfulness in his work, and does not violate of the prison rules:

the several convict has earned and has at his credit any Provision for several convict has earned and has at his credit any Provision for increased rates of remission hereinafter rates of reof the hen any convict has earned and has at his credit any Provision respectively mumbers of days of remission hereinafter rates of remission. the several any convict has earned and rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several month described and the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission hereinance rates of the several numbers of days of remission. State of the prison rules continue hese in his work and observance of the prison rules continue is the factory that the servance of the prison rules continue that the servance of the prison rules conti satisfactory, the following increased rates of remission, that

days When he has thirty days' remission at his credit, seven when 30 days every month thereof every month thereafter;

(b) When thereafter;

When he has one hundred and twenty days' remission When 120

Yer, Credit to a lowed him for days are earned. when he has one hundred and twenty days' remission When 12 credit, ten days' remission may be allowed him for days are earned. every month thereafter:

3. If any convict, by reason of sickness or any other infir-Remission in bo, not intention by reason of sickness or any other infir-Remission in case of sickness. hity, not intentionally produced by himself, is unable to case of sickness.

Shall be antitled by good conduct, to one-half the ness. tabor, not intentionally produced by himself, is unable to the shall be entitled, by good conduct, to one-half the shall be entitled, by good conduct, to which he would the shall be entitled, by good conduct, to one-han the wise be applied by minutes and the would otherwise be entitled:

Every convict who escapes, attempts to escape, breaks Forfeiture for attempts attempts of his cell, or certain offences. bison, attempts to escape, breaks Foreing any breach in break prison, breaks out of his cell, or certain offences of the cell any breach therein with intent to escape, or assaults

any officer or servant of the penitentiary, shall forfeit the whole of such remission which is the vector of the penitentiary, shall forfeit the whole of such remission which is the vector of the penitentiary of the penitentia ss. 54, 55 and 56, parts.

OFFENCES AND PENALTIES.

Assaulting officers.

56. Every convict confined in any penitentiary, saults any officer or second in any penitentiary of assaults any officer or servant employed therein, is guilt in the an aggravated assault and it in the an aggravated assault and liable to imprisonment in 46 said penitentiary for a factorial to imprisonment. said penitentiary for a term not exceeding two years. V., c. 37, s. 56, part.

Inspector to make list of prison offences. No talking

allowed.

57. The inspector shall draw up a list of prison offences, way of general ways. by way of general warning to the convicts as to their conduct in the prison arrange to the convicts as to their be deduct in the prison, among which it shall specially be clared that no convict shall clared that no convict shall be permitted to speak to another convict upon any protonogen by permitted to speak to afficer of convict upon any protonogen by the convict upon any protonogen by convict upon any pretence whatsoever, nor to any officer or guard, or other servant of 11 guard, or other servant of the institution, except with respect to the work at which has to the work at which he is employed, and then only in the fewest words possible and in fewest words possible and in a respectful manner: and such list shall be printed. list shall be printed, and a copy of the same placed in every cell of the positions: every cell of the penitentiary. 46 V., c. 37, s. 60.

Posting up list.

Inspector to make rules for discipline and correction. Corporal

58. The inspector may, subject to the approval of the inister of Justice makes Minister of Justice, make and, from time to time, alter rules for the discipline and for the discipline and correction of convicts confined in any penitentiary as because of convicts confined in any penitentiary as hereinbefore provided; but in case which convict is accused of having committed any offence which if proved, would be followed: if proved, would be followed by the infliction of corporate punishment or a remand to the infliction of corporate punishment of corporate punishment of corporate punishment or corporate punishment of corporate punishment or a remand to the penal prison, where penal prison is established, the warden shall investigation under oath, the facts of the penal prison is established. under oath, the facts of the case, before awarding punishment or remand punishment or remand, and make a minute of the evidence taken by him. which all make a minute of the evidence taken by him. taken by him, which shall be forwarded forthwith to less than the spector; and no such a such as the spector is and no such as the spector is a such as the spector is a such as the spector is a specific and the spector is a specific and the spe inspector; and no such punishment shall be inflicted unless the surgeon of the name of the surgeon of the surge the surgeon of the penitentiary has certified that prisoner is in a physical condition has certified that the prisoner is in a physical condition. prisoner is in a physical condition to bear such punishment, and unless the surgeon is a physical condition to bear such punishment, and and unless the surgeon is a physical condition to bear such punishment, and and unless the surgeon is a physical condition. Drisoner is in a physical condition to bear such punishment and and unless the surgeon is present during its infliction, and not more than size last. not more than sixty lashes shall be inflicted upon prisoner for any such offense

Surgical certificate, &c.

Bringing money, spirits, letters, &c., to convicts.

59. Every officer, guard or servant of any penitentiary, other person, who have a servant of any penitentiary, or other person, who brings in or carries out, or he brought to bring in or carry out, or knowingly allows to be brought in or carried out. to or from any in or carried out, to or from any convict, or carries to any convict while employed convict while employed outside the prison walls, money, clothing money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoaver or other articles whatsoever, not allowed by the liable to spenitentiary shall on sure and spenitentiary shall on sure and spenitentiary shall on sure and spenitentiary shall on sure allowed by the liable to spenitentiary shall on sure and spenitentiary shall spenitentiary spenitenti penitentiary shall, on summary conviction, be liable penalty not exceeding one hard conviction, be imprisoned to summary conviction. penalty not exceeding one hundred dollars, or to imprison ment with hard labor for ment with hard labor, for a term not exceeding months. 46 V. c. 27 s. 50

Penalty.

60. Every person who is found trespassing upon any Punishment of persons of persons trespassing. grounds, buildings, yards, offices or other premises whatso-of persons trespassing upon any runishment ever, belongings, yards, offices or other premises whatso-of persons trespassing upon any runishment on penitential persons the same penitentiary, or who on penitential persons the same penitential penitentia ever, belonging or appertaining to any penitentiary, or who on penitentiary the same of the penienters the same, not being an officer or servant of the peni-ary grounds. tentiary, or authorized by the warden, shall, on summary conviction for a first offence, be liable to a penalty not exceeding ten dollars, and in default of payment to imprison-Ment, With or Without hard labor, for a term not exceeding Subsequent month. one month; and for a subsequent offence to a penalty not offence. exceeding fifty dollars, and in default of payment to imprisonment with or without hard labor, for a term not exceeding three months. 46 V., c. 37, s. 62.

61. Every person who moors or anchors, or causes to be Penalty if hoored or anchored, any raft, boat, vessel or craft of any vessels are bounding the land.

Consider the land. bounding the lands of any penitentiary towards any lake, wharf bounding the sea, bay or river, without the permission of the ing penitentiary. warden of the sea, bay or river, without the permission of the many be liable to such penitentiary, shall, on summary conviction, that the permission of the many beliable to such penitentiary, shall, on summary conviction, the penitentiary and in default of be liable to a penalty of twenty dollars, and in default of easts, to imprisonment payment of such penalty and costs, to imprisonment hard labor penalty and costs, to imprisonment, and hard labor penalty and costs, to imprison and penalty and costs, to imprison and penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs, to imprison and in the costs are penalty and costs are penalty are penalty and costs are penalty are penalty are penalty and costs are penalty are penalt with the of such penalty and costs, to imprisonment the amount of such penalty may be levied upon that had been about of such penalty may be levied upon the such penalty and costs, to imprisonment the such penalty and costs are such penalty and costs. buch the amount of such penalty may be levied appetly thereof, boat, vessel or craft, in whomsoever the property taft, boat, vessel or craft, in whomsoever the proof and chattal de W 27 s 63. goods and chattels. 46 V., c. 37, s. 63.

to the Denitories or fermented liquors shall be brought No spirits allowed in penitories of any officer or person penitories for the penitories of the penit into the spirituous or fermented liquors shall be brought No spirits therein (except the warden or deputy warden, if the latter except for therein therein) or fermented liquors shall be brought No spirits allowed in a resident therein therein are of any officer or person penientiary therein therein are of any convict confined warden, &c. is resident (except the warden or deputy warden, if the latter except for the resident therein), or for the use of any convict confined warden, &c. therein, except the warden or deputy vision therein, or for the use of any convict connuct to the under the rules of the penitentiary; and any Giving liquor who who will be the rules of the penitentiary; and any Giving liquor, or tobacco, liquor, or to contact the victs. person, except under the rules of the penitentiary; and any Grying induction who gives any spirituous or fermented liquor, or tobacco, bules, shuff or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or fermented liquor, or tobacco, to control or sieves any spirituous or sieves any spirituous or sieves any spirituous or sieves any spirituous or sieves and spirituous or sieves and spirituous or sieves and spirituous or sieves and spirituous or sieves any spirituous or sieves and spirituous blacco, who gives any spirituous or fermented man, acc., bles of the for cigars, to any convict, except under the victs. bles of the Penitentiary, or conveys the same to any con-Nict, shall incur a penalty of forty dollars, which shall be Penalty. It is a penalty of forty dollars, which shall be penalty. Recoverable incur a penalty of forty dollars, which suam a penalty of the warden before any court of competent in a penalty of the Minister of kinadiction, and placed to the credit of the Minister of Finance and Receiver General. 46 V., c. 37, s. 64.

the termination shall be discharged from a penitentiary Discharge of convicts at termination or otherwise, if he is convicts at certain times and under the tornination of his sentence, or otherwise, if he is convicts at certain times under infectious disease; or, and under certain circumber certain circumbe laboring the two convict shall be discharged non-bless at his own contagious or infectious disease; or, and under the discharged non-bless at his own contagious or infectious disease; or, and under bless at his own request, during the months of November, cumstances.

March or if he is laboring December, January, February or March, or if he is laboring disease; but such convict any acute or dangerous disease; but such convict

may remain in the penitentiary until he recovers from such disease, or until the first down of disease, or until the first day of April following the termination of his sentence: but nation of his sentence: but a convict remaining from any cause in a penitentiary offer the cause in a penitentiary after the termination of his sentence shall be under the same at shall be under the same discipline and control as if his sentence were still uncertified.

2. On the first day of April a list shall be made of all the isoners whose sentences have charge of convicts in April.

2. On the first day of April a list shall be made of april
presented during the five preceding months and who are the five preceding months and who are the five preceding months. ceding months, and who are still in prison, according to the dates when their sentences dates when their sentences expired; and according to such order they shall be discharged order they shall be discharged, one convict on the said the day of April, and one on day of April, and one on every day thereafter, until the whole are discharged.

Sentence expiring on Sunday.

3. Whenever the term of any prisoner's sentence expires a Sunday. he shall be in prisoner's sentence expires. on a Sunday, he shall be discharged on the Monday preceding, unless he desired preceding, unless he desires to remain until the Monday following:

Clothing and money to convicts discharged.

4. Every convict under sentence for life, or for a term by ses than two years shall less than two years, shall, upon his discharge, at the expiration of sentence or attraction at the expiration of sentence or attraction. expiration of sentence, or otherwise, be furnished, at the expense of the penitentian expense of the penitentiary, with a suit of clothing as is than prison clothing and and a suit of clothing as is than prison clothing, and with such sum of money as is sufficient to pay his travalling. sufficient to pay his travelling expenses to the place in which he received his source. which he received his sentence, and such other sum addition, not exceeding twenty. addition, not exceeding twenty dollars, as the warden deep proper; and if any sum received his sentence, and such other sum propers. proper; and if any sum remains at his credit for earnings and overwork, such sum shall be a sum to the sum shall be a such sum shall be a sum overwork, such sum shall be paid to him at such times, and in such amounts, as the

As to convict in such amounts, as the prison rules direct; as that to place of warden is of opinion that not returning warden is of opinion that a convict, on being discharged conviction. does not intend home fide to be part to min at sace but 11 but 11 but not returning warden is of opinion that a convict, on being which he conviction. does not intend bonâ fide to return to the place at the p received his sentence, but intends to go to some other place nearer to the penitentiary nearer to the penitentiary, such convict shall be furnished with such less sum of with such less sum of money as is, in the opinion, sufficient to pay his transfer to such to such opinion, sufficient to pay his travelling expenses to such nearer place. 46 V. c. 37 c. or

for him.

64. Every article found upon the person of a convict stee time of his reception into the found on convict on entry to be kept sidered worth processing the person of a convict on entry to be kept sidered worth processing the person of a convict on entry to be kept sidered worth processing the person of a convict of a convict on entry to be kept sidered worth processing the person of a convict of a convic sidered worth preservation, shall be taken for the and a description thereof antonial and a description thereof entered in a book kept for to purpose; and if the convict description thereof entered in a book kept for to purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose; and if the convict description is a book kept for the purpose is a book kept for the purpose; and if the convict description is a book kept for the purpose is a book kept for the purpose. purpose; and if the convict does not see fit otherwise the dispose of it at the time it shall it dispose of it at the time, it shall be carefully put away to the day of his discharge when it the day of his discharge, when it shall be delivered up him again in the state in which it shall be delivered warden him again in the state in which it then is; but the warder shall not be liable for any determination of the state in the s shall not be liable for any deterioration which takes place in such article in the interval. 2. If, at the time of his reception, the convict desires to May be sold if randum of any such article, and it is so disposed of, a memohe dispose of the fact shall be noted in the said book, and them.

also by the convict any money received therefor shall be black the convict; and any money received therefor shall be placed to his credit. 46 V., c. 37, s. 66.

CORONERS' INQUESTS.

and a convict dies in a penitentiary, and the inspector, Coroner to hold inques that the hold inques in certain warden, surgeon or chaplain has reason to believe that the hold inquest in certain ordinary cases. death of such convict arose from any other than ordinary cases. causes, he shall call upon a coroner having jurisdiction to hold an he shall call upon a coroner having jurisdiction to hold an inquest upon the body of such deceased convict; and upon the body of such deceased above such requisition by one or more of the officers above named, the said coroner shall hold such inquest, and, Admittance that for that purpose, he and the jury, and all other persons of coroner shall have admittance necessarily attending such inquest, shall have admittance and jury. to the prison. 46 V., c. 37, s. 67.

DECEASED CONVICTS.

The body of every convict who dies in a penitentiary How the body all, if all body of every convict who dies in a penitentiary How the body of convict shall be distaken laimed by his relatives, be given up to and shall of convict shall be disbe taken away by them; but if not so claimed, the body posed of. may be delivered to an inspector of anatomy, duly appointed under any Act authorizing such appointment, or to the taught. Act authorizing such appointment, is taught. tanght; or if not so delivered, shall be decently interred the expense of the penitentiary. 46 V., c. 37, s. 68.

the Kingston Penitentiary to set apart a portion thereof for penitentiary insane ward. the reception, confinement and treatment of insane convicts; the portion so set apart shall be used for such purposes to ward for the insane. the portion so set apart shall be used for such purposed by and shall be known as the ward for the insane. **€** 7, c. 37, s. 69.

If at any time it appears to a surgeon of a peniten-Surgeons to that at any time it appears to a surgeon and ought report cases of insanity the removed convict confined therein is insane and ought of insanity insane, he shall report among convicts. to be removed to the ward for the insane, he shall report among controls. the removed to the ward for the insane, he shall report among the same in writing to the warden, and on such report the victs. raden shall forthwith remove such convict to the ward the insane. 46 V., c. 37, s. 70.

If, at any time before the termination of the sentence If insane conthat such convict, it is certified to the warden by the surgeon vict becomes sane.

that each convict, it is certified to the warden by the surface to he convict has recovered his reason, and is in a fit ward for the insane, the to be removed from the ward for the insane, the half removed from the ward for the insane, the the shall removed from the ward for the insane, the shall removed from the ward for the insane, the shall removed from the ward for the insane, the shall remove the removed from the ward for the insane, the shall remove the removed from the ward for the insane, the shall remove the remove the remove the removed from the ward for the insane, the shall remove the rem to be removed from the ward for the msane, and remove such convict therefrom. 46 V., c. 37,

If insane when his term expires.

70. If the term of imprisonment of any convict expires half the detained as income in the convict half the c while detained as insane in the ward for the insane, adings continue to be detained therein pending the proceedings authorized by this Act and in the ward for the insane, he proceedings authorized by this Act and in the ward for the insane, he ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane, he was continued as insane in the ward for the insane. authorized by this Act; and in such case the surgeon shall forthwith certify to the forthwith certify to the warden whether the person is same or insane. 46 V 2 27

Discharge, if

71. If the surgeon certifies that such person is sane, he all be forthwith disable. shall be forthwith discharged. 46 V., c. 37, s. 74.

Report in order to removal of insane convict.

72. If the surgeon certifies that the person is insane, the arden shall report the first that the person is insane, the warden shall report the fact to the inspector; and the Secretary of State shall the Secretary of State shall thereupon communicate the fact to the Lieutenant Governor of the state that the the Lieutenant Governor of the Province within which the person was sentenced as the person was sentenced. person was sentenced, so that he may be removed to a place of safe keeping.

Lt. Governor may order removal.

2. The Lieutenant Governor may, thereupon, order the moval of the person to and removal of the person to a place of safe keeping within the Province, and he shall remove the safe that the shall remove the Province, and he shall, upon such order, be delivered to person therein designated. person therein designated, for transport to such place, he shall remain and he delivered to such place he shall remain and he delivered to such place. he shall remain and be detained there or in such other place of safe keeping as the Line of safe keeping as the Lieutenant Governor, from time to time, orders. until it time, orders, until it appears to the Lieutenant Governor that he is of sound that he is of sound mind, when the Lieutenant Governor may order him to be died. may order him to be discharged; but if, at any time his removal to such alternations. his removal to such place of safe keeping, and before to complete recovery complete recovery, the Lieutenant Governor thinks fit to order that he shall he order that he shall be given up to any person by him named, he shall be given up to any person by 37, ss. named, he shall be given up to any person by named, he shall be given up accordingly. 46 V., c. 37, 55. 75 and 76.

Further power of Lieutenant Governor.

Provision if arrangements

have been

keeping of

convict in

Ontario.

73. If the Lieutenant Governor of the Province within hich any such person which any such person was sentenced has made arranged ments with the Lieutenant Governor of the Province of th ments with the Lieutenant Governor of the Province Ontario for the safe keeping. Ontario for the safe keeping of any such person in Ontario and such arrangements have a such person in the and such arrangements have been communicated to promade for safe Secretary of State by the Lieutenant Governors of the vinces concerned the Secretary of State by the Lieutenant Governors of the case of vinces concerned the Secretary of State by the Lieutenant Governors of the case of vinces concerned the Secretary of the Secretary of Secreta vinces concerned, the Secretary of State shall, in the case of any such person. communication of the riod vinces concerned, the Secretary of State shall, in the case of any such person. any such person, communicate, under the next preceding section, with the Lieutenant Co. section, with the Lieutenant Governor of Ontario, who shall in such cases, have all the in such cases, have all the powers thereby given:

Provision if Lt. Governor does not provide for removal.

2. If the Lieutenant Governor does not, within as onths after the Secretary of St. months after the Secretary of State has communicated, to provided by the next procedure to the person of provided by the next preceding section, cause the person of be removed under the provided section. be removed under the provisions thereof, the Minister to State may, on the recommendation of the Minister to Justice, direct the convict to be removed to be removed under the recommendation of the Minister to Justice, direct the convict to be removed to Justice, direct the convict to be removed for safe keeping his the gaol in which he was less to the the gaol in which he was last confined previous in transfer to the position transfer to the penitentiary, or to any other gaol in Province within which he was continued previous to the province within which he was continued after such Province within which he was sentenced; and, after such

removal, all the provisions of the next preceding section apply to his shall apply to his case. 46 V., c. 37, ss. 77 and 78.

the Minister of Justice may order an inquiry and report to sanity, how the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, Question of the made by one and a sanity of any convict, and a sanity of any convict, and a sanity of any convict of the made by one and a sanity of a sanity be made by one or more medical men, in conjunction with the surgeon one or more medical men, in conjunction with as the surgeon one or more medical men, in conjunction with report, direct such action the surgeon, and may, upon such report, direct such action by the succession of this Act. 46 as is necessary to carry out the provisions of this Act. 46

SCHEDULE.

Wardo	SCHEDULE.	
Deput not le	${f SCHEDULE}. \ {f texceeding}. \ {f den}, \ {f not} \ {f exceeding}. \ {f sexthan}. \ {f sexthan}$	\$3,000
Chief w War	t exceedingss thanss thanss thanss thanss not exceeding.	\$1,000 1,400
Chand not les	not exceeding	600 900
Assistant les	t exceeding	500 1,200
Surpe not les	aplain, not exceeding	400 500
Account less	exceeding	1,800
School not less	ot exceeding	400
Morek not less	not exceeding.	500 600
oten not le	ot exceeding	250 900
not less	ceeding.	100 700
are offi	Ces of St.	:00
Chier the Store	oined, the salary may be that of	
rade not less	tructor, not area line	1,100
Hospital Tess	pined, the salary may be that of ekeeper). tructor, not exceeding	00 750
and not leeper	not and	0 == 0
18 JOY TOF GA	500	U
Resper, not less th	don 500) . 650
1411 less th	eding) . 600
्र _े ः ४ आ	طار 400	1

		2242		Chap	\$600
Guard, not e	$\mathbf{x}_{\mathbf{c}}$ than			\$350	60^{0}
Messenger, n	s than ot exceedings s than	ζ		 400	400
Teamster, not exceeding				300	1 550
Matron, not and not les	$\mathbf{exceeding}$			250	g50
Deputy Matron, not exceeding and not less than				200	250
and not les	ss than			11.	250
	ss than	ling		120	
46 V., c. 37,	schedule A.				
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To Consol wi	ju-
32-33 V., c. 29 46 V , c. 37	s. 96 (part. The whole except ss. 4, 14 (part., 26, 54 (part), 55 (part), 57, 58 and 80.	ss. 14 (part), and 80.	s. 4ss. 54, 55 (parts), 57 and 58.	Punishr Escapes. The Mili	

CHAPTER 178.

An Act respecting Public and Reformatory Prisons.

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

In this Act, unless the context otherwise requires, the Interpretation. expression "Lieutenant Governor" means the Lieutenant Governor." Governor in Council. Governor."

PART I.

INSECURE PRISONS.

The Lieutenant Governor of any Province of Canada Lt.-Governor of any Province of Canada Lt.-Governor may substitute a neighhay by proclamation published in the official Gazette of tute a neighthe Province, and in the Canada Gazette, declare that the boring gaol ince is in gaol of any district, county or place in such Province one. the is insecure, and may name the gaol of any adjoining distict. tict insecure, and may name the gaol of any aujornments, county or place as the gaol to which offenders within first mentioned district, county or place, may, from after mentioned district, county or sentenced. 40 V., after a time stated, be committed or sentenced. 40 V.,

The Lieutenant Governor may, after the issue of such Transfer of prisoners to substituted Proclamation, from time to time, direct the sheriff to substituted in such gaol. halsfer such of the prisoners then confined in such gaol. the gaol, as the Lieutenant Governor thinks proper, to gaol so named as aforesaid; and such order shall be a deliver authority to the respective sheriffs and officers to deliver authority to the respective sherits and omotioned and receive, and to the keeper of such last menning and receive, and to the keeper of such last menning to the existing to detain therein, any such prisoner, according to was confined of the warrant or sentence under which he confined of the warrant or sentence under which he confined in such insecure gaol. 40 V., c. 37, s. 4.

During the continuance of such proclamation, any Effect of such proclamation as to persons During the continuance of such proclamation, any Enect of Such to the who would otherwise be committed to or sentenced proclamation as to persons the prison who would otherwise be committed to or sentenced proclamation as to persons and so declared insecure, who would hall be comment in the common gaol so declared insecure, who would the imprisonment in the otherwise be imprisonment in the otherwise be imprisoned to imprison the imprisoned the insecure hall prisonment in the common gaol so declared insecure, who would be committed to or sentenced to imprisonment in the otherwise be imprisoned in the proclamation for the purpose, and the insecure delicative shorter and officers shall have authority to gaol. pective and sheriffs and officers shall have authority to gaol. deliver sheriffs and officers shall have authority sholar receive such person; and a warrant directed to sall shall be a sufficient authority be gaoler of the insecure gaol shall be a sufficient authority the gaoler of the insecure gaol shall be a sufficient aumonity the gaoler of the gaol so named as aforesaid to detain gaol the person named in such warrant, according

to the exigency of the warrant, or until he is removed, as is hereinafter provided 40 W

As to place of trial of prisoners in substituted gaol, &c.

Powers of court and judges.

5. Every person so confined in the gaol named in place columnation, may be tried in the gaol named in place proclamation, may be tried in the district, county or place, or in the gaol whereof he is in the gaol whereof he is confined, unless the judge, other person presiding at the other person presiding at the court at which it is proposed to try such person, or a judge of to try such person, or a judge of a court having jurisdiction to try the offence of boundaries of a court having jurisdiction to try the offence of boundaries of the such person presiding at the court at which it is proportion to try such person presiding at the court at which it is proportion to try such person presiding at the court at which it is proportion to try such person, or a judge of a court having jurisdiction to try the offence of the such person presiding at the court at which it is proportion to try such person, or a judge of a court having jurisdiction to try the offence of the such person to try the offence, otherwise directs; and the court of general gaol delivery or General Sessions of the Peace, other court having like powers, held in such county or place, and every indexes, held in the peace, and county or place, and every judge presiding thereat, com-have jurisdiction to make, in reference to any person keep mitted in default of sureties for good behavior, or to make the peace, the like order as a good behavior, and make the peace, the like order as such court or judge might place if the court was being hold in the court or judge might place. if the court was being held in the district, county or place in which such person was

Proclamation superseding that first issued.

6. The Lieutenant Governor may, at any time, by provoclamation published in the grant of the provocation of proclamation published in the official Gazette of the lands ince, and in the Canada Gazette ince, and in the Canada Gazette, declare that any proclams tion issued under the second time. tion issued under the second section of this Act, shall, pro-and after a time stated and after a time stated, cease to have effect; and such proclamation shall cease to have effect; and 40 V., c. clamation shall cease to have effect accordingly. 37, s. 5.

Re-transfer of prisoners in consequence.

7. The Lieutenant Governor may, after the issue of such st mentioned proclamatical results and transfer to transfe last mentioned proclamation, direct the sheriff to transfer so many of the prisoners. so many of the prisoners then confined in the gaol so named as aforesaid, as the Light as aforesaid, as the Lieutenant Governor thinks proper, for the gaol of the district, county or place in which, but the operation of the proceding such prisoners the operation of the preceding sections, such prisoners would have been confined. would have been confined; and such order shall be sufficient authority to the respective. authority to the respective sheriffs and officers to deliver and receive, and to the leaves to the respective sheriffs and officers to deliver and receive, and to the leaves to the lea and receive, and to the keeper of such last mentioned to delive to detain therein any contract of the such last mentioned to the to detain therein any contract of the such last mentioned to the today. to detain therein, any such prisoners, according to exigency of the warrent exigency of the warrant or sentence under which they were originally confined 40 W

EMPLOYMENT OF PRISONERS.

Lt.-Governor in Council may make regulations.

8. The Lieutenant Governor of any Province may, provent me to time, make regulation time to time, make regulations for the purpose of preventing escapes and preserving time to ti ing escapes and preserving discipline in the limits prisoners in any common and prisoners in any common gaol, employed beyond the limits thereof. 40 V., c. 36 s 1 the Lieutenant

And may then authorize employment of prisoners outside of gaols.

Governor may, from time to time, direct or authorize the employment, upon any specific direct or authorize the limit hevord the limit hevord the limit here. employment, upon any specific work or duty, is sentenced limits of any common good of limits of any common gaol, of any prisoner who is sentenced

to be imprisoned with hard labor in such gaol, for any offence again with hard labor in such gaol, for any 48-49 V., c. 81, s. 1. offence against any law of Canada. 48-49 V., c. 81, s. 1.

8 Subject y such prisoner shall, during such employment, Discipline subject the rules. regula-gaol to be sheared be subject to such regulations and to all the rules, regula-gaol to be observed.

The subject to such regulations and to all the rules, regula-gaol to be observed. tions and to such regulations and to all the rules, regular c. 36, 8 9 c. 36, s. 3.

11. No such prisoner shall be so employed, except under Supervision. le strictor the strictest care and supervision of officers appointed to that duty. 40 V., c. 36, s. 4.

d, along street, highway or public thoroughfare of any Place of hed, along in going to or work, &c kind, along or across which prisoners pass in going to or be deemed across which prisoners place where they are part of gaol. returning from their work, and every place where they are part of gaol. of the paol. while so used, be considered as a portion of the gaol; and any escape or attempt at escape, and any escape or such street, highway rescue gaol; and any escape or attempt at escape, and or thoronal empt at rescue, made on such street, highway or thorough fare, shall be held to have been made within or from such gaol. 40 V., c. 36, s. 5.

IMPROVEMENT OF PRISON DISCIPLINE.

It, in any Province, there is at any time a prison of on certain characters are three sections three sections. Such a If, in any Province, there is at any time a prison of on certain the three sections as to render practicable the application of conditions the three sections next following to such Province, and if next following to such Province, are ing may be declared in the three sections next following to such Province, and it next follownecond of the daily conduct of every prisoner in such force in any
fully noting him below the daily conduct of every prisoner in such force in any
fully noting him below the daily conduct of every prisoner in such force in any
fully noting him below the daily conduct of every prisoner in such force in any
fully noting him below the daily conduct of every prisoner in such force in any prison of the daily conduct of every prisoner in such force in sold faithess, noting his behavior, industry, diligence and faith-Province. falness, and the strictness with which he observes the Prison regulations, and if such prison, and the rules so made, by the Grand in declared adequate, the Governor in Council, declared adequate, the Governor in Council, declared adequate, the Canada Council may, by proclamation published in Prothe Canada Gazette, reciting the premises, and describing prison deal reciting the premises and describing in force within such Prothe Canada Gazette, reciting the premises, and described from declare such sections in force within such Produce from the such sections in such proclamation. Vince from and after a day named in such proclamation. 40 V, c. 39, ss. 1 and 5.

Norg. 39, 8s. 1 and 5.

The special provisions with respect to the Central Prison are omitted, as provided for by the general provision.

Any judge sentencing any prisoner to imprisonment Power to dially prison general provision. in any judge sentencing any prisoner to imprisonment Power to ceding prison named in the proclamation in the next pre-judge sentencing a section section are decimal tensor in the proclamation in the next pre-judge sentencing a section section contains a sectio ceding prison named in the proclamation in the next protencing a term not monthly manufactured, may sentence such prisoner for prisoner in the maximum certain case a term section mamed in the proclamation in the proclamation in the proclamation in the prisoner in the more than one sixth longer than the maximum certain cases. Such at present than one sixth longer than the maximum certain cases. term not more than one sixth longer than the maximum stack sentence prescribed by law for the offence; and any it is sentence. at present prescribed by law for the offence; and any be carried out in such prison, although to any to any the carried out in such prison, although the carried out in such prison. the sentence may be carried out in such prison, although control of the control o

tled to earn prisoner sentenced to such prison shall be en- Prisoner may to earn a remission of the time for which sion of part of month sentence. titled to earn prisoner sentenced to such prison shall be en- Prisoner may be is sentenced a remission of a portion of the time for which earn a remission of part of the days for every month sentence. Le is sentenced to such prisoner sentence senten

during which he is exemplary in behavior, industry and faithfulness and december in behavior, industry and faithfulness, and does not violate any of the interrules; and if provented from the interrules. rules; and if prevented from labor by sickness, not to earn, tionally produced by him to be sickness, not earn, tionally produced by himself, he shall be entitled to earn, by good conduct a remarkable produced by himself, he shall be entitled and one by good conduct, a remission not exceeding two and one half days for every such many half days for every such month. 40 V., c. 39, s. 3.

16. Every such prisoner who commits any breach of the ws or of the prison remission in certain cases. laws or of the prison regulations shall, penalty to which he is liable ball. The whole penalty to which he is liable, be liable to forfeit the whole or any part of any remission. or any part of any remission which he has so earned. V., c. 39 s 4 V., c. 39, s. 4.

PART II.

Provisions applicable to Ontario.

17. The provisions of sections eighteen to forty-eight oth inclusive, being Part 1 both inclusive, being Part two of this Act apply only to the Province of Ontario 42 V Province of Ontario. 43 V., c. 39, s. 16, part, and c. 40, s. 10, part.

Interpretation. " Court."

18. In this part of this Act, the expression "court" in udes a police or stippedia. cludes a police or stipendiary magistrate, but does not include one or more instinction. clude one or more justices of the peace. 43 V., c. 39, s. 2, and c. 40, s. 2;—44 V and c. 40, s. 2;—44 V., c. 32, s. 1, part, and s. 6, part.

The Central Prison for the Province of Ontario.

Imprisonment in the Central Prison.

19. Every court in the Province of Ontario, before which may person is convicted for the laws of the l any person is convicted for an offence against the laws of Canada, punishable by Canada, punishable by imprisonment in the common gaple for the term of two months. for the term of two months, or for any longer time, sentence such person to increase to the common may sentence such person to imprisonment in the central prison for the Province of Ontaria for the Province of Ontario, instead of the common gaol of the county or indicial district the county or judicial district where the offence was committed, or was tried 44 V mitted, or was tried. 44 V., c. 32, s. 6, part.

Transfer of prisoners to the Central Prison.

20. Every person confined in any one of the common all soft the said Province gaols of the said Province, under sentence of provincial ment for any offence ment for any offence, may, by direction of the Provincial Secretary, be transferred from the provincial to such Secretary, be transferred from such common gaol to such central prison, there to be central prison, there to be imprisoned for the unexpired portion of the term of imprisoned for the unexpired portion of the une portion of the term of imprisonment to which such person was originally sentenced. was originally sentenced or committed to such person gaol; and such person shall it gaol; and such person shall thereupon be imprisoned in such central prison for the suc such central prison for the residue of such term, unless and the meantime he is lawfullthe meantime he is lawfully discharged or removed, such shall be subject to all the shall be subject to all the rules and regulations of such central prison. 36 V c 60

Such person may be removed to the central prison, Transfer or any part thereof, is although prisonmer notwithstanding such imprisonment, or any part thereof, is although imprisonment in posed in doff such imprisonment of a fine or penalty in for non-payimposed in default of the payment of a fine or penalty in for non-paymoney, and the payment of a fine or penalty in for non-payment of the payment of the pa money, and that such person is entitled to be discharged ment of fine. apon payment of such fine or penalty:

2. If the fine or penalty is paid after the removal of the If fine is paid ender, the control of such subsequently. offender, the same shall be paid to the proper officer of such subsequently. prison, to defray the expenses of the removal of the said offender to such prison, and otherwise for the uses of such prison; but nothing herein contained shall affect the right of any private person to such fine or penalty, or any part thereof. 44 V., c. 32, s. 5.

The Warden of the central prison shall receive into Warden to receive and prison to the central prison shall receive into Warden to receive and detain offenthe said prison every offender legally certified to him as detain offentha, subject to imprisonment therein; and shall detain ders. thereof, un+;1 to all the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise discharged in due of law. 36 V., c. 69, s. 3.

anthorize, direct or sanction the employment upon any spe- on works tensor central prison of the prisoners confined or sensuch work or duty, without or beyond the walls or limits or being central prison, of any of the prisoners confined or sen-prison. tenced central prison, of any of the prisoners connneu of the prisoners connneu of the prisoners connneu of the prisoners conneu of the prisoners connneu of the prisoners connected the prisoners co shall, during such last mentioned employment, be subject the roll such prison, to all during such last mentioned employment, be such far as the rules, regulations and discipline of such prison, as the such such other regulations and to such other regulations. of ar the rules, regulations and discipline of such productions as the same are applicable, and to such other regulations, for the same are applicable, and to such other regulations as capes, and otherwise, tions as the same are applicable, and to such other research are appropriately are appropriately app as are approved by the Lieutenant Governor in that behalf: walls or limite of prisoners are so employed without the walls or limits of such prison, it shall only be done under the strictest are of officers appointed to the strictest care and supervision of officers appointed to

by Warrant Lieutenant Governor may, from time to time, Transfer of prisoners to common gaol.

The Lieutenant Governor may, from time to time, Transfer of prisoners to common gaol.

The Common time to time, Transfer of prisoners to common gaol. warrant signed by the Provincial Secretary, of the in that had been as is authorized by the Lieutenant Governor in that had been as is authorized by the Lieutenant Governor in that had been as is authorized by the Lieutenant Governor in the had been or ernor other officer as is authorized by the Lieutenant the central that behalf, direct the removal of any offender from reformatory for boys, or the central prison to the Ontario reformatory for boys, or the central prison to the Ontario gaol of the county from the direct the removaling the central prison to the Ontario reformatory for boys, the which has prison to the common gaol of the county that the central prison to the common gaol, or from any other gaol, or from the county that the central prison to the county the central prison to the county that the central prison to the county the central prison to the county that the central prison to the county the central prison to the county the central prison to the central prison the which he was sentenced, or to any other gaol, or from said reformed sentral prison. 48-49 V., c. the which he was sentenced, or to any other gaol, or new sentenced, or new sentenced

Ontario Reformatory for Doys.

the Court any boy, who, at the time of his trial, appears to What offenders may be sentenced to the under the age of sixteen years, is convicted sentenced to the court of the court of the opening of imprisonment for a the Ontario Reformatory of court to boy, who, at the time of the sentence of three months or longer, but less than five years, for boys. may be imposed upon an adult convicted of the like offence, and the court before will I and the court before which such boy is convicted is satisfied that a due remark for the like one is convicted is satisfied that a due regard for the material and moral fare of the box manifest! fare of the boy manifestly requires that he should be such mitted to the Outario reference. mitted to the Ontario reformatory for boys, then refor court may sentence the boy to be imprisoned in such heing matory for such term and the such heing matory for such term as the court thinks fit, not being greater than the term of the such term as the court thinks fit, not be greater than the term of the such terms of the greater than the term of imprisonment which could be imposed upon an adult for the country of may imposed upon an adult for the like offence; and may further sentence such hard further sentence such boy to be kept in such reformatory for an indefinite time of for an indefinite time after the expiration of such term: Provided that the term: Provided, that the whole period of confinement in such reformatory shall not such reformatory shall not exceed five years from the commencement of his imprisor. mencement of his imprisonment. 43 V., c. 39, s. 1, part.

As to term of imprisonment.

In certain cases offenders summarily con-victed may

26. If any boy, apparently under the age of sixteen ears, is convicted of any on years, is convicted of any offence punishable by law on summary conviction and it summary convicted of any offence punishable by law summary conviction, and thereupon is sentenced and committed to prison in any conviction. mitted to prison in any common gaol for a period of teen days at the least and the gast and gaol for a period of teen days at the least and th to such reforteen days at the least, any judge of any one of the superior courts, or any judge of courts, or any judge of a county court, in any case occurring within his county many ring within his county, may examine and inquire into he circumstances of such circumstances of such case and conviction, and when the considers the material considers the material and moral welfare of the boy for quires such sentence be quires such sentence, he may, as an additional sentence forth, such offence, sentence such offence, sentence such boy to be sent either forth with or at the expiration of lines and the sent either forth with or at the expiration of lines and the sent either forth. with or at the expiration of his imprisonment in such gaol, to such reformatory to be such reformatory to be such reformatory. to such reformatory, to be there detained for the purpose of his industrial and many of his industrial and moral education, for an indefinite period, not exceeding in the period, not exceeding in the whole five years, from gaol. commencement of his imprisonment in the common gaol. 43 V., c. 39, s. 3.

Detention for purposes of reform.

27. Every boy so sentenced shall be detained in such formatory until the avainable. reformatory until the expiration of the fixed term, if any, of his sentence, unless contraction of the fixed term, author of his sentence, unless sooner discharged by lawful hereofrity, and thereafter shall rity, and thereafter shall, subject to the provisions and to any regulations and to any regulations made, as hereinafter provided five detained in such reformations. detained in such reformatory for a period not to exceed five years from the commencement years from the commencement of his imprisonment, 43 V. purpose of his industrial and moral education. c. 39, s. 4.

28. A copy of the sentence of the court, duly certified the proper officer or the of boy to gaol until convey- by the proper officer, or the warrant or order of the judge ed to reformator or other magistrate by ed to reformatory. or other magistrate by whom any boy is sentenced to the tory. finement in such reformatory, shall be a sufficient authority to the sheriff, constable or other sheriff, constable or other sheriff, constable or other sheriff. to the sheriff, constable or other officer who is the compression of the contract of the contr verbally or otherwise, so to do, to convey such boy to the conmon gaol of the county where mon gaol of the county where such sentence is pronounced and for the gaoler of such could be and for the gaoler of such could be a such could and for the gaoler of such gaol to receive and boy, until some person lawfull boy, until some person, lawfully authorized, requires the delivery of such boy for removal to the reformatory. 43 V.,

29. If any boy sentenced to be confined in such refor- If the boy is atom. matory is in such a weak state of health that he cannot in bad health. safely or conveniently be removed to the reformatory, he may had conveniently be removed to the reformatory, he may be detained in the common gaol or other place of connement in which he is, until he is sufficiently recovered to be and in which he is, until he is sufficiently recovered. to be safely and conveniently removed to the reformatory. 43 V., e. 39, s. 7.

No boy shall be discharged from such reformatory As to discharge who have in heavily in h at the termination of his term of confinement, if then charge when laboring laboring under any contagious or infectious disease, or health. under any contagious or infectious divider any acute or dangerous illness, but he shall be per-Mitted to remain in such reformatory until he recovers from such disease or illness: Provided, that any boy remaining Proviso. in such reformatory for any such cause shall be under the same directory for any such cause shall be under the same discipline and control as if his term was still unexpired. 43 V., c. 39, s. 13.

The Andrew Mercer (Ontario) Reformatory for Females.

Every court in the Province of Ontario, before which When females by females connect the laws of may be sentenced to any female is convicted of an offence against the laws of may be sentenced to Canada, punishable by imprisonment in the common gaol Andrew Merthe the townshable by imprisonment in the common gaol Andrew Merthe the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe to the townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common gaol Andrew Merthe townshable by imprisonment in the common for the term of two months, or for any longer time, may tory. Mercer Council Such female to imprisonment in the Andrew Mercer (Ontario) reformatory for females, instead of the offence was committed or was tried. 44 V., c. 32, s. 1,

Any female, from time to time, confined in any comprison-contence of imprison-such reform Mon gaol in the said Province, under sentence of imprison-such reformament for any offence against the laws of Canada, may, by tory. direction of the Provincial Secretary, be transferred from fach comments to be imprisoned on the unexpired portion of the term of imprisonment to the such such a such reformatory. which such female was originally sentenced or committed in the commentation of the term of imprisonment to the such female was originally sentenced or committed in the commentation of the said to the such female was originally sentenced or communication of the common gaol; and such female shall thereupon be the prisoned; and such female shall thereupon be the common gaol; and such female shall thereupon be the common gaol; and such female shall there are the residue of the said inprisoned in such reformatory for the residue of the said the, and state of the said the rules and regulations of term, and shall be subject to all the rules and regulations of the reformatory. 44 V., c. 32, s. 2.

Any female so sentenced to imprisonment may be Transfer although prisonment imprisonment imprisonment imprisonment imprisonment imprisonment in the sentence of the sentence o removed to such reformatory, notwithstanding such imprisonment is prisonment, or any part thereof, is imposed in default of the for non-payment of a fine or penalty in money, and that such ment of a fine or penalty in payment of such such ment of a fine. the or benefit of be discharged upon payment of such

If fine is paid subsequently.

2. If the fine or penalty is paid after the removal of the offender, the same shall be paid to the proper officer of such reformatory, to defray the expense of the removal of the said offender to such reformatory, and otherwise for the uses of such reformatory; but nothing herein contained shall affect such right of any private person to such fine or penalty, or any part thereof. 42 V. c. 42 s. 2

Term of imprisonment in certain cases.

34. Whenever any female is convicted under the fourth section of the "Act respecting Offences against Public Morals" and Public Convenience," or, under "The Summary Trials Act," she may be sentenced to the said reformatory for any term less than two years; but if any term exceeding six months inflicted, no fine shall be imposed in addition.

32, s. 3.

Conveyance of prisoners.

35. Any officer appointed by the Lieutenant Governor, of other officer or person, by his direction or by direction of the court or other lawful authority, may convey to such reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent or the thereof, without any further warrant than a copy which sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge or the clerk or acting clerk of such court.

Superintendent to receive and detain offenders.

36. The superintendent of the reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline thereof until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law. 42 V., c. 43, s. 8.

Transfer of prisoners to common gaol.

37. The Lieutenant Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as is authorized by the Lieutenant Governor back that behalf, direct the removal from such reformatory to the common gaol, or to any other gaol in Ontario, of person removed to such reformatory under this Act. 22 V. person removed to such reformatory under this Act. 22 V. person removed to such reformatory under this Act.

Delivery of offender to the proper officer.

of any common gaol, having the custody of any offender of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, delives up to the constable or other officer or person who product the said warrant, such offender, together with a copy, at tested by the said superintendent or gaoler, of the sent the and date of conviction of such offender, as given on reception of the offender into the custody of such super intendent or keeper. 42 V., c. 43, s. 10.

The Industrial Refuge for Girls.

Be count in who at the time of her trial appears to On conviction of the convicted of the c the court to be under the age of fourteen years, is convicted offences girls of any offences of imprisonment for a may be senof any offence for which a sentence of imprisonment for a may be sentence of of one of one which a sentence of imprisonment for a may be sentence of one of term of one month or longer, but less than five years, may tenced to Interm possed month or longer, but less than five years, may dustrial Refuge. be imposed upon an adult convicted of the like offence, and Refuge. the court before which the girl is convicted is satisfied that a due recomb which the girl is convicted is satisfied that a due regard for her material and moral welfare manifestly requires that she should be committed to the Industrial Refuge for G: she should be committed to the Industrial Refuge for Girls of Ontario, such court may sentence such girl we for Girls of Ontario, such court may sentence formatory for females, for such fixed term as the court thinks fit not limited the formatory for females, for such fixed term of imprisonment thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, in may for the like offence, and may further sentence the said girl to be kept in such industrial marker sentence the said girl to be kept in such industrial refuge for girls for an indefinite time after the term of such fixed term: Provided, that the whole As to term of confined term of confined term of confined term of confined term. term of such fixed term: Provided, that the wnoise as we confine the second of confinement in such reformatory and industrial imprisonment. refuse shall not exceed five years from the commencement of her imprison to exceed five years from the commencement. of her imprisonment. 43 V., c. 40, s. 1, part.

40. If any girl apparently under the age of fourteen in certain ders, is convicted apparently under the age of fourteen in certain ders sumyears, is convicted of any offence punishable by law on cases offenders summary convicted of any offence punishable by law on cases offenders summarily convicted may minary convicted of any offence punishable by law ders sum-mitted to price to and thereupon is sentenced and commarily con-tanded to price to any sentenced and commarily con-tanded to price to any sentenced and commarily con-tanded to price to the contract of the co nitted of any offence pullionated and commarily conteen days at the least, any judge of one of the superior such refuge.

With:, or any index of a county court, in any case occurring courts, or any judge of a county court, in any case occurring within his county court, in any case occurring and inquire into the circulars within his county, may examine and inquire into the cirthestances of any any examine and if he considers chingtances of such case and conviction, and if he considers material of the mirl requires it, he the material and moral welfare of the girl requires it, he may, as an additional sentence for such offence, sentence the girl to be sent either forthwith, or at the expiration of imprison be sent either forthwith. her imprisonment in such gaol, to such industrial refuge for imprisonment either forthwise, the girls, to be there detained for the purpose of her industrial moral education for an indefinite period, not a some from the commencement of the purpose of the industrial reliable to the purpose of her industrial moral education for an indefinite period, not a some from the commencement at the source of the purpose of the purpose of the industrial reliable to the purpose of her industrial reliable to the purp exceeding in the whole five years from the commencement imprises whole five years from the commencement and a vice of the commencement of the comm of her imprisonment in the common gaol. 43 V., c. 40, s. 3.

Every girl so sentenced shall be detained in such Detention for the fixed term of her purposes of reform. reformatory girl so sentenced shall be detained in such Detention to sentence, until the expiration of the fixed term of her purposes of reform. entence, until the expiration of the fixed term of the such original sooner discharged by lawful authority; and such unless sooner discharged by lawful autnomy, under the girl thereafter shall, and every girl sentenced to the next preceding section shall, subject, in both to the preceding section shall, subject, in both and to any regulations made industrial cases, the next preceding section shall, subject, in the hereinaft provisions hereof, and to any regulations made less thereinaft provisions hereof, and to any regulations made in such industrial thereinafter provisions hereof, and to any regulations much ge for or provided, be detained in such industrial avoided five years from the hereinafter provisions hereot, and to commence for girls for a term not to exceed five years from the connecting provided, be detained industrial and of her imprisonment, for the purpose of her as V. c. 40, s. 4. industrial and moral education. 43 V., c. 40, s. 4.

General Provisions.

Any sheriff or other person having the custody of Detention in demanded by demanded by Any sheriff or other person having the custody of Detention in sentenced to imprisonment in the said central gaol until demanded by proper authority. prison or either of the said reformatories, may detain the offender in the common gaol of the county or district in which such offender is sentenced, or other place of confine which such offender is, until some person lawfully ment in which such offender is, until some person lawfully authorized in that behalf requires such offender's delivery for the purpose of being conveyed to such prison or either of such reformatories. 38 V., c. 46, s. 1;—42 V., c. 43, s. 4; —43 V., c. 39, s. 5.

If offender is certified to be in weak health.

43. If the gaol surgeon, or other medical practitioned acting in that behalf, certifies that any offender sentenced to the central prison or to the Andrew Mercer (Ontario) to the central prison or to the Andrew Mercer (Ontario) reformatory for females, is in such a weak state of health reformatory for females, is in such a weak state of health reformatory for females, is in such a weak state of health reformatory for females, is in such a weak state of health reformatory for females, in such a state of health reformatory for females, such a labor, such offender in which such offender is, until such offender is sufficiently recovered to be employed at hard labor. V., c. 46, s. 2;—42 V., c. 43, s. 5.

Computation of time in such cases.

41. The time for which any person, sentenced to imprison onment in the central prison or in the Andrew under (Ontario) reformatory for females, is held in custody under the provisions of the two sections next preceding, shall be reckoned in computing the time served by such person in such prison or reformatory. 38 V., c. 46, s. 3;—12 V., c. 43, s. 6.

If term expires on Sunday.

45. Whenever the time of any offender's sentence in such prison, reformatories or refuge, under any law within the legislative authority of the Parliament of Canada expires on a Sunday, such offender shall be discharged on the previous Saturday, unless such offender desires to remain previous Saturday, unless such offender desires to remain until the Monday following. 36 V., c. 69, s. 6;—42 V., c. 43, s. 11;—43 V., c. 39, s. 12

Apprenticeship of juvenile offenders.

46. If any respectable and trustworthy person is willing to undertake the charge of any boy committed to over Ontario Reformatory for Boys, when such boy is the age of twelve years, or of any girl committed to the Industrial Refuge for Girls, as an apprentice of the trade or calling of such person, or for the purpose the domestic service, and such boy or girl is confined to reformatory or refuge by virtue of a sentence or reformatory or refuge by virtue of a sentence or nounced under the authority of any Act of the Parliament of Canada, the superintendent of the reformatory or refuge of may, with the consent and in the name of the inspector of prisons and public charities of Ontario, bind the said boy prisons and public charities of Ontario, bind the said how this or her consent, beyond a term of five years, from his or her consent, beyond a term of five years, the commencement of his or her imprisonment; and the spector shall thereupon order that such boy or girl shall be discharged from the said reformatory or refuge on probation.

Discharge on probation in such case.

to remain so discharged, provided his or her conduct during the roses from the commencethe residue of the term of five years, from the commencement of the term of five years, and such ment of his or her imprisonment, continues good, and such boy or her imprisonment, continues good, that boy or girl shall be discharged accordingly: Provided, that As to wages. wages reserved in any indenture of apprenticeship and wages reserved in any indenture of such boy or wages reserved in any indenture of approximately wages reserved in a proximately wages and a proximately wage girl, or to some other person for his or her benefit:

2. No boy or girl shall be discharged under this section Sanction of atil are contance has elapsed, Governor until after the fixed term of his or her sentence has elapsed, Governor General. 43 V., c. unless by the fixed term of his or her sentence has capabless by the authority of the Governor General. 43 V., c. 89, 88. 8 and 9;—43 V., c. 40, ss. 5 and 6.

The Governor in Council may make such regulations Regulations as to discharge after the expiration of the Governor in Council may make such regulation as to discharge, after the expiraas to discharge. tion of the fixed term of sentence, of prisoners confined in of the fixed term of sentence, of prisoners common Canada reformatory or refuge under any Act of the Parliament Of Canada; and such discharge may be either absolute or upon probation, subject to such conditions as are imposed ther the such conditions. 43 V., c. 39, hoder the authority of the said regulations. 43 V., c. 39, 10; the authority 3.43 V., c. 40, s. 7.

The judge of any county court or any police magis- Re-committhate may, upon satisfactory proof that any boy or girl who ment for violation of conditions of any Act of the Parliawas sentenced under the provisions of any Act of the Parliaditions of dishert of Canada under the provisions discharged on probation, charge. hent of Canada, and who has been discharged on probation, charge. has violated the conditions of his or her discharge, order had boy and the conditions of his or her discharge, order the boy or girl to be recommitted to such reformatory or the se, and girl to be recommitted to such reformatory or the se, and girl to be recommitted to such reformatory or the second these, and thereupon such boy or girl shall be detained by an arriginal sentence, as if such therein under his or her original sentence, as if such discharged. 43 V., c. 39, s. 11, thereupon such boy of under his or her original sentence, as in said c. 40, s. 8.

PART III.

QUEBEC.

Reformatory Schools for Boys.

The provisions of sections fifty to sixty, both in-Provisions applicable Quebec. The Provisions of sections fifty to sixty, both in-Provisions ince of One Part three of this Act, apply only to the Pro- Quebec. Provisions of this Act, apply of Quebec. 32-33 V., c. 34, s. 10, part.

Every person apparently under the age of sixteen offenders who is convicted before any court of criminal jurisyears may be sent to Reformatory, district or police magistrate, of any offence for Schools. Mich he would be liable to imprisonment, may be sention, on such the liable to detained in a certified the would be liable to imprisonment, may be seen atom such conviction, to be detained in a certified would be liable to imprison such conviction, to be detained in a cerumatory school for any term not less than two years

nor more than five years, or he may be sentenced to be first imprisoned in the common and the sentenced to be first imprisoned in the common and the sentenced to be first imprisoned t imprisoned in the common gaol for a term not in any case exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in his sent exceeding three months and the common gaol for a term not in the comm exceeding three months, and at the expiration of his septence, to be sent to a cortification tence, to be sent to a certified reformatory school, and to be there detained for a term of there detained for a term of not less than two years and not more than five years

Power to discharge.

51. The Lieutenant Governor may, at any time, in his scretion, order that any offer may, at any time, reform discretion, order that any offender detained in such reformatory school, under a such at a such as suc atory school, under a summary conviction, be discharged. 32-33 V., c. 34, s. 3

Removal of incorrigibles.

52. The Lieutenant Governor may, at any time, on the province report of one of the inspectors of prisons for the Province of Quebec, order any offendary of Quebec, order any offender undergoing sentence in to certified reformatory school certified reformatory school, on a conviction for felony, the be removed as incorrigible be removed as incorrigible; and in any such case, the offender shall be imprisoned in the penitentiary c. 34, s. 4. remainder of the term of his 32-33 V., c. 34, 8. 4.

Detention of offenders

53. A person apparently under the age of sixteen ears, arrested on a charge of offence years, arrested on a charge of having committed any offence, not capital, shall not while not capital, shall not, while awaiting trial for such offence, be detained in any comments of the such offence. years pre- not capital, shall not, while awaiting trial for such offered vious to trial be detained in any common gaol, if there is a certified reformatory school within the gaol, air reformatory school within three miles of such gaol, air shall be detained in such shall be detained in such reformatory school within ing trial; and if there is marting ing trial; and if there is more than one such school within such distance, the person such distance, the person so charged shall be detained in that one of them which is that one of them which is conducted nearest in accordance with the religious beliaf + with the religious belief to which his parents belong, which he has been educated

Punishment of persons breaking the rules of reformatory schools.

54. Every offender detained in a certified reformatory the hool, who wilfully populate school, who wilfully neglects or refuses to conform to the rules thereof, shall on sure to the school a justice rules thereof, shall on sure to the school a justice rules thereof, shall on sure to the school a justice rules thereof. rules thereof, shall, on summary conviction before a justice of the peace having invisiting the peace having the peace havi of the peace having jurisdiction in the place or district of which the school is situate, be imprisoned with hard labor, for any term not exceeding the for any term not exceeding three months; and at the expiration of the term of his inration of the term of his imprisonment, he shall, by and the expense of the management. the expense of the managers of the school, be brought to the school from which he to the school from which he was taken, there to be detailed during a period equal to account to the school from the was taken, there to be detailed to the school from which he was taken, there to be detailed to the school from the school during a period equal to so much of his period of detention as remained unexpired of the as remained unexpired at the time of his being sent to the prison. 32-33 V. c. 34 5 6

Reformatory Prisons for Females.

55. Whenever the Lieutenant Governor of the Province Quebec has declared by of Quebec has declared, by proclamation published in the Official Gazette of that Drawning arranger Official Gazette of that Province, that suitable arrangements have been made in control of the province, of established Official Gazette of that Province, that suitable arrange certain female ments have been made in any district in that Province discipline the sentenced the detention and proper grant the description of the description of the detention and proper grant the description of the descripti convicts may the detention and proper government and discipline of the detention and proper government and discipline

female convicts in any separate building or separate portobe detained building of the convicts in any separate building or separate portobe detained building of the convicts in any separate building or separate portobe detained building or separate building or sep tion of the common gaol in such district, as a reformatory therein. prison for such convicts, and that such separate building prison for the common gaol in such district, as a recommon prison of a common gaol shall be a reformatory than if any female person prison of a common gaol shall be a recommon ga is convicted in the said Province of any felony, not capital, has for which the said Province of this Act, otherwise be and for which she would, without this Act, otherwise be punishable by imprisonment for any term not less than two Sears, but not exceeding seven years, such female convict shall be not exceeding seven years, such female control be punishable by imprisonment in the female reformation prison for the punishable by imprisonment in the female reformation seven. but not less than tory prison for any term less than seven, but not less than seven but not less Rye Prison for any term less than seven, but not less decordingly and she may be sentenced to such imprisonment in the seven would not be liable to accordingly, and she may be sentenced to such imprisonment in prisonment in the sentence of th in prisonment in the penitentiary for so long a term as that the which she in the penitentiary for imprisonment in the for which she may be so sentenced to imprisonment in the reformal reformal to the penitentiary for so long a term of the reformation to the solution of the reformation to the sentence of the female reformatory prison. 34 V., c. 30, s. 1.

any felong such proclamation, any female is convicted And certain others after two convictions or with of any felony or misdemeanor otherwise punishable by imtherefore two convictions of the conviction of the convictions of the conviction of prisonment, but not for any term so long as two years, or tions or with of any offence with the control of the "Act respecting their own consent." of any of misdemeanor otherwise party of misdemeanor otherwise party of misdemeanor otherwise party of the fourth section of the "Act respecting their own consent."

The bubble Convenience," then, Ofences against Public Morals and Public Convenience," then, wences against Public Morals and Public Convenience, and it is proved that she has been previously convicted that she has been previously convictions and it is proved that she has been previously convictions for for some twice or oftener, each of such convictions are for some twice or oftener, each of such convictions are for some twice or oftener, as being imprisoned that she has been a form for some such felony, misdemeanor or offence, as some such felony, misdemeanor or offence, as a sked, by the judge, remains foresaid, such such felony, misdemeanor or onence, conder, inder, convict shall be asked, by the judge, resistrate, forder, Judge of the Sessions of the Peace, commishayor, warden district police or stipendiary magistrate, warden district police or stipendiary magistrate, warden district police or stipendiary magistrate, whether hayor, warden or the two justices of the peace, or other the conviction is had, whether thor, warden or the two justices of the peace, or other consents in the conviction is had, whether the conviction is had, wh the consents, instead of the imprisonment to which she is the wise light to imprisonment for a term otherwise, instead of the imprisonment to which such that years, to be sentenced to imprisonment for a term that years it, to be sentenced to imprison; and if she reof five years, in the female reformatory prison; and if she rethe years, in the female reformatory prison; and n successful this A such consent, sentence shall be passed upon but if this A such consent, sentence shall be passed upon but if she gives such ther at the female reformatory place. Sive such consent, sentence shall be passed upon a sift this Act had not been passed, but if she gives such that the passed is the passed on the sentence on the passed on the sentence of the passed upon the sentence of the passed upon the passe tonesaid, the following that she has been twice convicted as the following the followi Moreont, on it is proved that she has been twice convicted and the fact shall be duly recorded or entered on the shall be sentenced accordance of the sentence of the sent hoceedings in the case, and she shall be sentenced according to imprison for the fact shall be duly recorded accorded to the case, and she shall be sentenced accorded to imprisonment in the female reformatory prison for term of five years. 34 V., c. 30, s. 2.

lete is more than 34 V., c. 30, s. 2.

Tokin More than 34 V., c. 30, s. 2.

Tokin More than 34 V., c. 30, s. 2.

Tokin More than 34 V., c. 30, s. 2. there is if, at the time of the passing of any such sentence, In what prince is more than one female reformatory prison in such sentence shall be carried out. Notince is more than one female reformatory prison in such tence shall be carried out.

the that one of the passing of any such that one female reformatory prison in such tence shall be carried out. the that one female reformatory that the imprisonment under such sentence sname one of such reformatory prisons which is in the district of such reformatory prisons which is in the sentence is the same one of such reformatory prison in such district, the reformatory prison in such district, the reformatory prison in such place; but same of such reformatory prisons which sentence is in if there is the place at which the sentence is but the dor district as the place at which in the reformatory prison in such district, the reformatory prison nearest to such place; but the place is not meant to such reformatory prison in such reformatory prison in the in it; and if the the reformatory prison in the reformatory prison nearest to such place; where is not more than one such reformatory prison in the province than one such reformatory prison in the sentence the reformatory prison nearest to such reformatory prison in any case then such imprisonment shall be in it; and Power to concern the such imprisonment in which the sentence vey prisoner to it. have not more than one such reformatory resonance, then such imprisonment shall be in it; and Power to compassed the sheriff of the district in which the sentence very prisoner land, or any prisoner by him deputed, shall bassed, or any person thereunto by him deputed, shall

have the like powers for conveying the convict to the reformatory prison in which she formatory prison in which she is to be imprisoned, as sheriff has to convey any convey sheriff has to convey any convict to the penitentiary. V., c. 30. s. 3 part

Every such prison to be a house of correction, &c.

58. Each such female reformatory prison as aforesaid, all be a house of correction and the reformation are reformation. shall be a house of correction and a public reformation of the prison, within the meaning of the prison, within the meaning of the sixth sub-section of the ninety-second section of "The sixth sub-section of "The sixth s ninety-second section of "The British North America 1867," and subject to such laws 1867," and subject to such laws as the Legislature mainten Province makes with respect to the establishment, maintenance and management thousands.

Convicts in common gaols may be employed outside the same.

59. Every sheriff or gaoler in the Province of Quebeck of the province of the being thereunto authorized by the Lieutenant of the rid in such manner as any Act of the Lieutenant of the rid in such manner as any Act of the Legislature of the side vince provides, and under vince provides, and under such regulations as the belief.

Legislature makes or anthonical may consider the such regulations as the belief. Legislature makes or authorizes to be made in that below may employ any male may employ any male convict sentenced to hard labor such prison, at hard labor and prison, at hard such prison, at hard labor outside the walls or precincing such prison, and may ever and and discovered to hard labor of restraints and discovered to hard labor of restraints and discovered to hard labor of restraints and discovered to hard labor of restraints. such prison, at hard labor outside the walls or precincular such prison, and may exercise the same powers of restraint and discipline, and for precincular such as the same powers of restraint and discipline, and for precincular such as the same powers of restraint such as the same powers of restraints. and discipline, and for preventing escape, while such vict is so outside of the walls vict is so outside of the walls or precincts, as if he was the same, and whether his lat

Powers for preventing escapes, &c.

Sentence to include such employment.

the same, and whether his labor is so employed directors.

the Government of the said B the Government of the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom such labor is let on line and the said Province or by any contractor whom the sa whom such labor is let or hired out by the said ment, or by any competent ment, or by any competent authority; and the sentence any such male convict what any such male convict, whether pronounced before or the passing of this Act shall be made included by the same and the sentence and the passing of this Act shall be made. the passing of this Act, shall be understood to include the employment as aforesaid employment as aforesaid, and any time during the convict is so employed shall convict is so employed, shall be reckoned as part of term for which he was some being the prison term for which he was sentenced to be confined in prison. 34 V., c. 30 c. 5

Gaols to be houses of correction.

60. Every common gaol in such Province shall be of determined of correction references. house of correction, reformatory prison and place of detection. 34 V., c. 30. s. 6

PART IV.

NOVA SCOTIA.

61. Whenever any boy, who is a Protestant and a parently under the age of sixty and some convicted by whenever any boy, who is a Protestant and a parently under the age of sixteen years, is convicted to Certain offenders may be sentenced to

Cap. 178.

tore the police court in the city of Halifax, or before the Halifax Information magnitude for the city of Halifax, of any offence dustrial School. the police court in the city of Halifax, or before the Halifax, of any offence dustrial School. for which, by law, he is liable to imprisonment, the police may sentence such boy to count or stipendiary magistrate may sentence such boy to be detained in the Halifax Industrial School for any term the exceeding the Halifax Industrial School for any term the exceeding the Halifax Industrial School for any term the exceeding the Halifax Industrial School for any term the exceeding the Halifax Industrial School for any term the exceeding the Halifax Industrial School for any term the exceeding the excee not exceed in the Halifax Industrial School for any the said holia five years, and not less than two years, as to the said police court or stipendiary magistrate appears Proper. 33 V., c. 32, s. 1.

Mo such sentence shall be pronounced unless, nor As to support set, provision between the city of Halifax, out of of such boys. Motil, No such sentence shall be pronounced unless, nor As to support funds, for the made by the city of Halifax, out of of such boys.

Of host of the sentence shall be pronounced unless, nor As to support of funds, for the sentence by the city of Halifax, out of of such boys. the funds, for the support of boys so sentenced, at the rate less than for the support of boys so sentenced, at the rate of the support of boys so sentenced. of hads, for the support of boys so sentenced, at, c. 32, g. 2 V, c. 32, s. 2.

The said industrial school shall, at all times, be open school to be alie pection by aldermen of the city of open to into inspection by the mayor and aldermen of the city of open to inspection, and the stipendiary magistrate for the city of spection.

Algebraic any of them. 33 V., c. 32, s. 3.

The committee of the said industrial school shall be Boys to be and to teach and the committee of the said industrial school shall be Boys to be educated a taught trad The committee of the said industrial school shall be Boys to be educated and instruct each boy so sentenced and deceducated and taught trades. ined to teach and instruct each boy so sentenced and used as aforesaid, in reading and writing, and in arithmeh, as far as the sentence and also to teach each which is, tel as aforesaid, in reading and writing, and in and boy such as far as the rule of three, and also to teach each and instruct each or occupations which is, the as far as the rule of three, and also to teach combine to the trades or occupations which is, and server the said school, as the comtime to time, taught in the said school, as the comtime to time, to the trades or occur.

the deems most adapted to his capabilities. 33 V., c.

Reformatory School for Boys of the Roman Catholic

Faith.

Faith. the Romant Governor of Nova Scotia, declaring that a reforsent sentenced to the Roman Catholic field and Cat Halifax Rothe Roy orphanage, industrial school or home for boys of Halifax Rothalifax, and made faith has been established in the county Reformatory.

The confinement of prison-Moman Catholic faith has been established in the council, any boy with a ready for the confinement of prisondalifax, Catholic faith has been establic.

any boy, who is a Roman Catholic and apparently who is convicted before the der the age of sixteen years, who is convicted before the comment of Halifax, or before the affence for the the age of sixteen years, who is convicted belowed in the city of Halifax, or before the city of any offence for with or with Mich by law law has sixteen years, who is continuous the court of the city of Halifax, or before the by law has sixteen years, who is continuous the court of the city of any offence for such city, of any offence for such city, of any offence for such city of any offence for su phendiary court of the city of Hallia, of the city of Hallia, of the city of any offence in hard law he is liable to imprisonment, with or withthat labor, may be sentenced by such police court or for any that in such city or elsewhere in such county, for any exceed; exceed; as to such police court or the in such city or elsewhere in such county, for any magnificant five years, as to such police court or magnificant proper. 47 V., c. 45, s. 1. the not exceeding five years, as to such police country magistrate appears proper. 47 V., c. 45, s. 1.

The governing body or head of such home may, at Number of home, notify the gity of Halifax that no such prison may be liming in such ed by the time governing body or head of such home may, at Number of such notify the mayor of the city of Halifax that no such prisoners may be limitage beyond the mayor of the city of Halifax that no such ed by the mayor of the city of Halifax that no such ed by the such prisoners and the such ed by the such prisoners and the such ed by the such prisoners and the such edge. time, notify the mayor of the city of Halifax that no may be in beyond those already under sentence in such ed by the pooling and after the receipt of governing body. will be received therein; and after the receipt of body.

such notice by such mayor, no such sentence shall be pronounced until notice has been been such sentence. nounced until notice has been received by the mayor such governing body or board to be the will be resuch governing body or head that prisoners will be received in such home. 47 V

Reformatory to be open to inspection.

67. Such home shall, at all times, be open to inspection any officer appointed by the Gameil to inby any officer appointed by the Governor in Council to inspect the same, and when spect the same, and, when and so long as any pecuniary aid is received from the city. aid is received from the city of Halifax, shall be open inspection by the mayor all inspection by the mayor, aldermen and stipendiary magistrate of such city or any of the stipendiary and stipendiary grant trate of such city or any of the stipendiary grant g

Boys to be educated and taught trades.

68. The governing body of such home shall be bound teach and instruct and to teach and instruct each boy so sentenced and detained as aforesaid in reading and as aforesaid in reading and writing, and in arithmetic the end of simple properties. the end of simple proportion, and also to teach each from boy such one of the trader boy such one of the trades or occupations which are body ime to time, taught in such ime to time, taught in such home, as such governing body deems most adapted to his deems most adapted to his capabilities.

Removal of incorrigibles.

69. If any offender detained in such home becomes in charge rrigible, he may on a control of the such home becomes in charge and the such home becomes in charge and the such home becomes in the such home becones in the such home becomes in the such home becomes in the su corrigible, he may, on a certificate from the officer in charge of such home, be removed. of such home, be removed to a penitentiary, as provided in "The Penitentiary Act"

Jurisdiction of police court, &c., extended.

70. The jurisdiction of the police court and of the sud pendiary magistrate of Halifax, and of the policemen the other officers of such other officers of such court or magistrate, shall, and sent purposes hereof extend to purposes hereof, extend to every boy so convicted and the tenced as aforesaid although the purposes hereof and sent the tenced as aforesaid although the sent tenced as a sent tenced as aforesaid, although he is in any place in the county of Halifax beyond the county of Halifax county of Halifax beyond the limits of the city of Halifax. 47 V., c. 45, s. 7.

PART V.

PRINCE EDWARD ISLAND.

Certain offenders may be sentenced to P. E. I. Reformatory.

71. As soon as a proclamation has been issued by the eutenant Governor of the prince Edward Lieutenant Governor of the Province of Prince Edward Island, declaring that a reference of Prince offenders. Island, declaring that a reformatory for juvenile offenders has been established and has been established and made ready for the confinement of prisoners, any person approach to the confinement of the conf of prisoners, any person, apparently under the age of sixteen who is convicted in that D. who is convicted in that Province, before the Supreme law, or stipendiary magistrets or stipendiary magistrate, of any offence for which, by he is liable to imprisonment he is liable to imprisonment, may, by the said court of said pendiary magistrate, he south and in the said pendiary magistrate, he south and in the said pendiary magistrate. pendiary magistrate, be sentenced to be detained in the said reformatory for any torm reformatory for any term not exceeding five years and not less than two years, as to the said court or magistrate appears proper. 43 V., c. 41, s. 1.

Any person, apparently under the age of sixteen Offenders are, there is a parently under the age of sixteen offenders that the age of sixteen offenders awaiting trial. years, thereafter arrested on a charge of having committed awaiting trial. while ame within the said Province, not capital, shall not, While awaiting trial for such offence, be detained in any common such reformatory. common gaol, but shall be detained in such reformatory. 43 V., c. 41, s. 2.

73. If any offender, detained in such reformatory, wilfully Punishment of oftenders violating neglects to conform to the rules thereof, he may, upon sum-violating hary convictions to the rules thereof, he may, upon sum-violating the common gaol, with rules. mary conviction, be imprisoned in the common gaol, with rules. hard labor, for any term not exceeding three months; and at the expiration of his term of imprisonment, he shall be brought back to the reformatory, there to be detained during a term equal to so much of his term of imprisonment as remained unexpired at the time of his being sent to the Prison. 43 V., c. 41, s. 3.

Removal of Prisoners to the Gaol of Queen's County.

74. The Supreme Court of Judicature of the Province of Removal of prisoners to the Red may, on the gaol of Prince Edward Island, or any judge thereof, may, on the gool of prisoners to or other Crown officer Queen's County may application of the Attorney General or other Crown officer Queen's County may of such Province, whenever any prisoner is sentenced to be ordered.

County make an order of imprisonment, with hard labor, in either of the counties of imprisonment, with hard labor, in elines of Prince County or King's County, make an order sive direction or give directions for the transfer and removal of such prisoner from the gaol of the county in which the conviction of such prisoner takes place, to the gaol of the county of Queen's County, and such order may be made or directions la at the time at the time. given at the time of passing sentence. 17 V. (P.E.I.), c. 13, 8. 1, part.

75. Whenever such order is made or directions given, Sheriff to sheriff of 11 such order is made conviction takes carryouts order. the sheriff of the county in which the conviction takes carryoutsuch convenient despatch to the good of the county of Queen's convenient cause such prisoner to be removed with County, burseless to the gaol of the county of Queen's county, burseless to the gaol of the county of Queen's county, burseless to the gaol of the county of Queen's county, burseless to the gaol of the county of Queen's county, burseless to the gaol of the county of Queen's county, burseless to the gaol of the county of Queen's county in which the county in which the county of Queen's county in which the county is a county of Queen's county in which the county of Queen's county in which the county of Queen's county in which the county is a county of Queen's county in which the county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county of Queen's county in which the county is a county County, pursuant to such order or direction. 17 V. (P.E.I.), c. 13, 8, 1, part.

to the same authority and jurisdiction as if he had been such prisoners county in the county of Queen's County. 17 V. (P.E.I.), shall be subject. e. 13, 8. 1, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	with.
32-33 V., c. 34	The whole, except ss. 1, 7, 8, 9 and	ss. 1, 9 and 10 (part).	ss. 7 and 8	Escapes and rescues.
33 V., c. 32	10 (part). The whole, excepts. 5.	•••••	s. 5	Escapes and rescues.
34 V , c 30	The whole excepts.	s. 7	s. 3 (part)	Punishin
36 V., c. 69 38 V., c. 46	The whole.			
40 V., c. 37	The whole. The whole, except s. 7.	s. 7.		
40 V., c. 39 42 V., c. 43	The whole	İ		ahments.
43 V., c. 39	The whole. The whole, except s. 1 (part), ss. 14	ss. 15 (part), and 16 (part).	s. 1 (part), and s. 14.	Juvenile offen
49 W - 40	and 15(part), and 16 (part).	10 (s. 15 (part). s. 1 (part), and s. 9.	ders.
	The whole, except ss. 1 (part), 9 and	s. 10 (part).	s. 1 (part), and s. 9.	and and
43 V., c. 41	ss. 1 (part), 9 and 10 (part). The whole, except s. 4.		g. 4	rescues.
44 V., c. 32	The whole, except s. 4. The whole, except		s. 4	Escapes and
47 V., c. 45 48-49 V., c. 79	The whole, except		s. 6	rescues.
48-49 V., c. 81 17 V. (P.E.I.), c.	The whole.			
13.				

CHAPTER 179.

An Act respecting the Police of Canada.

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

The Governor in Council may, from time to time, Governor may appoint, by commission under the Great Seal, one or more appoint complicated proper persons to be a commissioner or commissioners of police within Canada, or within one or more of the Parallel Property of Canada, or within the Provinces, Territories or Districts of Canada, or within one or more of the districts or counties in any Province, Territory or District, or within any temporary judicial district in Ontario. 42 district, or any provisional judicial district in Ontario. V., c. 37, s. 1.

The Governor in Council may, from time to time, Appointment direct and authorize any commissioner of police, under this of police constables. constables under and within the jurisdiction of such commissioner of police, and such commissioner may, at his plant of police, and such commissioner may, at his pleasure, remove any such police constable; and every Their duties such police. be police constable shall obey all lawful directions and and powers. be police constable shall over all lawler missioner of bolishipect to the government of such commissioner of police, and shall be charged with all the powers, rights and responsibilities which belong, by law, to constables duly appointed in the Province, District or county of the Province or Territory for which they are appointed, but for the purpose of Carrying out the criminal laws and other laws of Canada only. 31 V., c. 73, s. 2.

B. Every such commissioner of police shall, for the purpowers of the Canada carrying out the criminal laws and other laws of commissional carrying out the criminal laws and other laws of his ers in carrying out the Canada only, have and exercise, within the limits of his ers in carry-juriod: only, have and exercise, within the limits of his ing out the jurisdiction, all the powers and authority, rights and laws of privilegies, all the powers and authority, rights and laws of Canada. privileges, by law appertaining to justices of the peace Canada. Within the limits of his jurisdiction within within any Province have and exercise, for the purpose aforesaid, all the powers and authority, rights and cities eges by law appertaining to police magistrates of cities eges by law appertaining to police magistrates of cities by law appertaining to police his in the same Province; and shall, within the limits of his in the same Province; and shall, within the limits of his jurisdiction in any of the Territories or Districts of Canada, have and exercise, for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining and authority rights and privileges and authority rights and privileges and authority rights and authority rights and privileges and authority rights are also and authority rights are also and authority rights and authority rights are also and authority rights are also and authority rights and authority rights are also and authority rights are also and authority rights and authority rights are also and a taining to stipendiary magistrates in the same District or Perrits to stipendiary magistrates in all respects. except as Territory, and shall be subject in all respects, except as

otherwise provided by this Act, to the regulations of the law of the Province District of the regulations is law of the Province, District or Territory, in which acting, respecting police acting, respecting police magistrates and the office of justice of the peace but it shall a transfer and the office of justice. of the peace; but it shall not be necessary for any missioner of police appointed and any missioner of police appointed any missioner of police appointed and any missioner of police appointed and any missioner of police appointed and any missioner of police appointed any missioner of police appointed and any missioner of police appointed any missioner of police and any missioner of police appointed and any missioner of police and any missioner of qualification, missioner of police appointed under this Act to possess any the property qualification, or to be actually resident within the Province, District or Territory for which, or part of which, he is appointed.

Duties of commissioners.

4. Every such commissioner of police shall keep minutes every proceeding had because it is a shall keep of every proceeding had by and before him, and shall keep such accounts make such accounts. such accounts, make such returns and collect such formation within his invital. formation within his jurisdiction, and perform such other duties as the Governor in Garage of the preduties as the Governor in Council, from time to time, prescribes and requires 21 V

Regulations, pay and annual account to parliament.

5. Every such commissioner of police and every such lice constable shall be seen to police and every in police constable, shall be subject to such regulations the respect to the order management and every in the respect to the order management. respect to the order, management and disposition of police, and shall receive such police, and shall receive such rates of pay or allowance as are, from time to time as are, from time to time, prescribed by the Governor in Council; and an account of the council. Council; and an account shall be laid before Parliament within the first fourteen described by the Governor and the council and a prescribed by the Governor and the council a within the first fourteen days after the meeting of each session, of the average number of the session. session, of the average number of men employed during each month of the voor each month of the year, and of their pay and travelling expenses. 31 V., c. 73, s. 6.

Penalty for misconduct by police constables.

6. Every such police constable, who is guilty of any sobedience of orders more than the substitution of th disobedience of orders, neglect of duty, or any misconduct as such police constable. as such police constable, shall, on summary conviction before any commissions. before any commissioner of police, police magistrate justice of the peace be liable. justice of the peace, be liable to a penalty not exceeding forty dollars and costs and in the penalty not exceeding forty dollars and costs, and in default of immediate paythere thereof, to imprisonment thereof, to imprisonment for any term not exceeding and months, unless such popular months, unless such penalty and costs are sooner paid; and any such person may be any such person may be proceeded against by indictment for any offence committed leaves against by indictment for any offence committed leaves against by indictment for any offence committed leaves against by indicate the leaves against by the leav for any offence committed by him as such constable, but not both by indictment not both by indictment and under this Act for the same offence. 31 V. c. 78 c. 2

Application of penalties.

7. All moneys arising from penalties, forfeitures and res imposed by any comfines imposed by any commissioner of police, if not directed by law to be otherwise appropriately from time to by law to be otherwise appropriated, shall be, from time to time, paid to such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of police, if not director time to the such commissioner of the suc time, paid to such commissioner of police, who shall account for the same and pay over a distinct the same and the distinct the same and the same and the same and the same and the for the same and pay over or disburse the moneys to such therefrom at such times. therefrom at such times and in such manner and to such persons as the Governor in Communication to time, persons as the Governor in Council, from time to time, directs. 31 V c 72 c 7

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
4 7 7 C. 73	The whole. The whole.		·	

CHAPTER 180.

An Act respecting actions against persons administer

Title amended at the suggestion of the Parliamentary Committee.

TER Majesty, by and with the advice and consent of the Senate and House of Committee as Senate and House of Commons of Canada, enacts as vs: follows:-

1. Every action and prosecution against any person, for anything purporting to be done. actions and prosecution against any person, of Act of prosecutions. anything purporting to be done in pursuance of any shall the Parliament of Canada roll-1. the Parliament of Canada relating to criminal law, shall, unless otherwise provided had been specified by the criminal law, shall, and the criminal law, shall, a unless otherwise provided, be laid and tried in the district, county or other indicial district. county or other judicial division, where the act was mitted, and not elsewhere, and shall not be commented except within six months. except within six months next after the act committed. 31 V., c. 15, s. 7. nart -20 99 V

The words "justice of the peace, constable, peace officer or other and 2 are omitted at the suggestion of the Parliamentary Committee.

Notice to defendant.

2. Notice in writing of such action and of the cause ereof, shall be given to the local action and of the cause thereof, shall be given to the defendant, one month at least before the commencement of the cap, 32-33 V., c. 29, s. 131.

General issue.

3. In any such action the defendant may plead in meral issue, and give the defendant may plead in general issue, and give this Act and the special matter in evidence at any trial had the evidence at any trial had thereupon. 31 V., c. 15, s. 7, part; 32-33 V., c. 29, s. 139

In case of tender of sufficient amends.

4. No plaintiff shall recover in any such action, if tender sufficient amends is made in any such action, if tender sufficient amends is made in any such action, if tender is sufficient amends is made in any such action, if tender is sufficient amends is made in any such action, if tender is sufficient amends is made in any such action, if tender is sufficient amends is made in any such action, if tender is sufficient amends is made in any such action. if a sufficient sum of money is paid into court by 32.38 behalf of the defendant, after such action brought. V., c. 29, s. 133.

Verdict or judgment for defendant in certain cases, and recovery of costs.

5. If such action is commenced after the time hereby mited for bringing the commenced after the time hereby limited for bringing the same, or is brought or the value laid in any other place the laid in any other place than as aforesaid, a verdict shall be found or judgment shall be sized. found or judgment shall be given for the defendant; such the plaintiff becomes non-suit the plaintiff becomes non-suit, or discontinues otherwise action after issue joined or if action after issue joined, or if upon demurrer or dant shall judgment is given against the color demurrer or dant shall judgment is given against the plaintiff, the defendant and recover his full costs as between recover his full costs as between solicitor and client, and shall have the like remedy for shall have the like remedy for the same as any defendant has by law in other cases. has by law in other cases; and although a verdict or judgment is given for the plaints. ment is given for the plaintiff in any such action,

plaintiff shall not have costs against the defendant, unless the judge, before whom the trial is had, certifies his approval of the action. 31 V., c. 15, s. 7, part;—32-33 V., c. 29, s. 134.

in force in any Province of Canada, for the protection of justices of the peace or other officers from vexatious actions for things purporting to be done in the performance of their duty. 32-33 V., c, 29, s. 135.

$P_{\begin{subarray}{c} P_{\begin{subarray}{c} P_{\begin{subarray}{$		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
32-33 V., c. 15	s. 7 (part)ss. 130 to 135.	s. 7 (part).		

ERRATA.

57—Paragraph (a) line 4; leave out "Nicolet." excepting out of the county of Drummand "insert and fourteenth of the county of Drummand "insert and fourteenth of the county of Drummand". of the county of Drummond, the thirteenth and fourteenth ranges of the Township of War. Page ranges of the Township of Wendover, and excepting which the county of Arthabaska the county of A Page the county of Arthabaska, the township of Aston, which ranges and township respectively. ranges and township respectively, on and prior and sixty day of January, one thousand eight hundred and prior to the inty, and three, formed parts of the animal control of the animal contro three, formed parts of the said counties respectively; after "part," in line 16. income "Counties after "part," after "part," in line 16, insert "25 V., c. 50, s, 1, part. "(20.) The county of Nicolet, as it was constituted on the hirty-first day of January thirty-first day of January, one thousand eight hundred and sixty-one, under the state of the st 63.- After paragraph 19 insert the following: Page and sixty-one, under the statute aforesaid, the township with the thirteenth and found with the thirteenth and fourteenth ranges of the township of Wendover, and the whole of Wendover, and the whole of the township of Aston, which ranges and township. On and of the township of January, ranges and township, on and prior to the first day of January, one thousand eight hundred one thousand eight hundred and sixty-three, formed parts of the counties of Drummond the counties of Drummond and Arthabaska respectively, constitute the electoral district constitute the electoral district of Nicolet, and S. L. C., c. 75, one member. C. S. (! c ? 27) 67.—In the table; immediately below "23 V., c. 1, s. 1, part, do," insert "25 V. c. 50 s. 1 Page 126.—In the table; ss. 13 and 31 of 37 V., c. 9, are erronously inserted as left for repeal Page 337.—In the table; insert s. 237 of 46 V., c. 12, as left for repeal. 1185.—In the table: s 21 of 21 V Page 1200

The table insert s. 237 of 46 V., c. 12, as left for repeal as consolidated with the Fisherian A.

The table insert s. 237 of 46 V., c. 12, as left for repeal as consolidated with the Fisherian A.

The table insert s. 237 of 46 V., c. 12, as left for repeal as consolidated with the Fisherian A.

The table insert s. 237 of 46 V., c. 12, as left for repeal as consolidated with the Fisherian A.

The table insert s. 237 of 46 V., c. 12, as left for repeal as consolidated with the Fisherian A. Page dated with the Fisheries Act.

Page 1200.—Leave out the note in small type after section 22, and the following as section 22

"23. The following Acts shall continue in force in the coverness of New Brunswick Provinces of New Brunswick and Nova Scotia respectively.

The Act passed by the Laminary of Laminary o

The Act passed by the Legislature of the Province intituled: Brunswick (sixteenth Victoria, chapter sixty-nine), prevention "An Act relating to the Coast To "An Act relating to the Coast Fisheries and for the prevention of illicit trade;"

Chapter ninety-four of the Revised Statutes of Nova Scotishird series) "Of the Coast and Statutes of Nova Scotishird series) The Act passed by the Legislature of the Province intituled:

(It wenty-ninth Victoria (third series) "Of the Coast and Deep Sea Fisheries;
The Act passed by the Coast and Deep Sea Fisheries; Scotia (twenty-ninth Victoria, chapter thirty-five), institutes "An Act to amend chapter science of the Province of India." "An Act to amend chapter ninety-four of the Revised Statutes Of the Coast and Deen Son End

2. The powers and duties in the above-named chapter and Acts devolving on the Lieutenant-Governor or Governor in Council thereunder shall vest in the Governor General of Canada in Council, and any fishery officer appointed under this Act shall exercise the powers and functions vested in revenue and other officers, justices, sheriffs and magistrates by the said recited chapter and Acts for all the purposes thereof; and all penalties and forfeitures imposed under the same shall be paid over to the Minister of Finance and Receiver General, through the Department of Fisheries, to be applied towards the expenses incurred for the protection of the fisheries, in like manner as other fines and confiscations under this Act:

3. The chapter and Acts in this section before cited shall not apply to any case to which the "Act respecting fishing by foreign vessels" applies; and so much of the said chapter and of each of the said Acts as makes provision for cases provided for by the said "Act respecting fishing by foreign vessels," is hereby declared to be inapplicable to such cases.

Page 1203 Re-drafted."

In the table; insert "part" after 21 in columns 2 and 3.

Coaling the table; insert "cities" and insert "localities" and insert "locality. Re-drafted."

Re-drafted."

Re-drafted."

Re-drafted."

Re-drafted."

In the table; insert "part" after 21 in columns 2 and 5.

Rection 3, line 5; leave out "cities" and insert "localities."

Rection 3, line 5; leave out "city" and insert "locality."

"in line 5 to "Act," in Page 1213.—Section 3, line 5; leave out "cities" and insert "locality."

Section 3, line 5; leave out "city" and insert "locality."

Section 3, line 10; leave out "city" and insert "locality."

In the table; insert "part alice 2...

Section 3, line 5; leave out "city" and insert "locality."

In the table; insert "part alice 2...

Section 3, line 5; leave out "city" and insert "locality."

In the table; insert "part alice 2...

Section 3, line 5; leave out "cities" and insert "locality."

In the table; insert "part alice 2...

Section 3, line 5; leave out "cities" and insert "locality."

In the table; insert "part alice 2...

Section 3, line 5; leave out "cities" and insert "locality." Section 3, line 5; leave out "city" and insert "locality.

Sub-section 3; leave out from "Board" in line 5 to "Act," in

line 6

"Lieutenant Governor in each Province"

line 6. and insert "Lieutenam in lieu thereof.

1364 Last line of section 99; leave out "47 V., c. 32, s. 24."

1364 Last line of section 99; leave out "47 V., c. 32, s. 24."

1364 Last line of section 99; leave out "47 V., c. 32, s. 24." in lieu thereof.

Last line of section 99; leave out "47 V., c. 32, s. z4.

Section 101; after "brought," in line 2, insert "by or in the name of the Collector of Inland official division the offence was committed,—or Leave out section 102 and insert the following in lieu

"102.—Such Collector of Inland Revenue shall bring such prosecution, whenever he has reason to believe that any such offence has been committed, and that a prosecution there. therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises. 41 V., c.

1443

Re 1372. Leave out section 122. Leave out section 122.

In the table; leave out the references to 46 V., c. 30, and 47 V., c. 32.
Leave out the whole of chapter 102.

SCHEDULE A.

Acts And Parts of Acts to be Repealed, from the day upon which the Parts of Acts relate to matters within the legislative authority of the Parliament of Canada.

Chap.	Touriaga	
	Title of Act.	Extent of Repeal.
An Act responded An Act	Assembly the Representation of the People in the Legislative of the containing special provisions respecting both Houses of the Provincial Parliament. Act respecting Parliament. In the Provincial Statutes. State the Public Money of Public Officers, and the Oaths of Officers and Security to be taken and given by them. The Notices of Officers and Security to be taken and given by them of Official the Public Moneys, Debt and Accounts. The Notices of Public Moneys, Debt and Accounts. Active Specting the Public Moneys, Debt and Accounts. Contains of Public Accounts, and the liability of Public Public of Public Officers, and the Sepecting the Duty on Bank-Notes. The State of Official States, as to Customs respecting the Duty on Bank-Notes. The Official States of States of Second States of Second Sec	after the word ized" in line four ection 9, sub-sec. I c. 10, and sec. 13. cole. 37, so far as it tutes a misde-r. le.

Chap.	Title of Act.	Extent of Repeal.
	CONSOLIDATED STATUTES OF CANADA—Continued.	10 10 14
61	An Act respecting Pawnbrokers and Pawnbroking.	Sections 6, and 10 w shinclusive, and 24 w shinclusive.
CA.	An Andrews of the Windows Comment	inclusive. The whole.
67	An Act respecting Mining Companies	inclusive. The whole. The whole, except sec.
	An Act respecting John Stock Companies to construct works	Section o
	tions	The who 104 and
80		
82	An Act respecting the calling and orderly holding of Public Meetings.	Sections 13, 21.
87	An Act to exempt Firemen from certain Local Duties and Services	Section 1. 16, 11, 120 and 21. So much of sections 1 as relates to said tion from militia tion from model. The whole 120 and 11.
		tion from
99	An Act respecting Lotteries	4 as relation militation from militation from militations from militations whole. Sections 97, 120 and 121. Section 14.
1190	An Act respecting the appointment of Magistrates for the more	hole.
104	remote parts of this Province	Section 13. The whole.
	An Act respecting Prisons for Young Offenders. An Act respecting the confinement of Lunatics whose being at large	
	may be dangerous to the public	
	CONSOLIDATED STATUTES FOR UPPER CANADA.	anc I ^S
2	An Act respecting the interpretation of cortain words and terms	The last 6 lines of got.
	An Act respecting the maintenance of persons disabled, and the	
	of the Crown.	The do iscle
10	An Act respecting Light Houses An Act respecting the Superior Courts of Civil and Criminal	The whole. do Sections 11 to 14, iscle Sections 11 to 17, is ive, and 17. sive, and 17. sive, and 5, 6 and 7.
10	jurisdiction	Sections 5, 6 and 11 and 10
15	An Act respecting the Court of Chancery	Section 15 from line Section 15 from the section
10,,,,,,	An Act respecting Light Houses	the end of 16.
17	An Act relating to the Count of County Ougrter Sessions of the	Section 8: a 181 and 18
19	An Act relating to the Court of General Quarter Sessions of the Peace An Act respecting the Division Courts An Act respecting Arrest and Imprisonment for Debt. An Act respecting relief of Insolvent Debtors An Act respecting Jurors and Juries An Act respecting Witnesses and Evidence. An Act respecting Witnesses and Evidence.	Sections 100, 19 and 30.
24	An Act respecting Arrest and Imprisonment for Debt	Sections int. 1257
31	An Act respecting Jurors and Juries	166. gard 18.
32 39	An Act respecting relief of Insolvent Debtors An Act respecting Jurors and Juries An Act respecting Witnesses and Evidence An Act respecting the appointment of Commissioners to take Affidavits and Bail	Sections between the section 2 from the end of to the end section. to 13 and 15 m
170	Affidavits and Bail	of to the end
		section to 13 sections
42	An Act respecting Bills of Exchange and Promissory Notes. An Act respecting Interest. An Act respecting Joint Stock Companies for the construction of	22, inclus
43	An Act respecting Interest	Section 103.
#3 EA	An Act respecting Joint Stock Companies for the construction Roads and other Works in Upper Canada An Act respecting the Municipal Institutions of Upper Canada An Act respecting Common Schools in Upper Canada	The whole.
64	An Act respecting the Municipal Institutions of Opper Canada	loco.

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
\$9 An Act 109 An Act 113 An Act 114 An Act 119	ct respecting Companies for the establishment of Cemeteries in Upper Canada ct respecting the Survey of Lands in Upper Canada ct respecting the Criminal Law of Upper Canada of Her Majesty's Provinces and Governments in North America, it to prevent the Inhabitants of Upper Canada against lawless fier Majesty for Majesty to Upper Canada aggressions from Subjects of Foreign Countries at peace with the prevent the Inhabitants of Upper Canada against lawless fier Majesty to Upper Canada aggressions from Subjects of Foreign Countries at peace with the prevent the Inhabitants of Upper Canada against lawless fier Majesty to Upper Canada aggressions from Subjects of Foreign Countries at peace with the Upper Canada against lawless fier Majesty to Drevent the Inhabitants of Upper Canada against lawless fier Majesty to Drevent the Inhabitants of Upper Canada against lawless fier Majesty to Drevent the Inhabitants of Upper Canada against lawless fier Majesty to Drevent the Inhabitants of Upper Canada against lawless feizure of Fire Arms collected for purposes dangerous to the prosecting for Grey and Perjury in certain cases respecting Forgery and Perjury in certain cases sepecting Slander and Libel respecting Blander and Libel respecting Broesecutions in cases of Misdemeanor. sepecting Prosecutions in cases of Misdemeanor. sepecting Prosecutions in cases of Misdemeanor. sepecting the reservation of Points of Law in Criminal Cases in Inhabitants and Appeals and Writs of Error in especting new Trials and Appeals and Writs of Error in especting the reservation of Points of Law in Criminal Cases in Inhabitants and Appeals and Writs of Error in especting the appropriation of Fines in certain cases. Sections the return of Convictions and Fines by Justices specting the Fees of Counsel and other Ministers of Justice Sepecting the return of Convictions and Fines by Justices specting the administration of Justice in the unorganized specting the administration of Justice in the unorganized specting the administr	and in line 12. Sections 4 and 52. The whole. do do ction 3. ction 2. e whole. do do
	104 from in 1 end tion "bu of t secti 103 "an occu	ons 17, 29, 100, 101, and 105; section 8 in the word "and" intereof to the of the section; sec- 9 from the word tt" in line 7 thereof the end of the ion; and section from the word d" where it first rs in line 8 to the of the section.
An Act respective Act respective An Act respective Act re	Consolidated Statutes for Lower Canada. Section Certain Ferries over the River St. Lawrence	

10		
Chap.	Title of Act.	Extent of Repea
	Consolidated Statutes of Lower Canada—Continued.	Section 17 from the
68	An Act respecting Mutual Insurance Companies	Section 17 from the "and" in line 13 to of to the end of section.
	An Act respecting Joint Stock Companies for the Construction of Roads and certain other Works	The whole.
	An Act respecting the division of Lower Canada into Counties,—and the boundaries of certain Cities and Towns for the purpose of Representation in the Legislature	Section 1. to 63, i Sections 56 to 63, i sive, and section 6 sive, and 10.
	An Act respecting the Superior Court	sive, and sections 7 and 10.
80.,,,,	An Act respecting the Court of Queen's Bench, and the Superior and	Section 6.
	Circuit Courts in the District of Gaspé. An Act respecting the Independence of the Judges of the Court of Queen's Bench and Superior Court, and their Recusation in certain cases.	Sections
	An Act respecting certain matters relating to the Administration Justice generally,—and certain special actions and matters of	Sub-section 3 of section 17. Sections 2, 3 and 4.
		Sections 2,
91	An Act respecting Courts of Oyer and Terminer. An Act respecting the Courts of General or Quarter Sessions of the Peace. Page Institute of the Peace and Special Sessions of the Peace.	Sections 14 Miles
98	An Act respecting Appeals from the decisions of Justices of the Peace	1000
	regardence of Force in other Towns and Fire-	Sections 4, and 8 at Sections 7 and 8 at to 19, inclusive, sections 22 and 23 sections 22 and 23
103	An Act respecting officers of Militia as Peace Officers and inquests to	The whole.
105	to held by them in certain casesthe Administration	do do
	An Act respecting proceedings on Decognizences	do
100,,,,,,	An Act respecting proceedings on Recognizances	Section 3. Section 13. Section 6 of section 6. Sub-section 6.
110	An Act respecting Court Houses and Gaols in the New Districts An Act respecting Court Houses and Gaols in the New Districts	Sub-section 6.
1 11	An Act respecting Court Houses and Gaols in the New An Act respecting Annual Statistical Returns of Judicial Matters	and section
	STATUTES OF THE LATE PROVINCE OF CANADA.	
	23 Victoria (1860).	
	An Act to amend the Act respecting the Representation of the People in the Legislative Assembly	1'-
2 3	People in the Legislative Assembly	The whole
4	An Act relating to the Sinking Fund for the redemption of the	do
5	Imperial Guaranced Boan	đo
14	An Act to continue for a limited time the several Acts and Oldin	do
15	An Act for granting to Her Majesty certain sums of money required.	
	the year 1860 and for certain other expenses connected of	مد ا
22	the Public Service, and also for raising a Loan on the credit the Consolidated Revenue Fund	Section 1.

0.2	2273	
	SCHEDULE A—Continued.	
\mathbf{c}^{pab}		
	Title of Act.	Extent of Repeal.
	STATUTES OF TWO	
34	STATUTES OF THE LATE PROVINCE OF CANADA—Continued.	
30	An Act to amend charter of	
39	23 Victoria (1860)—Continued. An Act to amend chapter fifty-eight of the Consolidated Statutes Companies	
40 A	Act to amend chapter ninety-five of the Consolidated Statutes of Canada, intituled "An Act respecting Lotteries." of Upper Canada." People in the Legislative Assembly and the Act respecting the the Tani. the Legislative Assembly and the Act respecting the the Tani.	he whole.
A	of Upper Canada, Act respecting the Territorial Division	do
Dana and A	of Canada, intituled "An Act respecting Lotteries." of Upper Canada." Act to amend "An Act respecting Lotteries." Act to amend the Act respecting the Territorial Division People in the Legislative Assembly, and the Act respecting the Territorial Division of Upper Canada." People in the Legislative Assembly, and the Act respecting the Territorial Division of Upper Canada. Statute of the Canadidated	do
. 1	Act respecting Division of Linner Connede	do
Island An	fugitive offenders in Formiss Constitute apprehension of	
	People in the Act respecting the representation of the the Territorial Division of Upper Canada. Statutes for Upper Canada, respecting the apprehension of Act to amend the Upper Canada Common School Act. Act respecting the ninety-sixth chapter of the Consolidated fugitive offenders in Foreign Countries. Act respecting the management of Indian Lands and Property. 24 Victoria (1861).	ctions 1, 3 and 8.
Inner Ap	Act for granting to Her Majesty certain sums of money required year 1861, and for expenses of the Civil Government for the Public Service, and else for the expenses connected with the the Connected and else for the Public Service, and else for the expenses connected with the	whole.
	fonder granting to Her Veige	
A.v.	year 1861, and for certain other expenses connected with the the Consolidate, and also for raising a Loan on the credit of	
1 -4 A	of Consoling and the Lagrangian of the Chemical	whole.
An A	willes of a Wellty-eighth chapter of the Consolidated	
An A	to continue for a limited time the several Acts therein	o
An An	in this Proving extend the law in respect to persons injured	
Mn Ac	Works," in so far as respects the powers of Official Arbitrators. mentioned for a limited time the several Acts therein to to amend and for other purposes	
An Ac	Recording Sentence of death do Canada, intituled "An Act respecting Incorporated Banks." Let's Court of the City of Quebec to remove all doubt as to the validity of certain certificates The wh	
An Act	of Canada, intituled "An Act respecting Incorporated Banks." Section ler's Court of the Consolidated Statutes ler's amend and consolidate the laws respecting the Recordance of the Consolidate of the Consolidate of	is I and 3.
16 is	to remove all refeited Estates in Upper Canada The wh	tion 3 of section 14.
An Act	to of 1856. Ges of the County Courts to Insolvents under the	
1 1	Sh- 1 add Chant	
3 í		
An Act	25 Victoria (1862). 1 property held or required by the Imperial Government for es of Telegrand of this Province, to the construction of	
rea it	extend the provisions of an Act regreeting lands and	:
An Act &	o extend the provisions of an Act respecting lands and property held or required by the Imperial Government for Military defence of this Province, to the construction of regranting to Her Majesty certain sums of money requires purposes. for the year 1862, and for making good certain expenses of the Civil Government and sexpended for the Public Service in the year 1861	
ed f	or defree to Her Majesty contain sums of money requir-	e.
An Act	or defraying certain expenses of the Civil Government and sexpended for the year 1862, and for making good certain continue for a limitation of the public Service in the year 1861	· · · · · · · · · · · · · · · · · · ·
An Act rec	purposes, for the year 1862, and for making good certain continue for a limited time the several Acts therein pecting the Court of Error and Appeal in Upper Canada Section 3.	
Act to	continue for the Public Service in the year 1861	. The second sec
An Act to	Per Canada, as to the issue of Shop and Taverr Licenses	
ot M.	per Canada, as to the issue of Shop and Taverr. Licenses the Manicipal Institutions ties	
	Section 1.	

Chap	Title of Act.	Extent of Repe
	STATUTES OF THE LATE PROVINCE OF CANADA—Continued. 26 Victoria (1863, 1st Session). An Act to amend chapter seventy-five of the Consolidated Statutes for Lower Canada, concerning the division of Lower Canada into Counties. An Act respecting affidavits, declarations and affirmations made out of this Province, for use therein.	Section 1.
1	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year 1863, for making good certain sums expended for the Public Service in 1862, and for raising a Loan	The whole.
5 6	An Act respecting the Militia. An Act respecting the Volunteer Militia Force. An Act to revive and continue, for a limited time, the several Acts therein mentioned. An Act to amend the Act of 1841 relating to Sayings Banks	do do do , do
8 17	An Act to amend the law respecting the qualification and registra- tion of voters in Lower Canada	do Section 6.
18	in certain securities, and to legalize such investments already made, and for other purposes	The whole.
4	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government, and for certain other purposes connected with the Civil Service, from the end of the year 1863 to the thirtieth day of June, 1865. An Act to impose duties on Promissory Notes and Bills of Exchange of free of office.	rhe whole. do
6	An Act for the collection, by means of Stamps, of the Stamps, dues and duties payable to the Crown upon Law Proceedings and Registrations	Section 32. The whole.
	An Act to authorize the acceptance of certain Incorporated Companies as Sureties for Public Officers	do do
	for the Geological Survey of this Province	do
20	teer Militia Force	do
28	An Act to continue, for a limited time, the several Acts incommentation of the consolidated Statutes for Upper Canada, intituled "An Act respecting the office of Sheriff, and to make further provisions respecting the said office in Upper Canada."	do octions 31 and 52.
	Overholding arrow of the in Hanner Canada	ection 7. he whole.

CF*D	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
	STATUTES OF THE LATE PROVINCE OF CANADA - Centinued.	
41 43 54	27-28 Victoria (1864)—Continued.	Sub-sections 8 and 9 of section 7, and section 8.
57	An Act to amend the Law in qui tam actions in Lower Canada lative Assembly as regards the Counties of L'Assomption, Act to amend Montcalm, and for other purposes	Section 1.
1	Act for the prevention and repression of outroses in violation	
A1	contrary to the provisions of the Foreign Enlistment Act	do do
An An	mentioned, for a limited time, the several Acts therein	do
11	Act to explain chapter seventy-five of the Consolidated Sta- the Conver Canada and to declare certain Islands to be in	do do do
20 An	n remote parts of the Province	do
l An A	29 Victoria (1865, 2nd Session)	, alore.
An Ac	ct to amend the Act intituled "An Act containing special ment", respecting both Houses of the Provincial Parliator granting to Her Majesty certain sums of money required financial year ending thirtieth June, 1866, and for other purposes	hole.
An Act	or defraying certain expenses of the Civil Government for the inancial year ending thirtieth June, 1866, and for other purposes to extend the Act to impose Duties on Promissory Notes and therwise to amend the said Act. do d	
An Act	nd with respect to Works connected with the Defence of the	
An Act	respect to Works connected with the Defence of the for the Prevention of contagious diseases at certain Military to enable aliens to transmit and take Real Property in this Ranting additional facilities in Commercial transactions	
	1 Commercial Commercial	

Chap.	Title of Act.	Extent of Repeal.
	STATUTES OF THE LATE PROVINCE OF CANADA—Continued. 20 Victoria (1865, 2nd Session)—Continued.	
22	An Act to authorize the formation of Companies or Co-operative Associations, for the purpose of carrying on, in common, any trade or business	Section 18, from the section 18, from the second 1 section.
25 98		Sections 24, 80 Section 49. Section 20.
34	An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada	Section 30 and 31. Sections 30 and 31. The following Civil of the Civil of Lower force brought 1966, but August, and the August, and the Section Section 1966.
		proclamations of 26th May, 1866, the provisions 23 the provisions Act:—Articles At Act:—Articles At
		1039 from to the saving of the Article the 1638 from in line
		the Article of the the
		1672 to 1615 1677, and Article 1677, as they relate to as
55	An Act to amend chapter seventy-five of the Consolidated Statutes	1888, the 1991, of Article 2463.
	An Act to amend chapter seventy-five of the Consolitated Canada for Lower Canada, respecting the division of Lower Canada into Counties, in so far as it relates to the Counties of Rimouski and Gaspé	Section 1 from the by ning to the word ning to the wife presentation 8 and 9.
_	29-30 Victoria (1866).	
	An Act to authorize the apprehension and detention, until the eighth day of June, 1867, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government	The Whole
	An Act to protect the inhabitants of Lower Canada against lawter aggressions from subjects of Foreign Countries at peace with	do
	Her Majesty	do
4	An Act to amend the ninety-eighth chapter of the Consolidates Statutes for Upper Canada	do
8	Statutes for Upper Canada An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth of June, 1867, and for other purposes connected with the Public Service	do

Chap.	SCHEDULE A—Continued.	
<i>P.</i>	Title of Act.	Extent of Repeal.
An Act for indemnify and others, for the large Militia Force and 1866 and 1	aw of Crown and Criminal Procedure and Upper Canada twin respect of View by Jurors in Upper wrespecting the appointment of Recorders in Communicipal Institutions of Upper Canada	The whole. do do do do do do do do do d
An Act to postpone con		61 from the word "and" where it sec- ondly occurs in line 18 to the end of the sub- ection, and sections 78 and 180.
REVISED ST.	imited time the issuing of writs for the	whole.
Part the second. Of a certain	ES, NOVA SCOTIA, 3RD SERIES. t practices at Elections	3, sub-sec. 5; sec. 4, b-sec. 2; sec. 5,
of the appointment	sec	ond. whole of part the whole. lo
of billeting the Troops and Month of the Privileges and natural of the Salarier.	t practices at Elections. In Treaty between Her Majesty and the rica. Eles of Officers of the Customs. Itterie Islands, and of Lighthouses perty. Islitia. Isliti	3, 5 and 6. words "indictment vin line 6 of sec. 10. rhole. 1, 2 and 3.
" of the offices of certain Publications, appoints the offices of Receiver-General and audit of t	information Secs. 7. Information Secs. 7. Inic Officers and certain Pensions The we ment and tenure of office of the prinderal and Financial Secretary, and the he Public Accounts Secs. 7. The we see 7. Advantage 1.	

Chap.	Title of Act.	Extent of Repeal.
	REVISED STATUTES, NOVA SCOTIA, 3RD SERIES—Continued. Of Treasury Notes, the Savings Bank and Provincial Loan Of General and Special Sessions	The whole, except 9 to 12 inclusive. 9 to 12 inclusive. Secs. 5, 6 and 7. The whole.
53 55 68 70 71 79	Of Boards of Health and Infectious Disease Of Nuisances Of Bridges and Public Landings Of Ferries Of Provincial Government Railroads Of Railroads other than Provincial Government Railroads Of Pilotage, Harbors and Harbor-masters	Secs. 14 and The whole. do do do Secs. 17 to 35 to 43 in Secs. 13, 35 to 43 in secs. 33, 35 to 43 in clusive, and Schedule
80 81 82 83	Of Bills of Exchange and Promissory Notes	Secs. 11, 12, Secs. 8 to Sec. 1. Sec. 3 and secs. 8 inclusive.
60	other Merchandise	Secs. 15 to 18
103	Of the conveying of Timber and Lumber on Rivers and the removal of obstructions therefrom	The whole.
123 125 129 133	Of the Supreme Court and its Officers Of an Equity Judge, his office and duties Of Stipendiary or Police Magistrates Of Municipalities	94, 100, 123.
133	Of Witnesses and Evidence and the proof of written Documents	sec. 44 excep inguished proceeding proceeding proceeding proceeding in consequence and in consequence for the consequence of th
144	Of Commissioners without the Province	12 12 no incitation
147	Of Petty Offences and Trespasses, and Assaults	Secs. 2, 10, 11 and Secs. 2, 10, 11 and Secs.
161 162 165 171	Of Offences against the Law of Marriage	The wholes inclusive. Sec 3. to 9 inclusive. Secs. 5 to 9 inclusive. The whole. The whole. Secs. 67, 75, 94, 95, 103 inclusive, and 103 inclusive. Schedule.
	ACTS NOT REPEALED BY THE REVISED STATUTES OF NOVA SCOTIA, 3RD SERIES.	
82	Revised Statutes of Nova Scotia, 2nd Series. Of Interest	Sec. 2-
02	0. 130.000	

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
Ac	To	
	TS NOT REPEALED BY THE REVISED STATUTES OF NOVA SCOTIA, 3RD SERIES—Continued.	
	Series—Continued.	
2 An	Act for the incorporation and winding up of Joint Stock Companies	
1	Compare incorporation and winding up of Lint Stock	
28	CompaniesS	ec. 19.
An	Act to 26 Victoria—1863.	
1	Assembly Assembly	
- 1	4 :	c. 78 and the remainder as respects Elections
20	()	for the House of Com- nons of Canada.
An A	ct concern	
	eral AssemblySec	2
Acre	SUBSEQUENT TO THE REVISED STATUTES OF NOVA SCOTIA, 3RD SERIES.	. 3.
	TO THE REVISED STATUTES OF NOVA SCOTIA, 3RD	
		•
AR Ac	to amend	
An Act	to amend certain chapters of the Revised Statutes, 3rd to alter and amend chapter 117 of the Revised Statutes: to alter and amend chapter 117 of the Revised Statutes: to amend chapter 128 of the Revised Statutes: "Of the to account of Justices of the Revised Statutes: "Of the to account of Justices of the Revised Statutes: "Of the statutes of the	13.
An Act	of Patents for useful Investigation	whole.
An Act	peries, and to revive certain Acts	0
MAD G	to amend the Laws affecting Trade and Commerce	
1 706	to milent Reilness in the levised Statutes. Of Florida	hole.
A Act	oprovide for the construction of two other Sections of the in addition to and to amend chapter 70 of the Revised of amend the Act to provide for the construction of the St. or effective to the Militia.	•
Act	o amend to and to amend chapter 70 of the Revised on amend the Series): "Of Railroads"	
An Act i	addition to and to amend chapter 70 of the Revised at the set (third Series): "Of Railroads"	
Act t	o amend the to the Militia.	
Act O	Custome and amend chapter 8 of the Revised Statutes:	
A Act	Be Datie Chapter 18 of the Revised Statutes . "Of Light-	
A Vet on	nty of It Dietrict in the Western Division of the	
- Act	UV of tr Dictional District in the Fostern Division of the	
An AProv	confirm and render valid Manie are galemnized in this	\$
An Digh	change the name of	
6.5	uthon: do	
	confirm and render valid Marriages solemnized in this change the name of a Polling District in the County of authorize the appointment of a Harbor Master at Sydney, 29 Victoria—1866	
A Act to	29 Victoria—1866.	
da Act Ot E	Ontinue and amend chapter 2 of the Revised Statutes:	
house	Breton do 29 Victoria—1866. Ontinue and amend chapter 9 of the Revised Statutes: Ontinue chapter 18 of the Revised Statutes: "Of Light-Duties," Duties, do	
	do	

Chap.	Title of Act.	Extent of Repeal.
	ACTS SUBSEQUENT TO THE REVISED STATUTES OF NOVA SCOTIA, 3RD SERIES—Continued.	
	29 Victoria—1866—Continued.	4" 1
11	29 Victoria—1866—Continued. An Act to amend chapters 125 and 124 of the Revised Statutes: "Of an Equity Judge," and "Of Proceedings in Equity" An Act to amend the Laws relating to Divorce and Matrimonial	Sec. 15 from end of section.
13	An Act to amend the Laws relating to Divorce and Matrimonial	Sec. 12.
17 18	An Act to enforce the taking of the Oath of Allegiance	
	cial Government Railways"	uo
20	Solemnization of Marriage, and the Registration of Marriages,	Secs. 33 and 37.
	An Act to provide against the introduction of Diseases among	The Whole
34 49	An Act to amond the Act in reference to the Militia	o allu
70	An Act relating to the Sessions of the County of Halifax	The was
	30 Victoria—1867.	,
11	An Act further to amend chapter 18 of the Revised Statutes: "Of	do
14	Digithouse Duties of	do .7
16	An Act relating to the Refining of Sugar and the Manufacture of Tobacco An Act to amend chapter 25 of the Revised Statutes: "Of Mines and Minerals" An Act to repeal chapter 19 of the Acts of 1858, and to substitute other provisions in lieu thereof.	Secs. 2, 3, 6 and
17	Minerals'' An Act to repeal chapter 19 of the Acts of 1855, and to substitute	The whole.
25	An Act to amond the Act in reference to the Militia and the Act III	do
100	An Act relating to River Philip Harbor, in the County of Cumber-	do
	REVISED STATUTES OF NEW BRUNSWICK, Vol. 1.	
2	South and Buildings in	The whole.
_	Fredericon	do do
4	Of Lands for Military supposes	do
5	Of Lands for Military purposes	Sec. 7. and 16
16	Of Sales by Auction	Sec. 4, 8, 9, 10
17	Of Pawnbrokers	Secs. Whole.
23	Of Charlotte County Exemptions from Duties	do 2 and 3.
25	of the Territorial and Casual Revenue Of Trespasses to Lands and other Property of the Crown Of Sales by Auction Of Pawnbrokers Of the Regulation of Lighthouses Of Charlotte County Exemptions from Duties Of the Importation of Books and the protection of the British Author Of certain Salaries	Secs. 1, The whole.
37	Of old Soldiers of the Revolutionary War	
41	Of old Soldiers of the Revolutionary War	Secs. 1 and 8. Secs. 1 and 8.
52	Of Parish and County Officers	Secs. 1 Mar. Secs. 2. The whole. The secs. 5, 6 and 7. Secs. 5, 5 sub-secs. 1. of sec. 1.
53	Of Parish and County Officers	Secs. 5, 6 at 11, 13
00	Of Dams, Sluiceways and Fishways	Sub-secs. 1.
O 1	Of Rules and Regulations	The Whole
77	Of Courts Martial	Sec. 16. The whole.
98	Of Courts Martial	The do
100	Of the Treaty of Washington	

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
	Review	
118	REVISED STATUTES OF NEW BRUNSWICK, VOL, I—Continued. Of Bills, Notes and Choses in Action	
125	Or Letters and Character Letters To Act	ne 1
138	Of Absking atent for Useful Inventions	ne whole.
195	na Com - cock On Lond - cock Debtorbilling	-
147	Of Offences against Policy	c. 22.
, ag(of Chences against Public Morals and December	o A and
150	The control of the co	es. 6, 7, 8, 9 and 10.
0	r Proceed: Sec The	s. 18, 20 and 22.
160	of Malicious Against the Law of Marriage. Set Malicious Injuries to Property. Recognizance in Criminal Cases. Trial Trial Sec	8. 3 and 23. 8. 10, 22, 23, 24, 25,
Ö	f Proceedings before Indictment See f Proceedings before Indictment See f Proceedings before Indictment See f Proceedings on Indictment See f Trial See f Error, Punishment and Expenses See f Error, Punishment and Expenses See interms, Explanations and General Provisions Sec. the Promulgation and Repeal of Statutes Sec.	Schedule.
163 Ot	Sec. Sec. Sec. Sec. Sec. Sec. Sec. Sec.	30 from "False" in
00	Fees Sec.	e section.
-	Terms, Explanations and Expenses	such of the Table of es as relates to fees
	an	Patents of Invention d Discovery.
	D ₁₁ .	•
An	Act rale 8 Victoria.	
	**Statutes of New Brunswick, Vol. II. 8 Victoria. **vesting the certain lands belonging to Her Majesty, and for Majesty's Ordnance Department	rhole.
13	Act relating to an exchange of lands in Fredericton with the Secs. 1	
	Act relating to an action of the state of th	
	Ordnance Department	, 2 and 4.
An A	32 George III	
	of Impost Duties from owning any Vessel, or trading or dealing The wh	•
		ole.
An A	et to real	
	et to reduce the Fees on Militia Commissions The wh	ole.
An An	6 House IV	
	Province the establishment of Banks for Savings in this	
	to encourage the establishment of Banks for Savings in this	
An Act	6 William IV.	
145	6 William IV. Sank at Saint John	
	- vonu.	

Chap.	Title of Act.	Extent of R
	Public Statutes of New Brunswick, Vol. II-Continued.	
	4 Victoria.	
20	An Act to extend the provisions of an Act intituled "An Act to encourage the establishment of Banks for Savings in this	The Whole.
30	Province"An Act further to amend the Act to encourage the establishment of Banks of Savings in this Province	
	9 Victoria.	
61	An Act further to extend the provisions of An Act intituled "An Act to encourage the establishment of Banks for Savings in the Province."	do
	10 Victoria.	
43	An Act relating to Banks for Savings	do
	15 Victoria.	
58	An Act further to extend the provisions of the Bank for Savings at Saint John	đo
	26 George III.	
20	An Act for admitting depositions de bene esse of Witnesses aged, infirm and otherwise unable to travel, and of Witnesses departing from the Province	Sec. 6.
	5 William IV.	
34	An Act to facilitate the examination of Witnesses before trial in the Supreme Court	Sec. 4.
	12 Victoria.	
39	An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law	Secs. 5 and 9.
	LOCAL AND PRIVATE STATUTES, NEW BRUNSWICK, VOL. III.	
	5 George IV.	
24	An Act to extend the powers of the Mayor, Aldermen and Commonalty of the City of Saint John, for preventing the encumbering and filling up of the Harbor of the said City, to the waters and places of anchorage in the vicinity thereof	The whole-
	3 William IV.	
21	An Act to prevent the importation and spreading of Infectious Distempers in the City of Saint John	do :
	4 William IV.	
8	An Act to explain the Act for preventing the importation and spreading of Infectious Distempers in the City of Saint John	do
	7 Victoria.	
37	An Act for more effectually securing the Navigation of the River and Harbor of Saint John, in the City and County of Saint John.	. do

	Title of Act.	Extent of Repeal
	Locat	
2,	LOCAL AND PRIVATE STATUTES, NEW BRUNSWICK, Vol. III—Continued.	
¥1	dn .	
- 1	juring to conti	
	An Act further to continue an Act intituled "An Act to extend the regulation of the Corporation of the City of Saint John, for the scribed by charter"	The whole.
52.		
4	Act in 12 Victoria.	
- 1	Navigation to, and in amendment of, the Act relating to the	
.	Act in addition to, and in amendment of, the Act relating to the Navigation of the River and Harbor of Saint John	do
A	An 14 Victoria	
	Act relating to the Navigation of the River and Harbor of Saint	
		do
·	Act to revive and amend an Act to regulate the Herring Fishery Pennfield and Saint George, in the County of Charlotte	
- All	Act to 16 Victoria.	
-	in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte	
1	Saint George, in the County of Charlotte	do
·· lan	Act to anthorize the erection of a Marine Hospital at the Port of Acrs Or No.	
1	Act to authoria.	
1	athurst the erection of a Marine Hospital at the Port of	do
1	Acm	40
1.	ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES.	
An A	ct for 18 Victoria—1854.	
4n 8	t relation of New Brunswick since Revised Statutes. 18 Victoria—1854. 18 Victoria—1854. 18 Victoria—1854. 18 Victoria—1855.	
!	* * * * * * * * * * * * * * * * * * * *	O
An Ac	t pal 18 Victoria 1855	
		I. 13. 14 and 15
An Ac	t relating to Jurors relating to the Service of Process	10la
A co	to reprint to reprint to serve in the General	1010.
A Act	an Town, in the navigation of the River Saint John at or near	
J	ohn cetablish a Board of Health in the City and County of St.	
	to regulate the Election of Members to serve in the General to regulate the navigation of the River Saint John at or near to establish a Board of Health in the City and County of St. The will do not be saint John at or near do establish a Board of Health in the City and County of St. The will do not be saint John at or near do not set to establish a Board of Health in the City and County of St. The will do not be saint John at or near do not set to establish a Board of Health in the City and County of St. The will do not be saint John at or near do not set to establish a Board of Health in the City and County of St.	t two lines of sec.
h .	"and	d sec. 12 from
Act I	19 Viata : 200	the Section.
Act t	O authorize the construction of Railways in this Province O levy an Impost for Railway purposes	le.
1 30 - A	o levy an Impost for Railway purposes	
-ct 1	Plating Patent for Harfel XXX, of the Revised Statutes	
	to the Collection of the Revenue do	

Chap.	Title of Act.	
	Acts of New Brunswick since Revised Statutes—Continued. 19 Victoria—1856—Continued. An Act relating to the exportation of Saltpetre, Nitrate of Soda and other Chemical Salts used in the manufacture of Military and Naval Stores An Act in further amendment of the Law	The whole. Sec. 2, except proceeding in consequent tery, secs. 1 also secs. 1
4 6	An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance	also secs. so clusive in so clusive in cri relate to cri ters.
3 4	An Act relating to Railways in this Province	do do
15 18	An Act to prevent the use of Poisons in the destruction of Foxes and other Animals. An Act for the regulation of Railways An Act in amendment of the Criminal Law	Secs. 2 and ³ . The whole. Sec. 5. The whole.
3 16 17 20 21 24	An Act imposing Duties for raising a Revenue	do do do do do do do
19	23 Victoria—1860. An Act in addition to, and in amendment of, an Act passed in the twenty-second year of the reign of Her present Majesty Queen Victoria, intituled "An Act imposing Duties for raising a Revenue"	do ·

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
	ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES—Continued.	
22 A		
27 A	23 Victoria—1860—Continued. a Act relating to the Protection of the Revenue	The whole.
35 A1	Act to declare the Law relating to the Protection of the	do .
11 41	Act relating to procedure in Criminal Cases.	do ecs. I and 2.
to an	Act New Branges Provinces and Governments in North America	
48. 40	Act to see Statutes "Of the Chapter 118, Title XXX, of the	e whole. do
· 14b	Talas.	do
65 An	Act relating to the mode of Accounting and Currency	. 2. whole.
- 1	in relating to the second	4.
3. An	The	whole.
1 1	of the contract of the contrac	do
8.	the City of St. John Testing of Gas and Gas Meters Ct relating to Savings Banks The Stablish additional Polling Places in the City of Saint Ct in 25 Victoria 1861.	do lo
An A	and City and County of Saint John	
R. An	Outles for raising a Revenue and in amendment of an Act	
)
2	Duties addition to, and in amendment of the Acts impos-	
An Act	Assed in the nineteenth year of Her Majesty's Reign, intituled do authorize Investigation in cases of Fire in the several to amend the Revised Statutes, chapter 53, "Of Rates and Orepean Part of Chapter 163 of the Revised Statutes," Of the Revised Statutes, or Patents, and to other Province to so far as the same relates to Fees on Patents, and to be controlled to the Revised Statutes, an	
A. Tar	to amend this Province Sec. 4.	
Act Fe	to a mend this Province The results of the Revised Statutes, chapter 53, "Of Rates and Sec. 4. Sec. 4. Sec. 4. Sec. 4. Sec. 17. Sec. 18. Sec. 18. Sec. 19. Se	
An Act t	Part of Chapter 163 of the Revised Statutes, "Of the cother provisions in lieu thereof	ole.
An Act	in Said Deen's County and to establish another Polling	
An Act to	ke other Provisions in lieu thereof	
An Ace C	ounty of Charlotte	
An and C	County of Sunbury do	
An Act to	Impo Bello, in the County of Charlottedo	
lan .	do d	
a Rev	Ontinue and arread arre	
A Actake	erue, and the several Act imposing Duties for raising further provision for raising a Revenue	
30 g P	the Line a Loan, and for the revenue and manager	

Chap.	Title of Act.	Extent of Repea
40	Acts of New Brunswick since Revised Statutes - Continued. 27 Victoria—1864. An Act relating to the Savings Bank in the City of Saint John An Act relating to Affidavits, Declarations and Affirmations made out of this Province for use therein	Sec. 7.
24	An Act relating to the Militia	The whole. Sec. 10. Secs. 1 and 2.
	29 Victoria—1866.	
4 5 6	An Act to establish additional Polling Places in the County of York An Act to alter the place for Polling at Elections in the Parish of Hampton, in King's County	The whole. do Sec. 7.
1 6 25	30 Victoria—1866. An Act relating to the imposition of Duties for raising a Revenue An Act in amendment of an Act relating to the Militia	The whole. do do
		· · · · · · · · · · · · · · · · · · ·
1	30 Victoria—1867. An Act to amend the Law relating to the imposition of Duties for raising a Revenue	do Secs. 2 to 6 inclusion sec. 35.
11	An Act to establish County Courts	The whole.
İ	An Act in addition to an Act thirtieth Victoria, infinited to amend the Law relating to the imposition of Duties for raising a Revenue.	_
15	raising a Revenue."	do do
23	An Act to establish an additional Polling Place in the	do do
24	An Act to establish an additional Polling Place in the	do do
25	An Act to change the place for holding Elections	do
26	Carleton	
1	Carleton An Act to amend Chapter 116, Title XXX, of the Revised Statutes "Of Bills, Notes and Choses in Action;" also, twelfth Victoria,	
37	chapter 39, relating thereto	Sec. 7.

Chap.	SCHIEBULL II COMMISSION	
	Title of Act.	Extent of Repeal.
18A	Revised Statutes of British Columbia. Laws of the formerly separate Colony of Vancouver Island. An Act to authorize the Governor of Vancouver Island to borrow the sum of Forty Thousand Pounds on the security of the An Act to amend an Act for the preservation of Game	dec. 18. ec. 2. he whole. do do e whole, except secs.
30Pro	Act to enable the Governor of Vancouver Island to borrow the sum of Ninety Thousand Dollars upon the security of the General Revenue of the Colony	, 11, 12, 13 and 15 7.
\$5 Proc Proc	Clamation imposing Duties, Tolls and Fines, "Southern Boundary Act, 1860" Lamation, "The British Columbia Loan Act, 1862" Lamation, "The British Columbia Loan Act, 1863" Lamation, "Crown Office Act, 1863" As to	ey relate to criminal atters, and sec. 5. 2, 3, and 4. whole. 18. 18. 0 salaries of Goy-
An O	rdinance to authorize a Loan of one hundred thousand pounds. Sec. 1 and for the exempt certain articles from Road and Ferry Tolls	or of Customs. 6. vhole as respects
ZAn o	rdinance for regulating the amount and application of the Pees to be taken in the Supreme Court of Civil Justice from suitors therein. The work rupto trar signe sec. 4 the S.	ords "or in bank- ry by any Regis- or Official As- e" in line 10 of , and so much of chedule as relates a in bankruptey
Laws	of British Columbia after the Union of Vancouver Island and British Columbia.	nies, for the g up of which on has been by the Parlia-f Canada.
Urdi	nance to prevent the violation of Indian Graves	er. far as it relates Criminal Law, 3. 1 and 3.

	SCHEDULE A—Continuea.	
Chap.	Title of Act.	Extent of Repeal.
	REVISED STATUTES OF BRITISH COLUMBIA—Continued.	
73	Laws of British Columbia, &c-Continued.	The whole.
777	An Ordinance to declare the Law relating to Interest	av
75 76	An Ondinama A	^
	and direct Taxes on Persons An Ordinance to assimilate the Law exempting the Homestead and other Property from forced Sairure and Sale in certain cases,	13 as
		in bankiur
	An Ordinance to declare the application of the existing Laws of	The whole.
80		Sec. 10.
	An Ordinance to render uniform the Laws establishing a Decision System of Accounts and regulating the Currency of the	The whole.
83	An Ordinance to assimilate the Law empowering the Governor to create Ports of Entry in British Columbia	do The whole, except sees.
85	An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians	a - 9
99,,,,,	An Ordinance respecting Practitioners in Medicine and Surgery An Ordinance to regulate the Solemnization of Marriages	Secs. 153 and 154.
91 92	An Ordinance to regulate Excise in all parts of the constant of Harbors	do
93	An Ordinance to assimilate the Law regarding Aliens in all parts of	Secs. 10 and
95	An Ordinance to amend and assimilate the procedure of the	Sec. 3. The whole.
	Naval and Victualling Stores	do
101	An Ordinance to establish Banks for Savings with the	do Secs. 1 and 6, in 50 tar they relate to quare
		Secs. 1 and 6, in 50 they relate to quark tine.
110	An Ordinance respecting the appointment of Commissioners to take Affidavits and Bail and for the making of Statutory Declara- tions	Sec. 2 from the section. and "in line 3 to 1 end of the section.
114	An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing An Ordinance to establish a Volunteer Force	The whole do far as
125 129	An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing	relates winding to the winding up has par
	a a Dobli	1
134	An Ordinance to create a further Duty of Customs for the Public	The Who

Chap.	SCHEDULE A—Continued.	
*	Title of Act.	Extent of Repeal.
139 A1	Revised Statutes of British Columbia—Continued. Laws of British Columbia, &c.—Continued.	
149	Act to authorize a loan of £75,000	sec. 11.
156 An An	Codinance to assimilate the Law relating to the Transfer of Re Estate, and to provide for the registration of Titles to Lar Act to amend "The Tolls Exemption Ordinance, 1865"	ferry tolls Sec. 22 The whole.
157 An A	ct to regulate Elections of Members of the Legislature of this	elections for the House
An A	et to near	elections for the House of Commons of Can- ada; secs. 30, 99, 100 and 106.
ler of	Associations	elections for the House of Commons of Canada. ec. 9.
Act	to me	he whole, as respects ferry tolls. ec. 29 from "and" in line 2 to the end of the section.
tł Ve	neir increase, from the operation of any Bankruptcy or Insol- ency Laws	c. 3 from the second 'and'' in line 6 to the
1 An A	Revised Statutes of Prince Edward Island. 13 George III.	
An Act to proce	Cons	whole.
act fo	or an alle to this present Cossion of Assembly	do do

Chap.	Title of Act.	Extent of Repeat
	REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.	
	16 George III.	
4	An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and seventy-five, to this present Session of Assembly	
	25 George III.	
8	An Act for admitting Depositions, de bene esse, of Witnesses, aged, infirm or otherwise unable to travel, and of Witnesses departing	Sec. 3.
10	from this Island	Sec. 2 from the " Sec. 2 from the " ning thereof to 11. matton" in line 11.
	26 George III.	
12	An Act for the trial of Actions in a summary way	Sec. 8.
	50 George III.	
3	An Act to prevent the harboring deserters from His Majesty's Navy or Army, and for giving a reward for apprehending deserters; and to prevent harboring deserters from ships in the Merchant Service	Secs. 1 and 2.
		(1444)
12	5 George IV. An Act to regulate the Fisheries of this Island	Sec. 6 from end of line 7 to the end of section, and sec. 7.
	Governot of	Boo
18	An Act to empower His Excellency the Lieutenant Governor or Commander-in-Chief for the time being to appoint Commis- sioners to issue Treasury Notes	The whole.
	6 George IV.	
12	An Act to authorize the Commissioners named and appointed under an Act made and passed in the fifth year of the reign of His present Majesty, intituled "An Act to empower His Excellency the Lieutenant Governor or Commander-in-Chief for the time being to appoint Commissioners to issue Treasury Notes" to issue notes of the value of ten shillings each	
	9 George IV.	do
2	An Act for continuing several Laws near expiring	,
	10 George IV.	
11	An Act for the security of Navigation, and for preserving all ships, vessels and goods which may be found on shore, wrecked or stranded, upon the coasts of this Island, and for punishing persons who shall steal shipwrecked goods, and for the relief of persons suffering loss thereby	do .

Villa		
Chap.	Title of Act.	Extent of Repeal.
Revised S	STATUTES OF PRINCE EDWARD ISLAND-Continued.	
7	11 George IV.	
	relief of His Majesty's Roman Catholic subjects further security and recovery of monies due to Hi apon Duties of Impost and Excise, and for regulating s of Treasurer and Collector of Impost	
An Act to auth	Porize a further issue of Treesury Notes and to con-	sec. 2 as relates to Collectors of Impost and Excise.
Certain Act	ct intituled "An Act to revive and continue two s therein mentioned"	The whole.
9 An A.	1 William IV.	
of Witnesses An Act to author	1 William IV. Prize Justices of the Peace to enforce the attendance in certain cases	do do
2,	2 William IV.	
act to conf.	nt the destruction of Oysters by burning the same Pose of converting the shells thereof into Lime ent the importation and spreading of Infectious ithin this Island	do do
An Act establish before Just	th manner Marriages shall be celebrated in future, vide for the public registry of the sameing the mode of recovering Penalties and Costs ices of the Peace, where the same are imposed by	
provision is	ices of the Peace, where the same are imposed by its of the General Assembly of this Island, and no smade for the enforcing thereof	The whole.
8AR A S	3 William IV.	
and regulat	3 William IV. two certain Acts therein mentioned, for licensing ing Ferries, and to make other provisions in lieu	do
to the title to that pur	two certain Acts therein mentioned, for licensing ing Ferries, and to make other provisions in lieu. e the registry of Deeds and Instruments relating to Land, and to repeal the Laws heretofore passed pose. See a further in the amount.	vc. 7.
of Five Thou tioned		ne whole.
35 I		
An Act for the bett	4 William IV. ertain Acts therein mentioned er conveyance of the Mails in the Winter Season. William IV. (Vint Series)	do do
da Act to and 5	William IV.—(First Session.) and render perpetual certain laws now in force reasury Notes	
relating to Tr	nd render perpetual certain laws now in force easury Notes	do

Chap.	Title of Act.	Extent of Repeal.
	REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.	
	6 William IV.	
3 12	An Act to restrain the issue of certain Promissory Notes	The whole.
21 22	determine the amount to be paid by this Island towards the support and maintenance of Lighthouses. An Act to improve the administration of Justice in Criminal Cases. An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to "Treasons and Felonies".	do do
	7 William IV.	
21	An Act for granting Patents for useful Inventions	do
	1 Victoria.	
18	An Act to reduce the penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the seventh year of the reign of His late Majesty, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the army and their quarters"	ďo
	2 Victoria-(First Session.)	
2	An Act for further continuing an Act intituled "An Act to regulate the Fisheries of this Island	do
	3 Victoria.	
	An Act to authorize the sale, in certain cases, of vessels, boats, goods, wares and merchandise and other things seized as forfeited under any Revenue Law of this Colony	do
10	misdemeanors to this Island from the Island of Newfoundland or elsewhere in America	do
	8 Victoria.	
3	An Act to make New Provisions for the support of Lighthouses	do
10	Buoys and Beacons	1 40
	9 Victoria.	
14	An Act for enabling Courts to abstain from pronouncing sentence of	do do
16	death in certain cases	f do
21	any other County. An Act for the better regulation of business in the public Treasur of this Island.	Secs. 2, 5 and o
	10 Victoria.	
4	An Act to repeal certain Duties and Customs set forth in a certain Act passed in the Session of Parliament holden in the eight and ninth years of Her present Majesty's reign, intituled "A Act to regulate the trade of the British Possessions abroad," so far as the same relate to this Colony	ni

Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND-Continued.	
10 Westerie Continued	
An Act to abolish Deodands An Act to authorize the calling in of all Treasury Notes now in c culation, and the re-issue of the amount thereof from platof a new design, and to explain and amend the Acts there	The whole.
of a new design, and to explain and amend the Acts there	es in do
of a new design, and to explain and amend the Acts there are to prevent the failure of justice by reason of variance between Records and the evidence produced in support there	es of. The whole, in so far as
Posed on Roman Catholics	m- matters The whole.
An A	
An Act to authorize the appointment of a Master of the Rolls to t Court of Chancery, and an Assistant Judge of the Supren Court of Judicature in this Island British Author.	ne ne Secs. 1 and 4
British Author	The whole.
19 Vistania	The whole.
12 Victoria. An Act relating to the limits and rules of Jails in this Island	Sec.4 from the commence
An A	word "committed"
Act to authorize Free Trade with the United States of America Certain enumerated articles	n The whole. Sec. 1 from "that" line 9 to "offence"
An Act to consolidate, amend and reduce into one Act, all the Act of the General Assembly of this Island, relating to the estal lishment of terms of the Supreme Court of Judicature	line 26, and sec 2, bot in so far only as the relate to criminal ma
of the General Assembly of this Island, relating to the estal lishment of terms of the Supreme Court of Judicature An Act to consolidate and amend the severel Acts relating to Priso Discipline and Hard Labor, and to repeal certain Acts therei An Act to consolidate.	s ters
oct to consolidate and amend the severel Acts relating to Priso Discipline and Hard Labor, and to repeal certain Acts therei	n n n n n n n n n n n n n n n n n n n
mary Trespasses and to reveal certain Acts therein mer	- -
An And	Secs. 3, 14, 15, 16, 18 an
mary Trespasses, and to repeal certain Acts therein mer tioned	The whole.
An Act relating to Lighthouses and Buoys and Beacons	The whole.
Justices to costs in cases of penalties recoverable below	5
tioned	. do
An Act	
An Act to consolidate and amend the Laws now in force for the Act to commute the Crown Revenues of Prince Edward Island and to provide for the Civil List thereof as well as for certain compensations therein mentioned	Sec. 17.
compensations therein mentioned	The second, third, fourth and fifth paragraphs of sec. 1, and secs. 10, 1 and 16.

Chap.	Title of Act.	Extent of Repeal.
	REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.	
2 3	14 Victoria—Continued. An Act to provide for removing the Post Office of Charlottetown	
	therein mentioned	Sec. 1.
	An Act to reduce the Salary of the Collector of Impost and Excise for the District of Charlottetown. An Act to provide Salaries for the Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, and to repeal a certain Act therein mentioned.	do
	15 Victoria.	
	An Act to further continue an Act intituled "An Act to regulate the Fisheries of this Island"	do
	An Act to continue two several Acts therein mentioned, relating to the floating of logs, scantling, deals, and other kinds of wood down the interest of the logs of the continuous the latest this latest deals.	do
	An Act further to continue an Act regulating Seamen simples board of any ship or vessel belonging to Prince Edward Island whilst within the precincts of the said Island	do do
34	An Act to prevent the Stealing of Dogs	Sec. 2.
34	nected therewith	Sec. 10
	16 Victoria.	مَّادِ أ
13,	An Act for further improving the Administration of Criminal Justice. An Act to amend the Law of Evidence	The whole.
	17 Victoria.	,
6 13	An Act relating to certain lease and monetary obligations entered into before the passing of the Currency Act	do do
,	18 Victoria.	
	An Act to authorize free trade with the United States of America, under a treaty between Great Britain and the United States of	The whole.
17	An Act to consolidate and amend the laws relating to the manner of proceeding upon Controverted Elections of Members to serve in the General Assembly	Sec. 11, and the wins respects Elections of the House of Common of Canada.
		Secs. 2 and 5, as respective Postmaster the Postmaster data and to the Postmaster data to the Postmaster data.
21	An Act to continue the Act relating to the limits and rules of Jails in this Island	The whole.

Chap.	SCHEDULE A-	-Continued.	
	Title of Act.		Extent of Repeal.
$R_{EV_{I}}$	SED STATUTES OF PRINCE EDWARD ISLA	ND—Continued.	
4	10 77:		
An Act to	continue an Act for the regulation of the continue the Act relating to the lay an aintenance of buoys and beacons in the continue the Law of Evidence	on of the Mackerel	The whole.
JV Ter Ia	rther to improve and beacons in the	nis Island	do ecs. 5 to 9 inclusive, as respects criminal pro-
Act to Assemb Electio	ating to the Indians of Prince Edward increase the number of Members to selly, and to consolidate and amend the	IslandT erve in the General le laws relating to	cedure. he whole.
An Act to f	acilitate the performance of the duties	of Justices of the	c. 53, and the whole so far as it relates to elec- tions for the House of Commons of Canada.
An Act to fa	in this Island, with respect to personable Offences	of Justices of the and OrdersAll,	, except sec. 16 and cale of fees in Sche- ule. except sec. 24 and cale of fees in Sche-
6.	20 Victoria.	} "	ıle.
An Act to produce the Post C	Ovide for the appointment of an addition from the pointment of an addition from the part of the part o	onal Assistant in resent Assistant. The arf	whole. lo
An Ac	21 Victoria.		
makeont	21 Victoria ting the Militia to the Mutiny Act and A safe custody of Insane Persons charge rwise to amend the Law with respect of crimes punishable with deathinue, for certain purposes, the Seductiver provisions in lieu thereof as regarder.	Articles of War. di with offences. et to offenders. The won Act, and to ords all future. Sec. 10	hole, except sec. 3.
			,.
An Act to enall	22 Victoria.	1	_
1 1947 - 200	e Aliens to hold real estate nue the Act authorizing the appoint pt in so far as relates to Charlottetowr nue certain Acts therein mentioned o continue an Act regulating Seames ship or vessel belonging to Prince Ed the precincts of the said Island		ole.
Colan .		1	
to grant an	23 Victoria. de certain Acts therein mentioned the Controller of Navigation Laws in d issue Fishery Licenses to citizens of essels built in Prince Edward Island,	this Island the United	
them	di issue Fishery Licenses to citizens of essels built in Prince Edward Island,	and owned do	

Chap.	Title of Act.	Extent of Repe
16 17 23 26 27	An Act to consolidate and amend the Laws relating to Grand and Petit Jurors in this Island An Act to repeal a certain Act therein mentioned relating to the prevention of Smuggling. An Act to prevent Congregations being disturbed or disquieted during the performance of Public Worship. An Act to continue certain Acts therein mentioned. An Act to continue the Act relating to Packets sailing between this Island and the Provinces of Nova Scotia and New Brunswick. An Act relating to the punishment of certain cases of Felony and Misdemeanor.	do do Secs. 1 and ² . The whole. All, except sec. 4.
3 7 9 11	An Act to consolidate and amend the Laws relating to Statute Labor and the expenditure of Public Moneys on the Highways. An Act to continue the several Acts therein mentioned	of Commons Secs. 31 and 48. The whole. do
3 10	An Act relating to Steam Navigation in this Island	do do do
8 9 10	An Act to regulate the Inspection of Flour and Meal	Sec. 2 The whole.

Срав.	SCHEDULE A-Continuea.	
чар.	Title of Act.	Extent of Repeal.
	REVISED STATUTES OF PRINCE EDWARD ISLAND-Continued.	
10	28 Victoria.	
19	Excise, for the districts of Bedeque and Georgetown	The whole. do do
25 An	from this Island	do
.	act to amend the Law respecting defamatory Words and Libel. Se	do ecs. 3 to 8, inclusive, secs. 9 and 10 in so far
t An		11.
An Ac	ct for the regulation of the Militia and Volunteer Forces	do do do 11 from the com- ncement thereof to o" in line 11, and
29 An	spe / Ho	cts elections for the use of Commons of
.	to continue and amend a certain Act therein mentioned The way to consolidate and amend the Laws relating to the convey- ortgages and transfer of real and personal Property vested in Sec. 5	
An Act r	to continue certain Acts therein mentioned	from "provided"
An Act to	31 Victoria.	
the,	consolidate and amend the several Laws relating to Edu- The worn duty	ds "and militia in sec. 32.

Cha _l	D. Title of Act.	Extent of Repeal
10	REVISED STATUTES OF PRINCE EDWARD ISLAND—Continue I. 31 Victoria—Continued. An Act to amend and explain the Act passed in the second y ar o His Majesty King William the Fourth, relating to the cele bration of Marriages, so far as the same relates to the Bible	
	Christian Church	The whole.
3 4 13 17 18 20	received in the Savings Bank An Act further to amend the Acts for the regulation of the Militia and Volunteer Forces An Act to provide for carrying out of Capital Punishment within Prisons An Act in amendment of the Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies An Act to add to and amend the Act relating to Patents for useful Inventions	Secs. 1, 3, 6 and 9. Secs. 1, 12 and 22. The whole. do do do do do do do do do d
3 4 6 17	An Act to amend the Law regulating the hearing of Appeal Causes, and to repeal part of a certain Act therein mentioned	The whole. Sec. 6, in so far as it ters. lates to criminal lates to criminal lates to criminal lates. do do do ec. 14.
3,		he whole. do do

Chap.	SCHEDULE A—Contin	ued.
	Title of Act.	Extent of Repeal.
	REVISED STATUTES OF PRINCE EDWARD ISLAND-Conti	nued.
5 A.	A Act to establish a Decimal System of Currency on this Harbor and Ballast Master for Hillsborough Bay and the Act to consolidate and amend the several Acts regula	Island All, except sec. 3.
An An	Act to continue certain Acts therein mentioned	Secs. 44 and 47. The whole.
35 An An	Act to amend the Act relating to Light and Anchorage therein to the Island Fisheries, and to repeal cert Act to amend the Act relating to Public Wharves and Bact to amend the Act relating to Public Wharves and Bact to define the Fees on Naturalization under the Impeact to authorize the Government to prohibit the export Arms.	an Acts do ridges do rial Acts do do do
	- Transcription of the Capture	do
An A	35 and 36 Victoria. Act relating to the Treaty of Washington, 1871	do
. -4	cet relating to the Treaty of Washington. 1871	do rrency do ion of do do do do do do do do
An Ac	t to establish Comments of the stabilish Com	do
An Act Lightho	t to establish County Courts of Judicature in this Island t for the Regulation of Railways	The whole. The whole. The do Race
An Act Sup	to provide for the collection in this Island of the Cape relating to Steam Communication between Prince Edward and the Provinces of Nova Scotia and New Brunswick to amend the process, practice and mode of pleading in Court of Judicature of Prince Edward Island	do chard cha
An .	OF THE PARLIAMENT OF CANADA.	229 and 281.
An Act ro	especting the Statutes of Canada	The whole.
પ્ કુ જા≀	vided for, for the period therein mentioned, for certa poses respecting the Public Debt; and for raising mone credit of the Consolidated Revenue Fund	do

Chap.	Title of Act.	Exten
	• • • • • • • • • • • • • • • • • • • •	
	Acts of the Parliament of Canada—Continued.	
	31 Victoria-1867-68-Continued.	1
	An Act imposing Duties of Customs with the Tariff of Duties payable under it.	The whole
12	An Act respecting the Public Works of Canada	
	An Act respecting the Fublic Works of Canada. An Act to protect the Inhabitants of Canada against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty.	
15	An Act to prevent the unlawful training of persons to the use	
	Justices of the Peace to seize and detain arms collected or kept	do
22	An Act for continuing the Parliament of Canada in case of the	do
23	An Act to define the privileges, immunities and powers of the Senate	do
24	An Act to provide for Oaths to Witnesses being administered in	1
26	An Act to declare certain persons therein mentioned indemnified low	do
	while holding certain offices under the Crown Commons,	do
21	An Act respecting the Internal Economy of the House of Condition and for other purposes. An Act to amend An Act intituled "An Act respecting the Statutes of Canada"	do
28	of Canada"	do
29	of Canada"	do
30	An Act respecting the commencement of certain Acts of the therein mentioned	
31	An Act for granting to Her Majesty certain sums of money, for the for defraying certain expenses of the Public Service, for June,	
	The purpose of the property of the pull post	do do
39	1868, and the 30th day of June, 1869; and for other purificating to the Public Service	-
	An Act respecting the Governor General, the Civil List, and	do
3 5	An Act to regulate and restrict the contingent charges of the Public Sarvice, and to establish a Stationery	do
0.0	Office	do
36	Office Canada	do do
37	An Act respecting the Security to be given by Charles Matters	do
39	An Act respecting inquiries concerning I under the An Act respecting the Department of Justice	do
41	At Act to make provision for delitaring the Defence of the Dominion of the	
42	An Act providing for the Organization of the Department of Secretary of State of Canada and for the Management	do do
42	A - A - A - A - A - A - A - A - A - A -	
44	An Act constituting the Department of Customs	do
	*1 (.*1)	do
45	An Act respecting the Currency, Notes of the	do
46	Dominion instead of issuing Notes of their OWIL Conner Coins	đo
4 17	An Ast regressing the manufacture or importation of our	do do
40	Am Act constituting the Dengrtment of Inland Revenue Duties	do
52	An Act respecting certain penalties in respect of Stamp Putter	do
53 56	An Act constituting the Denalties in respect of Stamp Duter	40
00	Works	

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
Man Act r	Acts of the Parliament of Canada—Continued. 31 Victoria—1867-68—Continued. Or the organization of the Department of Marine and Fisheries canada	The whole. do do do do do do do do do do
An Act to any Trib	precting Police of Canada my persons in custody charged with High Treason or Provide for taking Evidence in Canada in relation to Civil other of Her Majesty's Dominions or before Foreign annex a portion of the Seigniory of Bélair to the County belger, and another portion thereof to the County of	do do do do
An Act for finance the 36 finance th	granting to Her Majesty certain sums of money required fray certain expenses of the Public Service, for the June, 1870; and for other purposes relating to the Service. Service certing Nova Scotia. Secting the Department of Finance certing the Office of Queen's Printer and the Public Mender of the Act thirty-first Victoria, chapter thirty-three ing Allowances of the Judges. Service certain Fee Funds in the Province of Ontario.	
Canada, An Act to av An Act to respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act respect An Act for the Public W	cting certain Fee Funds in the Province of Ontario ting Immigration and Immigrants doint Stock Companies' Clauses Act and chapter sixty-seven of the Consolidated Statutes of its its its its its its its its its its))

		لهد .
Chap.	Title of Act.	Extent of Repeat
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
		'
	32-33 Victoria - 1869 - Continued.	The whole.
28	An Act respecting Vagrants	The Who
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law	do
30,	An Act respecting the duties of Justices of the Peace out of Sessions	do
	in relation to persons charged with Indictable Offences	10
	in relation to Summary Convictions and Orders	do
32	An Act respecting the prompt and summary administration of Crimi-	do
33	nal Justice in certain cases	do do
34	I An Act respecting Invenile Offenders within the Province of Quebe	4
35,	An Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors, in the Provinces of Ontario	1
	and Unebec '	
36	An Act respecting the Criminal Law, and to repeal certain enactments therein mentioned	do
3 8	I An Act respecting inquiries and investigations into Shinwrecks	do
		10
	An Act to alter the limits of the Counties of Joliette and Berthier, for Electoral purposes	do
46		• -
	Blackmit, and to attach it to the County of Terroson	10
49	An Act to continue for a limital time the Chartens of certain Dune	do
74	An Act respecting the Salary of the Governor General	
	33 Victoria—1870.	
2	An Act for granting to Her Majesty certain sums of money required	
	An Act for granting to Her Majesty certain sums of money for the to defray certain expenses of the Public Service, financial years ending respectively the 30th June, 1870, and the 30th June, 1871	do
	the 30th June, 1871	25, 2
3	the 30th June, 1871 An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the	Secs. 1, 3, 4, 5, 35, 3 29, 30, 31, 32, 33, 3
	An Act to amend and continue the Act 32 and 33 Victoria, charter and to establish and provide for the Government of the Province of Manitoba	Secs. 30, 31,
		The whole.
6	An Act to amend the Act respecting the Office of Queen's Printer	The do
7	The rece to amend the 12an respecting the Department, 1 Dayphue,	1
9,	An Act to amend the Law respecting the Department of Pintal An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain previous respecting Vessels navigating	do
	An Act to amend the Acts respecting Customs and Inland Residue and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal	do
10	the issue of Dominion Notes) do
14	An Act respecting the Coasting Trade of Canada	do
15	An Act respecting the Coasting Trade of Canada	do
-0	The rec to make provision for discipline	do do
17	. An Act respecting Certificates to Masters and Mates of Dang Reacons	
18	An Act to amend the Act relating to high thouses, and relief of Sich	do
2.5	and Protection manners and the contract of the	do
23	An Act to extend the powers of the officer	do
	An Act to amend the Act respecting Perjury 6 Lustices of the	ļ
27	An Act to amend the Act respecting the Convictions and	do
	Ordersof the peace in	do
28		
31		
	An Act for the better protection of the Clothing and Proposition Seamen in Her Majesty's Navy	

Cpab.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal.
An Act in An Act in An Act in An Act in An Act in the Pro- An Act to na An Act to na An Act to na Act to n	ACTS OF THE PARLIAMENT OF CANADA—Continued. 33 Victoria—1870—Continued. Juvenile Offenders to be detained in the Halifax Industrial Received for the Police Court in the City of Halifax to sentence School offenders to be detained in the Halifax Industrial Repiration of the Acts and parts of Acts herein mentioned before the passion of the Act and parts of Acts herein mentioned before the respecting of the Act of this Session to continue the same	do do do do
An Act to an An Act for g	and the Act respecting the Statutes of Canada	

Chap.	Title of Act.	Extent of Repe
	Acts of the Parliament of Canada—Continued.	
	35 Victoria—1872—Continued.	
4	An Act to indemnify the Members of the Executive Government and others for the unavoidable expenditure of Public Money without Parliamentary Grant occasioned by the sending of an expedi-	The whole.
5	tionary force to Manitoba in 1871 An Act to amend the Act 34 Victoria, chapter 3. respecting the Loan for paying a certain sum to the Hudson's Bay Company	Sec. 1 from the been to "loan" in the reof.
6	An Act respecting the Public Debt and the raising of Loans author-	The whole.
7 .	An Act to amend the Act regulating the issue of Dominion Notes	do
8,	An Act to amend the Act relating to Banks and Banking	do
9	An Act to amend the chapters six and seven of the Statutes of 1871,	do
10	relating to Savings Banks	do
11	An Act to repeal the duties of Customs on Tea and Coffee	do
12	An Act to amend an Act of the present Session and to enable the	
	Governor in Council to impose a duty on Tea and Coffee imported from the United States in the case therein mentioned	uo 10
13	An Act to readjust the Representation in the House of Commons	, uo
15	An Act to compel Members of the Local Legislature in any Pro- vince where dual representation is not allowed, to resign their	
	seats before becoming candidates for seats in the Dominior	11 -
	Parliament	
16	An Act to provide for the Revisal of Voters' Lists for Elections to the House of Commons, in a certain Revisal District of the	• 1
	County of Victoria, Nova Scotia	• }
17	.l An Act to divide certain Polling Districts in the County of Inverness	•
	in the Province of Nova Scotia, and to provide for Voters	do
19	Lists therefor	do
	by Umcers of Canada	1 40
20	An Act further to amend the Act 31 Victoria, chapter 33	do
24	An Act to remove doubts under the Act respecting the Publi	c) do
	Works of Canada	'1 40
25	IAn Act regnecting Reidges	1 40
-7.7	An Act respecting Patents of Invention An Act relating to Quarantine	1 40
29	IAB Act to browide for the incorporation of imiliariance	1 40
20	An Act respecting Trade Unions	av
31	An Act to amend the Criminal Law relating to Violence, inter-	do do
	An Act to amend the Law relating to the fraudulent marking Merchandise	
33	Am A at for the avoidance of doubts respecting Largery of Stanips.	•••
34		
25	Injuries to Property An Act to amend the Law relating to Advertisements respecting Stolen Goods	g do
ðð,,,,	Stolen Goods	us
37	And And the control of Customs of Customs of	e.
	Excise, and certain Acts relating to Ouston's and	
38		
00,,,	Navigation, to the Province of British Columbia	
	36 Victoria—1873.	
		s-
2	An Act to render Members of the Legislative Councils and Legi	y
	lative Assemblies of the Title Daminion of Canada, incligit	ole) do
	for sitting or voting in the House of Commons of Canada	1
	e e e e e e e e e e e e e e e e e e e	

_	Title of Act.	Extent of Repeal.
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
٠.	An Acceptation 36 Victoria—1873—Continued.	
•	An Act to amend the Act respecting procedure in Criminal Cases An Act to provide for the establishment of the Department of the Interior. An Act with respect to the Carriage of Dangerous Goods in Ships An Ports in the Provinces of Nova Scotia and New Brunswick	The whole.
•	An Act With rooms	do
1	Act to provide for the Carriage of Dangerous Goods in Ships	do
	An Act with respect to the Carriage of Dangerous Goods in Ships An Act to provide for the appointment of Harbor Masters for certain An Act to provide for the appointment of Harbor Masters for certain An Aports in the Provinces of Nova Scotia and New Brunswiek for granting to Her Majesty certain sums of money required financial years ending respectively the 30th June, 1873, and the 30th June, 1874, and	do
- 1	financial ring certain expenses of the Public Service for the	3.1
٠l	the 30th June, 1874, and for other purposes relating to the An Act.	
١	Act to change 4	do
٠١	An A for Electoral purposes	do
	An Act to change the limits of the Counties of Montcalm and Joliette. An Act to re-adjust the amounts payable to, and chargeable against, the several Provinces of Canada by the Dominion Government, so far as they depend on the debt with which they respectively	do .
-	so for the Reversal Provinces of Canada by the Dominion Government.	
	an entered at they depend on the debt with which they respectively	· _
1	the several Provinces of Canada by the Dominion Government, so far as they depend on the debt with which they respectively entered the Union	do
J	Judges and other Public Functionaries and allowances of the indemnity to the Members of the Senate and House of Commons. At Act respecting the Ocean Mail Service	-
	An Act mility to the Members of the Senate and House of Commons.	do
1	Act respecting the Ocean Mail Service	do
٠l	In lishment of the Administration of Justice, and for the estab-	
ı	An Act respecting the Ocean Mail Service	do
1	An Activish Columbia and Manitoba	do
١	Act to remove doubts as to the construction of section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act Act to make further provision as to Duties of Customs in Manitoba Act respecting the admission of the Colony of Prince Edward Act Act and as a Province of the Dominion	40
ı,	Dominis Victoria, chapter 3, and to amend section 108 of the	i
1	Act to make a cards Act	do
ŀ	An Act to make further provision as to Duties of Customs in Manitoba and the North-West Territories	do
L	Islander the admission of the Colony of Prince Edward	40
ľ	Act resp as a Province of the Dominion	do
k	Legislature the Export Duties imposed on Lumber by the	,
١.	Island as a Province of the Dominion	do
ľ	and the Acts amonding the arms "The Insolvent Act of 1869,"	do
1	in a supply and stating the same, and same, and an analysis and an analysis and same and an analysis and an an	1
Γ	Act to amend the Patent Act of 1872	do
1	olonial Railmand the Act respecting the construction of the Inter-	G 1
Ľ	Act to provide for the Ingrestion of Con and Con Motors	The whole
ľ	Act formend the Act respecting offences against the person	do
1	naturer to amond the land the section most one of	
1	Act respecting Pilinial Cases.	do
١,	Act to amend the Act relating to Banks and Banking. Act to amend the Patent Act of 1872 Colonial Railway. In Act to provide for the Inspection of Gas and Gas Meters. Act to amend the Act respecting offences against the person. Act further to amend the law respecting certain matters of act respecting Pilotage. Act respecting Pilotage. Act respecting Wreck and Salvage. Act to provide for keeping order on board Passenger Steamers. Act to amend the Acts for more effectually preventing the Act of amend the Acts for more effectually preventing the Act to repeal the Law of British Columbia, intituled "An Ordinace respecting Harbor and Tonnage Dues, and to regulate having ation trade.	The whole arount
i	Act ros	38 and 39.
4	Act to precing Deck Loads	The whole.
١.	act to amend for keeping order on board Passenger Steamers	do
4	A Acts for more effectually preventing the	do
	nan- repeal the Law of Priving Columbia instituted if An Ordi-	do
	the I: respecting Harbor and Tonnage Dues and to regulate	
4	h A navigation on the Vessels engaged in the coasting and inland	_
4	n Act for the house	do
4	Act respecting the Control of Navigable Streams and Rivers	do
A	Proping the Central Prison for the Province of Untario	do
À	Act respect of Canada.	do
	nance repeal the Law of British Columbia, intituled "An Ordinance respecting Harbor and Tonnage Dues, and to regulate navigation trade navigation trade Act for the better protection of Navigable Streams and Rivers Act to amend chapter 58 of the Consolidated Statutes of the late natcrespecting Interest and Usury in the Province of Nova Scotia. Province of Canada Act respecting Interest and Usury in the Province of Nova Scotia. Provinces of Ontario and Quebec	do
	Provinces the Act respecting certain Savings Banks in the	do

	SCHEDULE A—Continuea.	
Chap.	Title of Act.	Extent of Rep
	Acts of the Parliament of Canada—Continued.	
	36 Victoria—1873—Continued.	
100	_	The whole.
	An Act relating to Shipping, and for the registration, inspection and classification thereof	do do
	37 Victoria—1874.	
1	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1874, and the 30th June, 1875, and for other numbers relating to the	do
	the both bune, 1010, and 101 Other purposes	uo
2	Public Service An Act to authorize the raising of a Loan for the construction of certain Public Works with the benefit of the Imperial Guarantee for a portion thereof	do
3	An Act to declare the intention of the Act 36 Victoria, chapter 30,	do
4	An Act to amend the Act 36 Victoria, chapter 31, for the re-adjustment	do
5	or the salaties of danger, and other parpare	do
	into the Dominion	
6	into the Dominion	do
7	An Act to amend an Act to make further provisions as to Dutter and	
	further to restrain the importation or manufacture of incommendation	do do
9	An Act respecting the Elections of Members of the House of Common	
2	tions of the Members of the House of Commons, and respectato	do
11		do
	stances therein mentioned the Electoral	do
12	stances therein mentioned	do
13	At Act to amend an Act respecting of certain Dominion Bands	do
20	Manitoha Department of	do
23,	An Act to amend an Act for the organization	do do
24	An Act to exempt Transports from Port and Harpor Dues	do
25 26	An Act respecting Carriers by water	do
0.7	An Act to extend certain Acts therein mentioned to the	ŭ.
28	An Act respecting the extension and application of the Edward	do
29	An Ant for the removal of obstructions by Wreck and a relative to	đo
	navigable waters of Canada, and other purposes retain Wrecks	do
32	An Act to provide for the appointment of the contain	1.
34	An Act to provide for the apport Quebec. Ontario, Billsh	do
	Daings Edward Island Charison Towns	do do
36	An Act to establish a mintary contest.	do
37	of Canada	•
38	An Act respecting the Offine of Electronic	

(°i	SUHEDULE A—Continued.	
Chap.	Title of Act.	Extent of Repeal.
39	Acts of the Parliament of Canada—Continued. 37 Victoria—1874—Continued. Act to extend certain Acts relating to the prompt administration of Justice in Criminal Matters to the Province of Manitoba	Extent of Repeal. The whole. do do do do do do do
An Act An Act An Act An Act An Act An Act An Act An Act An Act In An	to amend the Interpretation Act, as respects the printing of distribution of the Statutes, and the territorial application to Continue for a limited time the Acts therein mehtioned of the Graying certain expenses of the Public Service, for the ancial years ending respectively the 30th June, 1875, and blic Service. The same of Loans authorized by Parliament sets amend the Act respecting the Public Debt, and the urther to amend the Acts regulating the issue of Dominion of Canada and Consolidate the Statute Law for the regulation he Postal Service. The amend the Acts respecting Controverted Elections of Loans authorized by Parliament sestablish a Supreme Court and a Court of Exchequer for Specting defective Letters Patent, and the discharge of Interest to amend the Patent Act of 1872, and to extend a mend the Immigration Act of 1872 of the Crown at the Act therein mentioned, respecting Banks and the Migration of Canada and consolidate the several Acts respecting Insurance of a segulate the construction and maintenance of Marine Carlegraphs of the Coasting Trade of Canada of the Certain provisions of the Seamen's Act, 1873, to employed in navigating the Inland Waters of Canada.	

Chap.	Title of Act.	Extent of Repeal.
	Acts of the Parliament of Canada—Continued.	
	38 Victoria—1875—Continued.	
30	An Act to amend the Acts thirty-sixth Victoria, chapter nine, and thirty-seventh Victoria, chapter thirty-four, respecting the	The whole.
31	appointment of Harbor Masters An Act further to amend the Act respecting the treatment and relief of Sick and Distressed Mariners	do
	An Act to repeal an Act of the Legislature of Prince Edward Island, for the collection of the Cape Race Lighthouse Toll	do do
34	An Act to amend the Fisheries Act	do
35 36	An Act to repeal the Export Duty on Stave Bolts and Oak Logs An Act to compel persons delivering certain Merchantable Liquids	do
37	in Casks to mark on such Casks the capacity thereof	do
	the vicinity of Public Works	uo .
	An Act for suppressing Gaming Houses, and to punish the Keepers	
	An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada An Act to amend the Act respecting Procedure in Criminal Cases	.] "
	An Act to amend the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors in the	
46	Provinces of Ontario and Quebec	
47	Ontario	do
	Felonies or Misdemeanors	
	An Act to amend and consolidate the Laws respecting the Notation West Territories	do
	Lands in Manitoba An Act respecting conflicting claims to Lands of Occupants in Manitoba	
54	. An Act to extend to the Province of Manitoba the Act for the more speedy trial in certain cases of persons charged with Felonie	1 (10 : : : : : : : : : : : : : : : : : : :
55	and Misdemeanors in the Provinces of Ontario and Quebec An Act respecting the Trinity House and Harbor Commissioners of Quebec	Sec. 2, in so far Quert, the stitutes commissioners
		of the Pilots sec. in line
		5 from to gov if
		19 thereotion; where of the section, and secondly occuped the section, and section and section.
		the section, 11 and 15. The whole.
88,	An Act respecting Copyrights	The W

Opap.		
•	Title of Act.	Extent of Repeal.
	Title of Irea	or respect.
	Auma and a contract	
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
,	20 Protonia 1978	
1,,,,,	39 Victoria—1876. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial state 1876 and	
	Act for granting to Her Majesty certain sums of money required	
	for defraying certain expenses of the Public Service for the	
	mancial years ending respectively the 30th June, 1010, and	
3.	the 30th June, 1877, and for other purposes relating to the	m, , ,
•	the 30th June, 1877, and for other purposes relating to the Public Service An Act to provide for the payment of a temporary Grant to the Pro- Vince of Manitoba An Act to extend the Act of Service Deminion Notes to the	The whole.
4	An Act to provide for the payment of a temporary Grant to the Pro- An Act to extend the Acts respecting Dominion Notes to the Provinces of Prince Edward Island, British Columbia and Manifector	do
•••	An Act to extend the Acts represting Dominion Notes to the	40
,	Provinces of Prince Edward Island British Columbia and	•
	An Manitoha	do
	Act to provide for the examination of Witnesses on Oath by	
8	Provinces of Prince Edward Island, British Columbia and An Act to provide for the examination of Witnesses on Oath by Committees of the Senate and House of Commons, in certain	_
	An 1	do
9	the Land the Act thirty-first Victoria, chapter 3, respecting	do
****	Committees of the Senate and House of Commons, in certain cases. An Act to amend the Act thirty-first Victoria, chapter 3, respecting the Indemnity to Members of both Houses of Parliament An Act to make more effectual provision for the administration of the Law relating to Corrupt Practices at Elections of Members of the House of Commons.	uo
******	the Law relating to Corrupt Practices at Elections of Members of the House of Commons	do
	Act to provide for the more effectual Inquiry into the existence	
1)	of Corrupt Practices at Elections of Members of the House of	•
		do
12.	An Act to detach a certain portion of the County of Lotbinière and to attach it to the County of Beauce An Act to amend the Acts therein mentioned, respecting the Militia An Act to make provision for the Collection and Registration of the	da
****	An Act to attach it to the County of Beauce	do
13	Act to amend the Acts therein mentioned, respecting the Militia An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada An Act respecting Read and Registration of the	do
30	An Act to make and the Dominion of Canada	4.9
		do
		do
25	Act respecting the North-West Territories, and to create a separate An Act to extend the Acts therein mentioned, respecting Weights and Measures, and the Inspection of Gas and Gas Meters, to Prince Edward Lieut	•
****	An A Perritory out of part thereof	do
	extend the Acts therein mentioned, respecting Weights	
26.	Prince Blues, and the Inspection of Gas and Gas Meters, to	do
25	and Measures, and the Inspection of Gas and Gas Meters, to Prince Edward Island An Act to make further provision in regard to the Supreme Court and the Exchequer Court of Canada Act to make further provision for the institution of Suits against	40
******	Act to make further provision in regard to the Supreme Court An Act to make further provision for the institution of Suits against the Crown by Petition of Right Act to extend the provisions of the Act thirty-first Victoria,	do
28	An Act to make further provision for the institution of Suits against the Crown by Petition of Right	
	An A the Crown by Petition of Right	do
	act to extend the provisions of the Act thirty-first Victoria,	
Α	chapter 33, respecting the Retiring Allowance of Judges, to	
29	Appendix Justice and Justices of the Court of Error and	do
31	An Act to provide a Province of Ontario	•
vi	Province of Nove Section and for other nurnoses	do
33	the Chief Justice and Justices of the Court of Error and Appeal for the Province of Ontario	•
*****	An A Porated Banks	do
	amend the Act to make better provision, extending to the	
34	whole Dominion of Canada, respecting the Inspection of Carada, respecting the Inspection of Caradian Produce	do
•••	An Act to Staple Articles of Canadian Produce	u0
30	intituled (the Act thirty-seventh Victoria, chapter of	
37	intituled "An Act to authorize the Incorporation of Boards of Trade in the Dominion". An Act respecting the attendance of Witnesses on Criminal Trials At Act to amend the Criminal Law relating to Violence, Threats and Molestation	do
*****	An Act respecting the attendance of Witnesses on Criminal Trials	do
	Act to amend the Criminal Law relating to Violence, Threats	
	An Act to authorize the incorporation of An Act respecting the attendance of Witnesses on Criminal Trials An Act respecting the attendance of Witnesses on Criminal Trials An Act to amend the Criminal Law relating to Violence, Threats and Molestation	do
L.,,,,,,	40 Victoria—1877.	
, .	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial warm earlier expenses of the 30th June, 1877, and	
	for defraving contain and the Public Service, for the	
	financial years ending respectively the 30th June, 1877, and the 30th June, 1877, and	
	the 30th June, 1878, and for other purposes relating to the	,
	Public Service	do

Chap.	Title of Act.	Extent of Repeat
	Acts of the Parliament of Canada—Continued.	
	40 Victoria—1877—Continued.	
2	An Act respecting the Act further securing the Independence of Parliament	The whole.
4	An Act to extend to the Province of Prince Edward Island certain	Ì -
6	Criminal Laws now in force in other Provinces of Canada An Act respecting the Boundaries of the Province of Manitoba	do do
7	An Act to amend the "North-West Territories Act, 1875"	do
8	An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec	do
9	An Act to make better provision respecting the Geological and Natural History Survey of Canada, and for the maintenance	
	of the Museum in connection therewith	do
16	Excise	do
	An Act to transfer the management of certain Harbors, Piers and	do
10	Breakwaters from the Department of Public Works to the Department of Marine and Fisheries	l do
	the repealed Act of the late Province of Canada	do
	An Act to amend the Pilotage Acts of 1873 and of 1875	do
22	An Act to amend the Act to make further provision in regard to the	
	Supreme and Exchequer Courts	do
24	An Act to amend the Act respecting the Salaries of certain Judges. An Act to provide for the payment of travelling allowances to the District or County Court Judges in the Province of British	
. 01	Columbia	do
26	An Act to make provision for the extradition of Fugitive Criminals. An Act respecting Procedure and Evidence in Criminal Cases An Act to amend the Law respecting appeals from convictions	do
	before, or orders by, Justices of the Peace	ao
28 29	An Act to amend the Act respecting Offences against the person An Act to amend the Act respecting Larceny and other similar	1
	offences	10
30	An Act to make provision against the improper use of Fire-arms	مدا
32	An Act for the repression of Betting and Pool Selling An Act for the prevention of Gambling Practices in certain Public	
	Conveyances	40
34	An Act to amend the Act for the suppression of Gaming Houses An Act to amend the Post Office Act, 1875	l us
35	An Act to repeal certain laws making Breaches of Contract of service	:
	criminal, and to provide for the punishment of certain Breaches of Contract	do
	An Act to provide for the employment without the walls of Common Gaols of prisoners sentenced to imprisonment therein	.1
37	An Act to provide for the safe custody of prisoners in places where the Common Gaols become temporarily insecure	do
38	An Act respecting the transfer of Rockwood Asylum to the Province	do
	of Ontario, and to amend "The Penitentiary Act of 1875" An Act to make provision for improvement in Prison Discipline	'l an
42	An Act to amend and consolidate certain Acts respecting insurance	• 1
4 3	An Act to amend the Law respecting the Incorporation of John	do do
	Stock Companies by Letters Patent	do
	An Act further to amend the Acts to provide for the management of the Harbor of Outless and ((The Pilotage Act of 1873)"	Sections 6 and
5	certain Banks An Act further to amend the Acts to provide for the management o the Harbor of Quebec and "The Pilotage Act of 1873" An Act to extend the provisions of section fifty-six of the Ac thirty-fourth Victoria, chapter 5, intituled "An Act relating to Banks and Banking," to the Bank of British North America	The whole.
	to Banks and Banking," to the Bank of British North America	0, 1 HV .

Cpade.		
7.	Title of Act.	Extent of Repeal.
Ì 2 \$	Acts of the Parliament of Canada—Continued. 41 Victoria—1878. An Act respecting the Maritime Court of Ontario	The whole.
5 6	for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1878, and the 30th June, 1879, and for other purposes relating to the Public Service An Act further securing the Independence of Parliament Act to amend the Act respecting the Elections of Members of the	do
13	An Act to provide for the better Auditing of the Public Accounts An Act further to amend the Act intituled "An Act respecting the Public Works of Canada	do do
15 18	Occupants in Manitoba	
	ated Fire or Marine Insurance Companies	The whole.
3	42 Victoria—1879. An Act for granting to Her Majesty certain sums of Money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1879, and the 30th June, 1880, and for other purposes relating to the	3 -
0	An Act respecting the Salary of one additional Judge of the Supreme Court of New Brunswick, and for the Salary of any Auture Judge in Equity of the Supreme Court of New Brunswick, and for the Salary of any Auture Judge in Equity of the Supreme Court of Nova Scotia. Edward Island Act to amend an Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections of Members of An Act House of Commons	do . do
8	the Evistence of Corrupt Practices at Elections of Members of the House of Commons	do do do
\$ 25 min	An Act samending it	do do do do
**	An Act respecting Census and Statistics	do do
65	An Act to amend the Pilotage Act, 1873	do do
٠	rovinces of New Brunswick and Nova Scotia.	do

Chap.	Title of Act.	Extent of
	Acts of the Parliament of Canada-Continued.	
l	42 Victoria—1879—Continued.	
26		-hole
	ments respecting the North-West Mounted Police Force	The Whole
39	An Act further to amend the Supreme and Exchanger Court Act	do do
	An Act to amend the Maritime Jurisdiction Act, 1877	do
		do
43	An Act to amend the Penitentiary Act, 1875	đo.
	An Act to amond ((An Act for the contain cases,	
l	Provinces of Ontario and Ouches! and the Act respecting	đo
45	summary convictions before Justices of the Peace	do
40	Acts amending the same.	
40	Acts amending the same An Act relating to the protest of Inland Bills of Exchange and Promissory Notes, in Nova Scotia.	do
47	An Act to make the first day of July a Public Holiday, by	do
50	An Act to remove doubts as to the true intent and meaning of certain to	
1	make certain amendments thereto in so far as the said Act relates to Manitoba	do
1	relates to Maintona	
l	43 Victoria—1880.	
1	An Act to repeal the Acts respecting Insolvency now in force in	do
3	Canada An Act further to amend "An Act respecting the Security to be	do
4	given by Officers of Canada." An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia	do
- 1	Supreme Court of British Columbia	do
5	An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878"	-
7	An Act for the final settlement of claims to lands in hearter 3	do
10	an Action granting to her majesty certain sums, it convices for the	
- 1	for defraying certain expenses of the Public Service, and financial years ending respectively the 30th June, 1880, and the 30th June, 1881; and for other purposes relating to the Public Service.	do
		đo
11	An Act for the appointment of a Resident Representation	da ·
12	Canada in the United Kingdom	do
14	An Act to authorize making certain investigations under outside An Act further to amend the Acts respecting Dominion Notes An Act to repeal the Act forty-second Victoria, chapter 5, for granting an annual subsidy towards certain telegraphic companies in the second victorial and the second victorial and the second victorial and the second victorial and victorial vic	đo
1	munication intituled	do
18'	munication	
20	An Act to amend "The General Inspection Act, 1874," and the	do do
	An Act to amend the Act respecting the Inspection of Petroleum	
ر	continue for a limited time the charters of certain bands	do
23,	An Act respecting certain Savings Banks in the Provinces of United	do
24		. 40
24 A	An Act for extending the Consolidated Act of 1879, respecting to the imposed on promissory notes and bills of exchange, to the whole Dominion	do

Act to amend and consolidate the several Acts relating to the An Act to amend and consolidate the laws respecting Indians. An Act to amend and consolidate the laws respecting Indians. An Act to amend and consolidate the laws respecting Indians. An Act to amend and consolidate the laws respecting Indians. An Act to amend the law respecting the navigation of Canadian waters. An Act further to amend "The Supreme and Exchequer Court Act." the taking and use of depositions of persons who may be against the person," and to repeal the Act intituled "An Act competent as witnesses." An Act further to amend the Act intituled "An Act competent as witnesses." An Act further to amend the Act respecting Cruelty to Animals do do do do do do do do do	Acts of the Parliament of Canada—Continued. 43 Victoria—1880—Continued. 43 An Act to amend and consolidate the several Acts relating to the An Act to amend and consolidate the laws respecting Indians	Cha	SCHEDULE A-Continued.	
An Act to amend and consolidate the several Acts relating to the An Act to amend and consolidate the laws respecting Indians	An Act to amend and consolidate the several Acts relating to the Act to amend and consolidate the laws respecting Indians	-4p.	Title of Act.	Extent of Repeal.
An Act for granting to Her Majesty certain sums of money required financial years ending respectively the 30th June, 1881, and Public Service. An Act to Service. An act to authorize the raising, by way of loan, of certain, sums of money required for the purposes relating to the money required for the public service. An Act to extend the Act establishing one uniform currency for the Prince Edward Island. Court of Oroyide for the sylaries of an additional Judge of the	Act further to amend an Act respecting certain Savings Banks limited time the charters of certain banks to which the said Act to correct a clerical error in Schedule B, to the Act forty-tinuing the charters of certain Bank Act and continuing the Continuing the Bank Act and continuing the Continuing the Bank Act and continuing the Continuing the Bank Act and continuing the Continuing the Continuing the Continuing the Bank Act and continuing the Continui	34 An An An An An An An An An An An An An	Acts of the Parliament of Canada—Continued. 43 Victoria—1880—Continued. North-West Territories Act to amend and consolidate the several Acts relating to the Act to amend and consolidate the laws respecting Indians	The whole, do do do do do do do do do do do do do

Chap.	Title of Act.	Extent of R
	Acts of the Parliament of Canada—Continued.	
	44 Victoria—1880-81—Continued.	_1.ole.
23	An Act to amend the Petroleum Inspection Act, 1880	The Whole do
25	An Act to amend and consolidate the Laws relating to Government	đo
26	An Act to prescribe a Declaration to be taken by Employees on Telegraph Lines under the control of the Government, and to provide for the punishment of Telegraph Operators and	10
	t Employees who divilide the contents of certain refugiament	do do
28	An Act to amend the Insolvent Act of 1875, and amending Acts	do
	An Act further to continue in force for a limited time the better	do do
31	An Act respecting Prize Fighting An Act to remove doubts as to the power to Imprison with Hard Labor under the Acts respecting Vagrants. Beformatory	do
32	An Act with reference to the Andrew Mercer Ontario Reformatory for Females, and the Central Prison for the Province of Ontario	do
	45 Victoria—1882.	
1	An Act to repeal the Duty on Promissory Notes, Drafts, and Bills of	do
2	An Act for granting to Her Majesty certain sums of Money required for the	
	the 30th June, 1883, and for other purposes relating to the	do
3	An Act to readjust the Representation in the House of Commons,	do
5	An Act for increasing, during a certain time, the yearly Subsidy to	do
6,	now in force	do
	An Act to provide for the allowance of drawback on extraction of the manufactured in Canada, for use in the construction of the	Sec. 5.
9	An Act to provide for the free transmission of Canadian Newspapers 7	The whole
11	An Act to fix and provide for the payment of the Salaries of the	
Ì	certain Judges and County Judges in Manitoba and	do do
12	An Act respecting County Court Judges of the Sea	
		do
	Vessels	do do
. ا د د د د د د اث	An Act respecting Fugitive Offenders in Canada from other parts	do do
22	An Act to further amend the Patent Act of 1872 Loan An Act respecting Insolvent Banks, Insurance Companies, Loan	do
25	An Act to repeal certain provisions of the General Inspection	do do
26	An Act further to amend the Petroleum Inspection Act, 1880 of the	do
28	An Act to correct certain errors in the French Version Dominion Lands Act, and the Dominion Lands Act, 1879 An Act to remove certain doubts as to the effect of the North-West Tarritories Act, 1880, and to amend the same	do
	An Act to remove certain doubts as to the effect of the North Territories Act, 1880, and to amend the same	

Chap.	SCHEDULE A—Continued.	
	Title of Act.	Extent of Repeal
	Acts of the Parliament of Canada—Continued.	
An	45 Victoria—1882—Continued. to amend an Act to amend and consolidate as amended tree	
30 An Fo	to amend an Act to amend at 1111	ho
An Act t	Proce respecting the North-West Mounted Poli	ce
Act to	o amend and the Indian Act, 1880	··· The whole. ··· do
Act fo	veral enactments respecting the North-West Mounted Police. of further amend the Indian Act, 1880. Act forty-third Victoria, chapter 36. rein mentioned of further amend the Pilotage Act, 1873, and the other Act of further amend the Seamen's Act, 1873. Of Act forty-third Victoria, Chapter 36.	e, do
An Act to	of there to amend the Pilotage Act, 1873, and the other Act of urther amend the Seamen's Act, 1873, and the other Act of the Act forty-second Victoria, chapter 40, intitule the Act to amend the Maritime Jurisdiction Act, 1877." and the furth.	ts ·· do
"A	Damend the Act forty-second Victoria chanter 40, intitule	do
An emp	se further provision for the Jurisdiction Act, 1877," and to	
of S	amend and consolidating the inland waters of Canada.	do
An Act to	loyed on them	4.
· V Pa	The state of the s	do
An Act for	pecting Bridges over navigable waters, constructed under	do ,-
I AD A TEVO	Continue 1	do
. l An	A Total the Act of the	do
Act decl	Act to make provision against the improper use of Fire- laratory of the meaning of the word Telegraph in certain ecting the sale of Railway Passenger Ticketsecting the General Port Warden's Act, 1874ecting the Harbor and River Police of the Province of	do
		do
Act respe	mend the sale of Railway Passenger Tickets	do do
Act to m	aratory of the meaning of the word Telegraph in certain ecting the sale of Railway Passenger Tickets. ecting the sale of Railway Passenger Tickets. ecting the General Port Warden's Act, 1874. ecting the Harbor and River Police of the Province of ake further provision respecting the incorporation of a ny to establish a Marine Telegraph between the Pacific Canada and Asia.	do
1	and Asia	do
An A	40 Ir.	
An Act furthe	er to amend the t	do
for defr	anting to Her Majesty certain sums of money required	av
An Publish	ar to amend the Interpretation Act	
An monauth	dervice and for other purposes relating to the	do
An Act to ame	equired for the public service	do
and Minis	a June, 1884; and for other purposes relating to the bervice. horize the raising, by way of loan, of certain sums of an Act respecting the offices of Receiver General ster of Public Works, as to the powers of the Minister and Canals. An Act thirty-sixth Victoria, chapter four, inticat of the Interior, and to amend the Indian Act, 1880. The product of the stablishment of the dand consolidate the Acts relating to the Superan-	do
aner to all wa	ays and Canals	do
det Partma	int to provide for the establishment of the	•
A Act to amen	id and consolidate the Age relating to the Superan-	do
n allo Provi	de constant and the Civil Service of Canada	do
Act consol:	de for the salaries, and superannuation and travelling so certain Judges of certain Provincial Courts	lo lo
Act to amo	ong the High Court of Justice	l o .
. vi tore, nedd	and con the Dominion of Canada	lo

Chap.	Title of Act.	Extent
	Acts of the Parliament of Canada—Continued.	
	46 Victoria-1883-Continued.	
15	An Act to consolidate and amend the several Acts respecting the	The whole.
16	Inland Revenue	do
17	Lumber and Saw-logs. An Act further to amend and to consolidate, as so amended, the	au
11	several Acts repecting the Public Lands of the Dumissian	do
18	therein mentioned	do do
19	An Act to amend the Patent Act of 1872 to	đo
22	An Act relating to Bills of Exchange and Promissory Notes in the	do
2 3	An Act to amend an Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading	do
24	Corporations. An Act further to amend the Consolidated Railway Act, 1879, and to declare certain Lines of Rallway to be works for the general	do
27	An Act to extend to British Columbia the Act relating to Fishing	do
28	by Foreign Vessels An Act respecting Certificates to Masters and Mates of Inland and Coasting Ships	do do
	An Act further to amend the General Inspection Act, 1874	do
31	An Act to legaling and I'm a the naturalization of Cel	do
32	An Act for the better prevention of Fraud in relation to Contracts	do do
33	involving the expenditure of Public Moneys	do .
01	The rect to amend the rects respecting procedure	
35	An Act to make provision for the taking of Evidence in any other of	do
	Her Majesty's Dominions or before Foreign Tribunals	do do
36 37	An Act to amend the Law respecting Lotterles Denitantiaries	
43	An Act to amend and consolidate the Laws relating to remeasing the An Act respecting Booms and other works constructed in Navigable Waters, whether under the authority of Provincial Acts or	do
44	otherwise	do
	under the authority of Provincial Acts or otherwise of a	
45	under the authority of Provincial Acts or otherwise. An Act further to amend the Act respecting the incorporation of a company to establish a Marine Telegraph between the Pacific coast of Canada and Asia	do
	COURT OF CHANGE AND ADDRESS OF COURT OF	
	47 Victoria—1884.	
2	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the for defraying certain expenses of the public service, for the financial vers ending respectively the 30th June, 1884, and financial vers ending respectively the 30th June, 1884, and	
	financial years ending respectively the 30th June, 1003, to the	do
3	An Act to authorize the raising, by way of loan, of certain income	do
4	An Act to authorize the raising, by way of loan, of certain required for the public service	do
7,,,,,	An Act to readjust the yearly Subsidies to be allowed by Canada, the several Provinces now included in the Dominion	

	SCHEDULE A-COMMING	
Chap		
\	Title of Act.	Extent of Repeal.
	Title of Act.	
		-
		1
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	1
	TARMAMENT OF CAPE	
6	47 Victoria - 1884 - Continued. An Act respecting the Vancouver Island Railway, the Esquimals British Columbia granted to the Dominion	
		1
	An Act -	
7	Graving Dock, and certain Railway Lands of the Province of An Act to authorize a further advance to the Province of Manitoba An Act further to amend the Consolidated Railway Act, 1879, and	· ·
	Briting Dock and contain Pailway Lands of the Province of	Soon 11 and 12.
h	An Act to authorize granted to the Dominion Browings of Manitoba	Secs. II and 12.
	Descripce of Manitova	4
19	An Act aid of the Public Catalante with a service w	The whole.
****	turther to amount of the reliable Railway Act. 1879, and	مد ا
	1 4 4 at 410 8 0 m - 11	
la	to provide continuing it	
	An Act further advance to the Frovince of Carbon, and Act further to amend the Consolidated Railway Act, 1879, and An Athe Acts amending it Judge of the County Court of Cariboo, in the Province of An Act to Drovide for the Salary and Travelling Allowances of the Act to Drovince of Cariboo, in the Province of Act to Drovince of Act to	1
,	An Apritish Columnia Court of Cariboo, in the Trois	do
1.	to provide of an	1
· · · · · · · · · · · · · · · · · · ·	additional Dir the Salary and Travelling Allowance in the	1 ,
.)a .	Judge of the Salary and Travelling Allowances of the Judge of the County Court of Cariboo, in the Province of An Act to Provide for the Salary and Travelling Allowances of an additional Puisné Judge of the Court of Queen's Bench, in the An Act respecting the Independence of Parliament Act, 1878, forty-Act further to amend the Act thirty-first Victoria, chapter 12, An Antituled to amend the Act thirty-first Victoria, chapter 12, An Antituled to amend the Act thirty-first Victoria, chapter 12,	do
46.,.	respection Manitoba	1
1.	An A Bret Victor the Independence of Parliament Act, 1816, 1816,	do
4/100.	An Act respecting the Independence of Parliament Act, 1878, forty- first Victoria, chapter 5 Act further to amend the Act thirty-first Victoria, chapter 12, intituled "An Act respecting the Public Works of Canada" An Act respecting Fortifications and Military Buildings and their An Act respecting the Department of Marine and Fisheries At to a mary Masters and	
: 10	An intituled to amend the Act thirty-first Victoria, chapter	do
W.	Act respecting the Public Works of Canada	
49	An Mainter Fortifications and Military Buildings and the	do.
4.	An Act resenance and repair	do
4)	Act to seeing the Department of Marine and Fisheries	
4. ".	An Mates amend an Act respecting Certificates to Masters and	do
4	An Act respecting Fortifications and Military Buildings and their Act respecting the Public Works of Canada; An Act respecting Fortifications and Military Buildings and their Act respecting the Department of Marine and Fisheries. An Mates of Ships, and the Seamen's Act, 1873. by reducing	
_ ~,,	An the Panend the Steamhoat Inspection Act, 1882, by reducing	do
₹,	Act respecting Fortifications and Military Buildings and their An Act respecting Fortifications and Military Buildings and their An Act respecting the Department of Marine and Fisheries. Act to amend an Act respecting Certificates to Masters and An Act to amend the Seamen's Act, 1873 An Act to amend the Steamboat Inspection Act, 1882, by reducing the Fees payable on renewal of Engineers' Licenses	
	An Act respecting the Department of Marine and Fisheries An Act to amend an Act respecting Certificates to Masters and An Atte of Ships, and the Seamen's Act, 1873. the Rees payable on renewal of Engineers' Licenses	do
	Act to a Sick and Distressed Verinersinto	
•	Shipmend an Act respecting Inquiries and Investigation into	
9	Shipmend an Act respecting Inquiries and Investigation Minister of Marine and Fisheries in certain cases reported to An Act to amend the North-West Territories Act, 1880 Canada and the Province of Ontario	
4	An him no of Marine and Fisheries in certain cases reported	do
,	An Act to amend the North-West Territories Act, 1880	do
20,00	Act reamend the North-West Territories Act, 1880	
4	An Act to amend the Province of Ontario	Sec. 3.
•	An Act to an and the Province of Ontario	The whole.
	1 The Lands Act. 1880	
	Victoriend the limitation of time under the Act forty-thing	
27	An Act to amend the North-West Territories Act, 1880	
		do
	An Act furth third Victoria chanter 3 "	do
1.5	act for ther to amend the Indian Act 1980	
. W.	of the Conferring certain privileges on the more advanced Bands	
9.	An the an Indians of Canada with the view of training them lot	do
A	Act for conferring certain privileges on the more advanced Bands of the Indians of Canada, with the view of training them for An Act to amend the Customs Act, 1883 An Act to amend the Customs Act, 1883 An Act to amend the Present Tariff of Duties of Customs. An Act to amend the Canada Temperance Act, 1878	do
o5	An Act farmend the Customs And 1997	do
A	An Act to ther to amend the ACL, 1885	do
ab	An Act to amend the Canada Maria at 1878	do
3.	An Act free mend the Lieuwa Temperance Act, 1000	do
A .	Act to amend the G	-
A	An Mat amend the A the General Inspection of Gas and Gas	do
	An Act toers Acts respecting the Inspection	do
49	Act for amend the W.	-
	of the Indians of Canada, with the view of training them for the exercise of Municipal Powers. An Act to amend the Customs Act, 1883	do
-	Act to of Patent Prevention of Fraud in connection	±*=
	intia ther to a rights	
.ચ.	Compled "Amend the Act forty-fifth victorias, Insurance	
	Companies, Loan Companies, Building Societies and Trading Corporations.	do
9	Act Porational Companies, Building Societies	40
	inst 8 amend chapter 54.	
1	Autuled " the Act thirty-eighth Victoria, Manitoba the	
	An Corporations. Loan Companies, Building Societies and Trading Corporations. Act to amend the Act thirty-eighth Victoria, chapter 54. intituled "An Act to extend to the Province of Manitoba the Act for the More gradeful in certain cases, of persons charact the more gradeful."	
		3.0
	charged with Felonies and Misdemeanors, in the Provinces of Ontario and Quebec	do
	-ud Quebec	
		•

	COTTAIN OF IT OF THE CONTROL	
Chap.	Title of Act.	Extent of
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
	47 Victoria—1884—Continued.	
49		
		The whole.
43	An Act to further amend an Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions	do
44	and Orders	do
	An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia	do
	48-49 Victoria-1885.	į
	An Act to provide for the appointment of a Deputy Speaker of the House of Commons	do
2	An Act to amend the Acts respecting the Department of the Secretary of State	do do
4 6	An Act respecting certain advances to the Provinces	
	their CD distinction of the Marigable Waters	do do
40	An Act respecting Explosive Substances	do
41	An Act for granting to her majesty certain simes of the finan-	
42	cial years ending respectively the Soul sund, the Public Service.	do
~~	An Act for granting to Her Majesty the sum of One million seven hundred thousand dollars, required for defraying certain expenses hundred thousand dollars, required for defraying certain expenses.	do
43	An Act to authorize the raising, by way of loan, of certain sums of	do
45	money for the Public Service the Library of Parliament	do
40,	An Act to amend and consolidate the Olvi Service	do
47	An Act to amend the sections of Acts therein mentioned, relating	do
48	An Act respecting proof of entries in Books of Account	do
~~	The first to modify the approaches of	đo
51	An Act respecting the administration of Justice, and other matters,	đo do
52 53	An Act to continue for a limited time the Act therein mentioned An Act to authorize the augmentation of the North-West Mounted	do
	T UILCE Monday	do
99	An Act to provide a salary for an additional County Court	do
56	the rivince of Manitoba	
1	An Act to provide for the salar of cortain Provincial	do
61	An Act to smend the several Acts relating to Duties of Customs and	do
69	An Asta and J. (17th, Consolidated Inland Revenue Act, 1883	do do
63	An Act respecting Canned Goods.	do do
64 6 5	An Act further to amend the Acts relating to welling and Mea-	. do
66	An Act further to smend 4 The General Inspection Act, 1874, and	do
1	the Acts amending the same	

SCHEDULE A-Concluded.	
Title of Act.	Extent of Repeal.
Act respecting the Adulteration of Food, Drugs and Agricultural An Act respecting Agricultural Fertilizers An Act respecting Agricultural Fertilizers An Act further to amend the Act respecting the Inspection of Gas Act respecting Infections or Contagious Diseases affecting An Act to restrict and regulate Chinese immigration into Canada An Act to amend "The Consolidated Militia Act of 1883" An Act respecting "The Liquor License Act, 1883" Province of Ontario" Peace in the vicinity of Public Works," and the Acts in amendant thereof ployment without the walls of Common Gaols of Prisoners act respecting "The Bank of British Columbia" Act respecting "The Bank of British Columbia"	The whole. do do do do do do do do do do do do

SCHEDULE B.

ACTS AND PARTS OF ACTS of a public general nature, which affect Canada, and have relation to matters not within the legislative authority of Parliament, or in research to the legislative of legislative authority of Parliament, or in research to the legislative of legislative to the legislative to authority of Parliament, or in respect to which the power of lation is doubtful or has been doubted. lation is doubtful or has been doubted, and which have in consequent not been consolidated; and also A not been consolidated; and also, Acts of a public general nature, which, for other reasons, have not been consolidated. which, for other reasons, have not been considered proper Acts to be consolidated.

	onsoriumed.	
Chap.	Title of Act.	Portion of Act.
5	Consolidated Statutes of Canada. An Act respecting the Provincial Statutes	Secs. 1, 2, 3, 4, 5, 6 to cept sub-s, 13 from insection and sections section, and 15.
_ 23		The whole, except the second of the section subs. 1 of section and section 13.
52 59	An Act respecting the Inspection of Hops	Section 21: 20, 21 and 22.
60 66 68	An Act respecting Railways. An Act respecting Joint Stock Companies to construct works to An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.	The whole, exer 59 and 67.
69 79	An Act respecting payment of dividends by Insurance Companies An Act respecting the Appointment of Commissioners for taking Affidavits and the Attendance of Witnesses in the Courts of Upper and Lower Canada reciprocally	The was Secs. 4 to 13 inclusive.
2		The whole. The whole, except last 6 lines of section 15. The whole.
26	An Act respecting Insolvent Debtors' Courts	The whole, except whole, the whole, 14, 19 and 20.
47 48 50	An Act respecting Rivers and Streams	do

Chap.	SCHEDULE B-Continued.	
149.	Title of Act.	Portion of Act.
53 A 78 A 104 A	Consolidated Statutes for Upper Canada—Continued. In Act respecting Building Societies	The whole, except secs. 20, 22, 38 and 42. Section 7. The whole.
10	Consolidated Statutes for Lower Canada	do
An Act be	anada	0
An Act to agen	24 Victoria—1861	

	SCHEDULE D—Continued.	
Čhap.	Title of Act.	Portion of Act.
	STATUTES OF THE LATE PROVINCE OF CANADA-Continued.	1.
	27 and 28 Victoria—1864.	•
	An Act to amend the Laws in force respecting the sale of Intoxicating Liquors and the issue of Licenses therefor, and other-	The whole.
	wise for repression of abuses resulting from such sale	do do
	28 Victoria (1865, 1st Session.)	
	An Act respecting the Weighing, Measuring and Gauging of certain Articles of General Consumption	do do
20	29 Victoria (1865, 2nd Session.)	articles of
	An Act to make further provisions for the management of Permanent Building Societies in Upper Canada An Act respecting the Civil Code of Lower Canada	do wing articles of the following articles of Lord the Civil Cought and force on 1st Australia 1866, by proclamber of the Proclamber of Australia 1866, by proclamber of the Proclamber of Australia 1866, by proclamber of the Proclamber of Australia 1867, inclusive; articles articles articles 185, of articles 185

Carb.		
1	Title of Act.	Portion of Act.
	STATUTES OF THE LATE PROVINCE OF CANADA—Continued.	
6A	29 Victoria (1865, 2nd Session)—Continued. Act to amend the tenth chapter of the Consolidated Statutes for tions and Oaths	
8A	Lower Canada, respecting Seditious and Unlawful Associations and Oaths Act further to provide for the deepening of the Ship Channel between Montreal and Quebec	The whole.
	between Montreal and Quebec	do
٠	99 and 20 William 1900	
A	Act to confirm the Title to Lands held in trust for certain of the Act to amend the Law of Upper Canada relating to Crown Act for more effectually securing the Liberty of the Subject	do
Ai Ai	Act to amend the Law of Upper Canada relating to Crown Act for more effectually securing the Liberty of the Subject	do do Sec. 409. 'he whole.
	Revien. G	•
0t 0t 0t	REVISED STATUTES, NOVA SCOTIA, 3RD SERIES. the promulgation and construction of Statutes	he whole.
- 1	Regulation and Promissory Notes	ec. 2.
Ot Ot	other Merchandize General provisions respecting Corporations. The Coast and Deep-sea Fisheries. Lunicipalities. See Provisions Lumber, Fuel and See Coast and Deep-sea Fisheries. See See See See See See See See See Se	ecs. 44 to 54, inclusive 73 to 83, inclusive, and 88 to 121, inclusive. se whole.
100	he Court of Marriage and Divorce Se	do cs. 4 to 7, inclusive.
	·	pent of inspectors of
06 0	itnesses and Evidence and the proof of written documents	provisions, lumber, uel, and other mer- chandise, and is unre- cealed by 36 V., c. 49.
	itnesses and Evidence and the proof of written documents Sec	. 20 (D). c. 44 in so far as it re- ates to any proceeding
Of th Of th	e relief of Insolvent Debtors. E Liberty of the Subject. E Social Research Section of Certification of the Subject. E Liberty of the Subject. E Compared to the Subject of Certification of C	nstituted in conse- uence of adultery. whole.
ot C	Bets and Fees. Sor	whole. nuch as relates to the
Of off	e relief of Insolvent Debtors. e Writ of Certiorari. E Liberty of the Subject. The Secs and Fees. Fences against Religion. Secs against Public Morals. NOT REPEALED BY THE REVISED STATUTES OF NOVA SCOTIA, 3RD	ourt of marriage and ivorce.
Acre	NOT REPR.	2.
	BY THE REVISED STATUTES OF NOVA SCOTIA, 3RD	
An A.	25 Victoria.—1862. Panies	
- (Panies the incorporation and the incorporati	14

	SCHEDULE B—Continued.	
Chap.	Title of Act.	Portion of Act.
	ACTS NOT REPEALED BY THE REVISED STATUTES OF NOVA SCOTIA, 3RD SERIES.—Continued.	
	29 Victoria-1866.	1\$.
	An Act to amend the Laws relating to Divorce and Matrimonial Causes	The whole, except sec. 12. The whole.
	30 Victoria—1867.	
28	An Act to vest in the Crown certain public grounds in the Town Plot of Chester	do do Sec. 7.
	servation of useful Birds and Animals "	
96 116 119 120 122 124 140 144 145 161	REVISED STATUTES OF NEW BRUNSWICK.—Vol. 1. Of Rules and Regulations. Of the Regulation of sales of Lime Of the Measurement of Firewood and Bark Of the Survey and Exportation of Lumber Of Bills, Notes and Choses in Action Of Corporations Of Danaged Goods Of Insolvent confined Debtors Of the Limitation of Personal Actions Of Offences against Religion Of Offences against Public Morals and Decency Of Terms, Explanations and General Provisions Of the Promulgation and Repeal of Statutes Public Statutes of New Brunswick.—Vol. 2.	Sec. 2. The whole, except sec. 3. The whole sec. 2. do 2 and 3 acc. 30 fec.
69	An Act relating to the Coast Fisheries, and for the prevention of Illicit Trade	The whole
5	31 George III. An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication	Secs. 5, 9 and 10.
. 39	12 Victoria. An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law	Sec. 23.

Chap.	SCHEDULE B.—Continued.	
	Title of Act.	Portion of Act.
	LOCAL AND PRIVATE STATUTES OF NEW BRUNSWICK.—VOL. 3.	
83Ap	10 Victoria.	1
THE A	10 Victoria. Let for the regulation of Benefit Building Societies	The whole.
	Acts of New Brunswick since the Revised Statutes.	`
12.		
An A	ct to authorize the Plant of the Authorize the Plant of the Pla	do
20	17 Victoria. ^{et} to authorize the Election of certain Town or Parish Officers	
An An	18 Victoria—1855.	1
24	18 Victoria—1855. It in addition to and amendment of certain chapters of Title the Revised Statutes. t relating to Jurors	s f
An Ac	the Revised Statutes. t relating to Jurors	Sec. 6. Sec. 17.
1		
An Act	in fund	
12 17 An A	for better securing the liberty of the Subject	Sec. 2 in so far as it re- lates to any proceeding instituted in conse-
An Act	for better securing the liberty of the Subject	quence of adultery. The whole.
	for better securing the liberty of the Subject	đo đo
.		
An Act t	21 Victoria.	
for	21 Victoria. O provide for the appointment of a Deputy Harbor Master the Port and Harbor of Saint John	do
An An	23 Victoria. Camend the Law relating to Insolvent confined Debtors to amend the Law relating to Divorce and Matrimonial ses	
An Act	amend the Law relating to Insolvent confined Debtors	do
\ au	ses	do
An Act	24 Victoria.	
Caus	24 Victoria. to amend the Law relating to Divorce and Matrimonial	do
·· An A	25 Victoria.	
An A and	amend chapter 96 of the Revised Statutes "Of the Survey addition to chapter 93, Title XVII, of the Revised Statutes the measurement of the Survey and the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the measurement of the Revised Statutes the Measurement of the Revised Statutes and the Revised Statutes the	J.
An An Of	addition to chapter 93, Title XVII, of the Revised Statutes	do
		do do
An Act to	26 Victoria.	
1 "0, 1p	Smend chapter 124, Title XXXIV, of the Revised Statutes Solvent confined Debtors"	

Chap.	Title of Act.	Portion of Act.
	Acts of New Brunswick since the Revised Statutes.— $m{\mathcal{C}ontinued}.$	
	27 Vi ctoria.	
	An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties	0.0 2
	28 Victoria.	
6 21,	An Act relating to Marriage and Divorce	do 3 and 10.
	29 Victoria.	
22	An Act to revive and continue an Act intituled "An Act for the regulation of Benefit Building Societies"	The whole.
	30 Victoria—1867.	
29	An Act in amendment of twenty-fifth Victoria, chapter 28, intituled "An Act relating to Corporations". An Act to amend chapter 116, Title XXX, of the Revised Statutes,	
	REVISED STATUTES OF BRITISH COLUMBIA.	,
	Laws of the formerly separate Colony of Vancouver Island.	
13	An Act for consolidating in one Act certain provisions usually in- serted in Acts authorizing the taking of Lands for undertakings of a Public Nature	Sec. 12.
	Laws of the formerly separate Colony of British Columbia.	hole: cept se
46 65	Proclamation "The Sunday Observance Act, 1863"An Ordinance to amend the Law relating to Joint Stock Companies.	The whole. except set the whole, and so set as it is no far as
	Laws of British Columbia after the Union of Vancouver Island and British Columbia.	, and 8.
74	An Ordinance to provide for the taking of Oaths and the admission of Evidence in certain cases	Secs. 5, 6, 7 and 8.
89	An Ordinance to amend the Law of Partnership	Sec. 6.
. 20,	Loan Societies	

Cpab.	SCHEDULE B—Cominuea.	·
	Title of Act.	Portion of Act.
157 An	Act to -	The whole, except in s far as it relates to in solvency or to th winding up of companies, for the winding up of which provision has been made by the Parliament of Canada.
iggAn	Act to make provision for inquiring into Controverted Elections Act to isputed Returns of Members to serve in the Legislature	ecs. 103, 104 and 105. ecs. 14, 15, 16 and 17. the whole. ec. 31.
	R _E	from the second "and" in line 6 to the end of the section.
An A	ct for the due observers and A. V. D. The	e whole.
fro	on a time prior Acts of the General Assembly from taking effect	άο
an Act	5 William IV. epealing a Court of Divorce in this Island, and for establishing a Court of Divorce in this Island, and for exertain Act therein mentioned	lo
Act for to Of Po	To Fin vesting all Estates and Property in this Island belonging a focupied for, the Ordnance Service in the principal wers to the said principal Officers	hole, except secs. 8 3, inclusive.
An Act r	elating to the Fisheries, and for the prevention of Illicit reof	bole.
An Act to	Consolidate and amend the Laws now in force for the relief rabortening the language used in Acts of the General The whole	ole, except sec. 17, ole.

Chap.	Title of Act.	Portion of Act
	Revised Statutes, Prince Edward Island—Continued.	
	15 Victoria—1852. An Act relating to Corporate Bodies	The whole do The whole except 4, 5, 6, 10 and 17.
12	16 Victoria—1853. An Act to amend the Law of Evidence	
	An Act to alter and amend the Act relating to the Charlottetown Ferry, and the Wharves connected therewith	The whole do
10	20 Victoria—1858. An Act for better securing the Liberty of the Subject	do
23	23 Victoria—1860. An Act to amend the Laws relating to Bills of Lading	do
7 27	24 Victoria—1861. An Act for the preservation of the Alewives' Fisheries in this Island. An Act relating to the punishment of certain cases of felony and misdemeanor	Sec. ¹⁰ . Sec. ^{3.}
13 23	An Act relating to Limited Partnerships	
	land, in the Lord High Admiral, or the Commissioner for executing the office of the Lord High Admiral of the said United Kingdom for the time being	The whole.
9 32		Sec. 1. The whole, except sec. 1
ŀ	29 Victoria—1866. An Act to amend the Act intituled "An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned"	The whole, except see, 55. The whole, except

Chan	SCHEDULE B—Continued.			
	Title of Act.	Portion of Act.		
l4	REVISED STATUTES, PRINCE EDWARD ISLAND—Continued. 31 Victoria—1868.			
	An Act to amend the Act for the due observance of the Lord's Day	The whole.		
34 34	An Act to page 32 Victoria—1869.			
*****	An Act to provide for the Service of Divorce Process on absent Act to enable the Government to secure Telegraphic Communication	do do		
Ĭ.,,,,	An Act to procure a Steamboat for the Georgetown Ferry An Act to Procure a Steamboat for the Georgetown Ferry	40		
13	Procure a Steamboat for the Georgetown Ferry	do		
	An Act to encourage Steam Communication between Charlottetown An Act relating to certain Grants by the Crown An Act to amend the Act to procure a Steamboat for the George-	do do do		
3	ACTS OF THE PARLIAMENT OF CANADA. 31 Victoria—1867-68. Act respecting the construction of "The Intercolonial Railway" of the late Honorable Thomas D'Arcy McGee	'he whole, except sec. 3. 'he whole.		
A. A.	Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion	do do		
	the Harbor of Quebec	do do		
An	Act to amend and continue the Act thirty-two and thirty-three Government of the Province of Manitoba	s. 2, 6 to 24, both in- lusive, and sec. 26. whole.		
148	Acts of the Province of New Brunswick relative to the Police Force in the Parish of Portland, in the City and County of St.	do		

Chap.	Title of Act.	Portion of Act.
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
	33 Victoria—1870—Continued.	
40	An Act to vest in Her Majesty for the purposes, therein mentioned,	4
44	the property and powers now vested in the Trustees of the Bank of Upper Canada	
	Management of the Harbor of Quebec	d o
40	wood, in the County of Grey, to impose and collect Tolls or Harbor Dues at the mouth of Beaver River, and for other	do
46	An Act to authorize the Town of Belleville to impose and collect	f
	Harbor Dues, and for other purposes	
	34 Victoria—1871.	
8	An Act to amend the Act thirty-third Victoria, chapter 40, respecting	do "
27	the settlement of the affairs of the Bank of Upper Canada An Act to prolong, for a certain time, the term allowed for the redemption of Rents reserved on certain Indian Lands in the	The whole, except see I. The whole.
28	An Act to sutherize the Sele of the Ockville Herber	The whole.
21	An Act respecting certain Officers of the Trinity House of Quebec An Act to provide for the appointment of a Port Warden for the	The whole, except sec 1
	An Act further to smend the Acts respecting the improvement and	The whole.
	management of the Harbor of Quebec	do
36	Town of Owen Sound	do
		,
r	35 Victoria—1872. An Act to amend the Act thirty-fourth Victoria, chapter 3, respect-	A Cept sec.
<i>0</i>	ing the Loan for paying a certain sum to the Hudson's Bay Company	The whole, except and the from the in the to the the the the the the the the the the
	An Act to amend the Act, chapter 47 of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Rivers and	The whole.
	An Act for imposing Tonnage Dues and Wharfage Rates, to meet the cost of improving the navigation of the St. Lawrence	do
	An Act to extend the Acts thirty-second and thirty-third Victoria, chapter 40, and thirty-third Victoria, chapter 20, to the Port	do The whole, except seed and 9.
42	of Collingwood	The whole, and 9.
	36 Victoria—1873.	- V-1 - •
	An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof	The whole, except is
11	thereof	The whole, except and 2, and 2, and 5, 6 and Montreal.
,		

SCHEDULE B—Continued.	
Title of Act.	Portion of Act.
Act so when the Act to provide for the appointment of a so the first and streams. An Act to amend the Act to provide for the appointment of a so the first and the stress of the Port of Halifax. An Act to amend the Act respecting the construction of the Interdess of the St. Lawrence between Montreal and Quebec. The Act respecting Wreck and Salvage. An Act so when the Act respecting the construction of the River of Montreal. An Act further to amend the Acts to provide for the management and improvement of the Harbor of Quebec. The Construct Works to facilitate the transmission of Timber down Rivers and Streams. An Act respecting the Harbor of Pictou, in Nova Scotia. The Construct Works to facilitate the transmission of Timber down Rivers and Streams. The Act to amend the Act respecting Joint Stock Companies to Rivers and Streams. The Act to amend the Act respecting to the Canadian Pacific of the Construction of the Canadian Pacific of the Construction of the Canadian Pacific of the Construction of the Stova of British whe transfer of the Windsor Branch of the Nova Scotia Horize the advance of a certain sum to the Province of the Construction of a Graving Dock at the Act to an Act to a standard for other purposes. An Act respecting the Act respecting the Trinity House and Harbor The Malidian Succieties carrying on business in the Province of The Windson Standard Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Dominion on the Northern Rail-double Construction of the Domini	The whole. The whole, except sec. 1. The whole, except secs. The whole, except sec. T
	f to the end of on, and secs. 11

	SCHEDULE B—Continued.	
Chap.	Title of Act.	Portion of Act
	Acts of the Parliament of Canada—Continued.	
5 6	An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a Loan in respect thereof	The whole.
	39 Victoria—1876.	}
16	An Act to amend the Act thirty-eighth Victoria, chapter 23. respecting the Northern Railway of Canada	do
38	An Act respecting the Desjardins Canal	do
39	same	do
	40 Victoria—1877.	
3	An Act respecting the Great Seals of the Provinces of Canada,	do
46	An Act to authorize the transfer of the Truro and Pictou Brantotte the Intercolonial Railway, to the person or company constructing a line of railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the Strait	The whole, except and 3.
47	An Act respecting the claim of the Dominion on the Northern Rail-	The whole.
40		doept se
49	An Act to amend the "Act to make further provision for an agement of Permanent Building Societies carrying on business agement of Permanent Building Societies carrying on business	The whole, except see and 3.
50 51	An Act to make further provision respecting the constituting and management of Building Societies in the Province of Quebec. An Act further to amend the Acts to provide for the management of An Act further to amend the "Pilotage Act, 1873"	The whole, except see and 7.
52	An Act to authorize the Town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbor in the said	The whole.
53	TownAn Act respecting Tolls in the Harbor of Montreal	
	41 Victoria – 1878.	Sec. 134.
16 22	An Act respecting the traffic in Intoxicating Liquors	The whole.
	42 Victoria—1879.	
10	An Act to amend an Act intituled "An Act respecting the Inter- colonial Railway," passed in the thirty-ninth year of the reign	do
11	An Act for the acquisition by the Dominion of a certain Polynomial	đo
	Railway Arnro and Pictou Railway Transfer Act,	do do
13	An Act to amend "The Tutto Color 1877"	đo
A-2		

Chap.	SCHEDULE B—Continued.	
	Title of Act.	Portion of Act.
8An Act of An	Act respecting the Harbor of Pictou, in Act respecting the Harbor of North Sydney, in Nova Scotia Societies in the Province of Quebec Act respecting Building Societies carrying on business in the Province of Ontario Act to amend so much of the Act thirty-third Victoria, chapter Tolls upon Logs, Timber, Pine, Cedar and Railway Ties pass-	de whole. do do do do do
An Act respondent to promise to p	44 Victoria—1881. Decting the Canadian Pacific Railway	cept see. 5.

Chap.	· Title of Act.	Portion of Act.
	ACTS OF THE PARLIAMENT OF CANADA—Continued.	
	45 Victoria—1882—Continued.	
14	An Act to provide for the granting of subsidies for the construction	The whole.
		THE
15	I An Act to provide for building contain Branch Lines of Baumes!	1.
	from points on the Intercolonial Railway and Prince Edward Island Railway respectively	do do
16	I An Ant reapeating the Windson Dreamh of the Intercolonial Kallwell	•
17	IAD Act to encourage the construction of livy lineks by glasses	
	assistance on certain conditions to Companies constructing	do
24	An Act to further amond the law regresting Building Societies and	
	Loan and Savings Companies carrying on business in the	do
40		do
43	An Act concerning Marriage with a Deceased Wife's Sister	do
40	Harbor Commissioners of Montreal	
44	. An Act to make further provision for the improvement of the Miles	j do
45	St. Lawrence, between Montreal and Quebec	do
40	Port Warden for the Harbor of Montreal	1
47	An Act further to amend the Acts to provide for the improvement	do
40	and management of the Harbor of Quebec	do
49	An Act to amend the Act thirty-fifth Victoria, chapter 42, respecting the appointment of a Harbor Master for the Port of Halifax	1
50	An Act to amend the Act respecting the Harbor of North Sydney,	, do
	in Nova Scotia.	10 .0
51	in Nova Scotia. An Act relating to the Harbor of St. John, in the Province of New Brunswick	au except
52	Brunswick. An Act to provide for the improvement and management of the Harbor of Three Rivers	do The whole, except s
	Harbor of Three Rivers of the	1
53	Harbor of Three Rivers An Act to authorize the construction, on certain conditions, of the Canadian Pacific Railway through some Pass other than the	The whole.
	The state of the s	1
55	An Act to provide for the manager of a subside to the Unight	do
	Marine Transport Railway Company (limited)	1
	46 Victoria—1883.	
		10
14	An Act to encourage the manufacture of Pig Iron in Canada from	do
0.1	out of the rese	-1
٠,,,,,	of Her present Majesty, intituled "An Act to repeal the duty of Her present Majesty, intituled "An Act to repeal the duty on Promissory Notes Drofts and Bills of Exchange"	do
	on Promissory Notes, Drafts and Bills of Exchange " unes	do
25		i i
26	of Railway therein mentioned	10
20,,,,,	Canada to "The Saint John Bridge and Railway Extension	do
•••	It is a second of the fill of the second of	l do
38	of the River St. Lawrence, between Montreal and Quebec	
39	of the River St. Lawrence, between Montreal and QuebecAn Act to amend the Act thirty-sixth Victoria, chapter 62, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners	do
	Act forty-third Victoria, chapter seventeen, respecting	
40	Quebec Harbor Commissioners	f
40	"An Act respecting the Graving Dock in the Harbor respect	do
	Quebec, and authorizing the raising of a Loan in loss	
,,	An Act to amend the Act thirty-eighth Victoria, chapter 56, intuition of "An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a Loan in respect thereof" An Act respecting the Harbor Master of the Harbor of Three Rivers.	do
41		
42	Rivers	
	47 Victoria—1884.	
	41 recenturios.	1 do
. 1	An Act to amend the Act intituled "An Act respecting the Canadiar	.1
	An Act to amend the Act intituled "An Act respecting the Oder Pacific Railway, and for other purposes	

Chap.	SCHEDULE B—Conclu	uded.
	Title of Act.	Portion of Act.
An Act to provide to authorize to amend An Act to amend An Act to man fifth Victo Building Son business on business on business to act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to amend An Act to authorize factors are an Act to authorize An Act to auth	47 Victoria—1884—Continued. Ving effect to an agreement therein mention fernment of the Dominion and that of Nova the Dock, and certain Railway Lands of the Polumbia, granted to the Dominion. Sorize certain subsidies and grants for and instruction of the Lines of Railway therein in the Harbor of Quebec. Dock in the Harbor of Quebec. Dock in the Harbor of Quebec. Dock in the Harbor of Quebec. Dock in the Harbor of Quebec. Dock in the Harbor of Quebec. The Acts fortieth Victoria, chapter 49, and it and the Province of Ontario. As a Victoria—1885. The For the taking of a Census in the Province North-West Territories and the Distipation of the Acts fortieth Victoria, chapter sevent construction of Dry Docks. As-49 Victoria—1885. The Act forty-fifth Victoria, chapter sevent construction of Dry Docks. As-40 Victoria—1885. The Act forty-fifth Victoria, chapter sevent construction of Dry Docks. For the fitting representation of Canada Indian Exhibition, to be held in London. All settlement of the Claims made by the Province of the Construction and efficient operative in described. The granting of further subsidies to and men for the construction and efficient operative in described. The granting of the subsidies therein mentinatuction of certain Railways. The grant of certain Railways. The grant of certain subsidies in land for the Railways therein mentioned. Brants of land to members of the Militia Fervice in the North-West. The advance of a certain sum to the Hair Three Rivers. Acts respecting the appointment of a Har tof Halifax.	ed between Scotia Esquimalt Province of In whole, except secs. In respect In and 12. In whole. In wh

SCHEDULE C.

ACTS AND PARTS OF ACTS to be repealed so far as they constitute indictable offences from and after a day when the proper Legislature makes provision for the punishment of the offence, by fine or imprisonment under "The British North America Act, 1867."

	, and the second	
Chap.	Title of Act.	Portion of Act
	CONSOLIDATED STATUTES OF CANADA.	ad 26 jack
73	An Act respecting Private Lunatic Asylums	Sections 17 and 36 ord tion 30 from the total "and" in line 3; end of the section; ord end of the section; ord tion 43 from the 18 or "and" in line section; the end of the section; the end of from the section 46," in line
04	An Act respecting Land Surveyors and the Survey of Lands	word "and the to the end of the section section form is 49; section form is 49; section form is 49; section form is 49; section form is 49; section form is 49; section form is 40; section; section; section; section form the word "and form the word "and form the word "and form the word "and form the word "and form the word "and form the word "and form the word "and form the word "and form the word section form the word section form the word section where it occurs where it occurs where it occurs where it occurs the section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section, and section for the section for t
19 125	CONSOLIDATED STATUTES FOR UPPER CANADA. An Act respecting the Division Courts	Sec. 48 Sec. 9.
73		Sec. 34. The last paragraph sec. 17.

Chap.	SCHEDULE C-Concluded.	
	Title of Act.	Portion of Act.
	STATUTES OF THE LATE PROVINCE OF CANADA.	
a An	Act to define the right of property in Swarms of Bees, and to exempt them from seizure in certain cases	
7e	exempt them from seizure in certain cases	ec. 5.
An 2	29 Victoria (1865, 2nd Session.) Act for quieting Titles to Real Estate in Upper Canada	
STAT	Security Titles to Real Estate in Upper Canada	cs. 48 and 50.
An A	(3RD SERIES). 28 Victoria—1865. Series, and to revive certain Acts	
b 2	Sec	. 15.
ot Cor	REVISED STATUTES OF NEW BRUNSWICK-Vol. I. Oner's Inquests	. ,
37. e.22 Ap Los	CAL AND PRIVATE ST V. D	•
Act a	in addition to an Act intituled "An Act to prevent Nuis- less within the City of Saint John".	3.
Lam.	STATUTES, BRITISH COLUMBIA.	
Separ Man Ordin	MEVISED STATUTES, BRITISH COLUMBIA. Of British Columbia since the Union of the two formerly ate Colonies of Vancouver Island and British Columbia.	
Ordin	ance to assisting to Persons	
An Ordin	parts of the Colony of British Columbia	
An Ordin	ance to regulate the Solemnization of Marriages	2.
An Act	Estate, and to provide for the Registration of Title to land sphout the Colony of British Columbia.	
An Act		68, 69, 74, 96 and
tions	Prevent Bribary Tones	2, 4 and 9.

APPENDIX.

TABLE

OF ACTS PASSED PRIOR TO CONFEDERATION BY THE DIFFERENT PROVINCES NOW COMPRISED IN THE DOMINION OF CANADA COMPRISED IN THE DOMINION OF CANADA, AND OF ACTS OF THE DOMINION OF CANADA, SHEWING HOW MUCH OF FACT. OF CANADA, SHEWING HOW MUCH OF EACH IS IN FORCE, AND HOW BACK HAS BEEN DEALT WITH.

37.
-1867.
1773—1873.

PROVINCE OF CANADA.

Consolidated S	tatutes o	f Canada.—1859. Upper Canada.—1859. Lower Canada.—1860.
23 Vict.—186 24 Vict.—186 25 Vict.—186 26 Vict.—186 27 Vict.—186), l. 2. 3.	27-28 Vict.—1864. 28 Vict.—1865. 29 Vict.—1865. 29-30 Vict.—1866.

CONSOLIDATED STATUTES, CANADA, 1859.

Chap.	Subject Matter.	Remarks.
3	Legislative Assembly, office of Speaker Provincial Statutes, form, &c	Ss. 1, 5, 6, 7 and sub-s. 1 der recommended for repeal. Sub-s. 4 of s. 4 repealed by 23 V., c. 3, s.1(Canada). Sub-s. 4 of s. 4 repealed for repeal. mainder recommended for repeal.
		[C. 25, 8. 50 (1).)

Subject Matter.	STATUTES, CANADA.—Continued.
Ali.	Remarks.
8 Aliens	
of	
of civilization	superseded by 44 V., c. 13, s. 4 (D.) and rec mended for repeal.
of s. civilization and enfranch	isement S. 3 repealed by 23 V., c. 38, s. 1 (Canada); remain
Governor, civil list, and salaries	repealed by 32-33 V., c. 6, s. 23 (D.)
lio.	repealed by 32-33 V., c. 6, s. 23 (D.) of cer- Ss. 1-4 superseded by 31 V., c. 33 (D.); s. 5 supersed by British North America Act, 1867, s. 106; provincial Remainder recommended for repeal
11 Civil Service	by British North America Act, 1867, s. 106;
12 Office	n inclui. Itematical activities
13 Inquiries on public matters, official r 14 Papiries on public matters, official r 15 Carrency debts and accounts 16 Revenue, collection and management	Superseded, except s. 7, by 31 V., cc. 36 and 37 (D.) 1
ls Cultic moneya public matters official	commended for repeal.
Revenue debts and accounts	it is the commended for repeated
c. collection and mana	Repealed by 31 V., c. 45, s. 5 (D.)
la Castoma manageme	Repealed by 31 V., c. 45, s. 5 (D.) ant of, Sub-s. 2 of s. 40 consolidated. Remainder recommended for repeal. Repealed by 31 V., c. 6, s. 138 (D.) ates. Effete; recommended for repeal. Repealed by 27-28 V., c. 3, s. 1 (Canada.) Provincial. Effete; recommended for repeal. Repealed by 23 V., c. 2, s. 39 (Canada.) S. 9 from the word "seized" in line 4 to the end of the section, sub-s. 1 of s. 10, and s. 13, recommended for repeal. Remainder in Schedule B.
la reinas, duties and collecti	ed for repeal.
Take duties procity with United St	Repealed by 31 V., c. 6, 8, 138 (D.)
Palk notes pers, dnt	Repealed by 27-28 V., c. 3, s. 1 (Canada.)
Public lands duty on	Provincial.
lands, timb, &c	Repealed by 23 V., c. 2, s. 39 (Canada.)
Ord.	S. 9 from the word "seized" in line 4 to the end of the
to and admi	section, 800-8. 1 of 8.10, and 8. 13, recommended for
Ordance and admiralty lands transfe	rred
	Control and the send of the send of
School reserve	to the end of the section which are recommended
Geologiands and	Provincial.
Clergy reserves School lands and fund for education. Public Works.	to the end of the section which are recommended for repeal. Provincial. S. 3 provincial. Remainder repealed by 40 V., c. 9, s. 12 (D.) Sub-s. 2 of s. 46 and s. 59 repealed by 24 V., c. 4. s, 2 (Canada). The whole recommended for repeal. Recommended for repeal.
office near public works	Recommended for repeal. Repealed by 32-33 V., c. 36 (D.) S. 18 repealed by 27-28 V., c. 2, s. 10. The whole repealed by 31 V., c. 10, s. 2 (D.) Recommended for repeal. Ss. 1-24 repealed by 33 V., c. 21, s. 30 (D.); s. 37 recommended for repeals of far as it constitutes a misdemeanor. Remainder of Act provincial. Repealed so far as inconsistent by 32-33 V., c. 11, s. 52
gricultur.	S. 18 repealed by 27-28 V., c. 2, s. 10. The whole re-
TOUR OF THE BUT OF THE BUT	pealed by 31 V., c. 10, 8. 2 (D.)
tatistics	Sa 1-24 repealed by 33 V., c. 21, s. 30 (D.); s. 37 recom-
"ents for :	mended for repeal so far as it constitutes a misde-
inventions	meanor. Remainder of House by 32-33 V., c. 11, s. 52 Repealed so far as inconsistent by 32-33 V., c. 11, s. 52 Recommended for
tents for inventions	(D.), and 35 v., c. 20, 5. 02 (2.)
*****************	renee!
da for mile	c. 1, s. 6; s. 43 repealed by 25 v., c. 1, s. 7; remain-
da c	der by 27 V., C. 2, 8. 110 (Canada); remainder
lic heal val defe	recommended for repeal.
ids for military defence dids for naval defence lic health ulation and vaccination grants and quarantine	S. 22 repealed by 25 V., c. 1, 8. 2 (Canada); 8. 32 repealed by 25 V., c. 1, 8. 4; 8. 40 repealed by 25 V., c. 1, 8. 6; 8. 43 repealed by 25 V., c. 1, 8. 7; remainder by 27 V., c. 2, 8. 110 (Canada). S. 21 repealed by 29 V., c. 7, 8. 8 (Canada); remainder recommended for repeal. Recommended for repeal. Repealed by 31 V., c. 63, 8. 15 (D.) Provincial. Sub-s. 1 of 8. 20 repealed by 25 V., c. 8, 8. 1 (Canada); 88. 22, 23, 24 repealed by 31 V., c. 63, 8. 15 (D.); remainder repealed by 32-33 V., c. 10, 8. 32 (D.) Repealed by 36 V., c. 128, 8. 3 (D.)
and accination	Descripcial
diration of	88. 22, 23, 24 repealed by 31 V., C. 03, B. 13 (D.);
rtion inland vessels	Repealed by 36 V., c. 128, s. 3 (D.)
stration of inland vessels. tion of shipbuilding stration of shipbuilding stron of samen stron of samen stron of strandian waters	ss. 22, 23, 24 repealed by 31 V., c. 63, s. 15 (D.); ss. 22, 23, 24 repealed by 32-33 V., c. 10, s. 32 (D.) Repealed by 36 V., c. 128, s. 3 (D.) Repealed by 36 V., c. 129, s. 5 (D.) Repealed by 27-28 V., c. 13, s. 1 (Canada). Repealed by 31 V., c. 65, s. 50 (D.)
ction of Canadian	Repealed by 36 V., c. 129, 8. 5 (D.)
steamt "waters	Repeated by Alas

CONSOLIDATED STATUTES, CANADA.—Continued.

	Subject Matter.	Remarks.
6	Culling and measurement of lumber	Ss. 5. 6, 11, 12, 13, 14, 17, 18, 19, 20, 24, 30, 31, 7ccos 35, 40 repealed by 38 V., c. 34, 8. 1; s. 4 where mended for repeal from the word last occurs in the fourth line thereof to the word "thing" in the fourteenth line thereof. Remainder
		35, 40 repealed by 38 V, c. 34, 8.1, 107, where mended for repeal from the word last occurs in the fourth line thereof to the withing in the fourteenth line thereof. Repealed by 36 V, c. 49, s. 20 (D.)
	Flour and meal inspection Beef and pork inspection	10 peared by 50 v., c. 45, S. 20 (2-7)
0	Fish and oil inspection	S. 2 repealed by 21 V., c. 22, s. 1; remainder by 36 V. c. 49, s. 20 (D.) Schedula B.
$\frac{2}{2}$	Hops inspection	c. 49, s. 20 (D.) Schedula B. Rangeled by 36 V. c. 47 s. 52 (D.)
- 1		der superseded by 34 V., c. 23, s. 3 (Canada recommender superseded by 34 V., c. 5 (D.), and recommender superseded by 34 V., c. 5 (D.),
5 6	Freedom of banking	
7	Promissory notes and bills of exchange	Ss. 1, 2 and 3 consolidated; ss. 4 and for repeal. Remainder provincial.
0	i i	and recommended for repositional delication
9	Protection of persons dealing with agents	mended for reneal: 8, 21 in Schedule Schedule
1	F #W II Drokers	Provincial except ss. of 1977 and 9 14 "
52	Fisheries and fishing	Ss. 1 to 51 repealed by 29 V., c. 11, s. 1 20 (D.)
3 34	 Manufacturing companies Mining companies	Repealed by 32-33 V., c. 13, s. 56 (D.) Recommended for repeal.
50 56 17	Railways	Schedule B. (2.13, 5.15) Schedule B. (2.13, 5.15) Schedule B. (2.14, 5.15) Schedule B. (3.14, 5.
,,	sheetire telegraph companies	Repealed by 32-33 V., c. 15, s. 55 Recommended for repeal. Provincial. Schedule B. Ss. 1-7 and 10-13 repealed by 32-33 V., c. 13, 14, 15, 18, 19 consolidated; ss. 21, 22 and 23 recommends for repeal; s. 20 provincial. S. 50 repealed by 39 V., c. 18, s. 99 (D.); s. 59 repealed.
	down predams	by 43 V., c. 9, 8. 1 (D.); S. by 43 V., c. 9, S. bedule B.
39 70	Insurance companies dividendsSeizure of stock of incorporated companies under execution	Schedule B.
71 72	Charitable and provident associations Library associations and mechanics' insti-	S. 8 consolidated. The whole recommendated the months and from the months are the months and from the months are the months ar
73	Private lunatic asylums	"and" in line 3 to the end of the end of the end of the word "and" in line 14 to the end of the word "and" in line 14 to the end of the word "and" in line 14 to the end of the word "and" in line 14 to the end of the word "and "in line 14 to the end of the word "and "in line 14 to the end of the word "and "in line 14 to the end of the word "and "in line 14 to the end of the word "and "in line 14 to the end of the word "and "in line 14 to the end of
		s. 46 from the word "and" in "section section, s. 48, the last 6 lines of section the end of the word "and" in line 13 to the end of the word "and" in line 8 in line 152 from the word "and" in line 8 in line 152 from the word "and" in line 8 to the end of the section, s. 54 from the word "and" in line 6 to the end of the subsocs word "and" in line 6 to the end of the sold word in line 6 to the end of the section, s. 64 from the word "and" when it sall which in line 3 to the end of the section, Schedule or recommended for repeal; and s. 66 in Schedule or Provincial.
		in line 3 to the end of the section School recommended for repeal; and s. 66 in
74	Rectories Practice of law	. Provincial.

CONSOLIDATED STATUTES, CANADA.—Continued.

اه	STATES STA	TOTEN, CHIMBH.—Continuea.
Chap.	Subject Matter.	Remarks.
77	Surveyors and survey of land	Provincial, except s. 104, which is recommended for repeal; s. 107 which is consolidated (Malicious Injuries); and s. 31 which is put in Schedule C.
80	Foreign judgments.	repeal; s. 107 which is consolidated (Malicious Injuries); and s. 31 which is put in Schedule C. Provincial. Provincial, except ss. 4 to 13 in Schedule B. Provincial, except ss. 7, which is consolidated from the beginning to the word "established" in line 7; remainder of s. 7 is superseded by 32-33 V., c. 19, ss. 44-47 and recommended for repeal.
83	meetings, calling he of	Dance ad by 21 V C 24, 8, 19 (1), 1
85 86	Registration of debentures	Provincial excepts 3 from the beginning to the word
800	Firemen, exemptions.	Provincial, except so much of ss. 1 and 4 as relates to
80	Extradition (Ashbuster III)	for repeal. Provincial.
92	Offences against the State	Repealed by 32-33 V., c. 36 (D.)
30	otteries	"
38 36	Cruelty to animals Principals in the second degree and accessories Sale of Poisons Procedure in criminal cases.	Repealed by 32-33 V., c. 36 (D.) Repealed by 27-28 V., c. 19, s. 1 (Canada).
100	On	S. 43 repealed by 27-28 V., c. 19, 8. 1 (Canada); ss. 91 and 92 repealed by 24 V., c. 9, 8. 1 (Canada); s. 97 recommended for repeal; ss. 120 and 121 consoli- dated; s. 87 provincial; remainder repealed by 32-
101	detices, day of justices in remote parts	33 V., c. 36 (D.) Provincial, except s. 14, which is recommended for repeal. Recommended for repeal.
jø3	offences)	
~	Summa -	Ss. 74-81 and 85 are provincial; remainder repealed by 32-33 V., c. 36 (D.) Provincial, except s. 13, which is recommended for repeal.
4061	1. Offences in Justice in	D ===1ed by 32-33 V., c. 36 (D.), except ss. 30-33, and
	Juvenile offenders	which are repealed by 32-33 V., c. 32, s. 34 (D.) Repealed by 32-33 V. c. 36 (D.), except ss. 6-8, and Repealed by 32-33 V., c. 33, s. 29 (D.) which are repealed by 32-33 V., c. 33, s. 29 (D.) Whole Act repealed as to Province of Ontario, except in so far as it affects matters within exclusive juris- diction of Legislatures of Ontario and Quebec, by 43 V., c. 39, s. 15 (D.); ss. 5-12 repealed, as to Quebec, by 32-33 V., c. 34, s. 1 (D.) The whole
109	Restraint of dangerous lunatics	diction in registron. 43 V., c. 39, s. 15 (D.); ss. 5-12 repealed, as to Quebec, by 32-33 V., c. 34, s. 1 (D.) The whole recommended for repeal. S. 6 repealed by 24 V., c. 13, s. 1 (Canada); remainder repealed by 31 V., c. 75, s. 63 (D.) Ss. 1-6 are superseded by 32-33 V., c. 29, ss. 99-104 (D.) and recommended for repeal; remainder provincial.
	'	

CONSOLIDATED STATUTES, CANADA.—Continued.

Chap.	Subject Matter.	Remarks
110	Inspection of asylums, &c	S. 4, sub-ss. 1 and 3 of s. 11, and s. 25 repealed by second control of the second control of the second control of the second control of the second control of second control
111	Provincial penitentiary	Sub-s. 1 of s. 46 and ss. 73 and 74 repealed by 31 12, s. 1 (Canada); remainder repealed by 75, s. 1 (D.)

CONSOLIDATED STATUTES, U.C., 1859.

	STATUTES, U.C., 1699.
Subject Matter.	Remarks.
The Consolidated Statutes for Upper Candinterpretation	
2 nad asolidated Statutes for Upper Can- interpretation	Schedule B.
The state of the s	Homodule B, except the last same of brise, which all
Territorial divisions of Upper Canada Government debentures. Hillia pensions Sale and purch	recommended for repeal. Provincial.
pensions debts	Repealed by 29-30 V., c. 43. Superseded by 46 V., c. 11, s. 68, and recommended for
dale and no	repeal.
Raie and purchase of claims due to Government. Laws as to property and civil rights	Provincial.
alla ce of lighthouses.	Superseded by 31 V., c. 59, s. 7 (D.) Recommended fo
Aws as to property and civil rights	repeal.
courts of law	Provincial.
* *	17 superseded by 36 V., c. 31 (D.), and recommend
1 Com.	V, c. 40, ss. 1, 2 and 6 respectively. Remainder
and nini prine	provincial.
Court of cha-	ed for repeal; ss. 16, 18 and 20 repealed by 29-36 V, c. 40, ss. 1, 2 and 6 respectively. Remainder provincial. S. 1 repealed by 29-30 V., c. 40, s. 3. Remainder provincial. S. 5 superseded by British North America Act, 1867; ss. 5 superseded
and cery	provincial. S. 1 repealed by 29-30 V., c. 40, s. 3. Remainder provincial. S. 5 superseded by British North America Act, 1867; ss 6 and 7 superseded by 36 V., c. 31, ss. 2 and 3 (D. and recommended for repeal. Remainder provincial.
Court of en	and recommended for repeal. Remainder provincial
Court and appeal	S. 29 repealed by 32-33 V., c. 29, s. 80 (D.) Remainder
impeachment	S. 5 superseded by British North America Act, 1867; ss 6 and 7 superseded by 36 V., c. 31, ss. 2 and 3 (D.) and recommended for repeal. Remainder provincial S. 29 repealed by 32-33 V., c. 29, s. 80 (D.) Remainder provincial. Ss. 2, 4 and 5 repealed by 29-30 V., c. 38, ss. 1, 2 and 3 control of the contro
Court of impeachment. County courts	respectively (Canada); remainder repealed by 45 V., c. 12, s. 9 (D.)
J courts	Ss. 10, 11, 12 superseded by 36 V., c. 31, s. 10 (D.), and
Barropa	Ss. 10, 11, 12 superseded by 36 V., c. 31, s. 10 (D.), and with s. 3, recommended for repeal. Remainder provincial. S. 15 from the word "any" in line 10 to the end of the section recommended for repeal; s. 16 consolidated. Remainder provincial.
sale courts	S. 15 from the word "any" in line 10 to the end of the
orta of	S. 15 from the word "any" in line 10 to the end of the section recommended for repeal; s. 16 consolidated. Remainder provincial. S. 8 consolidated; remainder provincial. S. 6 chedule B. S. 48 in Schedule C; s. 172 in Schedule B; ss. 105, 181 and 184 recommended for repeal. Remainder pro-
Divent debral sessions of the peace	S. 8 consolidated; remainder provincial.
courts court	S. 8 consolidated; remainder provincial. Schedule B. S. 48 in Schedule C; s. 172 in Schedule B; ss. 105, 181 and 184 recommended for repeal. Remainder provincial.
Courts	and 184 recommended for repeal. Remainder pro-
rocend from los	vincial.
Contage in exchequer and revenue	Provincial.
Pee fund from local courts, &c	Schedule B.
insolvent debtors	Provincial.
Downent.	peal; remainder in Schedule B.
plevin	Provincial.
a of insolvent debtors. Hettinent. Robertnent. Linetinent. Linetinent. Linetinent. Linetinent. Linetinent.	"
a and juries.	S. 51 repealed by 26 V., c. 44, s. 5 (Canada); ss. 99 and
	Provincial. "" S. 51 repealed by 26 V., c. 44, s. 5 (Canada); ss. 99 and 100 repealed by 32-33 V., c. 36 (D.); s. 101 superseded by 32-33 V., c. 29, s. 38 (D.) and recommended for repeal; s. 124 repealed by 29-30 V., c. 46, s. 3 s. 129 superseded by 32-23 V., c. 29, s. 39 (D.) and recommended for repeal; ss. 139 and 166 consolidated Remainder provincial.
	recommended for repeal; ss. 139 and 166 consolidated Remainder provincial.

CONSOLIDATED STATUTES, U.C.—Continued.

Chap.	Subject Matter.	Remarks.
32	Witnesses and evidence	Ss. 3 and 4 repealed by 32-33 V., c. 36 (D.); s. 8 recommended for repeal; s. 18 consolidated. Remainder provincial.
33 34	Law societyBarristers-at-law	
35	Attorneys-at-law	"
	Reporters in the superior courts Local Crown attorneys	"
38	Sheriffs	Repealed by 27-28 V., c. 28, s. 1.
39	Commissioners to take affidavits and bail.	Provincial, except s. 2 from the word "and" in line 5 thereof to the end of the section, which is recommended for repeal.
	Medical practitioners	Repealed by 29 V., c. 34, s. 35 (Canada).
41	Homeopathy	Provincial. Ss. 1, 5, 6, 7, 8, 11, 12, 13, 15, 16, 19, 21 and 22 consoli-
		dated; ss. 2, 3, 4, 9, 10, 17, 18 and 20 recommended for repeal; remainder provincial.
43 44	Interest	S. 4 consolidated; remainder provincial. Provincial.
45	Chattel mortgages	"
	Ferries	Repealed by 33 V., c. 35, s. 11 (D.), as to ferries under control of Parliament.
48	Mills and mill dams	44
	Road companies Joint stock companies for piers and	S. 29 repealed by 39 V., c. 18, s. 99 (D.); s. 103 recommended for repeal; remainder provincial.
	wharves	Schedule B.
	Joint stock companies for exhibition buildings	Provincial.
52 53	Mutual fire insurance companies Building societies	Ss. 20, 22, 38 and 42 repealed by 37 V., c. 50, (D) ss. 11,
		4, 6 and 10 respectively; remainder in Schedule B. Repealed by 29-30 V., c. 51, s. 428 (Canada), so far as inconsistent therewith. Recommended for repeal.
56	Assessment of property	Repealed by 29-30 V., c. 53, s. 205 (Canada). Provincial.
58	Weights and measures	Repealed by 36 V., c. 47, s. 52_(D.)
59	Public health Destruction of wolves	S. 5 repealed by 31 V., c. 63, s. 15; remainder provincial.
61	Game laws.	l l
62	University of Toronto, &c	"
64	Grammar schools	Provincial, except s. 18, which is recommended for
		repeal.
	Separate schools	Provincial.
67	Cemeteries	Provincial, except s. 29 from the word "shall" to the word "and" in line 12, recommended for repeal.
	Conveyances to trustees for burial places Property of religious institutions	Provincial.
	Building fund for lunatic asylums	
71	Provincial lunatic asylums	u u
73 73	Marriages Separate rights of married women	"
74	Guardians to infants	
75	Master and servant	Ss. 4, 5, 7, 9, 10 and 11 repealed, so far as they constitute criminal offences, by 40 V., c. 35, s. 1 (D.) Remainder provincial.
	Apprentices and minors	Provincial.
	Actions of seduction	" -
	limitation of certain actions	Provincial, except s. 7, which is put in Schedule B.
79	Accidents from machinery	Schedule B.
	Heir and devisee commission Trespasses to public and Indian lands	Repealed, so far as it relates to Indians or Indian lands.
		by 39 V., c. 18, s. 99 (D.) Remainder provincial.

	Subject Matter.	Ì
. 6		Remarks.
Pa Desce	ant of real Property t ces of estates tail yances by married women and sal	
1088 D	of real	
P COME	ances of estates tail yances by married women and sale of real estate tion of real estate	Provincial
PODF	estates tail	TOVINCIAL.
Histit	lon ces by	40
Fire	ryances by married women lon and sale of real estate. tion of east estate estate real of actions respecting real and of instruments relation	
The second	tion of real estate	
	CLE GUIDNO	** ****** [
M 5181	tion of actions respecting real ration of instruments relating of instruments relating or instruments relating the following real property	I pro
S) Trans	id of instrument	•••••
90000	er of recions	ig to
13 poort	or instruments relationed for the second sec	Repealed by 29 V, c. 24, s 2 (Canada). Provincial. "" S. 4 consolidated; s. 52 superseded and recommende for repeal. Remainder provincial. Consolidated.
OUTFER	orms of Lonveyances	Provincial.
30.	of lands teases	
A TOID	of leases of leases al law of Upper Canada cr colonies ign countries cate at countries cate at countries cate at countries cate at countries cate at countries cate	IS 4 consolidated : s. 52 superseded and recommends
ppreb	AW OF IT	for reneal Remainder provincial.
T'An oth	on of Canada	Congolidated
Poldie.	naw of Upper Canada	for repeal. Remainder provideral. Consolidated. Recommended for repeal. Tom Recommended by 22 V. c. 41 5 1 (Canada).
101e	ion of frame	Recommended for repeal.
HOSPAGE A	Countries escaping f	rom
Cti	On ac	from Recommended for repeal. rom Repealed by 23 V., c. 41, s. 1 (Canada). Repealed by 32-33 V., c. 36 (D.)
1,00	laminhabitanta com	Repealed by 32-33 V., c. 36 (D.)
0/r.	colonies lugitives escaping is ign countries. In of inhabitants of Upper Can lawless aggression	ada
Hege.	son of fugitives escaping for countries. of inhabitants of Upper Can lawless aggression. rilling, &c soldiers, &c, to desert	S. 3 repealed by 29-30 V., c. 4, s. I (Canada.) The
Olr car q	rilling.	Repealed by 23 V., c. 41, 8. 1 (Canada). Repealed by 32-33 V., c. 36 (D.) ada S. 3 repealed by 29-30 V., c. 4, s. 1 (Canada.) The whole superseded by 31 V., c. 14 (D.) and recommended for repeal. Repealed by 32-33 V., c. 36 (D.), except s. 3, which is effete and recommended for repeal. Repealed by 32-33 V., c. 36 (D.) Repealed by 32-33 V., c. 36 (D.); s. 2 recommended for repeal. Consolidated. Superseded by 37 V., c. 38, s. 14 (D.) and recommended
"(# "4(!) h		
Orgenig	soldiers, &c., to desert	Repealed by 32-33 V., C. 30 (1) 1, except 8. 3, which is
4	and has &c., to decome	effete and recommended for repeat.
" wish m	perjury	Repealed by 32-33 V., c. 36 (D.); s. 2 recommended for repeal. Consolidated. Superseded by 37 V., c. 38, s. 14 (D.) and recommended for repeal. Schedule B. Provincial.
81. 100	at of no-	mended for reneal
ander a	arriages illegally solemn	mended for repear.
Proc	nd libel Barry soremn	Consolidated
Pen anati		Supergoded by 37 V. c. 38, s. 14 (D.) and recommended
Con trea	of the Town	for repeal.
Promity at	Passes Dord's Day	Schedule B.
dipacedin.	orneys.	Provincial.
a Contic	ne : Outlawer	"
40 (an:	contribute of business before	Superseded by 37 V., c. 38, s. 14 (D.) and recommended for repeal. Schedule B. Provincial. Recommended for repeal. S. 3 repealed by 32-33 V., c. 36 (D.); remainder consolidated. Consolidated, except s. 6 from the word "and" in line 4 to the end of the section, which is recom-
grand	inrie patch of business	idated.
r.	business before	S. 3 repealed by 32-33 V., c. 36 (D.), remainder consolution in line 4 to the end of the section, which is recommended for repeal. Repealed by 32-33 V., c. 36 (D.) Consolidated. Repealed by 32-33 V., c. 36 (D.), except ss. 5, 16 and 17; s. 5 repealed by 36 V., c. 3, s. 2 (D.); ss. 16 and 17 consolidated.
ellor.	***************************************	Consolidated, except s. of the section, which is recom-
la ladice	Derson .	line 4 to the end of the sound
endmoin	lent indicted a convert	mended for repear.
Distantion	ts at the	Presented by 32-33 V . c. 36 (D.)
ches is in	of point trial	. Repeated by 55255 v., o
• • •	criminal at the trial	Congolidated
pos.	Cases	Rangeled by 32-33 V., c. 36 (D.), except ss. 5, 16 and 17;
di gla	_	s 5 repealed by 36 V., c. 3, s. 2 (D.); ss. 16 and 17
Dign.	Ases of one	consolidated.
Produin p	summary convictions.	mended for repeal. Repealed by 32-33 V., c. 36 (D.) Consolidated. Repealed by 32-33 V., c. 36 (D.), except ss. 5, 16 and 17; s. 5 repealed by 36 V., c. 3, s. 2 (D.); ss. 16 and 17 consolidated. Superseded by 32-33 V., c. 31, s. 66 (D.), and 33 V., c. 27, s. 1 (D.). Recommended for repeal. Repealed by 32-33 V., c. 36 (D.) Consolidated, (Recognizances) except ss. 15 and 16, recommended for repeal.
the heion	entence of a	27, s. 1 (D.). Recommended for repeat.
- W	of blooddeath	Repealed by 32-33 V., c. 36 (D.)
Pron.	*****	" and If
of Tatio)n -e -	Consolidated, (Recognizances) except ss. 10 and 10,
bed conu	Bel lines	recommended for repeat.
rendia of s	dmin officers	consolidated. Superseded by 32-33 V., c. 31, s. 66 (D.), and 33 V., c. 27, s. 1 (D.). Recommended for repeal. Repealed by 32-33 V., c. 36 (D.) Consolidated, (Recognizances) except ss. 15 and 16, recommended for repeal. Recommended for repeal. Recommended for repeal. Provincial, except s. 4, which is recommended for repeal.
port dire	of constration of inat	Provincial, except s. 4, which is recommended
A ot of g	stitut funde	Provincial.
Pedal dia	research insane persons	••
ALDE JELLES	for small mona	••
pa- 01 CO	Dviction and	Repealed by 32-33 V., c. 36 (D.) Consolidated, (Recognizances) except ss. 15 and 16, recommended for repeal. Recommended for repeal. Provincial, except s. 4, which is recommended for repeal. Provincial. Repealed by 32-33 V., c. 36 (D.), except s. 7, which is recommended for repeal. Provincial, except s. 9, which is put in Schedule C.
Cets I	ons and fines	Daniel of by 22-33 V., c. 36 (D.), except s. 7, which is
49 J. C	oroners	recommended for repeal.
		reconnection

CONSOLIDATED STATUTES, U.C.—Continued.

Chap.	Subject Matter.	Remarks.
	Protection of justices of the peace from vexatious actions	Provincial.

*	CONSOLIDATE	T COMPANY TO TOO TOO
ė,	CONSULIDATE	ED STATUTES, L.C., 1860.
Chap.		
~	Subject 20	
	Subject Matter.	Remarks.
l	Consolidated Statutes for Lower Canac Codification of the laws of Lower Canac lication of	
3	Consolidated Statutes for Lower Canac Commencement of the laws of Lower Canac lication of Acts and Production Acts, &c., pu	;
	Commences of the laws of Lower Canad	da Schedule B.
	Codification of the laws of Lower Canad Commencement of certain Acts, &c., pu lication of Acts and proclamation Arriage liceuse of ancient records.	na Provinciai.
	The reservest proclamation	8.1
21	h Ch. Alceboa a " wacieut lecolus.	IO. I III Deficially 1), Temperater provident
a	Daty on sales berry from taxation	Provincial.
	is a labor south	
7]]	onty on hawkers and pedlars deriain ferries over the river St. Lawrence	f. S. 30 repealed by 27-28 V., c. 18, s. 40; remainder provincial.
9 (outy on hawkers and pedlarseriain ferries over the river St. Lawrence	vincial.
- 1(- 1.1		
100	mand tables	Supersoded by 23 V. c. 35, 8, 11 (D.) Recommended
12	ewann association	for repeal.
13 4	esertion and like multi-	Schedule B.
14 1	dia and musications	Provincial, except 8. 8, which is recommended for sepesi.
15 D.	Tans and Indian lands. Ovincial aid for superior education,— brique schools. Tal institution.	Superseded by 33 V, c. 35, s. 11 (D.) Recommended for repeal. Schedule B. Provincial, except s. 8, which is recommended for repeal. Repealed by 32-33 V., c. 36 (D.) Repealed, so far as inconsistent with or makes provision in matters provided for by 39 V., c. 18, s. 99 (D.) Schedule B. Provincial.
		Renealed, so lar as inconsistent with or mines provide
17 78	bright and for superior education	Schedule R.
18 P.	Normal aid for superior education,— brique schools	Provincial.
10	Tigh stitution and McCill Coll	" "
20 Re	ligiorique mess, &c., erection of	
Te		11
21	burials of marriages harrises	"
22 0	rigidus schools and McGill College right, schools and McGill College Fabrique meetings accountering the marriages, baptisms and burials marriages, baptisms and lic worship, good order in or near lic; sales on, probibited	Provincial, except the proviso of s. 13, and s. 14, which
24800	places and disinterments	Provincial.
25 10	licin sales on	u
20	icipalities and roads	chedule B
A 4 81	da_se of soud order in or near incly sales on prohibited sicipalities and roads generally	ecommended for repeat.
27 Na.	dicial P. prevent	rovincial.
20	ers and of abuses preju-	"
Gras	icipalities and roads generally	2 3 5 and 7 repealed so far as they constitute crimi-
30 Co ~	luchaertain lieach	rovincial. 1. 2, 3, 5 and 7 repealed so far as they constitute criminal offences, by 40 V., c. 35, s. 1 (D.) Remainder provincial.
al puri	and home in the district of	provincial. Povincial.
Win.	" du - " uno	OVIDERI.
		"
Gaup	c) ada, vehicles used on (sleighs, es, to encourage the destruction of ontreal of in Quebec and personal rights, viz : majority—	u
D: N	owder, storing of in Quebec and spersonal rights, viz : majority—on warriages—criminal connectuality and connectuality a	• •
, en	person of in Quebec and	
t tie	Man Bulk viz	
		•
And e	no marriages—criminal connec- Quakers—inhabitants of I dian re-	
Cn. 80	guarriages—criminal connec- quakers—inhabitants of I dian re- in free and common succage, laws nation of titles, and discharge of	"
1 7.	Dalie Buccage, laws	
a ti	amb of titles, and	
	Sec VV Sharife: Sec.	
do	nation of titles, and discharge of n. & c. s.	
G. C	on rever property of bypothecs-	incial, except s. 112, which is recommended for epeal; and se. 113 and 114, which are consolidated.
Le Pé	onveyance of succase lands	jucial, except s. 112, which is recommended for
140.	Pates to lande :-	epeal; and ss. 113 and 114, which are consolidated.
494	for lands Provi	neial.
		••

CONSOLIDATED STATUTES, L.C.—Continued.

Cmap.	Subject Matter.	Remarks.
40	Lessors and lessees	Provincial.
	Seigniorial or feudal tenure, general abo-	
42	lition of, &c	44
43	Seigniorial tenure commutation in Crown	
44	seigniories Partition of township lands held in com	43
	mon	41
	Illegat detention of soccage lands Fraudulent seizures of township lands	
	Fraudulent conveyance of or damage to	i e
18	lands charged with hypothecs Licitations - voluntary—compulsory	Provincial.
19	Sale of lands under execution by hypothe-	
	cary creditors, when the owner is un-	•
50	Ground rents constituted rate and life	
	Ground rents, constituted rents, and life	
51	Water courses, respecting the right of	·
ا،,	Æde, law repealed	Provincial.
3	Retrait lignager abolished	"
14	Naturalization, certain titles secured by	"
55	Shipping of seamen	Repealed by 36 V., c. 129, s. 5 (D.)
57	Seamen's wages, recovery of	" " mended for its
8	Voyageurs, engagement of, &c	Repealed by 36 V., c. 129, s. 5 (D.) "" Provincial, except s. 4, which is recommended for repealed by 31 V., c. 64, s. 15 (D.)
9	ment of	Renealed by 31 V c 64 s 15 (D.)
50	Discharge of cargoes of certain vessels	(Consolidated. anded 102
31	Inspection of butter	Superseded by 36 V., c. 49, recommend
13	Coals, hay, straw, measurement or weight	Repealed by 31 V., c. 64, s. 15 (D.) Consolidated. Superseded by 36 V., c. 49, recommended for repealed by 36 V., c. 47, s. 52.
	of	Repealed by 36 V., c. 47, s. 52, except ss.
;4	Bills of exchange and promissory notes	Superseded by 36 V., c. 49, recommended Repealed by 36 V., c. 47, s. 52. Repealed by 36 V., c. 47, s. 52, except ss. 8 and 9, when are consolidated. Ss. 5, 21, 22 and 23 and Schedules consolidated; mainder repealed by 29 V., c. 41, Schedule, Report tion 217. Provincial.
		tion 217.
60	Partnerships for trading purposes	l'rovincial.
96	Unclaimed goods in hands of wharfingers,	1 44
57	Limitation of actions in commercial cases	f to the
	and statute of frauds	" in line 12 thereon remain
8	mutual insurance companies	S. 17 from the word "and" in line 12 thereof to the of the section recommended for repeal; remain provincial. Sub-s. 1 of s. 1 repealed by 40 V., c. 50, s. 23 (B.); mainder Schedule B.
89	Building soci ties	provincial.
		mainder Schedule B.
70	Roads and other works, joint stock com-	December ded for rongs!
- 1	W. 1	Recommended for repear.
72	Bar of Lower Canada, advocates and	27 a 40 (Canada.)
	attorneys	Repealed by 29-30 V., C. 21, S. 40 C.
4	Certain notarial Acts confirmed	Provincial.
5	Counties, &c , division of Lower Canada into	S. Leonsolidated, except sub-83. 11 and province
		recommended for repeal. Rema-
6	Districts, division of Lower Canada into Court of Queen's Bench, appeals, error—	Provincial.
	Crown side	02 F0110 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
78	Superior Court, constitution and jurisdic-	Ss. 56 to 62 consolidated; s. 63 for repeal. 36 (D.); s. 64 recommended for repeal. provincial. Provincial, except ss. 7 and 10 which are recommended for repeal.
,,	Circuit Count constitution and invitalin	for repeal.
9	tion	Provincial. Provincial, except s. 6, which is consolidated.
30	Superior and Circuit Courts in Gaspé	Provincial, except s. 6, which is

CONSOLIDATED STATUTES, L.C.—Continued.

्र		The state of the s
chap.	Subject Matter.	Remarks.
82	Certain matters relating to the administration of justice generally, and certain proceedings and certain proceedings and certain proceedings and certain proceedings and certain proceedings and certain proceedings and certain proceedings and certain proceedings and certain proceedings are consistent to the constant of the certain proceedings are consistent to the certain proceedings are consistent to the certain certain proceedings are consistent to the certain certa	Ss 1 and 2 recommended for repeal; remainder pro- vincial.
ß	tain proceedings and actions	Provincial, except s. 1 sub-s. 3, which is superseded by
87	Arress and friends	"
٠,	Migget of arms brokection and entorce.	Din alal
Ī	oreign judgments	u
92	Porations, &c., right of action by or	
-	Com cation - care onicers, ree runds, pub-	Provincial, except s. 17, which is superseded by 31 V, c. 71, s. 3 (D.) and recommended for repeal. Provincial.
96	Concases Corpus, in criminal and civil	•
-	ourte of an	provincial.
7	dutices a summary convictions	Ss. 1 and 2 are repealed by 32-33 v., c. 36 (D.); remain-
ĵøl	the many the peace closes and helica	and recommended for repeal; remainder provincial.
163 165	Justices of the peace, clerks and bailiffs temployed by. poportection of the peace and other officers, towns and villages, &c.	Provincial. "" Ss. 10, 11, 12 and 13 consolidated; ss 7, 8, 14, 15, 16, 17, 18, 19, 22 and 23 recommended for repeal; remainder provincial. "" "" "" "" "" "" "" "" "" "" "" ""
101	Ch quest militie or	Ss. 10, 11, 12 and 13 recommended for repeal; remain- 18, 19, 22 and 23 recommended for repeal; remain- der provincial. Recommended for repeal.
	Juries New Brunswick,—grand	Provincial.
858	women traverses in misdemeanor— appeals from large fines	Ss. 1, 3, 4, 5, repealed by 32-33 V., c. 36 (D.); s. 2 consolidated; s. 6 recommended for repeal.
* =	daitation of penal actions. Caols and court houses and houses of cor-	Ss. 1, 3, 4, 5, repealed by 32-33 V., c. 36 (D.); s. 2 consolidated; s. 6 recommended for repeal. Consolidated. Provincial. Sub-s. 1 of s. 1 and s. 2 consolidated; remainder recommended for repeal. Last paragraph of s. 17 put in Schedule C; and s. 3 recommended for repeal; remainder provincial.
3	Court houses and gaols in new districts	mended for repeal. Last paragraph of s. 17 put in Schedule C; and s. 3 recommended for repeal; remainder provincial. Provincial, except s. 13, which is recommended for repeal. Provincial, except sub-s. 6 of s. 1, and s. 6, which are recommended for repeal.
	Returns, judicial matters	repeal. Provincial, except sub-s. 6 of s. 1, and s. 6, which are recommended for repeal.

STATUTES OF THE PROVINCE OF CANADA.

23 VICT.—1860.		ICT.—1860.
1	Subject Matter.	Remarks.
_		Sub-ss. 1, 2 and 3 of s. 1, and s. 5, part, consolidate Remainder recommended for repeal. S. 33 consolidated; remainder, Schedule B. Reflate: recommended for repeal.
,İ	Pennagantation in the Louislatina Assaulte	Sub at 1.2 and 3 of s. l. and s. 5, part,
1	Representation in thenegistative assembly	Sub-ss. 1, 2 and 3 of s. 1, Remainder recommended for repeate B. Remainder recommended, Schedule B. S. 33 consolidated; remainder, Schedule B. Effete; recommended for repeat.
2	Sale and management of the public lands	S. 33 consolidated; remainder, reneal.
.,,	operated of legislative council	mete : recommend
4	Sinking fund for redemption of imperial	Provincial. Repealed by Consolidated Statutes, Lower Canada Schedule A. Provincial. Vot public general.
5	Aid to Canadian line of steamers	" CAR"
6	Intoxicating liquors in unorganized tracts.	Provincial. Lower
7	Standard weight for hav. &c., (Q.)	Repealed by Consolidated State
	,,	Schedule A.
8	Constables	Provincial.
10	Township of Windsor (Q.)	Description
11	Quaker marriages	Not public general.
13	Art association, Montreal	ii annul
14	Several Acts continued	Effete : recommended for repeat
15	Supplies	Effete: recommended for repeal. Provincial. Repealed, as to House of Commons' elections. . c. 9, s. 133 (D.) Repealed by 31 V., c. 6, s. 138 (D.)
16	Members indemnity	Provincial. Warran of Commons etc.
17	Corrupt pactices at elections	Repealed, as to House of
	Duties of customs	C. 9, 8. 133 (D.)
18	Duties of customs	Repeated by St (Canada).
20	Free ports of entry	Rangaled by 29-30 V., c. 6, s. 9 (02
-31	Duties of customs	ri ejeli
	Canada	Schedule B. S. I consolidated. Remainder provincial. Provincial.
22	Ordnance land reserves	S. 1 consolidated. Remaind
23	Board of arts and manufactures	Provincial.
'7 1	Karaign indgments	, ,,
25	Seizure for debt	Dangeled by 36 V., c. 49, S. 20 (Canada).
97	Trade marks	Repealed by 24 V., c. 21, 8. 1 (D.)
28	Passengers by steamboats	Repealed by 31 V., c. 65, 8.
29	Trade marks. Passengers by steamboats. Railways. Joint stock companies for manufactures,&c Joint stock companies, judicial incorpor	Schedule B. c. 13, s. 56 (D.)
30	Joint stock companies for manufactures, &	Repealed by 32-33 V., C.
31		- ':
***	ation	Decyingial. (D.)
32	Joint stock gas and water companies Fire insurance companies, not within the	Provincial. Repealed by 31 V., c. 48, ss. 21 and 24 (D.) Consolidated. Provincial.
	limita	Repealed by 31 V., c. 48, 88.
34	Investments by insurance companies	. Consolidated .
- 77	Accidents by fire, investigation	. Provincial.
36	Lotteries	. Consolidated.
37	Corowing timber	Repeated by 32-33 V., c. 6, s. 23
38	Indians Territorial division, Upper Canada Representation in Legislative Assembly.	Recommended for repeal.
41	Apprehension of fugitive offenders	
4'	Common law procedure	. Trovincia.
4	Claunty courts	•• !
4.	Removal of causes from county courts	· · · · · · · · · · · · · · · · · · ·
4	7 Replevin	Provincial, except ss. I, 3 and 8, which are recommends for repeal. Repealed by 25 V., c. 19, s. 1 (Canada). Repealed by 29-20 V., c. 53, s. 205 (Canada).
4(Law society	high are reco
4	A ttorneys at law	and 8, Which
4	Common schools	Provincial, except 33. 1,
•	Common schools	Provincial, except say. for repeal. Repealed by 25 V., c. 19, s. 1 (Canada). Repealed by 25-20 V., c. 53, 3. 205 (Canada).
5	Municipal institutions, Upper Canada	Repeated by 29-30 V., c. 53, s. 2006
5	1 Assessment of property, Upper Canada.	Repeated by 2000
	.),	•••

Gather, as of fences and ditches. Gather, Protection of Articles of law students. Pro Pabrique inectings.	 Repealed by Consolidated Statutes, Lower Canad Schedule A.
Annual returns of justice, Lower Canada. Splegistry offices, indicate matters. Splegistry offices, &c., Lower Canada. Splegistry offices, &c., Lower Canada. Splegistry offices, &c., Lower Canada. Splegistry offices and ditches.	 Repealed by Consolidated Statutes, Lower Canad Schedule A.
Inspectors and road Act, Lower Canada. Inspectors of fences and ditches. Indicate the fences and ditches. Articles of amendment. Fabrique Pabrique Incetings.	Schedule A.
Pabrique meetings	
(Partings	ovincial. ealed by Consolidated Statutes, Lower Canad.
8) } tep	public general. called by Consolidated Statutes, Lower Canada
13 Julian I	public genera L
ands, Durham. Sche Sche Sche Sche Sche Sche Sche Sche Sche Not I Adian lands. Not p	dule B.
and below o	,
Scheo Not p	ublic general.
Schec Schec Not p	seded by 31 V., c. 42 (D.); recommended for peal.
24 VICT.	•
Supplies 24 VICT Daties of customs Effete: Public works to evade customs Superse Superse Superse Superse Superse Superse Superse Superse Superse Superse Superse S	recommended for repeal.
Superse	ded by 31 V., c. 12 (D.) and recommended for
Person administrated Effete;	3 h., 21 V c 94, 8, ((D.)
Recording Supersed	d by 32-33 V., c. 36, (D.) led by 32-33 V., c. 20, s. 9 (D.) and recomeded for repeal.
Provided and distance of death	ded for repeal. ended for repeal. by 32-33 V., c. 36, (D.)
Olling Julin & The Julia	he 21 V., c. 75, s. 63 (D.)
recorders' courts to try capital fellores of the peace, duties and Repealed	
pers committee, duties out of Repealed	03 52-55 (4) 51 - 4
	l by Order in Council, 6th January, 1863.
tation of sole lead to	
at stock companies for manufacturers, ation. Repealed by specific of sole leather Repealed by Repealed by Repealed by Repealed by Repealed by Repealed by	(C) (D)
or sole leather Repealed by Repealed by	7 31 V., c. 55, s. 29 (D.) 7 36 V., c. 49, s. 20 (D.)

Срар.	Subject Matter.	Remarks.
23	Banks	Ss. 1 and 3 recommended for repeal; remainder vincial.
24 25 26	Vaccination Election of members of legislature Recorder's court, Quebec	
28 29 30 31 32 33 34 35 36 37 38 40	Registration of marriages, Lower Canada Municipal Act, Lower Canada	" " " " " " " " " " " " " " " Repealed by 29-30 V., c. 51, s. 428 (Canada.) Repealed by 29-30 V., e. 53, s. 205 (Canada.) Repealed by 29-30 V., c. 51, s. 428 (Canada.) Provincial.
4: 4: 4: 4: 4: 4:	Forfeited estates, Upper Canada	Effete; recommended for repeal. '' Provincial.
6 t 10 11 11 t	o'	Schedule B. Not public general. Provincial.
	25	VICT.—1862.
1 1 1	Militia Telegraphs connected with military defence. Supplies Customs Excise Tavern licenses Emigrants and quarantine Court of Appeal, Lower Canada Registration of titles, Lower Canada Lessors and lessees, Lower Canada Inspectors of police, Montreal and Quebe Municipal Act, Lower Canada Public exhibitions, Lower Canada Public exhibitions, Lower Canada Registration of marriages, &c	Recommended for repeal Effete; recommended for repeal Repealed by 31 V.; c. 6, s. 138 (D.) Repealed by 27 28 V., c. 3, s. 1 (Canada.) Provincial Repealed by 31 V., c. 53, s. 8 (D.) Repealed by 32 - 33 V., c. 10, s. 32 (D.) Effete; recommended for repeal Provincial.

Subject Matter.	Remarks.
Recorders' courts, Upper Canada imitation of actions, Upper Canada ortgages, Upper Canada etty trespasses	
initation of actions, Upper Canada ortgages, Upper Canada ety trepasses	Provincial.
etty tees, Upper Canada	··]
avern and	
eparation of York and Peel	Provincial '' S. 7 recommended for repeal; remainder provincial Provincial Not public general Schedule B.
orons	Provincial.
harbor	Schedule B.

ueha.	Not public general.
harbor improvements	Schedule R
nebec harbor improvements	. Schould be
Onna	Not public general.
- Micolet	C convolidated : remainder provincial
*********	Not public general S. 1 consolidated; remainder provincial.
	. Not public general.
26 VICT	-1863. (First Session.)
0 enal.	
for assisting persons to sow their land to enable canada	7
Upper Canada for assisting persons to sow their land enable county councils to raise mone	n turis
for a county councils to raise money	Provinciai.
Down of Bergons to sow their land	()
pection of	" " " " " " " " " " " " " " " " " " " "
Lowesisting persons to sow their land spection of wheat, &c parate schools, Upper Canada of institution, I canada of the control of the contr	Repealed by 36 V., c. 49, s. 20 (D.) Provincial. "" S. 1, part, consolidated; remainder of s. 1 recommender for repeal; remainder of Act provincial. Provincial.
oval in schools. Upper Canada.	Provincial.
onties Tution, Lower Canada	"
ounty of Saguenay, Lower Canada	S. 1, part, consolidated; remainder of s. 1 recommende
pres of Sagnon	for repeal; remainder of Act provincial.
ounty of Saguenay, Lower Canada in Legislative Council	Provincial.
Legislative Council	- 11

Adam.	Not public general.
rsone made out of the	g r recommended for reneal; remainder provincial
davits made out of the provinceasylums in provincial lunation in the insurance companies	Not public general. S. 7, recommended for repeal; remainder provincial. Provincial. Repealed by 31 V., c. 48, ss. 21 and 24 (D.) Provincial.
rosurance	Provincial.
reand juries	Repealed by 31 V., c. 48, 88. 21 and 24 (U.)
origame amendment A and	Frovincial.
Will Salan of	it *
rorsurance companies. reantile amendment Act. reages and sales of personal property.	
let	Not public general.
laity London, Montreel	n
nouse, Quebec	Repealed by 45 v., C. 30, 5
nt Warden, Montreal. hity house, Quebec	Police are 2.
	Not public general.
at VION	363. (Second Session.)
Phis. 27 VICT.—18	363. (Second Destrey)
Pplies	Effete; recommended for repeal.
in tear	Recommended for repeal.
the of charter	recommend if
tiniteer militia tites of customs ving banks pection of pot and	Repealed by 31 V., c. 6, s. 138 (D.)
ving Acts continued pection of pot and pearl ashes	Effete; recommended for repeal.

Chap.	Subject Matter.	Remarks.
10 11 12 13 14 15 16 17 18 18 20 21 22 21	Upper Canada Summary convictions under municipal by-laws, Upper Canada Assessment of property, Upper Canada Protection of sheep. Recorder's court, Quebec	Recommended for repeal. Provincial. Repealed by 29-30 V., c. 51, s. 428 (Canada.) Recommended for repeal; remainder provincial. Recommended for repeal. Repealed by 29-30 V., c. 53, s. 205. Provincial.

27-28 VICT.-1864.

	27-28	VICT.—1864.
		Effete; recommended for repeal. Repealed by 31 V., c. 6, s. 138 (D.) Repealed by 31 V., c. 8, s. 1 (D.) Superseded by 31 V., c. 9 (D.) and recommended repeal. S. 32 superseded by 32-33 V., c. 19, s. 14 and recommended for repeal; remainder provincial.
1	Supplies	Effete; recommended for repeat (D.)
2	Duties of customs *	Repealed by 31 V., c. 6, s. 130. Repealed by 31 V., c. 8, s. 1 (D.) Repealed by 31 V., c. 9 (D.) and recommend repeal. S. 32 superseded by 32-33 V., c. 19, s. 14 and recommended for repeal; mended for repeal; remainder provincial. Recommended for repeal.
3	Duties of excise	Repealed by 31 V., c. 8, 8, 1 (D) and reco
4	Duties on bills and notes	Superseded by 31 V., c. 9 (D.)
1		repeal.
5	Law stamps	S 32 superseded by 32-33 vinder provider
		mended for repeal; retuit
G	Public accounts	Recommended for repeat.
7	Guarantee companies as security for pub-	av recommended
'	lic officers	Superseded by 31 V., c. 37; red
8	Geological survey	Effete: recommended for repeat
8	Gold mines	Provincial sont there will
10	Wilitia	Repealed so far as inconsistent for repeat
10	Militia	40 s 99 (D.) Recommended
11	Occan mail convice	Egsta: recommended for repeat
10	Ocean mail service	Superseded by 31 V., c. 37; recommended Effete; recommended for repeal. Provincial. Repealed so far as inconsistent therewith 40, s. 99 (D.) Recommended for repeal. Effete; recommended for repeal. Schedule B.
12	Navigation works on St. Lawrence Navigation of Canadian waters Investigation into shipwrecks Inspection of steamboats	Denseled by 31 V., c. 58, 8, 1 (D.)
13	Navigation of Ganadian waters	Repeated by 32-33 V., C. 38, g. (D.)
		1. 1. 1. 1. 1. V. C. 001 5 00 (1).)
40	inspection of steamboats	Repeated by 32-33 V., c. 10, 8, 354 (D.)
16	Emigrants and quarantine	Repeated by 32-33 V., c. 16, s. 151
17	Inspection of steamboats	Repeated by our
	Prohibition sale of intoxicating liquors	Schedule B. Repealed by 32-33 V., c. 36 (D). Repealed for repeal.
	Accessories to indictable offences	Recommended for repeal. Recommended for repeal. 20 (D)
	Appointment of justices of the peace	Described by 36 V., C. 49, 8. 20 (D)
	Inspection of raw hides and leather	
22	Physic, surgery and anatomy, Upper	D ====================================
1	Canada	Provincial.
23	Manufacturing companies	Provincial. Repealed by 32-33 V., c. 13, s. 56 (D). Restar recommended for repeal.
24	Manufacturing companies	Enete; recommend
25	Arrest and imprisonment for debt, Upper	Duraning in in its in i
	Canada	Provincial.
26	Surrogate courts, Upper Canada	Provincial. S. 31 consolidated; s. 52 recommended for repeal; mainder provincial. Provincial. Provincial, except s. 7, which is recommended for repeal.
27	Division courts, Upper Canada	or consolidated: S. 52 recomme
28	Sheriffs, Upper Canada	S. 31 consolidated provincial.
		mainder province
29	Limitation of actions, Upper Canada	Provincial except 8, 7, which is it
30	Overholding tenants, Upper Canada	S. 31 consolidated; s. 52 recommended to mainder provincial. Provincial. Provincial, except s. 7, which is recommended for repeat. Provincial.
31	Short forms of mortgages, Upper Canada.	Provincial.
32	Certain titles obtained on sales by lot	1
	quieted	1
33	Courts of general sessions, Upper Canada	1

STATUTE.	2355
S OF THE PRO	2355 VINCE OF CANADA.—Continued.
Mbject Matter.	Remarks.
Jarisdiction of police magistrates, Upper districts, Upper districts, Upper canada	Effete recommended for repeal.
Costs by, Union Consider security for	Provincial.
Registration Lower Companies, Upper	
Wills, Lower Canada.	
d Juries, Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada Paris Lower Canada	are recommended for repeat. 2 consolidated; remainder provincial. ovincial.
leads in pers. Lower Canada	6 6
very keepers, Lower Canada lands in Belers, Lower Canada letings of agricultural societies, Lower to teleprofession leigious societies leigious societies leigious societies leigious finsectivorous birds leigious in the companion of the	6.
TIP TRIA. THE OF IT.	ii ii
Tripley house, Ouch	consolidated; remainder provincial. public general.
Solution of the people, Joliette S. I Not Not I Solution Indian reserve, Lorette Scheduling Schedul	mmended for repeal. aled by 36 V., c. 54, s. 92 (D).*
Reper Reper	ule B.
28 VICT.—1865. (First Session.)
Repression of outrages on the frontier. Several problem enlistment. Cepplies enlistmen	recommended for repeal. mended for repeal. recommended for repeal.
per of g, &c	ie B.
Appointment of magistrates in remote at tall insurance comments of the same and consolidates of cortain countries. Lower Canada Consolidates of cortain countries, Lower Canada Consolidates of magistrates in remote at tall insurance comments. Lower Canada Provincial Cortain Countries of Cortain Countries of Cortain Consolidates of Cortain Countries of Countries	Schedule C; remainder provincial. dated.
letter dores Companies, Lower Can	ended for repeal. al.
lapourt Pality Cower Canada Schedule	B. mmended for repeal; semainder provincial. d.
obbidichancery, Upper Canada. S. 1 recoiper data and a mandamus, Upper Canada. The note as to Cap. 58 has been made in accordance appears to have noted.	
the note as to Cap. 58 has been made in accordance appears to have occurred in the Schedule by	with the third Schedule of 36 V., c. 54; transposition.

=		
Chap.	Subject Matter.	Remarks.
21 22 23	Police magistrates	Effete; recommended for repeal. Provincial. "" ""
25 to 74]}	
-	29 VICT18	865. (Second Session.)
	Provisions concerning both Houses of Parliament	Recommended for repeal. Effete; recommended for repeal. Repealed by 31 V. c. 8. s. 1 (D.)
4	Duties on bills and notes	Effete; recommended for repeal. Repealed by 31 V., c. 8, s. 1 (D.) Superseded by 31 V., c. 9 (D.) and recommended repeal. Repealed by 31 V., c. 10, s. 2 (D.)
6	Railway postal subsidies	Repealed so far as inconsistent therewith 40, s. 99 (D.) Recommended for repeal.
8	Contagious diseases at military and naval	Effete; recommended for repeal.
10	Gold mining ActBureau of agricultureFishing and fisheries	Provincial. "" Repealed by 31 V., c. 60, s. 20 (D.)
12	Qualification of justices of the peace Abolishing punishment of death in certain	Provincial.
15	Punishment of kidnapping To prevent the spreading of certain disorders of animals Aliens, transmission of real property	Repealed by 32-33 V., c. 37, s. 33 (D.)
17	Assurances on lives of husbands and par-	Provincial
19	Insolvent Act of 1864 amended	Recommended for repeal.
21	Joint stock companies for manufactures,	Repealed by 32-33 V., c. 13, s. 56 (D.)
22	Co-operative associations	S. 18, from the word "and" where it occurs seeds. It is line 7 to the end of the section, recommended. It repeal; remainder provincial.
23 24	Registry offices, &c	il lovincial.
	ada	S. 49 recommended for repeat; 55.
28 29	Short forms of mortgages, Upper Canada Law of property and trusts, Upper Canada Attorneys, Upper Canada	S. 20 consolidated; remainder provincial.
30 31 32	County courts, Upper Canada	Ss. 30 and 31 recommended for repeal; remainder provincial.
34	Medicine and surgery, Upper Canada	Ss. 30 and 31 recommended for repest; provincial.
	5 Medicine and surgery, Upper Canada 5 Joint stock road companies, Upper Canada 7 Mutual assurance companies, Upper Can- nda	

Chep.	Subject Matter.	Remarks.
30	Permanent building societies, Upper Tax Canada	Schedule B. Provincial
	An Act respecting Civil Code, Lower Canada, brought into force on 1st August, 1866, by Proclamation under the foregoing Act dated, 26th May, 1866	Article 590 is repealed by 36 V., c. 55, s. 37 (D). Articles 2357, 2358, 2360, 2363 to 2372, and 2375 to 2382 are repealed by 36 V., c. 128, s. 3 (D). Articles 2404 and 2405 are repealed by 36 V., c. 129, s. 5. The following articles are recommended for repeal: Articles 22, 25, 26, 609, 1037; Article 1039 from the word "saving" to the end of the Article; Article 1638 from the word "subject" in line 5 to the end of the Article; Article 1656 from the word "and" where it occurs the second time in line 2 to the end of the Article; Articles 1672 to 1675, and Article 1677 so far as they relate to carriers by water; Articles 1888, the third line of Article 1991, and Article 2463. The following Articles are put in Schedule B:—Articles 12 to 21; Article 23; paragraphs 6 and 7 of Article 36; Article 108; Articles 115 to 127; Articles 135 to 156; Articles 185, 206, 367; paragraphs 2, 3 and 4 of Article 594; Articles 803, 1569, 1573, 1676, 1678.
	Court of Queen's Bench, Lower Canada Lower in Superior and Circuit Courts, Certifications	
48	Corporate rights, Lower Canada Seditious and unlawful associations,	a total
983533	Sducation, Lower Canada School rates, Lower Canada Towns and villages, Lower Canada Churches, parsonages, &c., Lower Canada	Provincial ## ## ## ## ## ## ## ## ##
- 56 - 54	Counties of Rimouski and Gaspé	S.1 consolidated from the beginning to "representation"
Re	Ship channel, Montreal and Quebec Oity of Quebec, Incorporation Port Warden, Montreal	Sub-s. 78 of s. 29, repealed by 48-49 V., c. 77, s. 1; re-
33	warden, Montreal.	Repealed by 45 V., c. 45, s. 1 (D). Not public general.
\	29-30	VICT.—1866.
	Apprehension of certain persons rotection of inhabitants of Lower Canada from lawless aggression	Effete; recommended for repeal. Superseded by 31 V., c. 14 (D). Recommended for repeal.

Supplies Indemnification of certain members of the Executive Government for certain acts Provincial notes	2-33 V., c. 36 (D). 1 V., c. 6, s. 138 (D). 1 V., c. 8, s. 1 (D). mended for repeal. for repeal. 1 V., c. 10, s. 2 (D). r as inconsistent therewith by 31 to elections to House of Commons by 50. 1 133 (D). Recommended for repeal. 1 133 (D). Recommended for repeal. 1 134 (D). Recommended for repeal.
Can. Statutes, Upper Canada, c. 98, amended	2-33 V., c. 36 (D). 1 V., c. 6, s. 138 (D). 1 V., c. 8, s. 1 (D). mended for repeal. mended for repeal. for repeal. 1 V., c. 10, s. 2 (D). r as inconsistent therewith by 31 r as inconsistent therewith by 31 to elections to House of Commons by 50 to el
ton. Statutes, Upper Canada, c. 98, amended. Unlawful training to the use of arms	2-33 V., c. 36 (D). 1 V., c. 6, s. 138 (D). 1 V., c. 8, s. 1 (D). mended for repeal. for repeal. 1 V., c. 10, s. 2 (D). r as inconsistent therewith by 31 V. c. 10). Recommended for repeal. 10). Recommended for repeal. 1 133 (D). Recommended for repeal. 1 133 (D). Recommended for repeal.
5 Unlawful training to the use of arms. Repealed by 32 6 Duties of customs. Repealed by 31 7 Duties of excise. Repealed by 31 8 Supplies. Repealed by 31 8 Supplies. Repealed by 31 8 Effect; recomment for certain acts. Effect; recomment for certain acts. Repealed by 31 10 Provincial notes. Recommended Recommended 11 11 Postal service Repealed by 31 12 Volunteer militia force Repealed so fa 40, s. 99 (I 32 13 Elections of members of the legislature. Superseded as V., c. 9, s that respective for repeal 17 Preceding Act amended. Sale of rectory lands. The patents of invention Superseded by 60 repeal 20 12 Certain lands in trust for Indians. Schedule Repealed by 31 13 Elections of members of the legislature. Provincial. Superseded by 51 14 Certain Acts continued. Superseded by 51 15 Patents of invention. Superseded by 51 16 Elections of members of the legislature. Provincial. Superseded by 51 17 Preceding Act amended. Superseded by 51 18 Elections of members of the legislature. Provincial. Superseded by 51 19 Patents of invention Schedule Repealed by 31 19 Patents of the united Church of 19 Patents of invention Schedule Repealed by 31 19 Patents of the united Church of 19 Patents of invention Schedule Repealed by 31 19 Patents of the united Church of 19 Patents	I. V., c. 6, s. 138 (D). I. V., c. 8, s. 1 (D). mended for repeal. for repeal. I. V., c. 10, s. 2 (D). r as inconsistent therewith by 31 to elections to House of Commons by 10, 133 (D). Recommended for repeal. I. 133 (D). Recommended for repeal. The second of the seco
7 Duties of customs. Repealed by 31 7 Duties of excise. Repealed by 31 8 Supplies. Effete; recomm 9 Indemnification of certain members of the Executive Government for certain acts. Effete; recomm Recommended 11 Postal service. Recommended 12 Volunteer militia force. Repealed by 31 8 Elections of members of the legislature. Superseded as V., c. 9, s. 40, s. 99 (II 9 Certain Acts continued. Superseded as V., c. 9, s. 40 15 Temporalities of the united Church of England and Ireland Not public gen 16 Sale of rectory lands. The preceding Act amended "Provincial. 17 Preceding Act amended "Provincial. 18 Bureau of agriculture. Provincial. 19 Patents of invention. Superseded by 10 Certain lands in trust for Indians. Schedule R	I. V., c. 6, s. 138 (D). I. V., c. 8, s. 1 (D). mended for repeal. for repeal. I. V., c. 10, s. 2 (D). r as inconsistent therewith by 31 to elections to House of Commons by 10, 133 (D). Recommended for repeal. I. 133 (D). Recommended for repeal. The second of the seco
8 Supplies	mended for repeal. for repeal. 1 V., c. 10, s. 2 (D). r as inconsistent therewith by 31 V. c. 1). Recommended for repeal. to elections to House of Commons of the commended for repeal. 133 (D). Recommended for repeal. tet. mended for repeal.
Executive Government for certain acts	mended for repeal. for repeal. 1 V. c. 10, s. 2 (D). r as inconsistent therewith by 31 V. c. D). Recommended for repeal. 1 St. 133 (D). Recommended for repeal. to elections to House of Commons by 10 to elections to House of Commons by 10 to elections to House of Commons by 10 to elections to House of Commons by 10 to elections to House of Commons by 10 to elections to elections are repeal.
Provincial notes	for repeal. 1 v. c. 10, s. 2 (D). 1 v. c. 10, s. 2 (D). 1 v. c. 10, s. 2 (D). 2 v. c. 10, s. 2 (D). 2 v. c. 10, s. 2 (D). 3 v. c. 10, s. 2 (D). 4 v. c. 10, s. 2 (D). 4 v. c. 10, s. 2 (D). 5 v. c. 10, s. 2 (D). 6 v. c. 10, s. 2 (D). 7 v. c. 10, s. 2 (D). 8 v. c. 10, s. 2 (D). 8 v. c. 10, s. 2 (D). 1 v. c. 1
11 Postal service	the 133 (D). Recommended for Recommended for repeal.
V., c. 9, se that respect that respect that respect that respect that respect that respect that respect that respect to the united Church of England and Ireland Sale of rectory lands. 16 Sale of rectory lands. 17 Preceding Act amended. 18 Bureau of agriculture. 19 Patents of invention. 20 Certain lands in trust for Indians. Schedule R	the 133 (D). Recommended for Recommended for repeal.
V., c. 9, se that respect that respect that respect that respect that respect to the united Church of England and Ireland Sale of rectory lands. 16 Sale of rectory lands. 17 Preceding Act amended. 18 Bureau of agriculture. 19 Patents of invention. 20 Certain lands in trust for Indians. V., c. 9, se that respect that respect to the provincial superseded by for repeal.	the 133 (D). Recommended for Recommended for repeal.
14 Certain Acts continued	mended for repeal.
15 Temporalities of the united Church of England and Ireland Not public gen 16 Sale of rectory lands	neral.
England and Ireland Not public gen Sale of rectory lands	14
17) Preceding Act amended	7 35 V., c. 26, s. 52 (D). Recommende
18 Bureau of agriculture	7 35 V., c. 26, s. 52 (D). Recommender
19 Patents of invention	7 35 V., c. 26, s. 52 (D). Reco-
20 Certain lands in trust for Indians Schedule B.	
21 Works connected with the defence of the	
province Effete; recomm	mended for repeal.
22 Egress from public buildings	22 V - 12 - 56 (D)
24 Inspection of leather and raw hides	3 V., c. 49, s. 20 (D.)
cedure, Lower Canada Effete.	
The Code of Civil Procedure of Lower	
Canada. Brought into force on the	
28th June, 1867, under the provisions of the foregoing Act by proclamation	
dated 22nd June, 1867	
26 Rendering of judgments, Lower Canada! "	
27 Bar of Lower Canada	
28 Duty on registrations, Lower Canada " 29 Commissioners' courts, Lower Canada "	
30 Seigniorial Act, Lower Canada	
31 Public education, Lower Canada	
39 Municipal Act Lower Canada amond	.0
ment	inder pro
ment	oy 40 V., c. 35, s. 1 (D.) Remain
35 Tavernkeepers, Lower Canada	
36 Churches, parsonages, fabrique meetings, Lower Canada	
37 Road companies, Lower Canada Recommended	
Upper Canada	and reeded by
38 Court of impeachment, Upper Canada Repealed by 45 39 Hearing of causes in the court of chancery, Upper Canada	(D.) and is recommended for representation (D.) and is recommended for representation (D.)
Recommen	ided for repeal.
42 Common law procedure, Upper Canada Provincial. 43 Crown debtors. Upper Canada	
44 Persons in custody charged with high	•
treason	2-33 V., c. 96 (D.)
45 Writs of habeas corpus Schedule B.	•

/ Chap.	Subject Matter.	Remarks.
4: 4: 5: 5: 5: 5: 5: 5: 5: 5: 12: 12: 12:	Assessment of property, Upper Canada Medical Act amended	Recommended for repeal. Provincial. Repealed by 32-33 V., c. 36 (D.) Ss. 52, 53, 55, 187, part, 188, consolidated; s. 409 in Schedule B. Remainder recommended for repeal. Provincial. Provincial, except subs. 12 of s. 61 from the word "and" where it secondly occurs in line 18 to the end of the subsection, and ss. 178 and 180, all which are recommended for repeal. Provincial. Not public general. Schedule B. Not public general. S. 16 repealed by 32-33 V., c. 36; remainder not public general.
	Elections to Legislative Council	Effete. Recommended for repeal.

NOVA SCOTIA

Revised Statutes (Third Series) 1864.

"Appendix of Unrepealed Acts.

- 28 Vict., 1865. 29 Vict., 1866. 30 Vict., 1866.

REVISED STATUTES OF NOVA SCOTIA.

Third Series.

.		
· · · · ·	Subject Matter.	Remarks.
1	Promulgation and construction of Statutes	Schedule B.
3	Executive and legislative disabilities Duration of and representation in, the	Provincial.
4	General Assembly Prevention of corrupt practices at Elec- tions.	Provincial. Ss. 1 and 2 provincial, ss. 3-6 repealed, 30 V., c. 2, 5 Provincial, except part of ss. 3 (5) 4 (2) and 5, all ships are recommended for repeal. Provincial 36 V. 28 a 56 (D) as to elections for House Provincial 36 V.
5	Controverted elections	Provincial, except part of ss. 3 (5) 4 (2) and 3, are recommended for repeal. Repealed, 36 V., c. 28, s. 56 (D) as to elections for Hosting of Commons of Canada.
6	Vacating seats	i iovinciai.
7	Casual and territorial revenue	Expired. See 29 V., c. 2.
8	I I I I I I I I I I I I I I I I I I I	a a repeal.
9	Excise duties	Effete. Treaty expired. Recommended for ter- Repealed, 31 V., c. 8, s. 1 (D.) Repealed so far as inconsistent, 31 V., c. 5, 8. 31 V., c. 43, s. 6; and 32-33 V., c. 4., s. 5. der recommended for repeal.
		Repealed, 31 V., c. 8, s. 1 (D.) Repealed so far as inconsistent, 31 V., c. 5, s. Remail 31 V., c. 43, s. 6; and 32-33 V., c. 4., s. 5. der recommended for repeal.
.1	Appointment and duties of officers of the Customs	31 V., c. 43, s. 6; and 32-33 V., c. 43, der recommended for repeal. Repealed so far as inconsistent, 31 V., c. 5, s. 52(D); s. V., c. 10 s. 143 (D); and 46 V., c. 12, s. mainder recommended for repeal. Repealed, 31 V., c. 6, s. 138 (D.)
	Laws of the Customs	1. " " " " " " " " " " " " " " " " " " "
14 15	Warehousing of goods Exportation of goods and of drawbacks	" " a (D)in
16	Prevention of smuggling Distilleries	" " " " " " " " Repealed so far as inconsistent, 31 V., c. 8, s. 3 (D) of the commended for repeal. Expired. See 28 V., c. 24; 29 V., c. 4; and 30 V., c. 10, 8, 2 (D.)
8	Lighthouse duties	Bapticu. Dec 20 11, 51 2-1
0	Licenses for sale of intoxicating liquors Post Office Board of Works	Provincial. Repealed, 31 V., c. 10, s. 2 (D.) Provincial, except as to penitentiary and lighthous buoys and beacons; repealed as to penitentiary buoys and beacons; repealed as to penitentiary of the penitentiary buoys and beacons; repealed as to penitentiary buoys and 38 V. c. 44 (D);
'1		lighthouses, &c., 31 V., c. 59 (D.) 75 (D);30
- 1	Penitentiary	44 (D.) Wholly repealed, 46 V., C. 31
3	Sable, St. Paul's and Scatterie Islands and lighthouses	Repealed so far as inconsistent, 31 v., c. 37 (D.) 44 (D.) Wholly repealed, 46 V., c. 37 (D.) Ss. 3 and 5 consolidated, ss. 1, 2 and 4 repealed by 31 c. 59, s. 11 (D.); s. 6 recommended for repeal. Provincial.
4	Public records	Provincial.
26	Crown lands	· ·

===		
Chap.	Subject Matter.	Remarks.
		Provincial, except s. 10, which is recommended for re- peal so far as respects exemption from liability to indictment.
28		Schedule B.
30	MilitiaBilleting the troops and militia	Repealed, 28 V., c. 17. Repealed so far as inconsistent, 31 V., c. 40 (D.) Re-
	Public fortifications	commended for repeal. Repealed so far as inconsistent, 31 V., c. 12. Recom-
39	Electric telegraph for military purposes	mended for repeal. Schedule B.
33	Immigrants	Provincial.
. 34	Privileges and naturalization of aliens	Sections 1-3 recommended for repeal; remainder re-
35	Census and statistical information	pealed, 31 V., c. 66, s. 14 (D.) Repealed, 33 V., c. 21, s. 30 (D) as to census, being all but ss. 1, 7 and 9, part; s. 7 recommended for re-
36	Salaries of certain public officers and certain pensions	peal; ss. 1 and 9, part, provincial. Sup. as to Dom., 31 V., c. 33 (D), and amending Acts. Recommended for repeal.
37	Qualifications, appointment and tenure of office of the principal judicial officers	
38	Offices of Receiver-General and Financial Secretary, and the rendering and audit of the Public Accounts	
39	Treasury notes, the Savings Bank and Provincial loan	
	Boundaries of counties, districts and town ships.	of repeal except ss. 9, 10, 11 and 12.
	Clerks of the peace	
43	Prothonotaries and clerks of the Crown.	Provincial, except ss. 5, 6, 7, which are recommended for repeal.
4	County assessments	
4	6 Jails and other county buildings	• " p
4	8 Fences and fence viewers and impound	-
	ing of cattle 9 Church of England	··)
5	O Religious congregations and societies 1 Assessments for the repairs of meetin	''
F	houses2 Quarantine	Repealed, 31 V., c. 63, s. 15 (D.)
5	3 Boards of Health and Infectious Disease	Recommended for repeal.
	4 Rabid Animals.	
5	Nuisances	of mended for repeal Provincial.
	57 Indians	Provincial.
	tain great 60 Roads, laying out other than certain grea	at
,	roads	**
	62 Highway labor	
	63 Commissioners of streets	···
	64 Expenditure of moneys on the roads 65 Preservation of roads	•••
	66 Supervisors of public grounds	
	67 Closing roads	"

Chap.	Subject Matter.	Remarks.
68	Bridges and public landings	Recommended for repeal.
70	Provincial Government railroads Railroads other than Provincial Govern- ment railroads	u u u .
	Commissioners of sewers and the regula- tion of dyked and marsh lands Commons	Provincial.
	Common fields	" Repealed so far as inconsistent, 35 V., c. 39, s. 21 (D); secs. 1-8 repealed, 33 V., c. 17, s. 16 (D); remainder repealed, 36 V., c. 129 (D.)
77	Part II.—Registry of ships Marine courts of inquiry Steam navigation	Repealed, 36 V., c. 128, s. 3 (D.) Repealed, 32-33 V., c. 38, s. 12 (D.) Repealed, 31 V., c. 65, s. 50 (D.)
78 79	Wrecks, and wrecked goods	Repealed, 36 V., c. 55, s. 37 (D.) Ss. 1-16 and 34 and Schedule A, repealed, 36 V., c. 54, s. 92 (D); s. 32, repealed, 29 V., c. 27; s. 38 effete; remainder repealed so far as inconsistent therewith by 36 V., c. 63, s. 14 (D) as to Pictou Harbor, and by 42 V., c. 30, s. 14 as to North Sydney Harbor; ss. 17-31, 33, 35-43 and schedule B recommended for repeal. Provincial, except ss. 22 and 24, which are recommended
	PartnershipsFactors and agents	for repeal. Provincial, except ss. 11-14, which are recommended for repeal, as having been superseded by 32-33 V., c. 21,
82	Bills of exchange and promissory notes	S. 18 superseded 38 V., c. 19 (D) and recommended for
	Currency	repeal; s. 2, Schedule B; remainder Provincial. Ss. 1, 2, 6 and 7 repealed, 31 V., c. 45 (D), and 34 V., c., 4 (D); remainder repealed so far as inconsistent with 34 V., c. 4 (D.); ss. 4 and 5 provincial; s. 3 and ss. 8-14 recommended for repeal.
	Regulation and inspection of provisions,	Provincial, except s. 3, superseded by 36 V., c. 47 (D) and recommended for repeal.
	lumber, fuel and other merchandise	Ss. 1-43, 55-71, 84-87 repealed, 36 V., c. 49 (D); s. 72, recommended for repeal. Remainder Schedule B.
- 88 - 88 - 88	Weights and measures	Provincial.
9	Maintenance of bastard children	Provincial except ss. 15-18, which are recommended for repeal.
		Provincial. Ss. 1-18 suspended as to United States of America by chap. 8, Rev. Stats. N.S., (3rd series), part second, s. 3; amended by 29 V., c. 35; this chapter as amended by 29 V., c. 35 continued in force by 31 V., c. 60, s. 21 (D.), but not to apply in cases to which 31 V., c. 61 (D.) applies; suspended by 35 V., c. 2 (D.), as regards the United States of America during continuance of Washington Treaty. Now in force again but not to apply in cases to which 31 V., c. 61 (D.) applies. Vide 31 V., c. 61, s. 21 (D.). Schedule B
9 9 9	5 River fisheries	Repealed, 38 V., c. 33, s. 4 (D). Provincial.
9 10	Difires and firewards	: "
10 10 10	1 Transportation of gunpowder	. " . " 8
	from	

i i	- TODD SIR	TIUIES, N.S.—Continuea.
	Subject Matter.	Remarks.
Coasting of a control of the control	Subject Matter. bibitions es and cattle attle, dogs, swine, vicious and geese, going at large of. at the highways, roads over the guide boards. dogs and personal estate and personal estate y and tenancy in common sunder foreclosure of mort- to satisfy execution debts frauds and perjuries frauds and perjuries frauds on creditors by secret elements. of marriage, and the regisnarriages, births and deaths and its officers provinces and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce ge and divorce forfeited to the Crown provinces forfeited to the Crown provinces and the proof of provinces	Remarks. Provincial. """ """ """ """ """ """ """
Wilnesses and evide written documen	nts and the proof of Provinc and (D. whi chame c. 12 V., c supe ed fc s. 44, and s comm	cial, except part 2, 8 %, provise, which is recom- nded for repeal.

	Subject Matter.	Remarks.
136	Juries	Provincial, except ss. 51, 57, repealed by 32-33 V., 6. (D.) Schedule B. Repealed so far as inconsistent with 3: V., c. 16 (D.), and 38 V., c. 16 (D.)
137	Relief of insolvent debtors	Schedule B. Repealed so far as inconsisted V. c. 16 (D.) and 38 V., c. 16 (D.)
138	Writ of dower	Provincial.
140	Tenancies and forcible entry and detained	r (((((((((((((((((((
141	Suits against absent or absconding debtors	3
143	Suits against executors, administrators	" a sits relation
	1	Provincial except as to attestation to affidavits relation to the transfer and registry of vessels, (1 is superseded by 36 V., c. 128 s. 19 and recommended for repeal.
145	Distress for rent, and remedy	and recommended 100
146	Arbitration	" 48, 8, 1 (D.; remarks are
141	retty onences, trespasses and assaults	Provincial. Sections 1-10 repealed, 38 V., c. 48, s. 1 (D.; remain provincial, except ss. 17-20 and 23-28, which are commended for repeal.
148	Writ of certiorari	Ss. 1 and 2, Schedule B, s. 3, Provides
4 10	The wor preader	1 TOVINCIAL.
151	Protection of justices of the peace Protection of constables	" -anderi
152	Madmen and vagrants, and of the custody and estates of lunatics	Provincial, except ss. 2, part, as to idle and wander, persons having no visible means of subsistence, subsidered for the state of the
		Provincial, except ss. 2, part, as to idle and wander persons having no visible means of subsistence persons going about to beg alms, which is seded by 32-33 V., c. 28 (D) and is recommended to peal, and ss. 10, 11 and 30, which are sup. by 32-33 v. c. 29, ss. 99 et seq. and are recommended for repeating the sequence of the sequence
		c. 29, ss. 99 et seq. and are recommend
153 154	Liberty of the subject	Schedule B. Provincial.
155	Limitation of actions	c. 29, ss. 99 et seq. and are rooms Schedule B. Provincial. Provincial, except as to Court of marriage and divort Schedule B. Schedule B.
156	Treason	Renealed, 32-33 V., c. 36 (D).
157 158	Offences relating to the army and navy Illegal enlistment.	Schedule B. Repealed, 32-33 V., c. 36 (D). """ Superseded by 33-34 V., c. 90 (Imperial.) Recommends for repeal. Ss. 1 and 3 repealed, 32-33 V., c. 36 (D.); remaind Schedule B. S. 1, provincial; s. 2, Schedule B; remainder recommends
159	Offences against religion	for repeal. Ss. 1 and 3 repealed, 32-33 V., c. 36 (D.),
160	Offences against public morals	for repeal. Ss. 1 and 3 repealed, 32-33 V., c. 36 (D.); remainder Schedule B. S. 1, provincial; s 2, Schedule B; remainder recommedded for repeal. Ss. 1 and 2 repealed, 32-33 V., c. 36 (D.); remainder consolidated. Ss. 1-4 repealed, 32-33 V., c. 36 (D.); remainder consolidated.
161	Offences against the law of marriage	ded for repeal. Ss. 1 and 2 repealed, 32-33 V., c. 36 (D.); remainder consolidated. Ss. 1-4 repealed, 32-33 V., c. 36 (D.); remainder claused lidated. Repealed, 32-33 V., c. 36 (D.)
162 163	Offences against the public peace Offences against the administration of	lidated.
164	justice	Repealed, 32-33 V., c. 36 (D.)
165	Combinations of workmen	lidated. Repealed, 32-33 V., c. 36 (D.) "" Repealed, 32-33 V., c. 36 (D.) so far as inconsistent with 32-33 V., c. 36 (D.); and by 35 V., c. 31 (D.) 32-33 V., c. 20, s. 42 (D.); and by 35 V., c. 31 (D.) in so far as inconsistent with 35 V., c. 31 (D.) and 39 V., c. 37, s. 1 (D.) mended for repeal. "" "" "" "" "" "" "" "" ""
	j	mended for repeal.
66 67	Offences against the habitation	Repealed, 32-33 V., C. 30 (27
68	Management and affances relating to the coin	· · · · · · · · · · · · · · · · · · ·
	Malicious injuries to property Definition of terms in this title	" and Schen
	Administration of criminal justice in the Supreme Court	Repealed, except ss. 59-67, 75, 86-91, 94-103, and Served by 32-33; V., c. 36 (D.); ss. 59-66 provincial; ss. 59-60 provincial; ss. 75 commended for repeal; s. 75 commend
		Repealed, except ss. 59-67, 75, 86-91, 94-103, and st. 95, 32-33. V., c. 36 (D.); ss. 59-66 provincial; ss. 96-96 provincial; ss. 94 and 95 recommended for repeal; s. 75 consolidated; consolidated; ss. 94 and 95 recommended for repeal; ss. 99-103 and schedule consolidated.
72	Duties of justices of the peace in criminal matters	

ACTS NOT REPEALED BY REVISED STATUTES (THIRD SERIES.)

		Carried State of the Carried States
Ohap	ACTS OF REVISED	STATUTES (SECOND SERIES.)
Subj	ject Matter.	Remarks.
8 Scrutinies		Provincial. "" Ss. 1, 3 and 6 repealed, 36 V., c. 71, s. 5 (D.); s. 2 consolidated; remainder provincial. Provincial. ""
	Acrs	or 1859.
Amending Rev. Stat.	Acts (Second Series) c.	or 1860.
Stock Companies	Acts	or 1862. Edule B, except s 19, which is recommended for repeal.
Blections	m to	r 1863. -11, 13, 15 and 86 repealed by 27 V., c. 20, s. 1. The whole superseded as to elections for House of Comnons of Canada by 37 V., c. 9, s. 133 (D.) except as a qualification of voters and formation of voters' sts, as to which it is now superseded by 48-49 sts, c. 40 (D.) Recommended for repeal.
Riections	Acts of	1864. cial except s. 3 which is recommended for repeal.

STATUTES OF NOVA SCOTIA SUBSEQUENT TO THE REVISEO STATUTES (THIRD SERIES.)

28 VICT.—1865.

Omub.	Subject Matter.	Remarks.
1	To amend certain chapters of Revised Statutes	Provincial, except s. 10, which is repealed by 39 V. 13; s. 13 recommended for repeal; and s. 15, Sc dule C.
2 1	Estates tail	dule C.
3 1	Descent of real property	C. 26 (D.)
4 I	Patents of invention	In 111 00 00 TF 11 (D) 00 (1 00 T) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
5 5	Dani 3 Gt + + + + + + + + + + + + + + + + + +	Repealed by 32-33 V, C. II (1) and so far as inconsistent therewith or making vision thereby made. Recommended for repeal.
3 1	Revised Statutes 128 amended as to pen-	vision thereby made. Recomme-
j	alty for harboring or aiding desertion of seamen	Recommended for repeal.
6 S	dipendiary and police magistrates	[Provincial
1	rusts and trustees (Revised Statutes 131)	, "
9 4	uries (Revised Statutes 136)bsent and absconding debtors (Revised	"
	Statutos 141)	1 (4
0 M	lercantile law amendment Act	Provincial, except s. 5, consolidated.
UL	iquor licenses	Provincial.
3	44 44 -	Recommended for repeal.
4 R	Revised Statutes, c. 70, amendedt. Peter's canal	" " <u>"</u>
7 E	rective tranchise	Effete. Recommended for repeal. Repealed so far as inconsistent with 31 V., c. 40 (D.) Recommended for repeal. Provincial, except as regards preparation of lists for minion Elections, vide 37 V., c. 9 (D.), but implement the second preparation of the second provincial properties of the second provincial for repeal.
ol W	evised Statutes, c. 105, amended—stray horses	Provincial.
$ \mathbf{s} $	ecurity of guarantee companies for	1 lovincia.
1	public officers	"
A I S	griculture (Revised Statutes, c. 96)	tt.
C	ustoms	Effete and recommended for repeal.
3 E	xcise	" anded "
	ighthouses	Recommend but see note to c. 17. Recommend
1"	decioral district No. 34 (Hamax, West)	repeal.
	" " " 35 (" East)	"
SI	oring sittings of Supreme Court	Provincial.
E	ublic instruction (Revised Statutes 58)	"
וואיי	nes and minerals	u
Re	gistration of marriages, &c	" consel
Jn	ne term of Supreme Court	Recommended for repeat.
Po	olling district, Digby	" Provincial. Provincial, but see note to c.17. Recommended for repeal Repealed, 38 V., c. 33, s. 4 (D).
Re	vised Statutes 95, river fisheries	Repealed, 38 V., c. 33, s. 4 (D).
lou l	pplies	rovincial.
}.		Not public general.
11		··· x

STATUTES OF NOVA SCOTIA—Continued.

	28 VICT.—1865.
Subject Matter.	Remarks.
\$6 10	Not public general.
2 Chadsor	9 VICT.—1866.
Recuses to 18, continued till too	illanete: Meconimicana
onarantine (H. Supreme Court	rovinciai.
Equity proced minerals.	Provincial.
la Court of manifestions	
10 Oath Tion	110411101111
Crown injuries to property	
Court Course allways Court Course Court Cou	Prôvincial.
(amended 30 V., c. 12)	.: repealed, 30 V., c. 12. Remainder repealed, 31 V., c. 6, s. 138 (D.) rovincial.
amended 30 V., c. 12)	rovincial. "" "ovincial, except ss. 33 and 37, which are recommend- ed. for repeal. perseded by 32-33 V., c. 37 (D.) and recommended for
alled avises and cattle	ovincial, except ss. 33 and 37, which are recommended for repeal. perseded by 32-33 V., c. 37 (D.) and recommended for repeal. pyincial.
ducation Subsection Subsection Subsection Subsection Subsection Subsection Subsection of married women Subsection of married women Subsection of married women	repeal. princial.
b Dear women	one led so far as inconsistent, 31 V., c. 40 (D.) Re-
Con	cases to which 31 v., o. America by 35 v., c. 2 (D.) ed as to United States of America by 35 v., c. 2 (D.) ed as to United States of Washington Treaty; now during continuance of Washington Cases in which
Rever Pisheries	in force again, but not to apply to tasses which, in force again, but not to apply to tasses, and all the second of the second o
Terms of Supreme Court. Reperent Suppreme Court. Reperent Suppreme Court. Provides Cape Breton	ncial.
	ublic general. and 3 recommended for repeal. Remainder pro-
Ss. 2 a	nd 3 recommended to the state of the state o

STATUTES OF NOVA SCOTIA.—Continued.

29 VICT.-1866.

Chap.	Subject Matter.	Remarks.
50 to 69		
71 to 116		•
	30 V	VICT.—1867.
2	Public officers	"
4 5 6	Government railways	16 16
7 8 9	Terms of Supreme Court	44
11 12 13 14	Exportation of goods, &c	Repealed by 31 V., c. 6, s. 138. Repealed, 32-33 V., c. 36 (D). Repealed, 32-33 V., c. 36 (D).
15 16	Partition	Provincial.
	Elections Registration of marriages	of Commons of Canada, and Recommended for repeal.
19	Amending certain chapters of Revised Statutes Practice of Supreme Court	u
21	Terms of Supreme Court	"
25	MilitiaSale of school houses	Repealed, so far as inconsistent with 31 V., c. 40 (D.) Recommended for repeal. Provincial.
28	Public land revested in the Crown	
30	Support of the poor	• • • • • • • • • • • • • • • • • • • •
3.	Inspection of petroleum5 Supplies	Repealed, 31 V., c. 50, s. 21 (D).
t 8	6	
t	2	
10 to	1[]	

NEW BRUNSWICK.

```
Revised Statutes, 1854, Vol. i.
Public Statutes, 1854, Vol. ii. (unrepealed Acts.)
Local and Private Statutes 1855, Vol. iii. (unrepealed Acts.)
17 Vict.—1854.
18 Vict.—1854.
19 Vict.—1856.
20 Vict.—1856.
21 Vict.—1857.
21 Vict.—1857.
22 Vict.—1858.
23 Vict.—1859.
24 Vict.—1860.
24 Vict.—1860.
25 Vict.—1863.
27 Vict.—1863.
28 Vict.—1863.
29 Vict.—1864.
29 Vict.—1866.
30 Vict.—1866.
30 Vict.—1866.
```

REVISED STATUTES OF NEW BRUNSWICK, VOL. I.

`	STATUTES C	
/ Chap.	Subject Matter.	Remarks.
	Ordinary revenue. Saport duty on lumber Pawn-brokers Broys on distilled spirits	Recommended for repeal. """ """ Provincial. """ Repealed, 20 V., c. 7 (1857). Provincial. Recommended for repeal. Provincial. Repealed, 18 V., c. 2 (1855). Provincial. Provincial. Provincial, except s. 7, recommended for repeal. Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial, except s. 3 part and s. 4, consolidated, Provincial.
2	Passengers and head money	pealed by 26 v., o. 12 (1858); ss. 1-6 and 11-15 repealed by 21 V., c. 12 (1858); ss. 1-6 and 11-15 repealed by 31 V., c. 59 s. 15. (D). repealed by 31 V., c. 4 (1861). Repealed. 24 V., c. 4 (1861). S. 3 repealed, 20 V., c. 1 (1857); repealed, 31 V., c. 64 (D). S. 3 repealed, 20 V., c. 1 (1857); repealed, 20 V., c. 7 and 44 (D.) Recommended for repeal. Repealed, 36 V., c. 55 (D).

Cual.	Subject Matter.	Remarks.
25	Importation of books and protection of the	(D)
	Importation of books and protection of the British author	Repealed so far as inconsistent with 31 V., c. 44 (D. Recommended for repeal.
26	Management of the treasury department	Expired.
27	Dutiable goods, payment of duties and entries	Repealed, 31 V., c. 6 (D).
	Warehousing goodsSeizures, forfeitures and modes of proceed-	l "
1	ing	" Ss. 1-3 recommended for repeal. Remainder provincia Expired.
30	Certain salaries	Ss. 1-3 recommended for repeal. Remainder Pro-
31	Navigation of the river St. John Salt mines	Expired.
33	Insuring the legislative library	rovinciai.
34[Interest on treasury warrants	""
35	Quit rents	44
37	Desertion from Her Majesty's forces Soldiers of the revolutionary war	<u> </u>
381	Encouragement of agriculture	Provincial.
39	Granting lands under special circumstan-	(0)
101	Post office	Panceled 21 V a 10 (D); and again by 38 V, C. Recon
41	Auditing the public accounts	Repealed, 31 V., c. 10 (D); and again by 38 V, c. 7 (D) Repealed, 31 V., c. 5, (D) so far as inconsistent.
	municipal authorities	Provincial.
	Election of councillors	"
15	Qualification of voters and councillors	
16	Firewards	" and for repen
17	Penalties and forfeitures	" " " Provincial, except ss. 1 and 2, recommended for repeating the provincial.
18	Board of education and officers	Provincial.
- (intendent and other officers	"
50	Training and model schools	" Provincial, except ss. 1 and 8, recommended for repeal. Provincial, except s. 2 recommended for repeal. Provincial
51	Teachers	" 10 recommended for ter
53	Rates and taxes	Provincial, except ss. 1 and 8, recommended. Provincial, except s. 2 recommended for repeal. Provincial.
54	Buildings, offices and school reserves	Provincial.
55	Contingencies and accounts	
00	Actions against officers, and recovery of	(;
57	Bastardy	" repealed by
58	Infectious distempers	Provincial, except part of s. 3, which is repealed by 3 V., c. 63 (D.) Provincial.
50	Dravanting 6mg	V., c. 63 (D.)
los	Uarhora	D
31	Fences, trespasses and pounds	Provincial. recom
32	Protection of sheep and moose	Provincial. Provincial, except ss. 5, 6 and 7 which are recommended for repeal. Provincial, except ss. 5, 8 and 7 which are recommended for repeal. Provincial, except as follows:—S. 1, sub-s. 2 recommended for repeal.
~	Dams, stateeways and ushways	Provincial, except ss. 5, 6 and 7 which mended for repeal. Provincial, except as follows:—S. 1, sub-8.2 recommended for repeal; sub-s. 11, recommended for repeal; sub-s. 11, recommended by 26 V, sub-8. 14 repealed as to Charlotte County by 26 V, sub-8. 14 repealed as to Charlotte County by 36 V, c. 54, 8. 92 (D.)
34	Rules and regulations	mended for repeal. Provincial, except as follows:—S. 1, sub-s. 21 repeal for repeal; sub-s. 11, recommended for repeal; sub-s. 14 repealed as to Charlotte County by 32 (D.) sub-s. 14 repealed as to Charlotte County by 32 (D.) c. 36, and wholly repealed by 36 V., c. 54, s. sub-s. 18 repealed by 36 V., c. 54, s. sub-s. 18 repealed by 36 V.
-		ded for repeal; sub-s. 11, 100 County 32 (b)
-1		c. 36. and wholly repealed by 36 V., repeal; 36 V
-		Provincial, except as follows. 11, recommended by 20, sub-s. 14 repealed as to Charlotte County by 20, sub-s. 14 repealed as to Charlotte County by 20, c. 36, and wholly repealed by 36 V., c. 54, s. 30 sub-s. 15 and 16, recommended for repeal; sub-s. 24 and 31, Schedule B; sub-s. 32, repealed by 36 V. c. 49, s. 20 (D.)
		24 and 31, Schedule D; sub-size
35	Great roads	Provincial.
66	Highways	"
37[Sewer commissioners	"
20	Marsh lands and commissioners for West- moreland and Albert, excepting the	
- 1	parish of Sackville	(
39	Commissioners for the parish of Sackville Undivided districts in Sackville	"
9	Undivided districts in Sackville	"
12	Penalties	
ادر	Battalions, regiments and companies and	Repealed by 25 V., c. 20.

Chap.		}
	Subject Matter.	Remarks.
74	Commanding officers of battalions and Capterinents	
. 75	regiments	Repealed by 25 V., c. 20.
17	Aliens	
IR.	To ·	December 1st for monoral
(9)	La complete	Deposited by 95 V a 90
- 80	ines, mode of recovery and application. Artillo of St. John	(1)
82	Militia of S. of recovery and application.	
73	D. "Herv and as constitutions and	1 11 11
04	M P Main of and	1 44 44
87	addian reserves. Regulations for seamen. Regulations for shipping seamen at the	Repealed, 31 V, c. 42 (D.)
	negulations for seamen	Repeated, 50 v., c. 125 (D.)
VK.	IF PUTLATOL TI ""	In 1.3 00 W = 100 (D)
90	Dangerone lunatics	Provincial.
81	Danagement of the estates of lunatics Dangerous lunatics Provincial lunatic asylum Provincial penitentiary Regulation	"
		Repealed, 31 V., c. 75, s 1(D.) and 38 V., c. 44, s. 1(D.) so
93	Regulation	far as inconsistent, and wholly by 46 V., c. 37 s. 80 (D.)
`94	Regulation of sales of lime	Schedule B.
		Repealed, 36 V., c. 49, s. 20 (D.)
		Repealed, 36 V., c. 47, s. 52 (D.)
ľ	board of Lumber	Schedule B.
88	Board of health for the city and county of Controverted elections.	Provincial.
	troverted elections	Repealed as to elections for nouse of Commons of Can-
99	Ar .	ada by 36 V., c. 28, s. 57 (D.); s. 16 recommended
100	Navigation of the internal waters Sea and river fisheries	for repeal. Recommended for repeal.
100	Treasion of the internal waters	
100	thteres	Repealed by 26 V., c. 6, s. 28.
104	ambli- and usury	Provincial.
105	Regulations among proprietors of islands liquies to lands in the vicinity of the Marriage.	"
Mol.	Ria dands in the vicinity of the	· · · · · · · · · · · · · · · · · · ·
1071	ageria - De John	- T
108	Church of England Relief of Roman Catholics Wills	
lini	Ova of Roman Catholics	<i>ιί</i>
111	Wills Scotia grants	11 11
1101	HIPO.	••
~ ~ 10	"I'd "I Ol deeds and other instruments	46
114	theres, executions and proceedings	
1.	Registry of deeds and other instruments. Judgments, executions and proceedings thereon	" .
* 1K I	- to Postonal property of married	
. 40	Bills, not	S. 1 repealed by 22 V., c. 22; s. 3 repealed by 30 V., c. 34 (1867); s. 4 consolidated; s. 2, Schedule B.
117	los	S. 1 repealed by 22 V., C. 22; 8. 3 repealed by 30 V., C.
118	Lette tenancy and tenancy in common	Provincial.
	patent for useful inventions	Repealed, 32-33 V., c. 11, s. 52 (D.) and 35 V., c. 26, s.
119	Do.	S. 1 repealed by 22 V., c. 22; s. 3 repealed by 30 V., c. 34 (1867); s. 4 consolidated; s. 2, Schedule B. Provincial. Repealed, 32-33 V., c. 11, s. 52 (D.) and 35 V., c. 26, s. 52 (D.) so far as inconsistent. Recommended for repeal.
40	Corporations	repeal. Schedule B. Schedule B, except s. 3, which is recommended for repeal. Provincial.
bol	and in grant and in the same a	Schedule B. except s. 3, which is recommended for
122	dinited partnerships amaged goods rands and perjuries Abscript Confined debtors	repeal.
23	res ged goods	Provincial.
12	asolas and periuries	Provincial.
28	Panaged goods. Fauds and perjuries	Schedule B, except s. 9, which is repealed by 26 V., c. 10.
127	andlord and the selection absent debtors	Provincial, except s. 23, which is recommended for repeal
100	corpus	Provincial: Schedule B. Provincial: Schedule B, except s. 9, which is repealed by 26 V., c. 10. Provincial, except s. 23, which is recommended for repeal Provincial: Schedule B.
		Donog and an

Subject Matter.	Remarks.
Adverse claims	Provincial, except s. 2, Schedule C. Recommended for repeal. Provincial. Repealed by 32-33 V., c. 36 (D) except s. 22, which is recommended for repeal. Provincial. S. 2, Schedule B. Remainder provincial. Provincial. Repealed, 30 V. (1866) c. 9. S. 1 superseded by 32-33 V., c. 20, s. 37, and recommended for repeal. Remainder Schedule B., s. 4 mended for repeal. Remainder Schedule B., s. 4 mended for repeal. Remainder Schedule B., s. 4 mended for repeal; part of s. 5, which excepts therefrom the for repeal; part of s. 5, which excepts therefrom the fishery draft in the city of St. John, is repealed by 27 V., c. 4; ss. 2 and 3 consolidated; s. 1 repealed by 27 V., c. 4; ss. 2 and 3 consolidated; solidated. S. 1 repealed by 27 V., c. 4; ss. 2 and 3 consolidated; solidated. Repealed by 32-33 V., c. 36 (D); remainder commended for repeal. Repealed by 32-33 V., c. 36 (D). """ Repealed by 32-33 V., c. 36 (D). """ Repealed by 27 V., c. 4. Whole chapter repealed by 27 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 23, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-33 V., c. 36 (D). except ss. 3 and 33, which are 32-34 V., c. 36 (D). exc

PUBLIC STATUTES, N.B.—VOL. II.

PUBLIC GENERAL ACTS UNREPEALED BY THE REVISED STATUTES.

	GENERAL ACTS UNREP	EALED BY THE REVISED STATUTES.
Cha		
Chapte.	Subject Matter.	Remarks.
7.78	Ordnance lands	
ν, c.	73 Ordnance lands	Pagammended for reneal
32 G. 3	To restrain all persons concerned collection of impost duties from ing any vessel. kc	Ss. 1, 2 and 4 recommended for repeal; s. 3
, 50	To restrain all	provincial
2.8 V	collection of impost duties from	With
1217 0.44	collection of impost duties from of ing any vessel, &c	Recommended for repeal.
15 y c. 20	Prompt payment of all demands warr	ants Provincial.
W. 4 C.	45 Fees sury	rea
		Recommended for repeal.
16 A., c. 8 12 A., c. 1 13 A	2 decisions of the Supreme Co	ourt Provincial, except s. 2, which is not public
16 A., C. 8	5 Establin	Provincial.
. 3, c. 2	disning legal tender	general. Provincial. Repealed,31V.,c.45(D.) and also by 34V.,c.4.(D)
11 7	5 Establishing legal tender	Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Suspended by 18 V. (1854), c. 1, as to United States of America, during continuance of Treaty of 1854; continued in force by 31 V. c. 60. 8. 21 (D.); not to apply in cases
16 B 1 C 75	Elections	Provincial.
16 V' C. 34	Vacating seets in	Provincial. Repealed by 18 v., c. 31.
7 V', C. 35	Polling Places, Carleton	Provincial. Repealed by 78 V., c. 37.
, c. 80	County of Co., Northumberland	
	Coast fisheries (division of)	Provincial. Suspended by 18 V. (1854), c. I, as to United
		States of America, during continuance of
		Treaty of 1854; continued in force by 31
1		1
i		c. 61 (D.), s. 21. Suspended as to United
1		States of America during continuance of Treaty of Washington. 35 V., c. 2, s. 1 (D.) Now in force again, but not to apply to cases in which 31 V., c. 61 (D.) applies,
		Now in force again, but not to apply to
6 W. 4. C.		Vide 31 V., c. 61 s. 21 (D). Schedule B.
V. 4, C. 52	Accouragement of Savings Banks	Vide 31 V., C. 01 3. 22 (2).
9 V. C. 30	Bank, St. John	
10 V' C. 61 8	avings Bank	
45 V C. 43	and Rank	Recommended for repeal.
10.3 c. 58 Se 10.3 c. 12 G	Avings D.	
Q. d. c. 15 G	rammar Schools	 Descripcie
10 G. 4 C. 15 G.	avings Bank, St. John	tt LOAIRCIAN.
# 2" . A " . XQ 15 .		
W. 4 C. 30 G.	ng's College and Grammar Schools ng's College and Grammar Schools ng's College and Grammar Schools ng's College lands	"
8 v 4 c 10 Ki	rammar Schools ng's College and Grammar Schools ng's College and Grammar Schools ng's College lands ng's College ammar Schools ""	"
1 A C. 111 Kir	ng's College and Grammar Schools	u u
		u
8 b. c. 16	mar Schools	66
8 V' C. 74 R.	(4	u u
J. A. c. 60 10 11	8 8 Collon-	££
13 P. C. 21	mar Schools	<i>u</i>
14 C. 62 N	ammar Schools	"
16 P. c.	Society for encouragement of agri-	
10 Pr C. B	culture, &c	<i>u</i>
, c. 32 Tc		"
	Courage raising and dressing of hemp	u
	war dieselik of nembi	

PUBLIC STATUTES, N. B.—Continued.

16 V., c. 41 16 V., c. 2 16 V., c. 3 17 V., c. 68 W. 4, c. 31 W. 4, c. 31 10 V., c. 27 10 V., c. 84 11 V., c. 43 11 V., c. 48 11 V., c. 63 12 V., c. 60 12 V., c. 74	European and North American Railway """""""""""""""""""""""""""""""""	46 46 46 46 46 46 46 46 46 46 46 46 46 4
16 V., c. 41 16 V., c. 2 16 V., c. 3 17 V., c. 68 W. 4, c. 31 W. 4, c. 31 10 V., c. 27 10 V., c. 43 11 V., c. 43 11 V., c. 48 11 V., c. 63 12 V., c. 60 12 V., c. 74 13 V., c. 1	St. Andrews and Quebec Railway	46 46 46 46 46 46 46 46 46 46 46 46 46 4
11 V., c. 43 S 11 V., c. 48 S 11 V., c. 63 S 12 V., c. 60 S 12 V., c. 74 S	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	
11 V., c. 43 1 11 V., c. 43 5 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	
11 V., c. 43 1 11 V., c. 43 5 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	
11 V., c. 43 1 11 V., c. 48 1 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	44 44 44
11 V., c. 43 1 11 V., c. 48 1 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	44 44 44
11 V., c. 43 1 11 V., c. 48 1 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	44 44 44
11 V., c. 43 S 11 V., c. 48 S 11 V., c. 63 S 12 V., c. 60 S 12 V., c. 74 S	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Quebec Railway.	44 44 44 44
11 V., c. 43 1 11 V., c. 48 8 11 V., c. 63 1 12 V., c. 60 8 12 V., c. 74 1 13 V., c. 1 8	To empower justices to sell certain lands. St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock St. Andrews and Quebec Railway Railway from St. Andrews to Woodstock with branch to St. Stephen St. Andrews and Ouebec Railway St. Andrews and Ouebec Railway	66 66 64 64
3 V., c. 1'S	St. Andrews and Quebec Railway	
3 V., c. 1'S	St. Andrews and Quebec Railway	
3 V., c. 1'S	St. Andrews and Quebec Railway	
3 V., c. 1'S	St. Andrews and Quebec Railway	
3 V., c. 1'S	St. Andrews and Quebec Railway	
4 V c 36	5t. Andrews and Quebec Railway	
5 V. c. 551	"	
6 V C 50		
6 V., c. 50 7 V., c. 42		Ss. 1, 2 and 3 superseded by Revised Statut. Ss. 1, 2 and 3 superseded by Revised Statut. Ss. 4 repealed 52 Geo. 3, c. 21; s. 6 repealed. Wm. 4. c. 34; s. 8 repealed 12 V., Ss. 4 repealed 52 Geo. 3, c. 21; s. 6 repealed.
G. 3. e 5. 1	Marriage and divorce incest to	Sa 1 2 and 3 superseded by Revise 6 repeated
	and divorce, meest, ac	4 renealed 52 Geo. 3, C. 21, 12 V., siste
1		Ss. 1, 2 and 3 superseded by Revised Status. Ss. 4 repealed 52 Geo. 3, c. 21; s. 6 repealed. Wm. 4, c. 34; s 8 repealed 12 V. c. wm. 4 repealed so far as inconsists remainder repealed so far as inconsists therewith by 23 V., c. 37, s. 18; ss. 5, 9 at 10, Schedule B. 37 8, 18.
j	i	remainder repealed 80 181 18; ss. 5,
i		therewith by 23 V., c. 31, s.
W .4, c 30)	i	10, Schedule B.
W.4, c 34 } [N	Marriage and divorce	Repealed by 23 V., c. 37 s. 10.
V., c. 38 J		a which is recomme
6 G. 3, c, 20 E	Evidence by depositions	10, Schedule B. Repealed by 23 V., c. 37 s. 18. Provincial, except s. 6, which is recommend for repeal. Provincial.
	21	for repeal.
G. 3, c. 7	Sittings of Supreme Court Proceedings against privileged persons	Provincial.
8 G. 4, c. 2 F	roceedings against privileged persons	Provincial, repealed by
5 W . 4, C. 20 C	Witnesses in Surreme Carrier	Provincial except 8. 4. which is ited
11.4, 0.34	withesses in Supreme Court	for manage
W 4 c 37 S	Supreme Court	Provincial. Provincial, repealed by 24 V., c. 12. Provincial. Provincial, except s. 4, which is recommend for repeal. Provincial.
V C 51	Affidavits in Supreme Court	110111011111
V. c. 63 I	Replevin	u .
V c. 65 F	Proof of Records and Letters Patent	" mhich!
V., c. 1 I	Easter Term Supreme Court	" School Sand 9, Wa Sch
V., c. 39 A	Amendment of the law	Provincial, except parts of ss. and s.
, i		" " " " " " " " " " " " " " " " " " "
		dule B. 30 V., c. 10 (180.)
V., c. 40 S	Summary actions	Provincial, repeated, of
V., c. 32	Summary actions Amendment of the lawAbbreviation of names in proceedings	46
V., C. 33 A	Appreviation of names in proceedings	
V., c. 37	Proof of certain documents where foreign	"
77 - 0	corporations are parties	
V., C. 2	Service of non-bailable process	((7,007)
V., C. 3	Competency of witnesses. Amendment of the law Civil procedure.	" c. 10 (1861-)
G 4 C 18 (Civil procedure	Provincial, repealed, 30 v., "
W 4 c 29	Actions in inferior courts of C. P	t · · · · · · · · · · · · · · · · · · ·
V., c. 47	" " " " " " " " " " " " " " " " " " "	1
: V c 991	" Westmoreland	16
V., c. 16 V., c. 26		Renealed by 18 V., c. 24 (1800)
V., c. 41	Juries	inchesion of
3 V., c. 43	Grand juries	" " "n)
l V., c. 25 (Grand juries	n "1.3 hr. 26 V . c. 49 8. 20 (D.)

LOCAL AND PRIVATE STATUTES, VOL. III.—UNREPEALED ACTS.

Chapter.	Subject Matter.	Remarks.
3 V · c. 70 I 7 V · c. 81 V 7 V · c. 37 N 11 V · c. 37 N 12 V · c. 37 N 14 V · c. 52 N 16 V · c. 18 N 17 V · c. 39 T 17 V · c. 39 F 10 V · c. 83 F	Harbor, St. John	Repealed, 36 V c. 54, s. 92 (D). Repealed by 27 V., c. 18. Provincial, except s. 3, Schedule C. Recommended for repeal. "" "" Expired. Recommended for repeal.
the Norm. The		

the references to them are omitted.

STATUTES OF NEW BRUNSWICK, SUBSEQUENT TO THE REVISED STATUTES.

	17 VICT.—1854.		
Chap.	Subject M atter.	Remarks.	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18		Provincial. "" "" Provincial, repealed 25 V., c. 23. "" 19 V., c. 37. Expired. Repealed by 36 V., c. 49, s. 20 (D.) Provincial. Schedule B. Provincial, repealed, 18 V., c. 37. Provincial, expired. Provincial, effete. ""	
	18	VICT.—1854.	
3		Repealed so far as inconsistent with Recommended for repeal. Repealed, 19 V., c. 37. Provincial.	
	18 VICT.—1855.		
10 10 10 10 10 10 10 10 10 10 10 10 10 1	Public works Public works SLine of Great Road Trout Brook bridge to Magaguadavic Tender in actions at law Opening of a street in St. John Quieting titles to certain lands	Provincial. Repealed, 22 V., c. 1. Provincial. 4 and 6 expired; 5 provincial. Provincial. Repealed, 22 V., c. 11. Provincial. Not public general.	

STATUTES OF NEW BRUNSWICK.—Continued.

Срар.	Subject Matter.	Remarks.
20 21 22 23 24 25 26 27 28		Provincial, except s. 6, Schedule B. Expired. Provincial, except ss. 11, 13, 14 and 15, which are recommended for repeal, and s. 17, Schedule B. Provincial, except portions of s. 4, which is recommended for repeal. Recommended for repeal. Expired. Repealed by 21 V., c. 12.
·30 31	Post office	Repealed, 31 V., c. 10 s. 2 (D.) and 38 V., c. 7, s. 2 (D). Provincial.
34 35 36 37	Granting of mill reserves Preventing fires Intoxicating liquors, unlawful importation Election of members	Provincial, repealed by 20 V., c. 7 (1857). Provincial. Repealed, 20 V., c. 1 (1856). Provincial; repealed as to elections for House of Commons of Canada by 37 V., c. 9, s. 133 (D), except as to qualification of voters and formation of voters' lists. Now superseded by 48-49 V., c. 40. (D). Recommended for repeal
	Navigation of river St. John, near Indian Town Board of health, St. John	Not public general. Recommended for repeal. Ss. 2, 3 and 4 repealed by 20 V., (1857), c. 16, and also by 21 (V. (1858), c. 21; ss. 9 and 14 repealed by 21 V. (1858), c. 21; s. 5, last two lines recommended for repeal; s. 8 repealed by 31 V., c. 63, s. 15 (D.) in so much as authorizes the board to regulate or prohibit the ingress of vessels to any port or place within the district under its jurisdiction; s. 10 repealed all but last line by 31 V., c. 63, s. 15 (D.); s. 12 from "and" in line 4 to the end of the section, recommended for repeal; remainder provincial.
41 to 53	ol	
55 to	ol }	
78	Mines and minerals	Provincial.
_	19	VICT.—1856.

1 Supplies	Provincial
OTT	Provincial.
2 Hacmatac knees, duty on, repealed 3 Repair of roads and bridges	· · ·
3 Repair of roads and bridges	**
4) "	
to \ \	Not public general.
14	
15 Provincial railways	Recommended for repeal
16 Funds for construction of railways	
16:T - 1. f ilmo - number	December ded for manual
17 Lands for railway purposes	Recommended for repeat,
18 Impost for railway purposes	1 "
19 St. Andrews and Quebec Railway Co	Not public general.
20 Savings bank and provincial loan	Provincial.
121	• • • • • •

STATUTES OF NEW BRUNSWICK .- Continued.

Chap.	Subject Ma tter.	Remarks
_		53 (D.)
	Patents Division between Northesk and Nelson	Repealed so far as inconsistent, 32-33 V., c. 11, s. 52 (D.) 35 V., c. 26, s. 52 (D.). Recommended for repea
23	Court of C.P. and Gen. Sess., Gloucester.	
24 to		Not public general.
32	Supplies	Provincial.
34	Roads and bridges	• • •
36 36	Collection of the revenue Exportation of saltpetre, &c., used in manu-	·
37	facture of military and naval stores Municipalities	Provincial.
40 41	Terms of Supreme Court	Repealed by 25 V., c. 20. Provincial. Provincial, except as to evidence in criminal mattel provincial, except as to evidence in criminal mattel and as to s. 8, which is recommended, (Imp.) see "The Merchant Shipping Act, 1854, (Imp.) 107 and 36 V., c. 128, s. 2 (D.) S. 2 part code dated, part Schedule B; ss. 9 and 11 superseded for 32-33 V., c. 19, s. 34 (D.) and recommended for peal; ss. 12-19 superseded by 32-33 V., c. 29 (D.) and recommended for repeal in so far as respectively.
49	Liberty of the subject (Habeas Corpus)	criminal matters. Schedule B.
43	Jurisdiction of justices in civil suits	Provincial.
44 45	Registration of deeds	Repealed, 31 V., c. 48, s. 24 (D.)
46	Insurance companies	Recommended for repeal.
48	Banking (R.S., c. 120)	Provincial.
49 50	Contingencies (R.S., c. 55)	"
to		Not public general.
56 57	Summary convictions in parish of Port- land	Schedule B.
58	}	Not public general.
to 69	1	Not public general.
		VICT.—1856.
1	Liquor licenses	Provincial.
9	Destruction of bears	l "
4	Expenses of the legislature	Provincial.
	20	VICT.—1857.
		Repealed, 31 V., c. 64, s. 15 (D).
	Sick and disabled seamen	Expired.
and	Railways	Recommended for repeal.
4 5	Circuit court Charlotte	Provincial.
6 7	Costs in Exchequer cases	"
8 to		
12	Buoys and beacons, Charlotte	Repeal d, 26 V., c. 4.
15 to		Not public general.

STATUTES OF NEW BRUNSWICK.—Continued.

21 VICT.—1857.

CDAD.	Sphiore	
\	Subject Matter.	Remarks.
2	Roads and bridges	Description in 1
3	Sodus and bridges Expenses of the legislature Parish school	Provincial.
0	Parish and beacons	Renealed 26 V c. 4.
q	BAPenses of the legislature Buoys and beacons. Parish schools.	Repealed, 21 V., c. 9 (1858).
7	odoys and beacons	•
		Not public general.
_	The same	1 VICT.—1858.
3 I	applies ablic works Attendance of witnesses	Provincial.
2/4	Ittend Works	" (rovinciai.
1	ance of witnesses	Drovincial except ss. 2 and 3, which are superseded h
4	ablic works ttendance of witnesses	31 V., c. 76 (D.) and 46 V., c. 35 (D) and are recom
٥	944.	mended for repeal.
9	arial.	Not public general.
þ	arish schools Ost office Archousing good	Provincial. Repealed, 31 V., c. 10, s. 2 (D.) and 38 V., c. 7, s. 2 (D.) Repealed, 31 V., c. 6, s. 138 (D). Repealed, 31 V., c. 59, s. 15 (D).
V	office.	Provincial.
L	ightiousing goods	Repealed, 31 V., c. 10, 8. 2 (D.) and 30 V., c. 1, 8. 2 (D.)
V	essel essel	Repealed, 31 V., c. 6, 8, 150 (D).
	Farehousing goods ighthouses essels navigating Bay of Fundy to carr lights estruction of wolves	Repeated, 51 V., 6. 50, 50 XZ (Z)
5	lights Bay of Fundy to carrestruction of wolves	Renealed, 31 V., c. 58, s. 1 (D).
n.	of foxes	n .
		(Racommended for Jepen)
Ç,	La debtors	Repealed, 22 V., c. 16.
Þ.,	Partnamal	Recommended for repeat
£j,	til ways.	Piovincial.
ř.	ndlord and tenant and replevin wer and executions thereon	Repealed, 32-33 V., c. 36 (D.), except s. 3, provincial,
Ļa	ndlord	and s. 5 recommended for repeal.
ln.	ugments and executions thereon	$\int d\mathbf{r} \cdot \mathbf{r}$
até	estate estate	
)~	navigation	_ "
}	wer and executions thereon	Expired.
}	***************************************	lan
118	thways tain great roads and river fisheries ing place in O	Troc hanno Beneral
61	tain grant	Repealed, 25 V., c. 16.
ia I	and river roads	Repealed, 22 V., c. 11.
• • • •	ctions,	Repealed, 25 V., c. 26, and 25 V., c. b. Superseded as to Elections for House of Commons of
oli	and river fisheries ctions ling place in Queen's county at to King's College discontinued	Superseded as to Elections for House of Community of Canada and recommended for repeat.
ra	nt place in Oussel	Canada and recommended 15 V., c. 58.
-	to King's College 1	Provincial, repraire as 17
٠.,	ing place in Queen's countyt to King's College discontinued	Provincian
۸.	*********	Not public general.
υŊ	Veyance - c	10. L 0
	Veyance of a wharf to the Queen	Provincial.
•	*****	
۹p,	**************************************	Not public general. To be superseded by 45 V., c. 51 (D.) Schedule B.
	y harbor master &c.	The superseded by 45 V., c. 51 (D.) Schedule B.
٠.,	master#St. John	Lo be enherseded of an extension
	***************************************	Not public general.
Ы	ic slip near Portland Point	HOL brown Rosses
ıD)	ic lan near Portland Point	Provincial.
٠.		

STATUTES OF NEW BRUNSWICK .- Continued.

	Subject Matter.	Remarks.
	Board of health, St. John	S. 4 repealed by 31 V., c. 63, s. 15 (D.): remainder provincial.
52 to 71	}	
12	Disqualification for Legislative Assembly of persons holding office under Government	
··'	22	VICT.—1859.
,	Duties	Pagammandad Guruna 1
2	Circuit courts and courts of Over &c	Recommended for repeal.
3	Polling places King's County	Supergoded as to Floations for House of Commons of
٥	Loring places, king 5 County	Provincial. Superseded as to Elections for House of Commons of Com
4	Protection of sheep and moose	Superseded as to Elections for House of Common nada by 48-49 V., c. 40. Recommended for repeal., Repealed, 28 V., c. 21.
5 1d	}	Not public general
-6	<u> </u>	1
7	Cape Race Light	Repealed, 31 V., c. 59, s. 15 (D)
:8	City of Fredericton	Not public general.
9	City of Fredericton	Provincial.
10	A griculture	(Repealed, 25 V., c. 23.
	The great roads	
	Supplies	
13	Roads and bridges expenses	•
14	Highways	
	Steam navigation	Expired.
	Relief of insolvent debtors	
	Confined debtors	
10	Circuit courts in certain counties	Provincial.
20	Evidence	Pagammandad for range!
21	Interest and usury	Recommended for repeal. Ss. 2, 3, 4 and 6 consolidated; ss. 1 and 5 recommende for repeal. S 4 consolidated; remainder recommended for repeal.
2.	interest was asary	for repeal
22	Bills and choses in action	Ss. 2, 3, 4 and 6 consolidated; ss. 1 and 5 for repeal. S. 4 consolidated; remainder recommended for repeal. Provincial.
23	Trespasses to lands. &c	Provincial
$\overline{24}$	Damages against E. and N.A. Ry	Recommended for repeal.
	Intestate estates	
	Inferior courts in certain counties	
	Jurisdiction of justices in civil suits	
	Law library	
29	Certain provincial buildings	Recommended for repeal.
30	Lunatics	. Provincial.
31	Liquor licenses	
32	Destruction of bears	Expired.
33	Sick and disabled seamen	Repealed, 31 V., c. 64, 8. 15 (1).
34 35	Polling places, Queen's County	Expired. Repealed, 31 V., c. 64, s. 15 (D). Provincial. Superseded as to elections for repeated Commons of Canada, and recommended for repeated to the commended for repeated for repeated
to	11	Repealed, 31 V., c. 64, s. 15 (D). Provincial. Superseded as to elections for House Commons of Canada, and recommended for repeations. Not public general.
63		Thor paorio goderati
	23	VICT.—1860.
1	Payment of demands on provincial trea-	.,
	sury	. Provincial.
2	Witnessess before committees of the Legis	- both
	lature	Provincial, except s. 4 and part of
		have expired.
	Courts of probate	. It to vincial.
4	County Council York empowered to	0
	raise money for agricultural purpose	_1 40

STATUTES OF NEW BRUNSWICK .- Continued.

/ Chap.	Subject Matter.	Remarks.
6	Buoys and beacons, Miramichi	Repealed, 31 V., c. 59, s. 15 (D).
to	į.	·
13 12		
14	Navigation river St. Croix	Expired.
16	}	Not public general
19	Chatanand pridges appropriation	Con 21 V 10 (1) \ Pagammandad for
51	Distilleries. Protection of the revenue.	ikebesied so ist as inconsistent therewith, at v - e- g
42		in the (iv.)
43	Buoys and beacons, (Revised Ssatutes,	Penculad ac V a 4
25	Registration of deeds, &c	Provincial.
~0		l
48	The street deptois	1
30	Avidence as to proof of bankruptcy	Provincial.
3]	Guarantees, bills of exchange and promis-	
32	Procedure in criminal cases	Ss. 3 and 5 repealed, 32-33 V., c. 36 (D.); s. 4 provin-
33	Summary convictions (Revised Statutes,	cial; ss. 1 and 2 recommended for repeal.
35	Apprehension of criminals escaping to	
40	Rail and County officers	I =
41	Sea and river fisheries	Dangeled so for as inconsistent with 32-33 V., c 11(D)
42	Polling	and recommended for repeal. Superseded as to elections for House of Commons of Canada and recommended for repeal.
40	M:)*	
44	Militia law Liquor licenses Highways	Repealed, 25 V., c. 20. Expired.
46	Highways. Agricultura	Repealed, 25 V., c. 16.
J	ande of accounting and currency	i and 3: renealed, 34 V., C 4, 8, 11 (D.), except
49		s. 2, which is recommended for repeal.
- 01	D Lands of the war department	Repealed by 33 V., c. 21, s. 30 (D). Recommended for repeal.
52	Certain lands of the war department Railway from St. Andrews to Woodstock. Fisheries, Restigouche	Provincial. Repealed, 31 V., c. 60, s. 20 (D.)
54	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Provincial, except s. 4, which is recommended for 1epeal.
64 65	}	1
65 66	Inspection of gas, St. John	Recommended for repeal.
to		
: 84	}	Not buone general.
\$ 1		
\		

STATUTES OF NEW BRUNSWICK.—Continued.

24 VICT .- 1861.

Chap.	Subject Matter.	Remarks.
1 2 3	Supplies	Provincial. See 34 V., c. 6, s. 15 (D.) Recommended for repeal. Repealed, 32-33 V., c. 10, s. 32.
5 6	Passengers arriving in this Province Circuit court, Sunbury Gaol limits Courts of probate	Provincial.
8 9 1 0	Divorce and matrimonial causes	Provincial. Repealed, 32-33 V., c. 36 (D.)
. 12	Coroners' inquests. Proceedings against members of the General Assembly Polling places, Saint John	commons of
14 15 16	Grammar and superior schools	Repealed, 31 V., c. 10, s. 2 (D.), and 35 V. Provincial.
18	their consent). Municipalities Sea and river fisheries (Revised Statutes, c. 101).	Provincial Repealed, 26 V., c. 6, s. 28
20 21 22	Tax on unimproved granted lands	<i>u</i>
24	Sale of spirituous liquors, St. John	•
to	\	Repealed, 31 V., c. 63, s. 15 in so 16. 4 of 21 V., c. 51. Not public general.
53 54	Naturalization of aliens	Repealed, 31 V., c. 66, s. 14 (D.)
	25	VICT 1862.
2	Expenses of the legislature	Effete.
4	troops Expenses of Prince of Wales celebration Sewer, St. John Extinguishment of fires, St. John	Provincial.
7	Rates of pilotage, St. John (3 V., c. 70, revived and made permanent)	Repealed, 36 V., c. 54, s. 92 (D) Provincial.
10 11 12	Offences against the person	Repealed, 32-33 V., c. 36 (D). Provincial. Recommended for repeal.
1- 13 10	Supplies Savings banks and provincial liabilities Repair of roads and bridges Highways consolidation Act Government of counties towns and	
18	Government of counties, towns and parishes	Schedule B.
20	vised Statutes, c. 93)	Schedule B. / Expired.

STATUTES OF NEW BRUNSWICK - Continued.

Chap.		
0	Subject Matter.	Remarks.
22	Investigation of fires	
30	estigation of fires	Provincial, except s. 4, which is recommended for
45 24	Agriculture Trespasses on lands, &c., (RevisedStatute	repeal.
1	respassos	Provincial.
25	Jobes on lands, &c., (Revised Statute Jud. 133 amended). Sea and river fisheries (Revised Statute C. 10).	s.)
26	Judgments and execution. Sea and river fisheries (Revised Statute C. 101). Lands below.	
22	and river fisheries Revised Statute	2
20	c. 101)	Repealed, 26 V., c. 6, s. 28.
20	corporation public uses by justices	Provincial.
30	Pewers	Schedule B.
- 1	108 and	Provinciai.
25	Commi	repeal.
- ('	oundary for taking affidavits	Provincial.
33	Commissioners for taking affidavits V, c. 9 amended)	2
1	ees on pas amended)	. Provincial.
. 1	as pricents. Fees to foreigners sam	e
Odin	, subjects	Recommended for repeal.
201	Tax on unimproved lands	Provincial.
37	fold min of New Brunswick	
146	de manda de la companya della companya della companya de la companya de la companya della compan	
30 -	aunicinalism actions, not summary	,
10	Independents in actions, not summary	1 :
118	dedicine and surgery. noys and beacons, Charlotte	[Renealed, 26 V., c. 1].
[[]	and beacons, Charlotte	Repealed, 31 V., c. 59, s. 15 (D.)
171 {	*****	}
8 8	200	Not public general.
ľ	olling place powint of the little	Not public general. Superseded as to elections for House of Commons o Canada, and recommended for repeal.
8	parish of Cambridge	Canada, and recommended for repeal.
	Grand Manan	10
2		
٦٢	olling place "Mangerville	"
3	olling places, parishes of West Isles and Campo Bello	
4	" Campo Bello	
0 l	county of York	
	ommander in chief	Not public general.
4111	Ome	·
70	-~UNOp.1 .	

26 VICT.—1863.

astom	1
distoms duties	Recommended for repear.
epair	Provincial.
detons duties	"
oan for Intercolonial Railwayoast and river fisheries. lighwaya	Recommended for repeal.
arish and river fisheries	Repealed, 31 V., c. 60, s. 20 (D.)
ghways agolyeat daxes to 124 confined debtors; amends R	•••••
agoland taxes	······
ates and taxes	
c. 124. hysicians and surgeons. efaulters in payment of taxes	Schedule B.
hysicians and surgeons	Provincial.
Ocat in payment of	
government of taxes	
efaulters in payment of taxes Ocal government, counties, towns a parishes	ina "

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
15 16 17 18 19 20 21	Nuisances on highways Security by public officers Equity procedure Post office Protection of sheep from dogs Duties of parish officers. Courts of probate. Accounts of commissioners for sick and disabled seamen, how sworn Security by deputy treasurers Admission of attorneys Attendance of witnesses before committees.	"Repealed, 31 V., c. 10, s. 2 (D.), and 38 V., c. 7, s. 2 (p.) Provincial. "Repealed, 31 V., c. 64, s. 15 (D.) Provincial.
37 to 46	Pilots, county of Charlotte	Not public general. Repealed, 35 V., c. 43, s. 1 (D.) Not public general.

27 VICT.—1864.

1 Supplies	Provincial.
2 Repair of roads and bridges	**
3 Aid to railways	
4 Offences against the person	
6 Larceny and similar offences	Provincial. Repealed, 32-33 V., c. 36 (D.) Provincial. S. 1 repealed, 32-33 V., c. 36 (D.) Remainder Scheller Language Company
7 Jurisdiction of Justices in civil suits	Provincial. Remainder
8: Issue of warrants by justices	S. 1 repealed, 32-33 V., c. 36 (D.)
,	dule B.
9 Post office	Renealed 31 V c. 10, s. 2 (D.) and 30
10 Steam navigation	Renealed 28 V c 4. 8. 44.
11 Reporting decisions of Supreme Court	Provincial. S. 1 repealed, 32-33 V., c. 36 (D.) Remainer dule B. Repealed, 31 V., c. 10, s. 2 (D.) and 38 V., c. 7, s. 2 (p.) Repealed, 28 V., c. 4, s. 44. Provincial.
12 Circuit courts St. John	110111101111
12 Circuit courts, St. John	Recommended for repeal.
14)	i ite commended for sel
to }	Not public general.
17	Not hanne general.
18 Harbor of St John	Schedule R
19	inchedule in
to }	Not public general.
39	Not public general. Provincial, except s.7, which is recommended for repeal. Provincial. Not public general.
40 Affidavits made out of the province fo	r mmended 10
nea therein	Provincial except s. 7, which is recomme
41 Foreign judgments	Provincial.
42 European and N. A. Ry. Extension Co	Not public general.
42 European and N. A. Ry Extension Co.	insu: add
from St. John weetward	" : relates to the With
44 Winding up of companies	Decommended for repeal so far as it ranies for de by
44 winding up of companies	cy or to the winding up of company made
	ing up of which provision has
	Recommended for repeal so far as it relates to the winding up of companies for the winding up of companies for the winding up of which provision has been made by the Parliament of Canada.
45 Militia	Expired
46 City court, St. John	Provincial
47 Highways	110411111111111111111111111111111111111
48 Lands for railway purposes	
49 1	•••
to }	Not public general.
59	
00)	

STATUTES OF NEW BRUNSWICK .- Continued.

	Subject Matter.	Remarks.
Mi	litia	
2 8a	le of spirituous liquors llection of taxes, &c., Portland eam navigation	Recommended for repeal.
°IC.	lless Spirituous liquors	Provincial.
184	eam of taxes, &c., Portland	Not public general.
Na	eam navigationturalization of aliens	Repealed, 31 V., c. 65, s. 50 (D).
9 M (alleation of aliene	Renealed, 31 V. c. 66, 8, 14 (D).
1162	and divorce procedure	Schedule B.
980	Dollar of legislature	Provincial.
Re	Penses of legislature Pair of roads and bridges	
Pa	Pplies	
ıL.	and of certain provincial debentures	3
Ai	mds for construction of railwaysd to railwayseat roads and bridges	
, G	eat Tailways	
Ja	st office risdiction of justices in civil suits micipalities wers	Repealed, 31 V., c. 10, s. 2(D.). and 38 V., c. 7, s. 2 (D.)
150	Ull Of inctions in civil conta	Provincial.
8e	wers	
Ma	wers Th lands, Sackville	. 44
La	ndi lands, Sackville	
$P_{\mathbf{r}}$	and tenant and replevin	••
.} ``	rsh lands, Sackville ndlord and tenant and replevineservation of deer on island of Grand	
Pr	ndiord and sackvilleeservation of deer on island of Grand Manan	Provincial, except ss. 8, 9 and 10, Schedule B. Provincial.
De	otection of moose struction of bears	Provincial, except ss. 8. 9 and 10, Schedule B.
¶	eruction of hears	Provincial.
La	hd:	Not public general.
٦) - (اا	dungs at Indian Town	Provincial, except s. 10, which is recommended for
١}.	TOWN,	Provincial. Not public general. Provincial, except s. 10, which is recommended for repeal. Not public general.
IJ."	**********************	Not public general.
Pu	h:	1
1	ands, Fredericton	Provincial, except ss. 1 and 2, which are recommende
	ands, Fredericton	Provincial, except ss. 1 and 2, which are recommende for repeal.
	29	VIOT.—1866.
R.	. 29	VICT.—1866.
EXI	Port duty on lumber	VIOT.—1866. Provincial.
EXI	Port duty on lumber	VIOT.—1866. Provincial.
Exi Nav Rat Pol	Port duty on lumber	VICT.—1866. Provincial. Expired. Provincial.
Exi Nat Rat Pol	Port duty on lumber	VICT.—1866. Provincial. Expired. Provincial. Superseded as to elections for House of Commons of
Exi Nat Rat Pol	Port duty on lumber	VICT.—1866. Provincial. Expired. Provincial. Superseded as to elections for House of Commons of
Exi Nan Ran Pol	Port duty on lumber	VICT.—1866. Provincial. Expired. Provincial. Superseded as to elections for House of Commons of
Exi Nat Rat Pol	Port duty on lumber	VICT.—1866. Provincial. Expired. Provincial. Superseded as to elections for House of Commons of
EXINATE POI	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Conada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal
EXINATION POLICE	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Conada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal
EXINATION POLICE	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons o Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal
Eximal Police Po	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general.
EXINATION POLICE	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal.
EXINATION POLICE	Port duty on lumber Fal defence les and taxes ling places, county of York ling places, Hampton and of health, Fredericton Cefit building excistion	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal. Schodule B.
EXINATION POLICE	port duty on lumber ral defence les and taxes ling places, county of York ling places, Hampton ord of health, Fredericton left building societies thern Bank	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general.
EXINATION POLICE	port duty on lumber ral defence les and taxes ling places, county of York ling places, Hampton ord of health, Fredericton left building societies thern Bank	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal. Schodule B.
Exilian Name of Name o	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general.
Exilian Name of Name o	Dort duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general.
RXINATI Pol Boa Ben Nor Cost	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal.
RXINATI Pol Boa Ben Nor Cost	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal.
RXINATI Pol Boa Ben Nor Cost	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal.
Eximal Report of the Report of	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public-general. Schedule B. Not public general. VICT.—1866. Recommended for repeal. Expired. Provincial.
Exitation Report Control Report Repor	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public-general. Schedule B. Not public general. VICT.—1866. Recommended for repeal. Expired. Provincial.
Eximate Pole Pose Pose Pose Pose Pose Pose Pose Pos	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Conada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal. Expired. Provincial.
ENAME PO OS SERVICE DESCRIPTION OF THE POST OF THE POS	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal. Expired. Provincial. "" Repealed so far as inconsistent with 31 V., c. 40 (D.)
ENAME PO OS SERVICE DESCRIPTION OF THE POST OF THE POS	Port duty on lumber	Provincial. Expired. Provincial. Superseded as to elections for House of Commons of Canada, and recommended for repeal. Provincial, except s. 7, which is recommended for repeal. Not public general. Schedule B. Not public general. VICT.—1866. Recommended for repeal. Expired. Provincial. "" Repealed so far as inconsistent with 31 V., c. 40 (D.)

STATUTES OF NEW BRUNSWICK.—Continued.

	<u> </u>		
Chap.	Subject Matter.	R marks.	
9 18 11	Army and navy offences	Repealed, 32-33 V., c. 36 (D.) Provincial.	
12	Connections of railway Election of councillors and appointment of parish officers	Expired.	
15 16 17	Oyster beds Reporting decisions of Supreme Court Payment of demands on public treasury Warehousing goods (R.S., c. 28, amended)	Repealed, 31 V., c. 60, s. 20 (D.) Provincial. Expired. Repealed, 31 V., c. 6, s. 138 (D.)	
19 20	Vacation of seats in Legislative Assembly. City Hall, St. John Exemptions, St. John Shipping seamen, St. John (R.S., c. 87,	<u></u>	
	amended)	Repealed, 36 V., c. 129, s. 5 (D.)	ns of
24 25	Polling places, county of York	Not public general. Superseded as to elections for House of Co Canada, and recommended for repeal.	mmon
26 to 39	}	Not public general.	
		VICT.—1867.	
$\frac{2}{3}$	Duties of customs	Provincial.	
5 6	Repairs of road and bridges	Expired. Provincial.	cof.
	Relief of sufferers by fire at Indian Town Wiggins' Male Orphan Institution County courts	Provincial, except ss. 2-6, which are recomt repeal; s. 32, Schedule B; and s. 35, which mended for repeal.	nended to. h is recome
11	Duties on hops removed	repeal; s. 32, Schedule B; and s. 55, mended for repeal. Recommended for repeal.	
$\frac{12}{13}$	Construction of railways	Provincial.	
18 16	To repeal 26 V., c. 47 Equity procedure	. Recommended for repeat. . Provincial.	
18 19			
	Members of Legislative Assembly and dis qualification of members of the Senate or House of Commons	e]	j
	1	Not public general.	ommons of
23	Polling place, Grand Falls, county o	Not public general. Superseded as to elections for House of C Canada, and recommended for repeal.	"
	Polling place, Parish of Carleton, count of Kent	· V	£ £
2 2	of Charlotte	" " " " " " "	
$\frac{2}{2}$	8 Gaol limits	Schedule B.	

STATUTES OF NEW BRUNSWICK.—Continued

0	Subject Matter.	Remarks.
32 Par 32 Par	de marks ish of St. Mary Stephen Branch Railway Company s, notes, &c.	Repealed, 31 V., c. 55, s. 29 (D).
Bill Bill	Stephen Branch Railway Company	Repealed, 31 V., c. 55, s. 29 (D). Provincial. S. I. Schedule B; s. 2 effete and recommended for repeal. Provincial. Not public general. Provincial, except s. 7, which is recommended for repeal. Repealed, 31 V., c. 59, s. 21 (D).
37 Col	lection of taxes, &c., Portland, &c	Provincial. Not public general.
180	ection of petroleum, &c	Provincial, except s. 7, which is recommended for repeal. Repealed, 31 V., c. 50, s. 21 (D).
al]	evon of petroleum, &c	S. 1. Schedule B; s. 2 effete and recommended for repeal. Provincial. Not public general. Provincial, except s. 7, which is recommended for repeal. Repealed. 31 V., c. 50, s. 21 (D).

REVISED STATUTES OF BRITISH COLUMBIA-1871.

(A.) LAWS OF THE FORMERLY SEPARATE COLONY OF VANCOUVER ISLAND.

		SEPARATE COLONY OF VANCOUVER ISLAND.
Chap.	Subject Matter.	Remarks.
1	Protection of the wooden bridges in Van-	Parada di A
2	couver Island	r rovincial.
- 3	r fremen's Protection Act amended	Provincial.
4	Victoria Gas Company To prohibit swine and goats from running	Not public general.
	at large	[Provincial
	Island, &c	Repealed, 38 V., c. 16, s. 149 (D.)
8	rire limits within the town of Victoria	Not public general.
9	Protection of the property of a wife de- serted by her husband	Provincial.
10	Loan of forty thousand pounds	Provincial, except s. 18, which is recommended for repeal.
11 12	Loan of fifteen thousand pounds Preservation of game	Provincial.
13	Consolidation of certain provisions usual-	peal.
	ly inserted in Acts authorizing the taking of lands for undertakings of a	
14	public nature	1
	ly inserted in Acts authorizing the making of railways	Provincial.
15	Retirement of David Cameron, Chief	Superseded by 35 V., c. 20, s. 5, (D) and recommended
16	An Act to grant the right to construct a telegraph line connecting Victoria	for repeal.
	with telegraph system of the United States, and for other purposes	[
17	Protection of the wooden bridges in Van-	.1
18	An Act to prevent the unauthorized issue)
19	of bank notes and paper currency Publication of the liabilities and assets of	f)
20	banks in Vancouver Island Closing of wells upon unenclosed lands in	
	Vancouver Island	Provincial. Repealed, as to punishment for divulging contents of
	ancourse telegraphs, vancouver island	messages, by 44 V., c. 26, s. 8 (D.); ss. 9, 11, 12, 13, and 15, provincial. Remainder recommended for
22	Firemen's protection Act, 1861, amended	repeal. Provincial.
	Congregation named "The Emanuel or Victoria," incorporated	Not public general.
25	Loan of ninety thousand dollars	Provincial, except s. 7, which is recommended for repeal. Provincial.
	(B.) LAWS OF THE FORMERLY	SEPARATE COLONY OF BRITISH COLUMBIA.
		Provincial.
28	Constitution of the Supreme Court of civil justice of British Columbia	

Subject Matter.	Remarks.
Proclama	
Proclamation changing the name of Grand and petit juries	Not public general
petit juries	CIOVIDENT, CACCOURSE DE MANAGE, "STON GIO ICCOMMENSAGE
Conneil at	for repeal as respects criminal matters, and s. 5 recommended for repeal.
Daties, tolls, and fines. Grants of land to the Power Catholic	Not public general. Provincial except ss. 2, 3 and 4 which are recommended
G. tolls, and fines	for repeal. Repealed, as to duties and in other respects, so far as in-
Grants of land to the Roman Catholic Polication of British Columbia	consistent, 35 V., c. 37, s. 7 (D.) Recommended for
1. 1014 THOUSE OF RELIEF, THE TRUMBER CHEMOTIC	repeal. Provincial.
Monte Westminster Columbia. New Westminster Tolls on Lillooet-Alexandria road Plant for the Monte Columbia on Lytton-Alexandria road Plant for the Monte Columbia of the Monte Columbia of Lytton-Alexandria road	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Tolls on Lilloget Ale Westminster	lot public general.
for the for the for the for the for the for the for the for the forth for the forth for the forth for the forth for the forth	rovineiai.
Tolicipality of New Westminster	rovincial, except s. 18, which is recommended for repeal.
road toll Aby the Lytton-Alexandria	
cil of a loan by the municipal conn-	rovincial.
road toll Act the Lytton-Alexandria production of the cil of New Westminster. Tomposed by the Lytton-Alexandria production of the cil of New Westminster. Tomposed by the Lytton-Alexandria production of the Ly	ot public general.
the suplete the same to carry on and	ovincial.
Ile Statty & Remain Officers in Living	и
road toll An to those imposed by the	
road toll Act, 1860	44
ervance of the T	ovincial, except s. 18, recommended for repeal.
de for at-law and attorneys Pro	equie B. vincial.
the Cooking the constitution	
its of the city and Clinton	u
on of the Cook's ferry and Clinton lts of the city of New Westminster	public general. public general. pincial, except as to salaries of Governor, Judge of Supreme Court and Collector of Customs. Recommended for repeal in that respect.
bridge across Thompson river	Supreme Court and Collector of Customs. Recom-
of glos across Thompson river Prov	mended for repeal in that respect. rincial. rincial, except s. 16, which is recommended for repeal. public general.
raph line connecting Price Column	rincial, except s. 16, which is recommended for repeal.
nest the United States Not	public general.
national telegraph ordinance	i i i i i i i i i i i i i i i i i i i
inster Reper	1 1 1 1 1 ml - Stiming Codingnes 1907 2 No. of
Repe	aled by "The Shipping Ordinance, 1867," No. 86, lso repealed as to duties and in other respects
ipalities : B	
ipalities in British Columbia	nmended for repeal as respect ferry tolls.
exemption ordinance	led 38 V., c. 16, 8, 149 (D).
Provin	tolar,
and imprisonment for debt	ptcy, which parts are recommended for repeal.
r of the office of Governor	ptcy, which parts are recommended for repeal. icial. ieded, 36 V., c. 31 (D.) Recommended for repeal. cial.
Provin	cial.
A TOP TOP TOP TO THE TOT THE TOP TO THE TOP TO THE TOP TO THE TOP TO THE TOP TO THE TOP	blic general. de B, except secs. 8, 9 and 10, provincial. The
to it	nsolvency or to the winding up of companies for
g funds of public loans	he Parliament of Canada.
Cfunda e	No I Billament of Canada.

(C.) Laws of British Columbia since the Union of the two Formerly Separate Colones of Vancouver Island and British Columbia.

Cuap.	Subject Matter.	Remarks.
68 69 70	Sheriffs Indian graves General application of English law	Provincial. Consolidated. S. 2, consolidated as to Criminal Law; ss. 1 and 3 commended for repeal. Remainder provincial.
71 72	Interest Ferries and bridges	commended for repeal. Remainder Proceedings of the Remainder Processing S. 2 consolidated; ss. 1 and 3 recommended within Provincial, except as to ferries and bridges jurisdiction of Canada; recommended for repeating statements.
74	Oaths and admission of evidence in cer- tain cases	Provincial. Ss. 3 and 9 recommended for repeal; ss. 5-8, Sched B; remainder provincial. Repealed so far as inconsistent, 35 V., c. 26, 8. 52 (D.)
75	Protection of inventions	Ss. 3 and 9 recommended for repeal; ss. 3-6, B; remainder provincial. Repealed so far as inconsistent, 35 V., c. 26, 8. 53 (D) recommended for repeal. Provincial, excepts. 6, which is recommended for repeal and s. 7, Schedule C.
76	Licenses and direct taxes on persons	12 10 12 10 10 10 10 10 10 10 10 10 10 10 10 10
		Provincial, except as to exemple 12, 85 to
78		Repealed as to duties and in other respectively.
79	Duties of customs	Repealed as to duties and in the street inconsistent, 35 V., c. 37, s. 7 (3.); recommended for repeal. Repealed as to duties and in other respects so far as consistent, 35 V., c. 37, s. 7 (3.); recommended repeal. Provincial, except s. 10, which is recommended repeal. Provincial.
30	Debentures for short temporary loans	Provincial, except s. 10, which is reco
31 32	Legal professions	Provincial, except s. 10, which is repeal. Provincial. Superseded by 34 V., c. 4 (D.) and 44 V., c. 4 (D.); Commended for repeal. Repealed so far as inconsistent with 31 V., c. 6 (D.); other Customs Acts by 35 V., c. 37, s. 7 (D.); commended for repeal.
33	Ports of entry in British Columbia	Superseded by 34 V., c. 4 (D.) and commended for repeal. Repealed so far as inconsistent with 31 V., c. 7 (D.); Repealed so far as inconsistent with 31 V., c. 7 (D.); other Customs Acts by 35 V., c. 37, s. 7 (D.); commended for repeal.
34	An ordinance to assimilate the law regu-	commended for repeal.
35	Sale of intoxicating liquors to Indians	other Customs Acts by 35 V., c. 57 commended for repeal. Repealed, 38 V., c. 7, s. 2 (D.) Ss. 2, 3 and 7 repealed, 37 V., c. 21, s. 13 (D.); s. c. 18, s. 2, 3 and 7 repealed, 37 V., c. 18, s. 2, 3 and 7 repealed, 37 V., c. 18, s. 10. and 43 V., c. 28, s. 112 (D.); s. 6, provincia (D.) and 43 V., c. 28, s. 112 (D.); s. 6, provincia (D.) and 43 V., c. 28, s. 12 (D.); s. 6, provincial (D.) and 43 V., c. 28, s. 12 (D.); s. 6, provincial (D.) and 43 V., c. 28, s. 12 (D.); s. 6, provincial (D.) and 43 V., c. 28, s. 12 (D.); s. 6, provincial (D.) and 43 V., c. 59 (D.)
6	Harbor and tonnage dues	Repealed, 36 V., c. 59 (D.) Repealed, 36 V., c. 54, 8, 92 (D.)
8	Medicine and surgery,	for repeal. Repealed, 36 V., c. 59 (D.) Repealed, 36 V., c. 54, s. 92 (D.) Provincial, except ss. 9 and 10; s. 9 recommended in the second
9	Solemnization of marriage	consolidated: 88, 19, 20, 21, 552 Schedule
o¦o	Gold mining	Provincial, except ss. 152-154; s. 152, 152, 153 and 154, recommended for repeal.
1	Excise	consolidated; ss. 19, 20, 21, Schedure consolidated; ss. 152, 154; s. 152, 153 and 154, recommended for repeal. Repealed, as to duties and in other respects so far and consistent, 35 V., c. 37, s. 7 (7.) (D.); recommended for repeal.
2 1 3 .	Harbors	Recommended for repeal, Recommended 36 V. c. 36 (D.). except ss. 10 and
4 (5]	City of Victoria Procedure of the County courts	are recommended for repeal. Not public general. Provincial, except s. 3, recommended for repeal.
7 1	Weights and measures	Provincial, except s. 3, recommends Provincial. Repealed, 36 V., c. 47, s. 52 (D). Superseded by 32-33 V., c. 26 (D.), and recommends for repeal.

		•
Chap.		
6		
_	Subject Matter.	Remarks.
	- January Ci.	1
100	Limitation of certain causes of action and suits. Barristation of accidents by 6	
!	umitation .	
101	and suits Investigation Invest	ne
102	Investigation of accidents by fire	Provincial.
103	arristers of accidents by fire	"
104 7	Barristers and attorneys-at-law. Sale of the real estate of intestates Inipping ordinance, 1868 Avings banks Been Charlette cool.	
105	histees, roll estate of intestates	··· ·· · · · · · · · · · · · · · · · ·
106 7	hipping order Act	" u,
107 8	nompson's lanance, 1868	Recommended for repeal.
100 P	wings hand bridge toll Act. 1864, extender	Recommended for repeal. d Not public general. Recommended for repeal. Provincial, except portions of ss. 1 and 6, which are commended for repeal as respects quarantine. Not public general.
- 1. F	dolic health	Recommended for repeal.
109 0	ueen Charlette coal mining company ommissioners to take affidavits and bail	Provincial, except portions of ss. 1 and 6, which are
110 6	Gen Charles	Provincial, except portions of ss. 1 and 6, which are commended for repeal as respects quarantine. Not public general. Provincial, except s. 2, which is recommended for repfrom the second "and" in line 3 to the end of section.
1"	mmissione coal mining company	Not public general.
111 Ro		from the second "and" in line 3 to the end of
33	Conveyance	section.
112 Sn	Crown of Vancouver Island to the	•
13 Pe	Conveyance of Vancouver Island to the preme Courts of justice	Provincial.
11500	- "4g fit 1 Juotice	
12-	Crown Crown Preme courts of justice evention of cattle stealing Pendiary magistrates onteer force Sery and anatomy edure in civil cases ic sch	Provincial. " " " " Ss. 1 and 2 recommended for repeal. Remainder provincial. Provincial. Provincial, except a. 6, Schedule B.
115 8ti	cattle stealing	Ss. 1 and 2 recommended for repeal. Remainder pro
Lab	endiary manifest	vincial.
lie Vol	of partnerstrates	Provincial.
120 801	atruction of	Recommended for repeal.
121 1200	and and coads	Provincial.
jan City	edure in circi	*
Izal Pubi	struction of roads	"
124 Mine	Schools N	ot public general.
12s Relia	lands P	rovincial.
12e ndia	institution	"
Jan Vonn	. reservon	a a a maal
120 Victo	of Victoria cases ic schools. ral lands. in reserves. rty Courts ordinance, 1867, amended Pria municipal ordinance, 1867. Anics, ordinance, 1867. Sc anics, ordinance, 1866. Sc Sc	ecommended for repeat.
120 Inves	municipal mance, 1867, amended Pr	ovincial. the public general. hedule B. hedule B, except in so far as it relates to insolvency, or to the winding up of companies for the winding up of which provision has been made by the Parlia-
Comp	ement and loan ordinance, 1867 No	of buone general.
1	anies, ordinana societies	nedule D.
131 redici	no.	mont of Canada
132 188ue 0	ne and surgery	mincial and and and and and and and and and and
ne c	Ome Crown grants	wincial, except s. 10, Schedule C.
133 C. am	end school ordinance 1000	Almoran caret
134 Came	ommon grants Pro lended Pro Ordinance, 1869, Ordinance, 1870 Rep	vincial. ii ealed as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7 (5.) Recommended for repeal.
ouston	nance, 1870	If all an annual in fan an
n. 1	Ren	ealed as to duties and in other respects so lar as
		inconsistent, 35 V., c. 31, 8. 1 (5.) Isecommended
Energiem	e Court ment of municipal by-laws £75,000 Prov	for repeal.
of Carorce	e Court	incial.
Lounty	connect of municipal by-laws	incial. incial, except s 18 recommended for repeal. incial.
Pean of	£75 ordinance, 1867, amended	i so manamended for repeal.
of E	Supres	incial, except s 18 recommended for repeat
f Cad ord	court ordinancipal by laws	incial, except parts of ss. 10 and 11, recommended incial, except parts of ss. 10 and 11, recommended in repeal.
Meter	ies 1869, amended	of se 10 and 11, recommended
Tra of B	ala fo	or repeal. ncial. ncial, except ss. 81, parts 82, 83 and 85, consolincial, except ss. 84, parts 82, 83 and 85, consolincial, except ss. 80, Scheated; s. 84 recommended for repeal; s. 80, Scheated;
ausfer	of real Provi	ncial or narts 82, 83 and 85, consoli-
1_	Provi	ncial, except 83. 81, parended for repeal: 8. 80, Sche-
Cron	de	ated; s. 84 recommended
Paphijea"	Rurtz Cariboo Mining Co. Not pu on of this colony. Provin	cial.
Cone and	Kurta C	
Sapalitati	on of Alice Cariboo Mining Co Not pu	blic general.
The Piles	Provin	cial.
Litere and	led ordinance, 1865,	and for reneal as respects ferry tolls.
in all a	exemption ordinance, 1865, Recomm	nenden for reliens
.4r63'''	and mechanics' insti-	int except s. 22, recommended for repeal.
	exemption ordinance, 1865, led	cial, except s. 22, recommended for repeal.

REVISED STATUTES, B. C.—Continued.

Chap.	Subject Matter.	Remarks.
151	Respecting the tax sale repeal ordinance,	
	Thompson's patent road steamers	Not public general. Repealed, so far as inconsistent, 35 V., c. 37, s. 7 (D.)
154	Fire companies aid ordinance, 1869, amended	Recommended for repeal.
	The road amendment ordinance, 1870, amended	"
156	Qualification of electors and of members for the legislature and the registration of voters	Provincial except went of a 2 as to form of a tilder.
		Provincial, except part of s. 3, as to form of oath of allegiance, which is recommended for repeal; and ss. 18, and 40, recommended for repeal. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
157	Elections of members of the legislature of this colony	Provincial, except ss. 30 and 106, recommended for repeal; ss. 99 and 100 consolidated; ss. 103-105, Schedule B; and ss. 67-69, 74, 96 and 97, Schedule C. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
158	Bribery, treating and undue influence at elections of members of the Legislature	Provincial, except ss. 1, 2, 4, 9, Schedule C; ss. 14-17, Schedule B. Remainder provincial. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
	Charters for tolls	Provincial.
161 162	Ordinances and proclamations Charitable, philanthropic and provident	
163	associations	
164 165	Tolls exemption	Recommended for repeal as respects ferry tolls.
	1869, amended Desertion from merchant ships Controverted elections	Schedule B. Repealed, 36 V., c. 129, s. 5 (D.) Repealed, 36 V., c. 28, s. 56 (D.), as to elections for House of Commons of Canada. Now provincial, except s. 29, part, recommended for repeal; and s. 31, Schedule B.
168	Cattle exempted from the operation of any bankruptcy or insolvency laws	

PRINCE EDWARD ISLAND.

Revised Statutes of Prince Edward Island.

Acts of the General Assembly, Vol. I, 13 Geo. III, to 15 Vict., 1773—1852.

"" Vol. II, 16 Vict., to 25 Vict., 1853—1862.

"" Vol. III, 26 Vict., to 31 Vict., 1862—1868.

32 Vict.—1869.

33 Vict.—1870.

34 Vict.—1871.

35-6 Vict.—1873.

REVISED STATUTES OF PRINCE EDWARD ISLAND.

Acts noted as not in force are so designated by authority of the Revised Statutes.

ģ.	13 GEO. III.—177 3	
	Subject Matter.	Remarks.
	t proceedings of Governor in Counci cess in Courts of Judicature	Not in force Recommended for repeal.
1)]	14 GE	EO. III.—1774.
8)	•••••	Not in force.
1	16 GE	CO. HI.—1776.
Proceed		Provincial. Not in force. Recommended for repeal. Tot in force. ""
11	19 GEO	. III.—1779.
3	No	ot in force.
toll	20 GEO. III.—17	780.—(2nd Session.)
4	og stallions running at large, &c Pro	ot in force. Ovincial. t in force.
402		

20 GEO. HL-1780.-(3RD SESSION.)

Chap.	Subject Matter.	Remarks.
2		Provincial.
tս 8 9	Absent or absconding debtors	Provincial.
	21 (EO. III.—1781.
$\begin{bmatrix} 2\\3\\4 \end{bmatrix}$	Salmon fishery	Repealed, 6 V., c. 26.
- 1	Expiring laws	Not in force. Provincial. So much as relates to matters within legislative control of the Parliament of Canada is not in force.
12 to 16 17	Limitation of actions	j
	25 G	EO. III.—1585.
1 to 5 6 In 7 H		Not in force. Repealed, 31 V., c. 8, s. 1. Not in force. Provincial, except s. 3, which is recommended for repeal. Not in force.
9 L 10 Q	depositions of Witnesses <i>de vene esse</i> dicenses to ship persons out of the Island duaker's affirmations	repeal. Not in force. Provincial, except part of s. 2, which is recommended for repeal.
11 to 14		
	26 GI	EO. 111.—1786.
$\begin{bmatrix} 1 \\ \text{and} \\ 2 \end{bmatrix}$		
4 A) 5 and }	batement and discontinuance of suits mendment of pleadings, &c	
8 Rc 9 Ls	ofails, mispleadings, &c	Not in force. Provincial
10 to 12 13 Tr	ial of actions in a summary way	Provincial, except s. 8, which is recommended for repeal.

Chap.		TUTES, P.E.I.—Continued.
	Subject Matter.	Remarks.
and	ty of suits	Provincial.
19]		Not in force.
1	27 G)	EO. III.—1786.
		Not in force.
1	28 GE	CO. 111.—1788.
1		Not in force.
Top) III.—1790.
	mills	of in force. rovincial
	21 GEO	ot in force. . III.—1790.
Evidence		4
senment at	nd recovery of dower	t in force. ovincial.
ees of magist	Not	in force.
······································	rates and constables	vincial in force
	33 GEO.	III.—1792.
	Not	in force.
	35 GEO. I	H.—1795.
firming titles	Not in Provi	n force. ncial.
of land	Not in	ı force.
······································	er execution Provi	
21	····· Not in	force.

36 GEO. III.—1796.

Chap.	Subject Matter.	Remarks.	
5	}	Provincial. '' Effete.	
	37 G	EO. III.—179 7 .	
$\begin{array}{c} 1 \\ \text{and} \\ 2 \end{array}$		Not in force.	
	39 Gl	EO. III.—1798.	
1 2 to 4		Provincial.	
	41 GF	CO. III.—1801.	
to 8	}	Not in force.	
	43 GEO. III.—1802.		
3 to 5	}	Provincial. Not in force.	
	43 GF	EO. III.—1803.	
$\frac{1}{\mathbf{and}}$		Not in force.	
	46 GEO. III.—1805.		
and 2		Not in force.	
	47 GJ	EO. III.—1806.	
to 3	}	Not in force.	
	No.		

48 GEO. III.—1808.

/ Chap.	Subject Matter.	Remarks.
t ₀		Not in force.
_	49 GI	EO. III.—1809.
3 4 5	Recording of powers of attorney	Not in force.
8	} ·····	Not in force.
2	For raising funds to erect public build- ings	Provincial.
• 11		CO. III.—1810.
and 2 3 4	Harboring deserters	Not in force. S. 3, Provincial. Remainder superseded by 32-33 V., c. 25, (D.) and recommended for repeal. Not in force.
1	52 GE	CO. III.—1812.
1077	}	Not in force.
	. 54 GE	O. III:—1813.
2 2 2	}	Not in force.
11	57 GE	O. III.—1817.
10 2 3 4 dd 5	Recovery of debts	Not in force. Provincial. Not in force.
\searrow	59 GF	EO. III.—1818.
0 8	Commissions for examining witnesses out of Island	Not in force. Schedule B. Not in force. Provincial. Not in force. Provincial.

1 GEO. IV.—1820.

Chap.	Subject Matter.	Remarks.	
to 3	}	Not in force.	
	5 G1	EO. IV.—1825.	
15 15 16 17	Fisheries Burning of woods Treasury notes	Not in force. Provincial, except s. 6, part, from "and" in line the end of the section, and s. 7, which are recommended for repeal. Not in force. Provincial. Not in force. Recommended for repeal. Not in force.	
	6 G.	EO. IV.—1825.	
2 to 11	Making 57 Geo. III., c. 3, perpetual Treasury notes	Not in force.	
<u> </u>		EO. IV.—1827.	
to	}	Not in force.	
	9 G1	EO. IV.—1828.	
3 to 5	Makes perpetual 59 Geo. III, c. 4	Not in force.	
	10 GEO. IV.—1829.		
to 3 4 5 to 10	Estates tail	Not in force.	
12 to 22	· }	Superseded by 32-33 V., c. 22, 88. V., c. 55 (D). Recommended for repeal. Not in force.	

11 GEO. IV.—1830.

/ Chap.	Subject Matter.	Remarks.
t _o	}	Not in force.
5 6 7	Marriages	Provincial. Not in force. S. 2 superseded by 31 V., c. 36, s.3(D), as to form of eath
8 9 10 to	Elections. Impost and Excise	which is recommended for repeal. Not in force. Provincial, except s. 1 and so much of s. 2 as relates t collectors of impost, which are recommended for
15 16 17	Treasury notes	Recommended for repeal.
to 22		Not in force.
	1 W	. IV.—1831.
to 5	(·······	
6 7 10d	Eurning of woods	Provincial.
8	Enforcing attacks of witnesses before	1
to) - asides of the reace	
12 13 14	Set off in actions of debt	Provincial.
15 16	Treasury notes (made perpetual by 5 W.	
to 18		· ·
<u>'</u>	2 W	v. 1V.—1832.
1 2 3	Protection of oysters	Not in force. Recommended for repeal. Provincial.
10		Not in force.
- 1	Tavern-keepers harboring soldiers	Superseded by 31 V., C. 03 (D.) and 50 V., C. 21 (D.
16	Mode of recovering penalties	Provincial, except s. 1, which is the second mended for repeal. Recommended for repeal. Not in force.
nd 18 19	}	Not public general.
to 28		Not in force.

3 W. IV.—1833.

Chap.	Subject Matter.	Remarks.
1	Repealing certain acts	Provincial.
to	}	Not in force.
		Superseded as to ferries within legislative authority of the Parliament of Canada. Recommended for repeal.
9 10	Highways	Not in force. Provincial.
11 and 12		Not in force.
13	Provincial notes	Recommended for repeal. Provincial.
	t t	
	•	Not in force. S. 3 repealed by 40 V., c. 35, s. 1, (D.) in so far as it makes a violation of any of the provisions thereof criminal. Remainder Provincial.
27 to	! }	Not in force.
31	Militia	Repealed, 29 V., c. 2, s. 80. Provincial.
32 to 39	}	Not in force.
-	4 W	7. IV.—1834.
1 to 4	}	
5 6	Sheep reeves.	
	To enable the Supreme Court to give costs in cases of certiorari	
to 10	1 }	Not in force.
11	Repealing certain ActsContinuing General Assembly on demise	Effete. Recommended for repeal.
13	of Crown	Provincial.
and	 	Not in force.
10	Boundary lines of townships	1
and	<u> </u>	Not in force.
	1	Not in force. Repealed by 31 V., c. 10, s. 2 (D.); 36 V., c. 40, s. 1, subset to the 6 (D.); and 38 V., c. 7, s. 2 (D.) in respect to postal service. Recommended for repeal.
19 to 23)	Not in force.
	5 W. IV.—	1835. (First Session.)
to	}	Not in force.
4	Commissions for taking depositions	Provincial.
	1	I

Chap.	A	·
ر ر	Subject Matter.	Remarks.
5 6 7	Distress for rent.	Not public general. Provincial.
10 9		Not in force.
ìį	Making perpetual cartain laws relating	
l2 l3	to treasury notes.	Recommended for repeal. Not in force.
14	Sale of reserves for church, school and glebe lands.	Provincial. Not in force.
_	5 W. IV.—18	35. (Second Session.)
0 3	}	Not in force.
•	6 17	V. 1V.—1836.
1 2	}	Vot in farce
3	To restrain the issue of certain promissory	
u j	f	·
5 6	To authorize closing of a certain road To within royalty of Princeton	Not in force.
7	To Prevent persons indecently bathing in the waters contiguous to Charlotte-	İ
o B	town	
2		Not in force.
	dttorno	Recommended for repeal.
	To proctors	Not in force.
21	Man: "45 10 the abolition of oathe	Provincial.
o	Relating to the abolition of oaths	"·
		Not in force.
2	To improve the administration of justice in criminal matters.	Repealed, so far as inconsistent with Acts thereby ex tended to P.E.I., by 40 V., c. 4 (D.), ss. 1 and 9 Recommended for repeal.
3	Punishment of offences against person and property	Ss. 4 and 6 repealed by 32 V., c. 19, s. 1; remainder
1	o incorporate St. Andrew's College	Not public general.
_		Not in force.

7 W. IV.—1837.

	Subject Matter.	Remarks.
		Not in force.
11.)	dary lines of townships	
9	•••••••••••••••••••••••••••••••••••••••	Not in force.
4 Titles	to lands acquired under deed from neriffs or coroners	Provincial.
o] }		Not in force.
	y of a certain road in the royalty of	175
9 Char 0 Distri 1 Paten	ges and duties of pilots ct schoolsts	Repealed by 37 V., c. 27, s. 2 (3) (D.) Not in force. Repealed by 38 V., c. 14, s. 5 (D), so far as inconsistent as inconsis
Stand	ard weight of grain and pulse	Recommended for repeal.
3 Poun	dsnfirm certain sales of lands	
5)	nurm certain sales of lands	Not in force.
3! J 9 Ordni	ance lands	Schedule B. Except ss. 8-13, provincial.
es	ation of actions respecting real	
$\left. \left.		Not in force.
		1
	1	VICT.—1838.
11,	1	VICT.—1838.
ոլ }	1	
		Not in force.
0 Grist 0 Grist 0] }		Not in force. Provincial.
Grist Grist	millsderly riding and driving	Not in force. Provincial. Not in force. Provincial.
0 Grist 1 } 2 Disor	millsderly riding and driving	Not in force. Provincial. Not in force. Provincial.
o Grist	millsderly riding and driving	Not in force. Provincial. Not in force. Provincial. "" Not in force. Not in force. Description of the second of the secon
0 Grist 1	millsderly riding and driving	Not in force. Provincial. Not in force. Provincial.
9) 0 Grist 1 0 3 4 Disor	millsderly riding and drivingof surrogate and judge of probateduce penaltics under Mutiny Act	Not in force. Provincial. Not in force. Provincial. "" Not in force. Repealed by 40 V., c. 4, s. 9 (D), so far as inconsisted as 32-33 V., ec. with or making same provision as 32-33 V., ec. and 26 (D.) Recommended for repeal.
9 9 Grist 1 0 3 4 Disor 5 Office 6 1 7 9	millsderly riding and drivingof surrogate and judge of probateduce penaltics under Mutiny Act	Not in force. Provincial. Not in force. Provincial. "" Not in force. Repealed by 40 V., c. 4, s. 9 (D), so far as inconsister with or making same provision as 32-33 V., cc. and 26 (D.) Recommended for repeal. Not in force. Not in force.

2 VICT,-1839 (Second Session.) Subject Matter. Remarks. to Not in force. Provincial. Not in force. 3 VICT .- 1840. 12 Floating of logs. &c., down rivers and Not in force. streams and Expired, so far as relates to matters within legislative 14! control of Parliament of Canada. 15 Not in force. To anthorize the sale of vessels, &c., for-To feited under revenue laws prevent the bringing of persons convicted of felonies and misdemeanors from Market and or elsewhere in from Newfoundland or elsewhere in America to 20 Lunatic asylum at Charlottetown Provincial. Salary of Colonial Secretary, &c..... Provincial.Not in force. 4 VICT .- 1841. Appointment of coroners....
Limitation of actions on mortgages..... Not in force. Provincial. " Not in force. 5 VICT .- 1842. Confirming certain proceedings of execu-TENERAL S Provincial. prevent the taking away of boats, &c.. Provincial. Not in force. natic asylum near Charlottetown....... Not in force. Provincial. Not in force.

6 VICT.—1843.

Chap.	Subject Matter.	Remarks.
9 10 to 13 14 15 to 18	Marriages	Not in force Provincial. Not in force. Provincial. Expired so far as relates to matters within legislative control of Parliament of Canada. Not in force. Suspended, during the continuance of the Treaty of Washington, by 35-36 V., c. 2, s. 1. Now in force again by expiry of that treaty. Schedule B. Not in force. Provincial.
21 to 25 20 21	WillsSupplies	Ss. 35, 37-42, and 44-60, repealed by 36 V., c. 21, Semainder Provincial. Not public general. Not in force.
to 2 3 3 an	Amendment of laws making lands liable for the payment of debts	Provincial. Not in force. Provincial. Not in force.
	8	VICT.—1845.
an	41)	Provincial.

Chap.	Subject Matter.	Remarks.
	To dispense with convictions in form	Recommended for repeal.
11 to		Not in force.
	Apprentices	Provincial.
and	 	Not in force.
	Confirming titles to certain lands	
19 2 0	Qualifications of jurors For regulation of the mackerel fishery	Not in force.
21 a nd 22	 }	Not in force.
•	9 7	VIC·T.—1846.
and	}	Not in force.
3	Dogs	Provincial.
and		Not in force.
é	Militia	Repealed by 29 V., c. 2, s. 80.
to		Not in force.
1	1 Apprentices	Provincial. Not in force.
1. 1. 1. 1. 1.	of For authorizing the apprehension of persons in any county or place upon warrants granted by justices of the peace of any other county	Superseded by 40 V., c. 4, s. 9 (D.), and 32-33 V., c. 29, s. 107 (D.) Recommended for repeal. Not in force. Superseded by 40 V., c. 4, s. 9 (D.), and 32-33 V., c. 30, s. 23 (D.), and 32-33 V., c. 31, s. 11 (D.) Recommended for repeal. Not in force. Provincial.
	22 }	mended for repeal.
2	26) 27 Merchant seamen within the precincts of the Island	
an	18 d d d d d d d d d d d d d d d d d d d	Not in force.
		VICT.—1847.
1	to }	Not in force.
	4 Repealing certain duties of customs	Recommended for repeal.
	5 10 9 }	Not in force.

Cuap.	Subject Matter.	Remarks.
10	To abolish deodands	Superseded by 40 V., c. 4, s. 9 (D) and 32-33 V., c. 24 s. 54 (D.) Recommended for repeal.
$\frac{12}{12}$	Treasury notes Township boundary lines	Recommended for repeal.
14	· ·	
to	}	Not in force.
16) Mariana da Albar Gailleana Girmatian Laura	
14	To prevent the failure of justice by reason of variances between records and the	
- 1	evidence produced in support thereof.	Superseded in so far as it relates to criminal matters by 32-33 V., c. 29, s. 70 (D.) Recommended for repet in so far as relates to criminal matters.
- [32-33 V., c. 29, s. 70 (D.) Recommende
18		in so far as relates to criminal matters. Not in force.
	For compensating the families of persons	
	killed by accident	Provincial.
	Boundary lines of townships	Not in force.
-1	For doing away with oath of abjuration heretofore required from Roman	•
١	Catholics	Recommended for repeal.
22	Supplies	Not in force.
	11 7	VICT.—1848.
1 to	}	Not in force.
5	The surficiency and the formula of the control of	
٥	To authorize appointment of a master of the rolls of the Court of Changery	ande
1	and an assistant judge of the Supreme	which are recommen
	Court of Judicature	Provincial, except ss. 1 and 4, which was
7	Assessment of lands	Provincial, except ss. 1 and 4, which are recommende for repeal.
8	Cancelling of treasury notes	Not in force
\mathbf{y}_i		Not public general.
10	}	Not in face
12		Not in force.
13`	Charlottetown ferry	Repealed 15 V., c. 34, s. 10.
14.	For the punishment of drunkenness	Provincial.
15	Accidents by fire, Charlottetown	Repealed.
17:	Contrarented elections	N-1 in Course
18	Pilots	Repealed by 37 V., c. 27, s. 2 (D.)
19	1	
to 27	\(\)	not in force.
	To regulate the importation of books and protect the British author	Not in force. Superseded by 38 V., c. 88 (D.) Recommended for repeal. Provincial.
امر	Elections of hombors	repeat. Provincial
	Elections of members	
31	Barristers, attorneys and solicitors	Provincial.
32)	
to 34	}	NOT IN TOPICE.
!	12 \	VICT.—1849.
		manded for representation
1	Limits and rules of jails	Provincial, except s. 4, which is recommended for repeation the commencement thereof to the word mitted " in line 4.
2	Judgments in Supreme Court of Island	Provincial.
	To authorize free trade with United States	

/ Chap.	Subject Matter.	Remarks.
	Law of evidence	ncial, except s. 1 from "that" in line 9 to "offence" in line 26, and s. 2, which are recom-
6	Conveyance of real estate	mended for repeal in so far as relates to criminal matters Provincial.
- 8	la of educ vi land and encourageme	nt/
Dir.		Not in force. of Provincial, except s. 4, which is recommended for repeal in so far as relates to criminal matters.
11 12 13	Prison 4:	Not in force.
14 15 16	Prison discipline and hard labor. Parbor masters, Charlottetown. Inspection of the Court of Chancery. Summary trespasses Relat:	Provincial, except s. 2, which is recommended for repeal Not in force Provincial.
17	trespasses	Provincial, except ss. 3, 14-16, 18 and 21, which are re-
. 10	and ballast masters	Superseded by 37 V., c. 34 (D.) Recommended for
21 22	without license.	Provincial, except s. 5, which is recommended for repeal.
23 24	Reprinting of laws of Laborat	Supergoded by 36 V., c. 40, s. 1 (D.) Recommended for
25 C 26 T 27 7	ivil List	repeal. Provincial. Ss. 3 and 4 repealed by 33 V., c. 17, s. 1; whole Act repealed by 34 V., c. 5, s. 6. Not in force.
58 C	Act Certain parts of the Emigrant	
to 31	Act certain parts of the Emigrant tosts in cases of penalties recoverable before justices of the peace.	Recommended for repeal.
33 Q 34 A	ualification	Not in force. Not public general.
-35	peace, and clerks to justices of the	Not in force.
1	before them.	Provincial. Not in force.
and	13 VICT.—1	850 (First Session.)
थी		Not in force.
Pd l	13 VICT.—185	O (Second Session.)
31		Not in force.
110:	14 VI	CT.—1851.
2 Rei	thways	rovincial. chedule B, except s. 17, which is recommended for
	Sur deptors	repeal.

Chap.	Subject Matter.	Remarks.	
3	To commute the Crown revenues of Prince Edward Island, and provide for civil list	1 ofth	
5		Schedule B. Expired, so far as relates to matters within legislative authority of Parliament of Canada.	
7	To compel support of certain indigent persons	Repealed by 29 V., c. 2, s. 80. Expired, so far as relates to matters within legislative authority of Parliament of Canada.	
8 to 10 11	}	Not in force. Expired. Repealed by 38 V., c. 7, s. 2 (D.)	
13 14	Costs of distresses	Provincial.	
to 19 2	To authorize a loan for the use of the Island	Not in force. Provincial.	
22	To provide for the summary trial of com- mon assaults and batteries Letters patent to Abraham Gesner Post office building, Charlottetown		
25	Authorizing colonial secretary to appoint a deputy	Provincial.	
28	impost and excise for the district of Charlottetown	Recommended for repeal. Not in force. Not public general.	
30 31	To alter appropriation of land assessment Registrar of deeds	Provincial.	
33 and 34]}	•	
15 VICT.—1852.			
2	To continue an Act to regulate the fish- eries	ш,	
4	To continue an Act relating to landlord and tenant	Provincial. Effete; recommended for repeal.	
6	Leascholders	Expired.	
7 8 and	Civil list	l	

Chap.	Subject Matter.	Remarks.
10 11 12	Division fences	Provincial. Recommended for repeal.
and	}	Not in force.
14	Corporate bodies	Schedule B.
to 18	}	Not public general.
19 20	Shutting up of roads	Provincial
- 41	Service of non-bailable process	•
43	Seduction	Not in force
25 to		
30		
32	Po focilitate proving of wills	Expired so far as relates to matters within the legislative authority of Parliament of Canada. Provincial, excepts. 2, which is recommended for repeal.
34	Hactor and ballast masters Charlottetown ferry	Ss. 4, 5, 6 and 17 repealed by 19 V., c. 34 (D.) Expired. Ss. 4, 5, 6 and 17 repealed by 19 V., c. 17; s. 10 recommended for repeal. Remainder Schedule B.
35 36	Care and maintenance of idiots and luna-	Not in force.
37 38	tics	Provincial.
an d	}	Not public general.
	Statute labor, Charlottetown	Not in force. Not public general.
43		Not in force.
	16	VICT.—1853.
and 2		Not in force.
3	tor General and Prothonotary	Provincial.
to 7		•
8	Further improving criminal justice	Repealed by 40 V., c 4, s. 9 (D.) so far as inconsistent with Acts thereby extended to Prince Edward Island. Recommended for repeal.
io Io	\	Not in force.
	Appointment of Constables and fence	
	Evidence	recommended for repeal; s. 14 Schedule B; remain-
13	Lighthouses, buoys and beacons	Superseded by 36 V., c. 40, s, 1 (D.) Recommended
	Recovery of arrears of land assessment Packet service between Bedeque and	Provincial.
ie Ma	Shediac	Pitete, recommended for repeat.
Ji	1.) : · .	arou ta totce.
\$\displays{\displays{3}}	159	

	1023 1022 011110	1110, 1111111 0011111110011	
Chap.	Subject Matter.	Remarks.	
	Purchase of lands for Government of Prince Edward Island	Provincial.	
19 20		Not public general. Not in force.	
	17	VICT.—1854.	
	1		
to 3	\	Not in force.	
4		Not public general.	
5 6	Certain monetary obligations	Not in force. Recommended for repeal.	
7	Steam communication between Charlotte- town and interior	Repealed by 27 V., c. 32.	
8		Not public general.	
9 and 10	}	Not in force.	
11			
and		Not public general.	
13	Prisoners under sentence of imprisonment	Consolidated.	
14	1)		
nd 12		Not in force.	
16	RÍ	Not public general.	
1	Service of unbailable process	Frovincial.	
10	Supplies	Not in force.	
	18 V	ICT.—1854-55.	
	1 2 To authorize free trade with United States	Not in force.	
	of America under treaty of 1854	Effete. Recommended for repeal.	
	assessment	Provincial.	
٠,	4 Calling together of legislature during an adjournment		
and	1		
	7 Relating to office of sheriff		
	9	•	
1	ŏ[.!]		
and	2 1		
3	3 Wharf at Georgetown and other wharve	s Repealed, 33 V., c. 2, s. 24. Not public general. Expired, so far as relates to matters within control of Parliament of Canada.	legislat
	5.00	control of Parliament of Canada.	
1	6'Controller of customs and collector of	fl	

repeal. Provincial in other resp. which is recommended for repeal.

which i

-		and the second s
Chap.	Subject Matter.	Remarks.
19	Office of road correspondent	Provincial, except as respects postmaster-general and assistant to postmaster-general; ss. 2 and 5 super-seded by 38 V., c. 7, s. 2 (D.) in this respect and
21 22	Insane Asylums	recommended for repeal. Provincial. Effete. Recomm nded for repeal. Provincial.
24 25 26	Opening up of new roads	Not public general. Provincial.
28 29 to 31	l }	(4
32 33	Spirituous liquors.	Not in force. Not public general.
and 36]}	Not in force.
_	19	VICT.—1856.
1	For raising a revenue	Ss. 61, 62 and 75 repealed by 31 V., c. 1, s. 28. The whole repealed by 34 V., c. 1, s. 140.
3 4	Sale of spirituous liquors	Repealed by 34 V., c. 10, s. 1. Repealed by 39 V., c. 25, s. 2 (D.) Effete: recommended for repeal.
6	Buoys and beacons. Continuation of 15 V., c. 33	! "
8	Limitation of actions respecting real estate	commended for repeal in so far as they relate to criminal procedure.
10	Indians of Prince Edward Island	Repealed in so far as inconsistent with or making same provision as 39 V., c. 18 (D.), and 43 V., c. 28 (D.) ride ibid, ss. 99 and 112 respectively. Recommended for repeal.
112	To protect justices of the peace from vex-	Not public general. Not in force.
		Provincial. Superseded by 36 V., c. 40, s. 1 (9) (D.), and 37 V., c. 27, s. 2 (D.) Expired. Provincial.
: i	Charlottetown ferry and wharves	Not public general. Schedule B.
41	Transferring to one of Her Majesty's prin- cipal secretaries of State the powers and estates vested in the principal	l Schedule B.
2(S. 34 repealed by 19 V., c. 21, s. 33; ss. 9, 19, 21, 23, 24, 26-28, 31, 70 and 80 repealed by 24 V., c. 34; remainder except s. 53, which is recommanded for repeal, is provincial, but superseded as to elections for House of Commons of Canada by 37 V., c. 9, s.
	1531	133 (D.), and 48-49 V., c. 40, s. 58 (D.) Recommended for repeal.

Chap.	Subject Matter.	Remarks.
22	Duties of justices of the peace in regard to indictable offences	Repealed by 40 V., c. 4, s. 9 (D.) so far as inconsistent with 32-33 V., c. 30 (D.) Recommended for repeal, except s. 16 and scale of fees in Schedule, which are provincial.
23	Duties of justices of the peace with regard to summary convictions	
24 25	Supplies	Not public general.
*******		VICT.—1857.
and 2	}	Not in force.
3 4 5 6 7 8 and 9	Practice of the Supreme Court	Repealed by 34 V., c. 10, s. 1. Not in force. Recommended for repeal. Recommended for repeal in so far as regards ferrics and wharves within the legislative authority of the Parliament of Canada. Not public general. Schedule B.
and 13 14 15 and 16 17 18	}	Not in force. Not public general. Not in force.
and 19 20 21		
•	21	VICT.—1858.
and 2		Not in force.
3 4 5	Confirming appointment of coroners and fence viewers	Provincial. Not public general. Provincial.
9 10 11		Provincial. Recommended for repeal. Provincial. Repealed by 36 V., c. 11, s. 4, and again by 38 V., c. 33, s. 1 (D.)
13	Supreme Court	Provincial.

	I	
Chap.	mar Commission & M. C. 181	n ,
Ch	Subject Matter.	Remarks.
1.0		Provincial, except s. 10, which is recommended for
	i ,	reneal.
16		Not in force.
-		
	99	VICT.—1859.
	22	
i	1.3	
and		Not in force.
2	[]	Vot public conorel
- 3 - 4	Aliens (holding of real estate by)	Recommended for repeal.
5	Appointment of coal meters Baptist Church, Bedeque	Effete. Recommended for repeal.
6	Baptist Church, Bedeque	Not public general.
7	The state of the bounds	Not in force.
8	Regulating size and quality of fish barrels and weight of fish made up therein	
	and appointment of fish inspectors	Expired.
9	To continue certain Acts	Effete. Recommended for repeat.
10		Not in force.
11	To continue an Act relating to the ship-	Not puone general.
14	ping of seamen	Effete. Recommended for repeal.
13	· · · · · · · · · · · · · · · · · · ·	Not in force.
14	Interpleader Act amended	Provincial.
to		Not public general.
_17	}	
	23	VICT.—1860.
_		
and	}	Not in farce
9		
3	Amendment of laws relating to wills	Provincial.
41	Registry of deeds	
8	Township boundary lines Harbor and ballast masters for Hills-	•
	horough Ray	Expired.
. 7	Indoment of Cunroma Court	Provincial.
- 8	Certain Acts continued	Enete. Recommended for repeat.
J J	To prevent fraud by secret bills of sale of personal property	Provincial.
10	For revising and reprinting laws of island.	· · ·
11	Verdicts of juries	Not in force.
and	}	Repealed, 34 V., c. 10, s. 1.
13	İ	
14	ĺ	Vat in famo
and 15	1 11 11 11 11 11 11 11 11 11 11 11 11 1	
10	Daniel Come D. dobto	Repeal d, 36 V., c. 3, s. 63.
17	Prince of Wales College	Not public general.
. 181)	
a nd 19	·····	,,
20	To enable controller of navigation laws in	
	this island to grant and issue Ishery	•
	licenses to citizens of the United States	•
- {	for vessels built in P.E.I. and owned by them	Recommended for repeal.
21	Purchase of lands for government	Provincial.
22	Protection of colmon fishery	Repealed, 32 V., 6. 27, S. 8.
23	Rills of lading	Schedule B.
44	Grants of the shores	NOU III TOTCE.
~3	loaned by land purchase Act	Provincial.
•	sound of the factor	

Chap.	Subject Matter.	Remarks.	•
26 27 and 28 29 to 34 35 36 37 38 39	Rights of married women Offices of clerk of the executive and legislative councils. For the transfer of the management of the inland posts within Prince Edward Island. Office of sheriff Cash account with Bank of Prince Edward	Not in force. Not public general. Provincial. Not public general. Not in force. Not public general. Provincial. Repealed by 38 V., c. 7, s. 2 (D). Provincial.	
43	Island Statute labor		

24 VICT.-1861.

North of the		
,	Osmania	N
- 1	Census	Not in force.
31	John Hunter Duvar. Revising and reprinting of laws of Island	Not public general.
	Gulf Express and Telegraph Company	
5	Judgments of Supreme Court	Provincial
6	Customs	Not in force
7	For preservation of Alewive Fisheries	Cr. 4 9 managed by 90 W. a. 10 a. 1 a. a. 11 and 19 piles.
	· · · · · · · · · · · · · · · · · · ·	and recommended for repeal; s. 10, Schedule
- 8	Legislative Council	Not in force.
4)	Transfer of inland posts	Damas lad bas 0° 77 a. 10
10	Grand and petit juro s	13 10 1 1 1 00 W 0 14 00 01 00 ffv
		S. 10 repeated by 33 V., c.3, S. 14; SS. 20, 21, S. 33 or "or" in line 11 to the end of the section, which is
		superseded by 32-33 V., c. 29 (D) and s. 30 which is
		enete, are recommended for repear as respec-
	0	minal matters. Remainder provincial.
11	Organization of a volunteer force	minal matters. Remainder provincial. Ss. 4 and 10 repealed by 25 V., c. 1, s. 1; whole
12	Roman Catholic bishop	NOU IN TORCE.
14		rrovinciai.
and		Not public general
15	1 3	l :
16	Prevention of smuggling	Effete: recommended for repeal.
17	To prevent congregations being disturbed	Effete; recommended for repeal. Superseded by 32-33 V., c. 20, s. 37 (D), and recom-
18	Conveyance of real estate by married	· ·
	women	Provincial.
19	Charlottetown	Not public general.
20	Charlottetown	- "
	Land assessment on Princetown	
23	Punishment of persons who shall be guilty	
99	of certain trespasses named	Expired.
24		Enete; recommended for repeat.
and		Not public general.
25		Trop kasses O
26	Packets to Nova Scotia and New Bruns	
	wick	Effete; recommended for repeal. S. 3, Schedule B.; remainder recommended for repeal.
27	Punishment of robbery and rape	S. 3, Schedule B.; remainder recommended for rep
	-	

Chap.	Subject Matter.	Remarks.
29 30 31 32 4nd 33 34	To protect persons employed in the publication of parliamentary papers Election laws	Repealed by 31 V., c. 8, s. 1. Repealed so far as inconsistent, 38 V., c. 88, s. 29 (D.) Recommended for repeal. Not public general. Consolidated, except s. 4, provincial. Not public general. Ss. 18, 24 and 28 recommended for repeal. Remainder superseded as to elections for House of Commons of Canada, by 37 V., c. 9, s. 133 (D) and 48-49 V., c. 40, s. 58 (D) and recommended for repeal in that respect. Expired. Repealed by 31 V., c. 6, s. 1.

	25 '	VICT.—1862.
3 4 5 6 7 8 9 10 11	Continues certain Acts	Provincial, except ss. 31 and 48, which are recommended for repeal. Effete; recommended for repeal. Provincial. Repealed by 34 V., c. 10, s. 1. Repealed by 36 V., c. 3, s. 63. Effete; recommended for repeal. Not public general. Recommended for repeal. Repealed by 38 V., c. 7, s. 2 (D.) Recommended for repeal. Provincial. Provincial.
15 to 17 18 19	Constitution of the Legislative Council To authorize grants of the shores of the island	Not public general. Provincial
23 24	To promote vaccination For vesting all estates and property occupied by or for the naval service of the United Kingdom in the Lord High	Provincial, except s. 9. which is recommended for repeal. Schedule B. Superseded by 44 V., c. 13, s. 46 (D.) Recommended for repeal.
26	Proof of public documents	Not in force.

26 VICT.—1863.

Chap.	Subject Matter.	Remarks.
1 2 3	Marine insurance company of Prince Edward Island To raise a revenue Steam navigation in the island	Not public general. Not in force. Repealed by 37 V., c. 27, s. 2 (3) and Schedule.
5 6 7 8 9	Union bank of Prince Edward Island Education Statute labor	Repealed by 31 V., c. 6, s. 1. Provincial. Not in force. S. 4 repealed by 29 V., c. 4, s. 1. Remainder provincial- Expired.
11 to	fisheries	S. 1 effete and recommended for repeal; s. 2 expired.
13 14	!)	Superseded by 44 V., c. 13, s. 46 (D.) and recommended
	Authorizing Legislative Council and House of Assembly to commit prisoners in contempt to common gaol of Queen's county	
17 18		Not in force.
	27	VICT.—1864.
2 2 2 3 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	To raise a revenue fund Landlord and tenant and to enable tenants in certain townships to purchase the fee simple of their farms Trial of actions in a summary way Establishment of a bank for savings Inspection of flour and meal Bills of exchange and promissory notes Union bank of Prince Edward Island Office of commander in chief Relief of insolvent debtors Destruction of partridges or tree grouse To continue certain Acts Act in addition to the Act to extend the criminal jurisdiction of the police court of the City of Charlottetown Legislative council Specie currency of Prince Edward Island Additional small debt courts Oyster fisheries Proceedings in court of chancery	Provincial. Repealed by 31 V., c. 24, s. I. Superseded by 37 V., c. 45 (D.) Recommended for repeal. Ss. I and 2 consolidated; remainder provincial. Not public general. Recommended for repeal. S. I, Schedule B; remainder effete and recommended for repeal. Effete; recommended for repeal. Provincial. Not in force. Not public general. Provincial. Repealed by 35-36 V., c. 12, s. 5. Repealed by 35-36 V., c. 3, s. 63. Repealed by 28 V., c. 13, s. 24. Not public general.
2 t 2 2	4 6 7 Partition of lands	Not public general. Provincial. Not public general.

_		
Chap.	Subject Matter.	Remarks.
31	Church of England Prince of Wales College Steam communication between Charlotte- town and Hillsborough	Provincial.
34	Independent Order of Good Templars Payment of certain debentures Amendment of Act respecting cash account with bank of Prince Edward Island	Not public general. Provincial.
36	Fraudulent marking of merchandise	Repealed by 40 V., c. 4, ss. 1 and 9 (D.), so far as incon- sistent with or making provision in any matter provided for by 35 V., c. 32 (D.) Recommended
	Assessment of lands and encouragement of education	for repeal. Provincial.
		VICT.—1865.
4	Agreements of J. H. Winslow	Not public general. Repealed by 30 V., c. 13, s. 4. Not in force. Not public general.
	the fee simple of their farms	
8 9 10	Vaccination	Repealed by 34 V., c. 10, s. l. Provincial. Recommended for repeal.
13 14 15	Militia	Repealed by 34 V., c. 20, s. 24. Provincial.
17 18 19	Wills and executors	Repealed by 37 V., c. 27, s. 2 (3) (D.) Superseded by 37 V., c. 45 (D.) Recommended for repeal
44	Bank of savings	Not public general.
24 25	Summerside bank	Not public general. Repealed by 37 V., c. 38, s. 14 (D.) so far as inconsistent therewith; ss. 3-8, ss. 9 and 10 in so far as they relate to criminal matters, and s. 11, recom-
26 27	Presbyterian congregation of Woodville,	mended for repeal. Remainder provincial. Not public general.
28	To continue an Act continuing the Seduc-	Effete; recommended for repeal.
49	Mayor's court of Charlottetown	VICT.—1866.
_		
1 2		Not in force. Ss. 18, 28, 32, 55-57, 70, 71, 76 and 78 repealed by 30 V., c. 6, s. 26, and all other parts inconsistent therewith; ss. 25, 34, 37 and 43 repealed by 32 V., c. 17, s. 8. Remainder superseded and recommended for repeal.

-		
Chap.	Subject Matter.	Remarks.
4 5 6	Concealment of arms or munitions of war intended for unlawful purposes Transfer of certain funds To continue certain Acts Lights on vessels in harbor Titles to land acquired under land assess-	Provincial. Effete; recommended for repeal. Repealed by 29 V., c. 13, s. 4.
	ment Acts	Recommended for repeal. Repealed by 31 V., c. 12, s. 1.
11	Amending 5 W. IV. c. 10, entitled "An	Provincial, except s. 11 from the commencement the form of "to" in line 11, which is recommended for repeal. Whole Act superseded as to elections for House of Commons of Canada by 37 V., c. 9 (D.) and is recommended for repeal.
13	Act to establish a court of divorce " To amend the law of real property	Provincial.
and 14		
16	Small debt court in Prince county	Repealed by 34 V., c. 20, s. 24.
19	Amendment to land purchase Act	Provincial.
$\frac{21}{22}$	Office of Solicitor General	Provincial. Repealed by 31 V., c. 24, s. 1.
24 to	1)	1
28 29	Conveyance and transfer of real and per-	
32 to		Not public general
36 37	Benefit building societies	S. 33 repealed by 38 V., c. 7, s. 2 (D.); remainder, Schedule B.
38	Supplies	Schedule B. Not in force.
	30	VICT.—1867.
2	Revenue	
· E	Authorizing Government to raise a loan Additional small debt courts Continues certain Acts	Repealed by 36 V., c. 3, s. 63.
8	Continuing and amending certain Act relating to education	SI .
and 10	1	1
1:	Land assessment	8
1	To compel masters of vessels to exhibit light while in harbor at night time.	Note: 1 (1) (2) (2) (2) (3) (4) (4) (5) (6) (7) (7) (7) (8) (8) (9) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1
1	4 Limits and rules of gaols	Provincial.

Chap.	Subject Matter	Remarks
16	Prince of Wales College	••
,	91	VICT 1868.
3	Revenue Sale of spirituous liquors. Land purchase. Settlement and cultivation of public wilderness lands.	Repealed by 34 V., c. 10, s. 1. Provincial.
5	Continues "Act regulating size and	
6	quality of fish barrels, &c" Education	Effete: recommended for repeal. Provincial, except s. 32, in which the words "and militia data" are recommended for repeal.
8	Supplies	Not in force. Ss. 2, 3 and 4 consolidated; remainder recommended
,	interest	for repeal.
9	To prevent accidents to persons travelling	ninsial
10	on ice	Provincial, except s. 2, which is effete and is recom-
_	-	mended for repeal.
12	·	Superseded by 40 V., c. 4, ss. 1 and 9 (D); recommended for repeal.
13	To empower Government to spend £10,000	Provincial
15	Relief of unfortunate debtors	Provincial. Schedule B. Revived by 37 V., c. 46 (D), but repealed by 38 V., c. 16, s. 149 (D).
16 17	Language of sheriffs' deeds	Provincial.
to	}	Not public general.
23 24 25	Amending Acts relating to savings bank. Salaries payable to Attorney and Solicitor	Recommended for repeal.
	General	Provincial.
_		
_	32 '	VICT —1869.
1 2	Customs, &c	Repealed by 33 V., c. 1, s. 43. Recommended for repeal.
3	Board of works	Provincial, except portions of ss. 1, 3, 6 and 9, which are recommended for repeal.
		Provincial, except ss. 1, 12 and 22, which are recom- mended for repeal.
5	Publication of public notices	Populad by 20 V a 25 g 2 (1)
71	Weights and measures	Provincial.
- 8		Not bublic general.
9	Loans	Provincial.
10	Land purchase	,
	narties	Schedule B.
12	Small dahte courts	Repealed by 36 V., c. 3, s. 63.
13	Savings bank	Recommended for repeal.
15	SheriffsSupreme Court	4.6
: 16	Relief of unfortunate debtors	Repeal d by 38 V., c. 16, s. 149 (D).

•	Subject Matter.	Remarks.
-		
8	Carrying out of capital punishment with- in prisons	
9	Offences against person and property and	
-	repeal of Act relating to treasons and	
ام	felonies Patents	
"	t atents	Recommended for repeal.
	Limits of Saint El-anor's gaol	
3	}	Not mublic memoral
d		Not public general.
4	Śheriffs' deeds	Provincial.
5)	3. () 3.
d 6		Not public general.
	Protection of salmon fisheries	Recommended for repeal.
8	Baptist Church, Summerside	Not public general.
29	Polling divisions, Prince County	Not public general. Superseded by 48-49 V., c. 40, (D). Recommend for repeal as respects elections for the House Commons of Canada.
10)	Commons of Canada.
0		Not public general.
32) Supplies	France
34	Telegraphic communication	Schedule B.
	P	
	33	VICT.—1870.
,	Curatura to	Democled by 24 V o 7 o 140
2	Customs, &c	Recommended for repeal.
3	Special juries	Recommended for repeal. Provincial, except s. 6, which is recommended for repeas respects criminal matters.
	A1	as respects criminal matters. Provincial, except s. 3, which is recommended for rep as respects criminal matters.
4	Appear causes	es respects criminal matters
3	Government suits at law	. Provincial.
	Census	
7	Georgetown ferry	Schedule B.
9	Liquor licenses	Repealed by 34 V., c. 10.
10	Idiots, lunatics and persons of unsound	a)
	mind	
12	School teachers' salaries Exchange of pasture lot 13	Not public general.
13	Pilots	Repealed by 37 V., c. 27, s. 2 (D.)
	Charlottetown gas company	. Not public general.
	Statute labor by volunteer militia	
17	Repeals certain sections of currency Act.	
18	Northern agricultural society	. Not public general.
19	Patents	
	Better government of certain towns and	
20	villages	Provincial, except s. 14, which is recommend
2 0		repeal.
	Law costs	Not public general
21	La lovandea lodgo	Provincial
21	Alexandra lodge Escheat	
21	Alexandra lodge Escheat Pisquid road line company	Not public general.
21	Alexandra lodge. Escheat. Pisquid road line company. Coal meters.	Not public general. Expired, as to matters within legislative authority.
21 22 23 24 25	Escheat. Pisquid road line company. Coal meters.	Provincial. Not public general. Expired, as to matters within legislative authorit; Parliament of Canada. Not public general.
21 22 23 24 25	Escheat. Pisquid road line company. Coal meters. Belfast lime company.	in it to busine grant and
21 22 23 24 25	Escheat. Pisquid road line company. Coal meters.	in it to busine grant and
21 22 23 24 25 26 27	Escheat. Pisquid road line company. Coal meters. Belfast lime company. Supplies.	in it to busine government

	Subject Matter.	Remarks.
2	Supreme Court	Recommended for repeal.
4	Savings bank Prince Edward Island railroad	Ss. 13-26 superseded by 44 V., c. 25 (D.), ss. 29 and 31
5	Decimal currency	Remainder effete and recommended for repeal. Recommended for repeal, except s. 3, provincial.
0	Relief of unfortunate debtors	[Repealed by 38 V., c. 16, s. 149 (D.)
41.	Merchants' bank	Not public general.
- 1	Charlottetown	Recommended for repeal.
10	Tenants' compensation ActLiquor licenses	Provincial. Provincial, except ss. 44 and 47, which are recommend
nl.	Rustico and New London tug company	ed for repeal.
-411	Continues certain Acts	IEffete: recommended for repeal.
13	Steam communication between Charlotte-	•
- 1	town and Mount Stewart bridge	ISchedule K
16	Purchase of stock farm	tiovincial.
16	Purchase of stock farm	Recommended for repeal.
iai	Crown grants	Schedule B.
pd		
19;		•
- 1		Part of s. 4 repealed by 35-36 V., c. 20, s1. Remain der recommended for repeal.
22	Public wharves and bridges	Recommended for repeal.
~	Georgetown ferry Dower	Provincial.
44	Truetoes and executors	• • • • • • • • • • • • • • • • • • • •
-60	Physicians and surgeons	"
ا "	Registry of mortgages and memorials of judgments	"
27	AW cocta	, 44
401	Small debts court	
	with mortgages	revincial.
~41	Tomas of Sunamon Court	l
4413	Small dobts sount	Repealed by 36 V., c. 3, s. 63.
34	Hillsborough and other ferries	Recommended for repeat.
35	Pees on naturalization	Recommended for repeal.
36 37	Fees on naturalization Boundary line commissioners	Provincial.
38	······	
20	Vaccination	Provincial.
to 42		Not public general.
451	Exportation of arms	Recommended for repeal.
10		Not public general.
48	<u></u>	Expired.
	35-36	VICT.—1872.
1	C	Fenirad
2	Customs, &c Treaty of Washington	Recommended for repeal.
3	Supplies	Expired.
to	}	· ·
8	Opening and closing public offices	• •

Chap.	Subject Matter.	Remarks.
9 10 11 12 13 14 15 16 17 and 18 19 20 21 to 27 28	Board of works	Not public general. Recommended for repeal. Effete; recommended for repeal. Provincial. Expired. Not public general. Provincial. Recommended for repeal. Provincial. Recommended for repeal. Provincial. Recommended for repeal.
,	36	VICT.—18°3.
33 4 5 5 6 6 7 7 8 8 9 10 11 12 12 13 15 16 16 17 18 18 19 20 22 22 22 22 22	Crössings on railway line Wild ducks, snipe, woodcock and bittern Absent debtor Act. Supplies. Sale of liquors—Georgetown Continues certain Acts. Cape Race lighthouse toll Steam communication between P. E. Island and Nova Scotia and New Brunswick Judgments affecting real estate. Hamilton and DeSable Lime Company Continues 35 and 36 V., c 8. Charlottetown debentures. Written acknowledgments of debt. Estates of intestates. Process practice and pleadings in the Supreme Court Law of inheritance and distribution of int states' estates. Amendment of "Tenants' compensation Act, 1872."	Provincial, except ss. 7, 9, 10 and 43, which mended for repeal. Recommended for repeal. Provincial. Expired. Provincial. Recommended for repeal. Effete; recommended for repeal. Not public general. Provincial. Not public general. Provincial. Not public general. Provincial. Your provincial. Your provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial. Provincial.

DOMINION OF CANADA.

31 Vict.—1867.	40 Vict.—1877.
31 Vict.—1868.	41 Vict.—1878.
32-33 Vict.—1869.	42 Vict.—1879.
33 Vict.—1870.	43 Vict.—1880.
34 Vict.—1871.	44 Vict.—1881.
35 Vict.—1872.	45 Vict.—1882.
36 Vict.—1873.	46 Vict.—1883.
37 Vict.—1874.	47 Vict.—1884.
	46 Vict.—1883. 47 Vict.—1884. 48-49 Vict.—1885.

31 VICT.—1867.

/ Chap.	Subject Ma tter.	Remarks.
1	Interpretation Act	Consolidated, except s. 5, which is repealed by 46 V., c. 1, s. 1; sub-s. 16 of s. 6, which is repealed by 46 V., c. 1, s. 2; sub-s. 35 of s. 6, which is repealed by 46 V., c. 1, s. 2; and ss. 10 and 11, which are
3	Speaker of the House of Commons	repealed by 38 V., c. 1, s. 1. Repealed by 48-49 V., c. 1, s. 4. Consolidated, except s. 1, which is repealed by 36 V., c. 31, s. 13; s. 12, which is repealed by 36 V., c. 31, s. 14; and ss. 10, 11 and 13, which are recommended
6	Supplies	for repeal. Effete, and recommended for repeal. Repealed by 41 V., c. 7, s. 77. Repealed by 40 V., c. 10, s. 143. S. 8 is consolidated; ss. 1-4, 7, 9, 12 and 15, and Schedules A. B, C, D and E, are repealed by 31 V., c. 44, s. 1; ss. 5, 6, 10, 11, 13, 16 and 17 are superseded by 46 V., c. 12, and are recommended for repeal; s. 14 is superseded by 42 V., c. 15, s. 1, and is recom-
8	Inland revenue	mended for repeal; and ss. 18, 19 and 20 are effete, and are recommended for repeal. Repealed by 43 V., c. 19, s. 190.
	exchange	Repealed by 42 V., c. 17, s. 1. Repealed by 38 V., c. 7, s. 87. Temporary. Expired. Consolidated, except ss. 1-7, which are repealed by 42 V., c. 7, s. 15; s. 13, which is repealed by 47 V., c.
•		16, s. 1; s. 16, which is superseded by 41 V., c. 7, s. 33, and is recommended for repeal; s. 27, from "and," in line 6 to the end of the section, which is recommended for repeal; the last twelve words of s. 44, which are repealed by 42 V., c. 8, s. 1; so much of, or in so far as s. 67 relates to "Railways managed by Companies in Nova Scotia
13	Intercolonial railway	and New Brunswick," which is recommended for repeal; the last three lines of s. 70, which are recommended for repeal; and s. 71, which is effete, and is recommended for repeal. S. 3 is repealed by 37 V., c. 15, s. 1; remainder, Schedule
	Lawless aggression from subjects of foreign countries	B. Consolidated, except s. 5, which is recommended for
		repeal. Consolidated, except the last 28 words of s. 7, which are superseded by 32-33 V., c. 29, s. 134, and are recommended for repeal.
16	Apprehension of persons suspected of conspiring	commended for repeal. Cemporary. Expired.

	ACIS OF THE DOMINION OF CANADA.—Continued.		
Chap.	Subject Matter.	Remarks.	
17 to 21	}	Not public general.	
	31	VICT.—1868.	
22	Continuing Parliament in case of demise		
23	of the Crown		
24	monsOaths to witnesses for purposes of Parlia- ment	Consolidated, excepts. 4, which is recommended for repeal.	
	Independence of Parliament	Repealed by 41 V., c. 5, s. 16.	
27	voted while holding office Internal economy of House of Commons	Recommended for repeal. Consolidated, except s. 11, which is effete, and is recommended for repeal.	
28 29	Interpretation Act amended To continue certain Acts Commencement of certain Acts	Consolidated. Effete, and recommended for repeal.	
	Supplies		
	~	Repealed by 45 V., c. 4, s. 56. Consolidated, except s. 2, from "and" in line 5 to the end of the section, which is recommended for	
	Commissions, oaths of office	Consolidated.	
39	Inquiries concerning public matters Department of Justice	Consolidated.	
41 42	· ·	Recommended for repeal. Ss. 1-3, 40 and 41 are consolidated; s. 4, is repealed by 48-49 V., c. 2, s. 1; ss. 5-33, 37 and 38 are pealed by 39 V., c. 8, s. 99; ss. 34-36, 39 and 42 are	
43	Department of Customs	Consolidated, except ss. 4 and 6, which are recommendated	
44	Duties of customs	S. 11 is consolidated; s. 6 is repealed by 33 V. the re- 14; s. 8 is repealed by 33 V., c. 9, s. 10; and the mainder of the Act is recommended for repeal.	
	Currency	S. 2, from the beginning of the section to wick" in line 9 is consolidated, and the remainder of that section is effete and is recommended for repeal; the remainder of the Act is repealed by 34 V., c. 4, s. 11.	
46	To enable banks to use Dominion notes	S. 8 from "therefore" in line 26 to "payable" in line 38, and from "and" in line 48 to "payable" in line 59, and s. 13 from the beginning of the section to "fineness" in line 5, and s. 14, are consolidated; ss. 1-7 are repealed by 33 V., c. 10, s. 2; ss. 9 and 11; s. 10 is repealed by 33 V., c. 10, s. 2; ss. 9 and 11; are repealed by 33 V., c. 10, s. 7 and 8 respectively; are repealed by 33 V., c. 10, s. 7 and 8 respectively; so much of s. 8 as relates to the amount of Dominion notes which may be issued and outstanding at any notes which may be issued and outstanding at any time, is repealed by 33 V., c. 10, s. 2; s. 12 is superseded by 43 V., c. 13, s. 5, and is recommended for repeal; and the remainder of ss. 8 and 13 and s. 15 are recommended for repeal.	

$\int Chap.$	Subject Matter.	Remarks.
47 48	Copper coins and tokens	Repealed, in so far as it relates to fire and inland
	1	marine insurance, by 38 V., c. 20, s. 24, and remainder of Act repealed by 40 V., c. 42, s. 29. Ss. 1-4 and 6 are consolidated and ss. 5 and 7 are recommended for repeal.
	Excise duty on spirits and refined petro-	Repealed by 40 V - c - 11, s - 8
0.2	Duty on tobacco	Recommended for repeal. St. 1 and 2 and 4-7 are consolidated and st. 3 and 8 are
54 55 56	Copyright Trade marks Duty on foreign reprints of British copy-	recommended for repeal. Repealed by 38 V., c. 88, s. 29. Repealed by 42 V., c. 22, s. 38.
		Ss. 1 and 2 are consolidated; s. 5, from the beginning of the section to "supervision," in line 6, is consolidated, and the remainder of the section is superseded by 33 V., c. 18, s. 1, and is recommended for repeal; and ss. 3 and 4 are recommended for
58 59	Navigation of Canadian watersLighthouses, buoys and beacons	33 V., c. 18, s. 3; and ss. 2, 3, 5, 10, 11, 15 and 16
60	Fishing and fisheries	are recommended for repeal. Consolidated, except sub-ss. 1 and 2 of s. 7, which are repealed by 38 V., c. 33, s. 1; paragraphs 4, 5 and 7 of s. 21, which are repealed by 38 V., c. 33, s. 4; and sub-s. 3 of s. 14, sub-s. 2 of s. 16, s. 20, s. 21 from "Scotia" in line 8 to "Magistrates" in line 12, from "Council" in line 33 to "Minister" in line 39, and from "Regulations" in line 44, to the end of the section, and s. 22, all of which are recom-
		mended for repeal. Consolidated, except s. 3, which is repealed by 33 V., c. 15, s. 1; s. 5, which is repealed by 34 V., c. 23, s. 1; and s. 6, which is repealed by 34 V., c. 23, s. 2.
64		Repealed by 45 V., c. 48. s. 12. Repealed by 35 V., c. 27. s. 11. Consolidated, except sub-s. 3 of s. 4, which is repealed by 38 V., c. 31, s. 1; and ss. 15-17, which are re-
	Aliana and naturalization	Repealed by 45 V., c. 35, s. 2.
68	Railwaye	Repealed by 42 V., c. 9, s. 12. Repealed by 42 V., c. 9, s. 102. Consolidated, except s. 10, which is recommended for
70	Riots and riotous assemblies	repeal. Consolidated, except s. 9, which is recommended for repeal
71	Forgery, perjury and intimidation in con-	Consolidated, except ss. 1, 2 and 4, which are recom-
.72	Accessories	mended for repeal. Consolidated, except s. 8 from "and" in line 8 to "without" in the line 19, which is repealed by 32-33 V., c. 17, s. 2; and s. 10, which is recommend- ed for repeal.
73		Consolidated, except ss. 1 and 4, which are repealed by 42 V., c. 37, ss. 1 and 2 respectively.
14	Persons in custody charged with treason or felony	
.45	D_ , 10.01.3 1	Repealed by 38 V., c. 44, s. 1. Consolidated, except s. 5 from "and" in line 8 to the end of the section, which is recommended for repeal.
	154	· · · · · · · · · · · · · · · · · · ·

Chap.	Subject Matter.	. Remarks.
78 79 80 to 93	}	Consolidated. Schedule B. Not public general. Repealed by 40 V. c. 25, 8, 3
	32-33	VICT.—1869.
		So much of s. 3 as makes the loan of money authorized thereby to be borrowed by Canada a charge upon the Consolidated Revenue Fund of Canada, is consolidated, and the remainder of the Act effete and is recommended for repeal. S. 1 is consolidated and the remainder of the Act is recommended for repeal.
	Temporary Government of Rupert's land	
5 6 7	Ocean mail service	Effete and recommended for repeal. Repealed by 39 V., c. 18, s. 99. Consolidated, except s. 1 from "and" in line 3 to the end of the section, and s.9, which are recommended for repeal.
	Salaries and travelling allowances of the judges	Ss. 1. 4, 7 and 8 are consolidated; s. 5 is superseded by 36 V., c. 31, s. 10, and is recommended for repeal; s. 6, is repealed by 35 V., c. 20, s. 1; and ss. 2, 3 and 9, are recommended for repeal
9 10	Fee fund, Ontario	Effete and recommended for repeal. Consolidated, except sub-s. I of s. 2, and s. 32, which are recommended for repeal.
	Patents of invention	Recommended for repeal.
14 15	Joint Stock Companies by letters patent Electric Telegraph Companies	Repealed by 40 V., c. 43, s. 105. Effete and recommended for repeal.
	:- 0	1
18	wholly committed within its limits Offences relating to the coinage	Consolidated. Consolidated, except ss. 36 and 37, which are recommended for repeal.
19	Forgery	Consolidated, except ss. 30 and 31, which which
20	Offences against the person	consolidated, except ss. 10 and 51, which are representations by 40 V., c. 28, ss. 1 and 2 respectively; s. and is which is superseded by 36 V., c. 50, s. 1, sealed recommended for repeal; s. 50, which is repealed by 48-49 V., c. 82, s. 1; ss. 66, 67 and 68, with the sealed by 48-49 V., c. 82, s. 1; ss. 66, 67 and 68, ss. 74
21	Larceny and similar offences	are repealed by 48-49 v., c. 7, and 81, which are recommended for repeal. Consolidated, except s. 111, which is repealed by 38 v., c. 40, s. 1; and ss. 8, 9 and 124, which are recommended for repeal.

/ Chap.	Subject Matter.	Remarks.
22	Malicious injuries to property	48-49 V., c. 7, s. 16; and s. 76, which is recom-
23	Perjury	Consolidated, except s. 3, which is superseded by 33 V. c. 26, s. 1, and is recommended for repeal and a s. f.
24	Peace in vicinity of public works	Consolidated, except s. 1, which is repealed by 48-49 V., c. 80, s. 2; ss. 11-16, which are repealed by 48-49 V., c. 80. s. 3; and s. 22, which is recommended
25 26	Offences relative to the army and navy Protection of military and naval stores	Consolidated, except s. 17, which is recommended for
	Cruelty to animals	
43	Vagrants Procedure in criminal cases	Consolidated, except s. 80 from the beginning to "act" in line 16, and s. 138, which are recommended for repeal; s. 98, which is repealed by 38 V., c. 43, s. 1; and s. 105, which is repealed by 36 V., c.
30	Duties of justices of the peace out of sessions (indictable offences)	Consolidated, except s. 67, which is recommended for repeal.
-31	Duties of justices of the peace out of sessions (summary convictions)	Consolidated, except s. 65, which is repealed by 33 V, c. 27, s. 1; s. 71, which is repealed by 33 V, c. 27, s. 2; also general form of notice of appeal against a conviction or order, which is repealed by 33 V, c. 27, s. 4; and s. 97, which is recommended for
32	Summary administration of criminal justice	Consolidated, except ss. 34 and 35, which are recom-
		mended for repeal. Consolidated, except ss. 29 and 30, which are recommended for repeal.
•	Juvenile offenders (Quebec)	Consolidated, except ss. 1 and 9, and s. 10 from "and" in line 4 to the end of the section, which are recommended for repeal.
1	Speedy trial of persons charged with felo- nies and misdemeanors	Consolidated. S. 4 from "and" in line 5 to the end of the section, and ss. 6-8, are consolidated, and the remainder of the Act is recommended for repeal.
		"perjury" in line 26, and s. 12, which are recommended for repeal.
41 42 43 44	Inspection of steamboats Improving certain harbors. Pilotage in Port of Quebec Trinity House, Quebec Corporation of pilots below Quebec Quebec harbor Joliette and Berthier for electoral pur-	Repealed by 36 V., c. 54, s. 92. Schedule B.
	Poses	
18	1541	Not public general.

Срар.	Subject Matter.	Remarks.
50 to 73 74	}	Not public general. Consolidated.
	33 1	VICT 1870.
2	Apprehension of persons conspiring against Her Majesty	Temporary, expired. Effete, and recommended for repeal. Ss. 3 and 30. s. 32 except sub-s. 5 thereof, and s. 34 are consolidated; ss. 1, 4, 5, 25, 27-29, 31, sub-s. 5 of s. 32, ss. 33 and 36 are recommended for repeal; s. 55 is repealed by 38 V., c. 49, s. 76 remainder of
5 6 7 8 9 10	Customs and Inland Revenue Issue of Dominion notes Banks and banking	Repealed by 46 V., c. 8, s. 16. Repealed by 46 V., c. 3, s. 1. S. 1 is consolidated, and s. 2 is recommended for repeal. Effete, and recommended for repeal. Repealed by 41 V., c. 7, s. 77. S. 11 is repealed by 34 V., c. 10, s. 1; ss. 18-20 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is recommended for repeal. Ss. 6 and 7 are consolidated; and the remainder of the Act is recommended for repeal. Repealed by 34 V., c. 5, s. 76. Schedule B.
14		Repealed by 42 V., c. 17, s. 1. Consolidated, except s. 3 from the beginning of the section to "Canada" in line 4, which is effete and recommended for repeal.
17 18 19 20 21 22 23 24 25 26 27	Certificates to masters and mates	Consolidated, except s. 15, which is effete and is recommended for repeal. Consolidated. Schedule B. Repealed by 42 V., c. 21, s. 39. Repealed by 46 V., c. 11, s. 99. S. 1, and s. 2 to "provided" in line 5, are consolidate for and the remainder of s. 2 is recommended for repeal. Schedule B.
30 31 32	Police court, Halifax	Repealed by 38 V., c. 44, s. 1. Consolidated, except s. 1, which is recommended for

('bap.	Subject Matter.	Remarks.
37 38 39 40 41 to 43 44 45	Marking of timber	Repealed by 36 V., c. 49, s. 20. Repealed by 28 V., c. 16, s. 149. Effete, and recommended for repeal, Schedule B. Not public general. Schedule R.

34 VICT.—1871.

_		
)	Supplies	Effete, and recommended for repeal.
	Executive for certain acts	Recommended for repeal.
3	Hann for navina a cortain sum to Hud-	S. 1 from the beginning of the section to the end of line 13 is consolidated, and the remainder of the Act is effete and is recommended for repeal.
4	Uniform currency for the Dominion	Consolidated, except ss. 1 and 11, which are recommended for repeal.
5.	Banks and banking	Consolidated, except s. 12, which is repealed by 46 V., c. 20, s. 25 the form for monthly returns in s. 13, which is superseded by 36 V., c. 43, s. 1, and is recommended for repeal; s. 15, which is effete and is recommended for repeal; s. 19, which is repealed by 42 V., c. 45, s. 1; ss. 45-50 which are repealed by 43 V., c. 22, s. 7; s. 51, which is repealed by 43 V., c. 22, s. 8; the proviso in s. 68, consisting of the last four lines thereof, which is effete and recommended for repeal; s. 74, which is effecte and is recommended for repeal; and ss. 76 and 77 which are recommended for repeal; and ss. 76 and 77 which are recommended for repeal.
6	Government savings banks	Consolidated, except the proviso in s. 12 from "Provided" in line 16 to the end of the section, which is recommended for repeal; the proviso in s. 13 from "Provided" in line 10 to the end of the section, which is recommended for repeal; and ss. 15, 16, 19, 20, and s. 21 to "r-pealed" in line 2, which are recommended for repeal.
````	Certain savings banks, Ontario & Quebec	Consolidated, except ss. 1-6 and s. 8, which are effete, and are recommended for repeal; s. 9 from 'but' in line 5 to "up" in line 10, which is effete and is recommended for repeal; s. 23, which is effete and 1s recommended for repeal; s. 25 from the beginning to "charter" in line 11, which is effete and is recommended for repeal; the provisoin s. 33 from "Provided" in line 10 to the end of the section, which is recommended for repeal; s. 36, which is recommended for repeal; and s. 37, which is repealed by 36 V., c. 72, s. 5.

Chap.	Subject Matter.	Remarks.	
<u> </u>			
8	Bank of Upper Canada	Schedule B. Repealed, in so far as it relates to fire and inland marine insurance, by 38 V., c. 20, s. 24; and remainder of	
10	Duties of Customs	Act repealed by 40 V., c. 42, s. 29. S. 5 is repealed by 38 V., c. 49, s. 76; and the remainder of the Act is recommended for repeal.	
11	Corrupt practices in collection of the revenue	•	
12 13	Certain premium notes made valid Effect of Acts of Canada in Manitoba and British Columbia	Recommended for repeal.  Repealed as to 31 V., c. 58, by 43 V., c. 29, s. 1; and	
14	Certain criminal laws extended to Mani-	remainder of Act recommended for repeal.  Ss. 2-5 are consolidated, and the remainder of the Act	
15		is recommended for repeal.  Ss. 1 and 2 are repealed by 40 V., c. 11, s. 8, as forming a portion of 31 V., c. 50, which is repealed by 40 V. c. 11, s. 8; and the remainder of the Act is recom-	
1.6	Government of North-West Territories	mended for repeal.  Repealed by 38 V., c. 49, s. 76, in so far as it applies 39 the North-West Territories of Canada; and by V., c. 21, s. 2, in so far as it applies to the District of Keewatin.	
17	Militia and defence	Repealed by 46 V., c. 11, s. 99.	
139	Independence of Parhament	Repealed by 41 V., c. 5, s. 75.	
20 21	ElectionsLibrary of Parliament	Temporary. Expired.  Consolidated, except s. 4, which is repealed by and is  V., c. 45, s. 4; and s. 8, which is effete, and recommended for repeal.	
		recommended for repeal. Superseded by 44 V., c. 13, and recommended for repeal. Ss. 1 and 2 are consolidated, and s. 3 is recommended.	
24 25	Metric system of weights and measures Insolvency	Repealed by 36 V., c. 47, s. 52. Repealed by 38 V., c. 16, s. 149.	
27	Ontario	S. 1 expired; remainder, Schedule B:	
29 30	Certain Acts continued	Consolidated, except s. 7, which is recommended for repeal.	
21	Trinite house Oneline	(Caladala D	
32 33	Seamen, desertion of, in Quebec Portwarden of Quebec harbor	Repealed by 36 V., c. 129, s. 5. S. 11 repealed by 36 V., c. 1d, s. 5; remainder, Sober dule B.	
34	Quebec harbor improvements	Schedule B.	
36	Owen Sound harbor dues Trenton harbor dues		
37 to	1.7	Not public general.	
<b>4</b> 2	]  Railway   Acts amended	ļ.	
44 to 58	I }	Not public general.	
	35 VICT:—1872.		
2	Interpretation Act amended	Effete, and recommended for repeal.	
	SuppliesIndemnification of certain members of the Executive	.  "	

Chap.	Subject Matter.	Remarks.
5	Loan to pay sum to the Hudson's Bay Company	S. I from the beginning of the section to "loan" in line 8, is consolidated; remainder Sche-
	·	dule B. Consolidated, except ss. 6 and 7, which are recommended for repeal.
x-1	Dominion notes Banks and banking	Recommended for repeal. Consolidated, except s. I; s. 2 from the beginning of the section to "that" in line 13; sub-s. 4 of s. 8 and s. 9, which are recommended for repeal; and ss. 5 and 6, which are superseded by 43 V., c. 22, s. 7 and 8 respectively, and are recommended for repeal.
$\frac{10}{11}$	Savings banks	Effete, and recommended for repeal. Consolidated. Recommended for repeal.
13	Representation in House of Commons	Sub-ss. 4, 5, 6, the last two lines of sub-section 8 and sub-section 11 of s. 2, relating to the Province of Ontario, and so much of s. 2 as relates to the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia, are consolidated; and the remainder of the Act is superseded by 45 V., c. 3, and is recommended for repeal.
14 15	Interim elections Act amended Members of Local Legislature; candidates	Temporary. Expired.
16 17	for seats in Dominion Parliament Voters' lists, Nova Scotia Polling districts, Inverness, N.S	Consolidated. Effete, and recommended for repeal.
18	Civil service	
20	31 V., c. 33 amended (salaries of judges)	repeal.  Lines 6-8 and line 27 of s. 5 are consolidated, and remainder of Act is recommended for repeal.
223	Public works of CanadaBridges	Consolidated.
27	Quarantine	are recommended for repeal.  Consolidated, except s. 3 from the beginning of the section to "force" in line 6, and s. 11, which are recommended for repeal.

_		
Chap.	Subject Matter.	Remarks.
28	Immigration	Consolidated, except s. 1 from "and" in line 10 to the end of the section, and s. 15, which are recommend-
29	Immigration aid societies	ed for repeal. Consolidated, except ss. 12 and 15, which are recom- mended for repeal.
30	Trade unions	Consolidated, except ss. 20 and 23, which are recom-
31	Criminal law relating to violence, threats and molestation	Ss. 2-4 are consolidated: s. $\gamma$ is repealed by 38 $({ m V}_{\rm c}, { m c}_{ m c})$
32	Fraudulent marking of merchandise	39, s. 1; and s. 5, is recommended for repeal. Consolidated, except s. 25, which is recommended for
33	Larceny of stamps	repeal. Consolidated, except s. 2, which is recommended for
35		Ss. 2 and 3 are consolidated, and ss. 1 and 4, are recom- mended for repeal.
37.	Rivers and streams	Schedule B. Recommended for repeal. Repealed in so far as 31 V., c. 58 is concerned, by 43 V., c. 29, s. 1, and remainder of Act is recommended for repeal.
39 40,	Shipping of seamen, Nova Scotia	Repealed by 36, V., c. 129, s. 5.
41	Lawrence	Schedule B.
44 to 70	Canadian Pacific Railway	Not public general.  Repealed by 37 V., c. 14, a. 23.
	36 \	VICT:—1873.
1	Examination of witnesses on oath before committees of Senate and House of Commons.	Disallowed by Her Majesty. See proclamation of 1sk
2	Members of the local houses ineligible for the House of Commons	
3	<u> </u>	
		Ss. I and 2, s. 4 from the beginning of the section "Islands" in line 7; s. 6 from the beginning of the section to "Interior" in line 7; ss. 7 and 11, and s. 13 from "to" in line 5 to "service" in line 8, are consolidated; s. 3 is repealed by 46 V., c. 7, s. 1; and the remainder of the Act is recommended for repeal.
5	Government of the North-West Territories.	Repealed in so far as it applies to the North-West Terri- tories of Canada, by 38 V., c. 49, s. 76; and in so far as it applies to the District of Keewatin, by 32, V., c. 21, 8, 2,

Chap.	Subject Matter.	Remarks.
7 8 9	Harbor masters at certain ports  Trinity house, Onebec	Repealed by 38 V., c. 53, s. 16. Repealed by 45 V., c. 35, s. 2. Consolidated, except ss. 1 and 2, which are recommended for repeal. Consolidated, except s. 8, which is repealed by 38 V., c. 30, s. 1; s. 11, which is repealed by 38 V., c. 30, s. 1; s. 13, which is recommended for repeal.
13 10 25 26 27 28	Supplies Interim elections Act Controverted elections	Schedule B.  Not public general.  Effete, and recommended for repeal.  Repealed by 37 V., c. 9, s. 133.  Repealed by 37 V., c. 10, s. 1.
30	Debt of the various provinces	<ul> <li>S. 1 is consolidated, and s. 2 is recommended for repeal.</li> <li>S. 1 is consolidated, and ss. 2 and 3 are recommended for repeal.</li> </ul>
32 33 34	Civil service superannuation. Ocean mail service North-West Territorics	<ul> <li>88. 2, 3, 6, 8-11, 8, 13 from the beginning of line 7 to the end of line 19 and 8, 14, are consolidated; 8, 4 is repealed by 37 V., c, 4, 8, 5; 8, 12 is repealed by 37 V., c, 4, 8, 8; and the remainder of the Act is recommended for repeal.</li> <li>Repealed by 46 V., c, 8, 8, 16.</li> <li>Recommended for repeal.</li> <li>Repealed, in so far as it applies to the North-West Territories of Canada, by 38 V., c, 49, 8, 76, and, in so far as it applies to the District of Keewatin, by 39 V., c, 21, 8, 2.</li> <li>Ss. 1-9 are consolidated in so far as they apply to the District of Keewatin, and they are repealed by 38 V., c, 49, 8, 76, in so far as they apply to the North-West Territories of Canada; ss. 10, 12, 15, 16, 19, 20, 22-24, 26, 34 and 35 are repealed by 37 V., c, 22, 8, 1; s, 25 is repealed by 38 V., c, 50, 8, 2; and ss.</li> </ul>
38	Aliens, British Columbia and Manitoba Free grants, Manitoba Dominion lands Act explained Outies of customs (Man. and N.W.T.)	Repealed by 37 V., c. 29, 8, 9,
41   42   43   44   45   46	Export duties on lumber, N.B. Usolvent Act. 1869, continued Banks and banking Patent Act. 1872, amended.  Outercolonial railway.	Recommended for repeat.  Superseded by 43 V., c. 22, s. 4, and recommended for repeat.  Consolidated, except s. 6, which is recommended for repeat.  S. 1 is effect, and is recommended for repeat; remain-

Chap.	Subject Matter.	Remarks.
ರ	Subject marter	Marks.
49	Inspection of certain staple articles	Consolidated, except s. 16, which is repealed by 47 V., c. 35, s. 1; paragraph 2 of s. 23, which is repealed by 38 V., c. 37, s. 1; s. 24, which is repealed by 48-49 V., c. 69, s. 1; ss. 27, 28, 30 and 37, which are repealed by 38 V., c. 37, s. 1; sub-sections 2 and 3 of s. 44, which are repealed by 47 V., c. 35, s. 5; schedule A, which is repealed by 47 V., c. 35, s. 1; s. 2 from "except" in line 7 to the end of the section, and ss. 5 and 47, which are recommended for repeal.  Repealed by 37 V., c. 45, s. 20. Consolidated.
51 52 53 54	Procedure in criminal cases	Repealed by 38 V., c. 44, s. 1. Repealed by 45 V., c. 35, s. 2. Consolidated. except s. 3. s. 8 in so far as it relates to the appointment or election of the first pilot commissioners for Halifax under the Act; s. 13 in so far as it relates for the election or appointment of the first pilot commissioners for St. John, N B., under the Act; s. 18 from "provided" in line 6 of subsection 5 to the end of the sub-section. and from "and" in line 21 of sub-section. 13 to the end of the sub-section is section to the beginning of line 17 to the end of the section and s. 92, which are recommended for repeal; ss. 11 and 16, which are repealed by 38 V., c. 28, s. 3; and s. 26, which is repealed by 45 V., c. 32, s. 8.
55	Wrecks and salvage	Consolidated, except s. 2, s. 4 from "in' in line 4 to "council" in line 7, which is recommended for repeal; s. 18 from "in" in line 4 to "one", in line 8; s. 37, and the first Schedule, which are recommended for repeal; and ss. 38 and 39, Schedule B.
57	Order on passenger steamers	16
58	Preventing desertion of seamen	Recommended for repeal as being already in effect repealed as forming part of the Consolidated Statutes of Canada, c. 43, and 34 V., c. 32, Both of which are repealed by 36 V., c. 129, s. 5.
60	Tonnage and harbor dues, British Columbia	Recommended for repeal.
61	Trinity House, Montreal	Ss. 12 and 13 are repealed by 37 V., c. 31, s. 7; remainder, Schedule B.
		S. 5 is repealed by 38 V., c. 55. s. 9; s. 6 is repealed by 39 V., c. 39. s. 2; s. 2 18 from "on" in line 17 to each" in line 20, and from "on" in line 46 to thereof" in line 50, is repealed by 40 V., c. 51, s. 2; s. 19 is repealed by 40 V., c. 51, s. 3; and s. 23 is s. 19 is repealed by 40 V., c. 51, s. 3; and s. 23 repealed by 38 V., c. 56, s. 1; remainder, Schedule B.
63	Harbor of Pictou	S. 3 is repealed by 43 V., c. 33, s. 1; remained; dule B.
6. 6.	Joint stock companies for transmission o   timber down streams	Schedule B.   Consolidated, except s. 2 from "which" in line 4 to the end of the section, which is recommended for
6: 1:0	}	

-			
Chap.	Subject Matter.	Remarks.	
€9	Central prison for Ontario	Consolidated, except s. 1, which is repealed by 44 V., c. 32, s. 6, and s. 5, which is repealed by 48-49 V., c. 79, s. 1.	
70 71	Interest Interest, Nova Scotia	Consolidated.   Consolidated, except s. 5, which is recommended for	
72 73		repeal. Consolidated, except s. 5, which is recommended for repeal.	
to 79	}		
80 81 82	Amending Railway Act	Ss. 2-4 are repealed by 38 V., c. 24, s. 1; and the remainder of the Act is repealed by 42 V., c. 9, s. 102. Repealed by 42 V., c. 9, s. 102.	
to		Not public general.	
126 127 128	Extradition of criminals	Repealed by 40 V., c. 25, s. 3. [Consolidated, except \$s. 1 and 3, which are recommended for repeal.	
129	Shipping of scamen	Consolidated, except s. 4 and s. 5 from "and" in line 10 to the end of the section, which are recommended for repeal: s. 32. which is repealed by 42 V., c. 27, s. 1; s. 86, which is repealed by 45 V., c. 23, s. 1; and s. 116 from "by" in line 2 to "orders" in line 5, which is recommended for repeal.	
	37 VICT.—1874.		
	Supplies Loan for construction of certain public	Effete, and recommended for repeal.	
		Paragraphs 1, 2 and 3 of s. 3 are consolidated; and the remainder of the Act is effete and is recommended for repeal.	
3	Subsidy to Nova ScotiaSalaries of judges	Consolidated.  S. 1, s. 2 in so far as it relates to the allowances for travelling to be allowed to Supreme Court and County Court judges, the fourth, fifth, sixth and seventh lines of s. 4, s. 5 from "the," where it first occurs in line 12 to the end of line 26, and s. 7, are consolidated; and the remainder of the Act is recommended for repeal.	
5 <b>6</b>	Admission of Prince Edward Island Duties of customs and excise	Recommended for repeal. S. 9 is consolidated; ss. 11 and 12 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is recommended for repeal.	
7	Duties of customs, Manitoba and North West Territories	S. 3 is consolidated; ss. 1 and 4 are recommended for repeal; and s. 2 is repealed by 38 V., c. 49, s. 76.	
8	License duties on compoundant of:-i	Paragraphs 1 and 2 of s. 1 and ss. 2-13 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is	
5	Elections to House of Commons	repealed by 47 V., c. 34, s. 30.  Consolidated, except s. 1, which is repealed by 45 V., c. 3, s. 6; the words "of Manitoba and" in paragraph one of s. 2, and all of paragraph 2 of the said section, which are recommended for repeal; s. 11, which is repealed by 41 V., c. 6, s. 1; the last seven lines of s. 19, which are repealed by 45 V., c. 3, s. 8; s. 27, which is repealed by 41 V., c. 6, s. 3; sub-s. 4 of s. 28, which is repealed by 41 V., c. 6, s. 2; s. 29, which is recommended for repeal; s. 35, which is	

Chap.	Subject Matter.	Remarks.
1i 12 13	Coutroverted elections  Indemnification of S. F. Perry  Village of Richmond Hill for electoral purposes  Public works of Canada	repeal: the last six lines of s. 6: s. 38 from in in line 9 to the end of the section, and the last four lines of s. 63, which are effete and are recommended for repeal; s. 39, which is recommended for repeal, and ss. 33-35, which are repealed by 38 V., c. 11, s. 48.  Recommended for repeal.  Consolidated.
$\frac{14}{15}$	Canadian Pacific Railway	Schedule B.
		S. 2 is repealed by 48-49 V., c. 4, s. 1; remainder, Schedule B.
	Cow Bay breakwater	Schedule B.
		Sub-ss. 1 and 2 of s. 8 are repealed by 39 V., c. 19, ss. 4 and 5; s. 13 is repealed by 39 V., c. 19, s. 7; s. 15 is repealed by 39 V., c. 19, s. 35; and the remainder of the Act is repealed by 42 V., c. 31, s. 129.
		Ss. 1 and 2 are effete and are recommended for repeal; s. 3 is repealed by 38 V., c. 52, s. 1; and s. 4 is recommended for repeal.
22	Indians	S. 22 is repealed by 38 V., c. 50, s. 1; and the remainder is not the Act is repealed by 42 V., c. 36, s. 1.
23	Department of Marine and Fisheries	S. 1 is consolidated, and the remainder of the Act is effecte and is recommended for repeal.
24 25	Transports exempted from harbor dues Carriers by water	Consolidated.
26	Pilotage  Certain Act extended to Prince Edward	·Recommended for repeal.
28	Island  Fishery Acts, application in British   Columbia, Manitoba and Prince Ed-   ward Island	
29 30 31	(AL 24-22-24)	Consolidated. Repealed by 45 V., c. 35, s. 2. S. 3 is repealed by 39 V., c. 38, s. 3; remainder, Schendule B.

Consolidated, except s 18, which is repealed by c. 46, s. 1; and s. 26 from "and" in 16 "for" in line 8, which is recommended for repeal.    Repealed by 45 V., c. 45, s. 1.	the 4 to led for repealed at s. 13, at. mainder le 24 to ded for line 15 recom-
Coinsolidated, except s. 8 and 11, which are response by 38 V., c. 30, ss. 1 and 2 respectively; at which is effect and is recommended for repeal.    Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated   Solidated	id s. 13, al. nainder re 24 to ded for line 15 c recom-
Military College	nainder le 24 to ded for line 15 recom-
36 Military College	ded for line 15 recom-
Consolidated, except s. 1 from "Provided" in to the end of the section, and s.14, which are mended for repeal.  Administration of Justice, Manitoba	recom-
Administration of Justice, Manitoba	mended
and New Brunswick	
41 Application of 32.33 V., c. 35, to Algoma. 42 Criminal laws extended to British Columbia  43 Vagrants	
s. 63, which is repeated by 45-40 V., c. 66 s. 64, which is repeated by 59 V., c. 33, s. 2; circlet lines of sub-s. 3 of s. 66, which are reme	of s. 5,
47 V., c. 33, s. 4; the twenty-fifth, twenty-si twenty-seventh lines of sub-s. 3 of s. 66, which pealed by 45 V., c. 25, s. 1; the remainder of sub-section which is repealed by 48-49 V., s. 15; sub-s. 8 of s. 66. Which is repealed b V., c. 66, s. 15; sub-sections 7 and 8 of s. 68, are repealed by 48-49 V., c. 66, s. 16; 26 of s. 68, which is repealed by 45 V., c. 28, 78, which is repealed by 48-49 V., c. 66, s. 16; 26 of s. 68, which is repealed by 48-49 V., c. 68, s. 78, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s. 97, which is repealed by 48-49 V., c. 68, s	5, s. 14; the first caled by xth and 1 are rethe said c. 66, y 48-49; which sub-s. 15, s. 18; and ss.
46 Insolvent Act amended	Act is
48 Insurance companies	pealed
51 Incorporation of boards of trade Consolidated, except ss. 1-3. which are repealed V., c. 34, s. 1; and ss. 24 and 26, which are mended for repeal.	
to to lis   Not public general.	l by 39 recom-

#### 38 VICT.—1875.

Interpretation Act amended	Consolidated.
Certain Acta continued	Effete, and recommended for repeal.

Chap.	Subject Matter.	Remarks.
4 5	Danuertment of Secretary of State	Consolidated.  S. 1 is repealed by 43 V., c. 13, s. 1; and s. 2 is recom- mended for repeal
10	`	Repealed by 46 V., c. 8, s. 16. Consolidated, except s. 2 from "provided" in line 11 to "prorogation" in line 15, and ss. 6 and 8, which are effete and are recommended for repeal.
		Consolidated, except s. 13. which is repealed by 42 V. c. 34, s. 16; s. 22, which is repealed by 43 V., c. 34, s. 4; and the last three lines of s. 6, and s. 80, which are recommended for repeal.
	Petitions of right and procedure in Crown	
	Defective letters patent and discharge of sureties to the Crown	
15 16	Immigration Act, 1872, amended Insolvency	S. 32 is repealed by 40 V., c. 41, s. 11; s. 58 is repeared by 40 V., c. 41, s. 14; and the remainder of the Act
17	Banks and banking	S. Lis consolidated; and ss. 2 and 3 are superseded.
18	Interest and usury, N.B	V., c. 22, s. 4, and are recommended for repeal. Consolidated, except s. 4, which is recommended for repeal. Consolidated, except s. 3, which is recommended for repeal.
	Direction of exchange	repeal.
20	Fire and inland marine insurance	Consolidated, except sub-s. 6 of s. 23, which is repealed by 40 V., c. 42, s. 29; and sub-s. 2 of s. 1; s. 16 from by 40 V. in line 11 to "situated" in line 18; s. 17 from the beginning of the section to "court, in line 13, and from "and" in line 24 to "or in line 30, and s. 24, which are recommended for repeal.
22 23 24	Life insurance	Schedule B.  Renealed by 42 V. c. 9, 8, 102.
25	Railway companies, returns by	S. 2 is repealed by 39 V., c. 14, s. 1, and the remainder of the Act is repealed by 42 V., c. 9, s. 102.
	Marine electric telegraph companies	Consolidated, except ss. 18 and 19, which are recom-
27	Coasting trade of Canada	Consolidated, except s. 3, which is recommended for repeal.

Chap.	Subject Matter.	Remarks.
28	Pilotage	Consolidated, except sub-s. 3 of s. 1, which is repealed by 40 V., c. 20, s. 3; and s. 3 from the beginning of the section to "repealed" in line 4, which is recommended for repeal.
29	Extension of scamen's Act, 1873	Consolidated, except s. 31 from "and" in line 4 to the end of the section, and s. 35, which are
31	Harbor masters Sick and distressed mariners Repeal of Act of Prince Edward Island	••
i	respecting Cape Race lighthouse toll:	Recommended for repeal. S. I is consolidated and the remainder of the Act is
		recommended for repeal.  Consolidated, except s. 4: s. 6 from "Act" in line 6 to the end of the section, and s. 19, which are repealed by 48-49 V., c. 65, s. 1; s. 12, which is repealed by 40 V., c. 16, s. 2; and s. 1, which is recommended for repeal.
35 36	Export duty on stavebolts, &c Marking of casks	
37	Gas inspection	Consolidated, except paragraph (c) in line 48 of s. 2 to "and" in line 8 of the said paragraph, and from "provided" in line 73 to "Scotia" in line 82 of the said section, which are repealed by 47 V., c. 35, s. 2.
38	Peace in vicinity of public works	Superseded by 48-49 V., c 80 and recommended for repeal.
40 41	Violence, threats and molestation Larceny and similar offences	Repealed by 39 V., c. 37, s. 1. Consolidated.
43 44	Procedure in criminal cases	are recommended for repeal.  Consolidated.  S. 68 is repealed by 42 V., c. 42, s. 3; ss. 69-80 are repealed by 40 V., c. 38, s. 16; s. 81 is repealed, in so far as it applies to Rockwood Asylum, by 40 V., c. c. 38, s. 16; and the remainder of the Act is repealed by 46 V., c. 37, s. 80.
46	Speedy trial of persons charged with fel- onies and misdemeanors	Consolidated.
	onies or misdemeanors before police and stipendiary magistrates	( )
49	Petty offences, trespasses and assaults North-West Territories	As to the District of Keewatin; sub-s. 2 of s. 2, ss. 3 and 7 are repealed by 40 V., c. 7, ss. 1-3 respectively; ss. 59 and 60 are repealed by 40 V., c. 7, ss. 7; s. 71 is repealed by 40 V., c. 7, s. 8; sub-s. 9 of s. 74, is repealed by 40 V., c. 7, s. 9; and the remainder of Keewatin, by 43 V., c. 25, s. 95.
50 51	Police force, North-West Territories  Dominion lands Acts extended to British	Repealed by 42 V., c. 36, s. 1.  Repealed by 43 V., c. 27, s. 1.
	Columbia	Consolidated.
53	Claims to lands in Manitoba	Consolidated, except s. 7, which is repealed by 41 V., c. 14, s. 1; and s. 16, which is recommended for
84	32-33 ¥., c. 35, extended to Manitoba	repeal. S. 1 is consolidated, and s. 2 is repealed by 41 V., c. 47, g. 1.

Chap.	Subject Matter.	Remarks.
56	Graving dock, Quebec	S. 2, in so far as it constitutes the Quebec harbor commissioners the pilotage authority of the pilotage district of Quebec, s. 4, s. 5 from "and" in line 19 to the end of the section, s. 7 from "the" where it occurs the second time in line 9 to the end of the section, and ss. 11 and 15 are consolidated; remainder, Schedule B.
57 to 98	.)	
88	Copyright Act. (This Act is erroneously numbered, there being a previous chapter of the same number)	

#### 39 VICT.—1876.

Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies   Supplies			
2 Public accounts	,		Est to an I was a sound of the sound of
Dominion lands   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Consolidated   Co			Renealed by 41 V at 7 at 36
Dominion notes Acts extended to Prince Edward Island. British Columbia and Maniroba	3		
Edward Island. British Columbia and Manitoba			mete, and recommended for repeat.
Inland Revenue			
Schedule B.  Consolidated, except s. 3, which is recommended for repeal.  Consolidated.  Counties of Lotbinière and Beauce for election purposes.  Militia.  Criminal statistics.  Crossing of navigable streams by provincial railways.  Consolidated.  Crossing of navigable streams by provincial railways.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  S. 2 is repealed by 42 V., c. 35, s. 1; and s. 1 is recommended for repeal.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  S. 2 is repealed by 42 V., c. 35, s. 1; and s. 1 is recommended for repeal.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  S. 2 is repealed by 42 V., c. 35, s. 1; and s. 1 is recommended for repeal.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  S. 1 is consolidated and s. 2 is recommended for repeal.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Consolidated.  Con			
Torninal statistics	5	Inland Revenue	Repealed by 43 V., c. 19, s. 190.
Indemnity to members	6	Northern railway	Schedule B.
Consolidated. except s. 10 from "and" in line 4 to the end of the section, which is recommended for repeal.  Counties of Lothinière and Beauce for election purposes			repeal.
Consolidated. except s. 10 from "and" in line 4 to the end of the section, which is recommended for repeal.  Counties of Lotbinière and Beauce for election purposes			
the end of the section, which is recommended repeal.  12 Militia		Corrupt practices at elections	12 " 12 4 10
11 Counties of Lotbinière and Beauce for election purposes	10		the end of the section, which is recommended
election purposes	11	Counties of Lotbinière and Beauce for	
13 Criminal statistics		election purposes	S 1 is consolidated and a 9 is recommended for repeat.
Criminal statistics	12	Militia	S. 2 is repealed by 42 V., c. 35, s. 1; and s. 1 is recom-
14 Railway statistics			mended for repeal.
15 Crossing of navigable streams by provincial railways			
cial railways			Repealed by 42 V., c. 9, s. 102.
16 Intercolonial railway	15		" "
17 Desjardins canal	16		1
19 Dominion lands			
19 Dominion lands	18	Indians	S. 16 is repealed by 42 V., c. 34, s. 2; and remainder
20 Roads and road allowances		i i	the Act is repealed by 43 V., c. 28, s. 112.
21 North-West Territories and Keewatin	19	Dominion lands	Repealed by 42 V., c. 31, s. 129.
parts of Acts and laws in the said section mentioned or referred to, s. 13, and the last ten lines of the schedule, are consolidated; and the remainder of the Act is recommended for repeal.  23 Criminal laws, British Columbia	20	Roads and road allowances	Consolidated.
parts of Acts and laws in the said section mentioned or referred to, s. 13, and the last ten lines of the schedule, are consolidated; and the remainder of the Act is recommended for repeal.  23 Criminal laws, British Columbia	21	North-West Territories and Keewatin	Ss. 1 and 3-7 are consolidated; s. 11, in solar as and
tioned or referred to, s. 13, and the last ten lines of the schedule, are consolidated; and the remainder of the Act is recommended for repeal.  22 Intoxicating liquors in North-West Territories	- 1		men men
22 Intoxicating liquors in North-West Territories			tioned or referred to 8 13, and the last ten line
tories	- 1		of the schedule, are consolidated; and the remain
tories	32	Intoxicating liquors in North-West Terri-	der of the Act is recommended for repeal.
23 Criminal laws, British Columbia	1	tories	Repealed by 40 V., c. 7, s. 9.
lumbia	23	Criminal laws, British Columbia	
25 Weights and measures, and gas inspection, Prince Edward Island	24	Penitentiaries, Manitoba and British Co-	
Prince Edward Island	اء	lumbia	Repealed by 46 V., c. 37, s. 80.
26 Supreme Court and Exchequer Court Consolidated, except s. 2 from "and" in line 3 end of the section, which is recommended for repeatend of the section, which is recommended for repeatend of the section, which is recommended for repeatend of the section, which is recommended for repeatend of the section.	25	weights and measures, and gas inspection,	Desammen and for reneal
27 Petitions of right. Consolidated, except ss. 1 and 20, which are reco	20	Supreme Court and Exchange Court	Consolidated except 8.2 from "and" in line 5 to the
27 Petitions of right. Consolidated, except ss. 1 and 20, which are reco	40	publishe Court and Exchequer Court	end of the section, which is recommended for repeat
mended for repeal.		Petitions of right	Consolidated, except ss. 1 and 20, which are reco
	- 1		mended for repeal.

d.	C. V V. V.	
Chap.	Subject Matter.	Remarks.
28 29	Retiring allowance of judges	Consolidated.  Consolidated, except s. 2, which is recommended for
30	1	repeal.  8. 15 is repealed by 40 V., c. 41, s. 32; and the remainder of the Act is repealed by 43 V., c. 1, s. 1.
- 32	Winding up of insolvent banks	Repealed by 42 V., c. 9, s. 102.  Ss. 3 and 5 are consolidated; s. 2 is repealed by 47 V., c. 33, s. 3; ss. 1 and 4 are repealed by 48-49 V.
35 36	Incorporation of boards of trade	Repealed by 42 V., c. 22, s. 38. Consolidated.
38 39 40	Harbor commissioners, Montgeal	5 to the end of the section, which are recommended for repeal.
to 75	<b>}</b>	Not public general.
_	40 \	VICT.—1877.
4		Schedule B. Consolidated, s. 4, from "pending" in line 11 to
6	Trade marks, British Columbia and Prince Edward Island Boundaries of Manitoba North-West Territories	Repealed by 42 V., c. 22, s. 38. Superseded by 44 V., c. 14; recommended for repeal. Repealed, except as to Keewatin, by 43 V., c. 25, s. 95; consolidated, so much of s. 7, as substitutes a new s. 64 of 38 V., c. 49, the sub-s. numbered 9 in s. 9.
		and s. 12; remainder recommended for repeal.  Consolidated, except s. 7, which is recommended for repeal.
10	Geological survey	Consolidated, except ss. 6, 7 and 12, which are recommended for repeal.  Ss. 23 and 41, sub-s. 1 of s. 45, s. 46, sub-s. 5 of s. 56, s. 64, s. 76, sub-s. 1 of s. 81, and sub-s. 1 of s. 91, are repealed by 44 V., c. 11, ss. 1-9, respectively; ss. 119 and 120 are repealed by 44 V., c. 11, s. 10; sub-s. 11 of s. 125 is repealed by 44 V., c. 11, s. 11; and the re-
	•	Ss. I and 8 are repealed by 43 V., c. 19, s. 190; the remainder is superseded by 42 V., c. 15, and recom-
13 14 15 16	Inland revenue Adulteration of food Inspection of petroleum Weights and measures. Culling and measurement of lumber	mended for repeal.
19	Management of certain harbors	mended for repeal.  Consolidated.  Repealed by 45 V., c. 35, s. 2.  Consolidated, s. 1 from "same" in line 13 to the end
1	P1)Otaro	for repeat.
	ortime court, Ontario	to the end of the section, the last two lines of s. 16,
	155	and s. 21, which are recommended for repeal.

Chap.	Subject Matter.	Remarks.
23	Supreme and Exchequer courts	Consolidated. Superseded by 45 V., c. 11, and recommended for repeal. Consolidated.
25	Extradition	Consolidated, except paragraph 3 of s. 16, which is repealed by 45 V., c. 20, s. 1, and ss. 2 and 3, and the first Schedule, which are recommended for repeal.
	Procedure and evidence in criminal cases.  Appeals from convictions by justices	
29	Offences against the person	Consolidated.
31	Betting and pool selling	Consolidated, except ss. 5 and 6, which are recommended for repeal.  Consolidated.
	Gambling in public conveyances	Consolidated, except s. 4 from "person" in line 3 to "it" in line 9, which is recommended for repeal. Consolidated, except sections 5 and 6, which are recom-
34 35	Post office Act amendedPunishment of certain breaches of con-	mended for repeal. Consolidated.
	tract Employment of prisoners	Consolidated, except ss. 1 and 8, which are recommended ed for repeal.
	Custody of prisoners.	V., c. 81, s. 1. Consolidated, except s. 7, which is recommended for
38	Rockwood Asylum and Penitentiary Acamended	Repealed by 46 V., c. 37, s. 80, except ss. 1, 14 and 15,
40	Prison discipline	which are recommended for repeal.  Consolidated.  Repealed by 46 V., c. 11, s. 99.
	Insurance	
4	Incorporation of companies by letter patent	Consolidated, except ss. 73, 75 and 105, which are recom- mended for repeal.
4	4 Voting of shareholders in certain banks. 5 Railway Act, 1868, amended 6 Intercolonial Railway	Repealed by 42 V., c. 9, s. 102.
	7 Claim of Dominion against Northern rai	I- Schodulo R
4	8 Building societies, Ontario9	by 43 V., c. 43, s. 5; remainder, Schedule B.
5	0 Building societies, Quebec	Schedule B   Consolidated, ss. 6 and 7; remainder, Schedule B   Schedule B.
	3 Harbor tolls, Montreal 4 Bank of British North America 5 }	Consolidated.
	(10)	Not public general.

#### 41 VICT.--1878.

Maritime court of Ontario, respecting	Consolidated, s. 1; remainder recommended for reper-
2 Post office Act, 1875, amended	Consolidated.
3 Railway Act of 1868, and amending Acts	
antanded to Drings Edward Island	Repealed by 42 V a A a ton

Chap.	Subject Matter.	Remarks.
	SuppliesIndependence of Parliament, further to secure	Consolidated, except s. 10 from "Canada," in line 12
6	Election Act of 1874, amending	to "section" in line 16, and ss. 16 and 17, which are recommended for repeal.  Consolidated, except s. 1; s. 2 from the beginning to "provided" in line 3, and the last paragraph of s. 11, which are recommended for repeal.
7	Audit Act	Consolidated, except s. 16, repealed by 48-49 V., c. 47, s. 1; s. 13 from "Provided" in line 5 to the end of the section; ss. 14 and 18, sub-s. 2 of s. 72, and ss. 76, 77 and 78, which are recom-
9	Public Works Act amended	Repealed by 43 V., c. 19, s. 190.
	Promissory notes and bills of exchange, stamps  License duties, amending Act 37 V., c. 8	Repealed by 42 V., c. 17, s. 1.
12	Deck loads, respecting	Consolidated.
14	Manitoba lands, as to conflicting claims to	Consolidated, except s. 2 from "cases" in line 3 to "perjury" in line 7, which is recommended for repeal.
		Consolidated, except s. 7 from "witness" in line 12 to the second "and" in line 13, which is recommended for repeal.
16	Canada Temperance Act	Consolidated, except the paragraphs lettered (b) and (c) in sub-ss. 1 and 2 of s. 3 respectively, which are recommended for repeal, and s. 124, Schedule B.
17	Crime, better prevention of	Expired.
19	Imprisonment in default of sureties	Consolidated.
20 21	Penitentiary Act amended	Repealed by 46 V., c. 37, s. 80.
ړ ت⊶	up	
48	<u>}</u>	Not public general

#### 42 VICT.—1879.

_		
2 3 4 5 6	Elections, corrupt practices at	Consolidated S. 1, consolidated; remainder recommended for repeal. Repealed by 43 V., c. 14, s. 1. Consolidated.
8	Official arbitrators, respecting	V., c. 47, 8.1; s. 2 from the beginning to "council" in line 11; s. 3 from the beginning to "Receiver General" in line 5; s. 5 from "Act" in line 14 to "works" in line 24; ss. 6 and 8; s. 12 from the beginning to "performed" in line 8; and s. 15, which are recommended for repeal.  Consolidated, except s. 1, which is recommended for repeal.
	Railway Acts of 1868 and amending Acts,	s. 15, which are recommended for repeal.  Consolidated, except s. 1, which is recommended repeal.  Consolidated, except ss. 2 and 4, in so far as they reto Government Railways, which are repealed that respect by 44 V., c. 25, s. 123; sub-s. 16 of which is repealed by 47 V., c. 11, s. 12; sub-s.

Chap.	Subject Matter.	Remarks.
	Intercolonial Railway, respecting	22 of s. 9, which is repealed by 47 V., c. 11, s. 14; sub-s. 4 of s. 15, which is repealed by 47 V., c. 11, s. 10; sub-s. 5 of s. 15, which is repealed by 47 V., c. 11, s. 24, s. 3; sub-ss. 1, 2 and 3 of s. 16, which are repealed by 46 V., c. 24, s. 9; sub-s. 6 of s. 17, which is repealed by 46 V., c. 24, s. 12; sub-s. 6 of s. 22, which is repealed by 47 V., c. 11, s. 5; sub-s. 3 of s. 27, which is repealed by 47 V., c. 11, s. 2; ss. 48 and 49. which are repealed by 46 V., c. 24, s. 4; sub-s. 2 of s. 60, which is repealed by 46 V., c. 24, s. 13; s. 71, which is repealed by 45 V., c. 37, s. 10; schedule one, which is repealed by 44 V., c. 24, s. 2; and sub-s. 14 of s. 9; sub-s. 20 of s. 9, from "affirmation" in line 4 to the end of the sub-section; s. 59; s. 92, from "penalty" in line 12 to the end of the section, and s. 102, which are recommended for repeal.
11	Intercolonial Railway, purchase of part of G.T.R. for	44
12	Truro and Pictou Railway amending transfer Act of 1877	u
13	Canadian Pacific Railway Act of 1874,	4.
14	amended	
	amended	Consolidated, except s. 5 which is repealed by 46 V., c.
		13. 8. 7; 8. 8, which is repeated by 44 V., c. 61, s. 11; 8s. 9, which is repeated by 48-49 V., c. 61, s. 11; 13, 14 and 16, which are repeated by 43 V., c. 19, s. 190, and ss. 15, 17 and 18, which are recommended for repeat.
10	Weights and Measures Acts, amending and consolidating	
17	Duties on bills and notes, amending and consolidating	Repealed by 45 V., c. 1, s. 1.
18	l'etroleum, inspection and storage of	Renealed by 43 V . c. 21 s. 29.
30	Amending above Act	Consolidated, except s. 4, which is recommended for repeal.
21	Census and Statistics.	Consolidated, except s. 28 from "law" in line eginthe end of the section, and s. 39 from the period of the section and s. 7 which are recom-
22	Trade marks and industrial designs	Consolidated, except s. 4 from, "Act" in line are end of the section, and ss. 38 and 39, which
24 25 26 27 28	Contagious diseases of animals	recommended for repeal. Repealed by 48-49 V., c. 70, g. 47. Consolidated.  ""  Schedule B. ""

Chap:	Subject Matter.	Remarks.
-31	Dominion Lands Act, amending and consolidating	Ss. 3 and 7 are repealed by 44 V., c. 16, ss. 1 and 2, respectively; s 14 is repealed by 43 V., c. 26, s. 2; ss. 16 and 30 are repealed by 44 V., c. 16, ss. 3 and 4, respectively; the first eleven lines of s. 34 are repealed by 44 V., c. 16, s. 5; sub-s. 2, 3 and 5 of s. 34 are repealed by 43 V., c. 26, s. 4; sub-s. 8 of s. 34 is repealed by 44 V., c. 16, s. 6; the last nine lines of sub-s. 11 of s. 34 are repealed by 44 V., c. 16, s. 6; s. 7; sub-s. 14 of s. 34 is repealed by 43 V., c. 26, s. 5; s. 35, is repealed by 44 V., c. 16, s. 8; ss. 37-42, and 44-46, are repealed by 43 V., c. 26, s. 6; s. 78 is repealed by 43 V., c. 26, s. 8; s. 111 is repealed by 44 V., c. 16, s. 11; forms A. and B. in the Schedule, are repealed by 44 V., c. 16, s. 14; and the remainder is repealed by 46 V., c. 17, s. 126.
32	Dominion lands in Manitoba, appropriat-	
33	ing ofOrdnance lands and Admiralty lands in Nova Scotia and New Brunswick	Effete; recommended for repeal.  Consolidated, except s. 7, which is recommended for repeal.
34 35	Indian Act of 1876. amending	Repealed by 43 V., c. 28, s. 112. S. 1 is repealed by 43 V., c. 2, s. 1, and the remainder is repealed by 46 V., c. 11, s. 99.
3¢	North-West Mounted Police Force Acts, consolidation of	Consolidated, except ss. 5, 6, 7, 14, 19, 21 and 22, which are repealed by 45 V., c. 29, s. 1; and s. 1, and s. 28 from "force" in line 5 to the end of the section, which are recommended for repeal.
37 38	Canada Police Act	Consolidated.
	tories, keeping of	Consolidated, except s. 10 from "order" in line 10 to the end of the section and ss. 17 and 19, which are recommended for repeal.
	Maritime Jurisdiction Act of 1877, amend- ing of	Consolidated, except s. 2, which is repealed by 45 V., c.
42	Crime, Act of 1878, for better prevention of, continued	Effete; recommended for repeal. Repealed by 46 V., c. 37, s. 80, except s. 3, which is re-
	Andrew Mercer Reformatory Act	Consolidated, except ss. 1 and 2, which are repealed by
	Felonies and misdemeanors, speedy trial of, in Ontario and Quebec	Consolidated.
		Consolidated, except s. 2, which is repealed by 43 V., c. 22, s. 8; and ss. 3, 4, 5 and 6, which are repealed by
4G	Protest of inland bills and notes in Nova	43 V., c. 22, s. 9. Consolidated.
50	Building societies in province of Quebec Building societies in Ontario	Schedule B.
	through port of Belleville, amending	
52 10 73	Act as to	1
3		Not punite general.

43 VICT.--1880.

Chap.	Subject Matter.	Remarks.
1 2	Insolvency Acts repealed	Recommended for repeal. S. 1 is repealed by 44 V., c. 19, s. 2, and the remainder is repealed by 46 V., c. 11, s. 99.
	Public officers, security by	
. 6	Crime, Act for better prevention of	
	Intercolonial railway, purchase of part of Grand Trunk railway for	Schedule B.
10 11	panies for Supplies Resident agent in England Departmental investigations under oath	Effete; recommended for repeal. Consolidated.
	Dominion notes	Consolidated, except s. I from the beginning to "repealed" in line 7, and s. 5 from the beginning to "Act" in line 14, which are recommended for
15	Anticosti cable Act, repeal of Esquimalt graving dock	Schedule B.
18	company Quebec harbor commissioners Customs and excise	Consolidated, except s. 3, which is recommended for
19	Inland Revenue Acts, consolidation of	Paragraph (g) of s. 1 is repealed by 45 V., c. 8, s. 15 sub·s. 2 of s. 14 and sub·s. 2 of s. 18 are repealed by 45 V., c. 8, s. 1; sub·s. 3 of s. 29 is repealed by 45 V., c. 8, s. 1; sub·s. 10 of s. 35 is repealed by 45 V., c. 8, s. 1; paragraph 4 of s. 49 is repealed by 45 V., c. 8, s. 15; ss. 83, 84, 85, 89 and 106 are repealed by 45 V., c. 8, s. 15; ss. 83, 84, 85, 89 and 10 respectively; by 45 V., c. 8, s. 20; sub·s. 1 of s. 140 is repealed by 45 V., c. 8, s. 20; s. 148 is repealed by 45 V., c. 8, s. 21 and the
20	Inspection Act, general	Consolidated, except s. 4, which is repealed by
21	Petroleum, inspection of	Consolidated, except ss. 2, 3, 6, 7 and 11, 6 respectively
22	Banks and banking	repeal.
	Savings banks (Ontario and Quebec) Bill stamps, extension of to whole Domin	
23	ion	• 1
2	6 Land Act of 1879, amended	Repealed by 46 V., c. 11, 8. 120.  Repealed by 47 V., c. 6, s. 11.  Consolidated, except s. 3, which is repealed by 47 V., c. 27, 8;  c. 6, s. 1; s. 20 which is repealed by 47 V., 7, 8, 6, 17, 6, 5.
		Repealed by 47 V., c. 6, s. 11. Consolidated, except s. 3, which is repealed by 47 V., c. 27, s. c. 6, s. 1; s. 20 which is repealed by 47 V., c. 17, s. 5; s. 23 which is repealed by 44 V., c. 17, 27, s. sub-s. 1 of s. 27 which is repealed by 44 V., c. 17, s. 9; s. 30 which is repealed by 44 V., c. 17, s. 9;

=	,	
Chap.	Subject Matter.	Remarks.
30 31 32 33 34 35 36 37 38 39 40 41	Criminal cases, evidence in	repeal. Consolidated, except s. 5, which is recommended for repeal. Consolidated. Schedule B. Consolidated. Schedule B. Consolidated, except s. 1, which is recommended for repeal. Consolidated, except s. 1 which is recommended for repeal. Consolidated, except s. 15 from the beginning to "law" in line 10, and s. 16 from "only" in line 1 to the end of the section, which are recommended for repeal. Consolidated, except s. 10 from "only" in line 1 to the end of the section, which is recommended for repeal. Consolidated. Schedule B.
76	)	ICT.—1880-81.
	11.	
4	Currency, uniform, for Canada	Schedule B. Effete; recommended for repeal. Superseded by the annual supply Act; recommended for repeal. Consolidated.
5 6 7 8	Judges, additional in Quebec, salaries of Judges' salaries, increase of, Prince Edward Island	Consolidated, s. 1; remainder recommended for repeal. Schedule B. Consolidated.  Consolidated, except s. 5, which is recommended for
$\frac{11}{12}$	Customs Act amended	Repealed by 46 V., c. 12, s. 3.  Repealed by 45 V., c. 7, s. 5.  Consolidated, except s. 2; the last paragraph of s. 32  from the beginning to "section" in line 3; s. 36  and s. 45 from "Act" in line 2 to "shall" in line
15	Manitoba, extension of boundaries of  Disputed territory, criminal justice Act of 1880 kept in force	Effete: recommended for repeal.
47	Dominion lands Acts amandment of	Repealed by 46 V., c. 11, 8, 126.  *Consolidated, except s. 8, which is repealed by 47 V., c. 127, s. 21.

Срар.	Subject Matter.	Remarks.
18 19	Quebec military asylum	S. 2 is repealed by 45 V., c. 10, s. I; remainder effete and
20	Navigation of Canadian waters	recommended for repeal. Consolidated, sub-s. 2 of s. 1; remainder recommended
22	Steamboat Acts, amendment of	for repeal. Repealed by 45 V., c. 35, s. 2. Consolidated. Consolidated, except ss. 2 and 9, which are recommend-
	-	ed for repeal.  Consolidated. except ss. 4 and 5, which are recom-
	Government railway Acts, consolidation	mended for repeal.
	of	Consolidated, except sub-s. 15 of s. 3 from "Act" in line 12 to the end of the section: sub-s. 1 of s. 90; s. 105; s. 112 from "years" in line 21 to the end of the section: s. 120 from "penalty" where it first occurs in line 12 to the end of the section, and s. 123, which are recommended for repeal.  Consolidated, exceptss. 7 and 8, which are recommended.
27	Insolvent Acts, amendment of	ed for repeal.  Recommended for repeal.
29	Documentary evidence   Better prevention of crime Act	Effete; recommended for repeal.
- 31	Prize fighting	••
	Andrew Mercer reformatory and central prison, Ontario	<i>u</i>
34	Canada and Asia marine telegraph	
- to - 63		Not public general.
	45	VICT.—1882.
	Duties on bills, notes and drafts, répeal of. Supplies	Effete; recommended for repeal. Consolidated, except sub-s. 5 of s. 4, which is recom-
4	Civil Service Act.	mended for repeal.  Ss. 3, 5, 6, 7 and 13 are repealed by 46 V., c. 7, ss. 1, 2, 3, 4 and 5, respectively; ss. 25 and 31 are repealed by 47 V., c. 15, ss. 2 and 3, respectively; ss. 34, 8, and 39 are repealed by 46 V., c. 7, ss. 6, 7 and 8, respectively; s. 49 is repealed by 47 V., c. 15, respectively; s. 49 is repealed by 47 V., c. 15, v. 5; s. 54 and sub-s. 3 of s. 55 are repealed by 40 V., c. 8, s. 16; so much of Schedule B as relates to V., c. 8, s. 16; so much of Schedule B as relates to Gustoms, Inland Revenue and Railway Mail Clerks Customs, Inland Revenue and Railway Mail Clerks Schedule as relates to departments generally is repealed by 46 V., c. 7, s. 9; and the remainder is repealed by 48-49 V., c. 46, s. 60.
5 6	Subsidy to Manitoba	Consolidated. Consolidated, except s. 6, which is recommended for repeal.
7	Drawback of customs duties on Canadian Pacific Railway articles	S. 5. recommended for repeal; remainder Schedule B.
	Newspapers, abolition of postage	Consolidated, except s. 2, which is recommended
10 11;	Militia Act, amendment	Repealed by 46 V., c. 11, s. 99.
	pensions	Consolidated, except s. 9, which is recommended repeal.
14	Bank of Upper Canada, debt of	Schedule B.

Chap.	Subject Matter.	Remarks.
17- 18 19 20	Intercolonial Railway, Windsor branch Dry docks, encouraging erection of Sea fisheries, encouraging development of Fishing vessels, exemption from duties Extradition, amending Act of 1877 Fugitive Offenders Act	Consolidated. Recommended for repeal.
23	Patent Act. amendment of	Consolidated.  Consolidated, except s. 1, which is repealed by 47 V., c. 39, s. 1; sub-s. 2 of s. 77, which is repealed by 47 V., c. 9. s. 5; ss. 99, 100, 101 and 102, which are repealed by 47 V., c. 39, s. 7; s. 7, and s. 69 from "proceeding" in line 11 to "Act" in line 13, and ss. 94 and 96, which are recommended for repeal.
25 26 27	Dominion Lands Act, amendment of North-West Territories Act, amendmen	Consolidated, s. 1; remainder recommended for repeal.  Consolidated, s. 1; remainder recommended for repeal.  Effete, recommended for repeal.
29	North-West Mounted Police Act, amend- ment of	Consolidated, except so much of s. 1 as prescribes a form of oath of allegiance, which is recommended for repeal.
30	Indian Act of 1880, amendment of	Consolidated, except s. 2, which is recommended for repeal.
32	Criminal justice in disputed territory ex tending Act	Recommended for repeal.
34	Maritime jurisdiction Act, amendment and as to recovery of seamen's wages	Consolidated, except ss. 3 and 4, which are recommended
3;	inspection of steamboats consolidation	for repeal.  Consolidated, except s. 2. sub-s. 2 of s. 7, and s. 69, which are recommended for repeal.
		Consolidated. Consolidated, except s. 5, which is repealed by 48-49 V., c. 6, s. 1, and ss. 7 and 10, which are recommended for repeal.
3: 4( 4)	Railway passenger tickets	Effete: recommended for repeal. Consolidated. Consolidated, s. 1; remainder recommended for repeal. Consolidated, except s. 11, which is recommended for repeal.
40	Tarriage with deceased wife's sister Trinity house and harbor commissioners, Montreal	и .
4:	St. Lawrence, improvement of	"
40	Ort wardens generally, Act amending general Act.	Consolidated, except s. 3, which is recommended for repeal.
		Consolidated, except s. 12, which is recommended for repeal.
5(	Jarbor master Halifax, Act amended larbor of North Sydney, N.S., Act amended	Schedule B.
5 5:	amended	it.
ځڼ	Canadian Pacific Railway	(1 1 1 1 1

_	ACIS OF THE DOMINA	TON OF CANADA.—Continued.
Chap.	Subject Matter.	Remarks.
54 55 56	Canada and Asia marine telegraph Chignecto Marine Railway	Effete ; recommended for repeal. Schedule B.
to 127	}	Not public general.
	46	VICT1883.
1	Interpretation Act amended	Consolidated, except s. 2 from "administered" in line 20 to "perjury" in line 26, which is recom- mended for repeal.
3	,	Effete; recommended for repeal. Superseded by annual supply Act; recommended for repeal.
5	Elections Act amended	Consolidated.
7	Civil Service Act amended	Consolidated, s 1; remainder recommended for repeal. S. 7 is repealed by 47 V., c. 15, s. 4; and the remainder is repealed by 48-49 V., c. 46, s. 60.
	Judges of provincial courts	Consolidated, except s. 16, which is recommended for repeal.
10	High court of justice for Ontario	Consolidated, except s. 76 from "offence" in line 10 to the end of the section; sub-s. 2 of s. 97, s. 99 and
12	Customs Act	the Schedule, which are recommended for rebear
13	Duties of Customs	are recommenced for repeal.  Consolidated, except s. 5, which is repealed by 48-48  V., c. 61, s. 9; and ss. 4, 7 and 8, which are recommended for repeal.
14\ ]ca	finification of pigirol	Schedule B. Consolidated. except ss. 51 and 52, which are repealed by 48-49 V., c. 62, s. 2; s. 62, which is repealed by 48-49 V., c. 62, s. 27; s. 81, which is repealed repealed by 48-49 V., c. 62, s. 4; ss. 99 and 108, which are repealed by 48-49 V., c. 62, s. 27; sub-s. 4 of s. 126, which is repealed by 48-49 V., c. 62, s. 10; s. 12; which is repealed by 48-49 V., c. 62, s. 10; s. 21; which is repealed by 48-49 V., c. 62, s. 11; sub-s. of s. 212, which is repealed by 48-49 V., c. 62, s. 11; sub-s. 215, which is repealed by 48-49 V., c. 62, s. 13; sub-s. 215, which is repealed by 48-49 V., c. 62, s. 13; by aragraph marked (t) of s. 237, which is repealed by 48-49 V., c. 62, s. 13; sub-s. 20; s. 215, which is repealed by 48-49 V., c. 62, s. 14; the paragraphs marked (d) and (h) of sub-s. 1 and the first paragraph sub-s. 2 of s. 250, which are repealed by 48-49 V., c. 62, s. 15; sub-s. 3 of s. 253, which is repealed by 48-49 V., c. 62, s. 16; s. 260, which is repealed by 48-49 V., c. 62, s. 17; ss. 265 and 266, which is repealed by 48-49 V., c. 62, s. 17; ss. 265 and 266, which is repealed by 48-49 V., c. 62, s. 19; s. 277, which is repealed by 48-49 V., c. 62, s. 19; s. 277, which is repealed by 48-49 V., c. 62, s. 19; s. 277, which is repealed by 48-49 V., c. 62, s. 19; s. 277, which is repealed by 48-49 V., c. 62, s. 13; sub-s. 1 and 30; s. 287, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 1 and s. 287, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 1 and 30; s. 287, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 21; s. 288, which is repealed by 48-49 V., c. 62, s. 27; sub-ss. 1 and 30; s. 287, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 1 and 30; s. 287, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 21; s. 288, which are repealed by 48-49 V., c. 62, s. 27; sub-ss. 21; s. 288, which are repealed by 48-49 V., c. 62, s. 23; s. 312, 316, 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and 330 and

Cbap.	Subject Matter.	Remar <b>ks</b> .
16	Tolls on Government works	Consolidated, except s. 2 from the beginning to "works" in line 4, which is recommended for
17	Dominion lands	repeal.  Consolidated, except sub-s. 5 of s. 29, sub-s. 4 of s. 33, and s. 39, which are repealed by 47 V., c. 25, ss. 1, 3 and 4 respectively; and sub-s. 7 of s. 1, ss. 79, 84 and 86, s. 107 from "Surveyor-General" in line 8 to "accordingly" in line 13, and s. 126, which are recommended for repeal.
19	Post Office Act amended	Consolidated.
21	Duty on hills and notes	repeal.
23	Insolvent banks and corporations	repeal. Consolidated.
	Subsidies for construction of railways Advances to St. John Bridge, &c., Com-	which is recommended for repeal.  Schedule B.
	pany	Consolidated. Consolidated, except s. 16, which is recommended for repeal.
29 30	General Inspection Act amended Liquor License Act	Consolidated. The Judicial Committee of the Privy Council have decided that this Act is ultra vives the Parliament of Canada; the portion of the report embodying the Act was printed before the decision was promitgated.
32	Aliens in Manitoba Fraud in relation to contracts	Recommended for repeal.  Consolidated.
34 35	Continuing Acts	Consolidated.
	Lotteries Penitentiaries	Consolidated, except s. 14 from "obey" in line 13 to the end of the section, s. 80 and the schedule, which
- 39	Ship channel, River St. Lawrence	1 11
41	Quebec graving dock	11 11
41	Works in navigable waters	Consolidated, except s. 4, which is repealed by 48-49 V. c. 6, s. 1; and s. 6, which is recommended for repeal.  Consolidated.
46 46 to 98	}	Effete; recommended for repeal.  Not public general.

#### 47 VICT.—1884.

1	Canadian Pacific Railway	Schedule B.
- 2	Sunnties	Effete: recommended for repeal.
3	Loan for public service.	Superseded by annual supply Act; recommended for
	1	reneal.
4	Subsidies to provinces.	Consolidated, except s. 4, which is recommended for
	•	repeal.
8	Agreement with Nova Scotia	
	•	

Chap.	Subject Matter.	Remarks.
6	Railway lands in British Columbia	Consolidated, s. 11 (except sub-s. 5, which is recom- mended for repeal) and s. 12; remainder Schedule B.
8 9	Aid to schools, Manitoba	Effete: recommended for repeal.
11	•	repeal.
43	County Judge, Cariboo	
15	Civil Service Acts amended	Consolidated, except ss. 2 and 3, and the last paragraph of s. 4, which are recommended for repeal.  Repealed by 48-49 V., c. 46, s. 60.
17	Public Works Act amended	Consolidated. Consolidated, except s. 4, which is recommended for repeal.
20  21	Masters and mates and shipping of seamen Steamboat inspection	Consolidated.
23	North-West Territories Act, amended	Consolidated, s. 1; remainder recommended for repeal- Consolidated, except s. 9, which is repealed by 48-49 V., c. 51, s. 7; and sub-s. 4 of the section substituted by s. 1 for s. 63 of 43 V., c. 25, which is recom- mended for repeal.
	Territory in dispute between Canada and Cutario	S. 3 recommended for repeal; remainder, Schedule B. Consolidated, except s. 8, which is recommended for
	Claims to lands in Manitoba	repeal.  Consolidated, s. 1; remainder recommended for repeal.  Consolidated, except s. 25, which is recommended for repeal.
28 29	Indian advancement	Consolidated. Consolidated, except ss. 3 and 4, which are recom-
	Duties of customs	Consolidated, except ss. 3 and 5, which are recom- mended for repeal.  Consolidated, s. 1: remainder recommended for repeal.
32	Liquor license Act amended	decided that this Act is ultra vives the Parliament of Canada; the portion of the report embodying
33	General inspection Act amended	Consolidated, except ss. 2, 3 and 4, which are repeated by 48-49 V., c. 66, s. 19.
2.5	Adulteration of food and drugs	Consolidated. Consolidated, except s. 4, which is repealed by 48-49 V.
	Agricultural fertilizers Fraud as to sale of patent rights Insolvent banks and corporations	Consolidated. Consolidated, except s. 8, which is recommended for
40	Building societies and loan companies. Ontario	Schedule B.
42 43	Criminal law, B.CSummary convictions	Consolidated, except s. 3, which is recommended for
44	Removal of prisoners  Halifax reformatory	Consolidated, except ss. 4 and 5, which are recommended for repeal.
46 to 207	}	

48-49 VICT.—1885.

Chap.	Subject Matter.	Remarks.
1	• • •	Consolidated, except s. 4, which is recommended for repeal.
2 3	Department of Secretary of State Census, Manitoba and North-West Terri-	4
51	tories Advances to the provinces	Consolidated.
- 1	Explosive substances	repeal. Consolidated, except s. 16, which is recommended for repeal.
30	<b>1</b>	Consolidated, except the definition of "section" in s. 2, sub-s. 2 of s. 2, s. 10 from "Canada" in line 3 to the end of the section, ss. 15-32, s. 57 from the
41 42	Supplies	beginning to "eighty-six" in line 6, and ss. 58, 59, 61 and 65, which are recommended for repeal.  Recommended for repeal.
	toming	Effete; recommended for repeal. Superseded by annual supply Act, and recommended for repeal.
40	-	Schedule B. Consolidated, except ss. 4 and 5, which are recommend-
1	·	Consolidated, except s. 60, which is recommended for repeal.
481	Treasury Board	Consolidated.  **Consolidated, except s. 1, which is recommended for
50 51	Claims of Manitoba North-West Territories	Consolidated, except s. 8, s. 12 from the beginning to. 'confirmed' in line 8, and s. 15, which are recom-
93	Disputed Territory Act continued North-West Mounted police increase North-West Mounted police, ranking of	Consolidated.
55 56 57	County Judge, Manitoba	cahadula R
59 60	Subsidies to railways	 
- {	- aries of customs	Consolidated, except ss. 8, 14 and 15, which are recommended for repeal. Consolidated, except the second paragraph of s. 14, which is repealed by 48-49 V., c. 61, s. 10; and sub-s. 2 of s. 14, and s. 27, which are recommended for
<b>6</b> 3	Canned goods	repeal. Consolidated, except s. 5, which is recommended for
64 65	Weights and measures Culling of timber	repeal. Consolidated. Consolidated, except ss. 2 and 3, which are recommended for repeal.
- 1	General inspection Act amended	Consolidated, except
67 68	Adulteration of food, drugs, &c	Consolidated, except ss. 31 and 32, which are recom-
T I	Agricultural fertilizers	Consolidated, except ss. 15, 16 and 17, which are recom-
70	Inspection of gas Contagious diseases of animals	Consolidated. Consolidated, except s. 47, which is recommended for repeal.

Chap.	Subject Matter.	Remarks.
71	Chinese immigration	Consolidated, except s. 13 from "Act" in line 3 to the end of the section, and s. 23, which are recom-
70	Militia Act amended	mended for repeal.
	Militia land grant	
74	Liquor licenses	Effeta: recommended for repeal
75	Steamboat inspection	Consolidated
	Harbor commissioners, Three Rivers	
	Harbor of Quebec	
	Harbor master, Halifax	
79	Central prison, Ontario	Consolidated
80	Peace in vicinity of public works	Consolidated, except s. 6, which is recommended for repeal.
81	Employment of prisoners	Consolidated.
82	Offences against the person	"
83	Bank of British Columbia	1 44
	Commercial Bank of Windsor	Consolidated, except s. 2, which is recommended for repeal.
85		l.,
to		Not public general.
95	<u> </u>	1

# INDEX

## TO SUBJECTS OF ACTS.

Pages 1 to 1262 are contained in Part I, and pages 1263 to 2265 in Part II.

Accessories Actions against persons administering criminal laws 2264
Actions against persons administering criminal laws - 2264
A 3 1 1 1 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Adulteration of food, drugs and agricultural fertilizers 1449
Agricultural fertilizers 1459
Agriculture, department of 225
Allegiance, oaths of 1543
Arbitrators, official 580
Arms kept for dangerous purposes, seizure of - 1856
Army and navy, offences relating to 1992
Addit of the public accounts
$\mathbf{vanke}$ and hanking $\mathbf{vanke}$
701100 incolarant 1/16
"CITING and mode collings
VIIII of orchange 1650
Ridges - 1176
. Tillioh / I-1 1
Canada Taran managa Ast
Canada Temperance Act
Canned goods - 1334
Cargoes, discharging of, at ports in Quebec - 1170
Carriers by water, liability of 1148
Census 822
Uhi:
Ultril
Unil
Coasting trade 180
Coin, offences relating to 1150  Commutation of contances and perdons 2208
Committee relating to
Commendation of sentences and participations
Com Parties Act -
Un Paines by letters patent
Cop Address Teventre Tuna
V _{0h1} 2 - world and Hadds
Opti Group discusce and only
of the charges of the departments
Contracts and I describe of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of th
Contract, criminal breaches of 2009 Contracts and business with Government, frauds in - 2011

											PAGE.
Controverted elections	-		-	•		-		-		-	127
Copyright		•	-		-		-		-		852
Corporations, insolvent	-		•	-		-		-		•	1716
Corrupt practices at election	s	-	-		-		-		-		152
Criminal breaches of contrac	t -		•	-		-		-		-	2009
Criminal cases, procedure in		-	-		3		-		<u>.</u>		2015
Criminal justice, summary a	dmini	istrat	cion d	of -		-		-		-	2132
Criminal law of England in	Onta	rio a	nd B	ritish	Co	lum	bia		-		1843
Criminal Statistics -	-			•		•		-		-	831
Cruelty to animals		•	-		-		• .		-		2001
Culling and measuring of lu	ımbeı	•	-	-		<b>-</b> ·		-		-	1292
Currency		-	-		-		-		•		267
Customs	-			•		-		_		-	274
Customs, duties of			_		_				•		338
Defective letters patent -	_							_			1568
Discipline on Government v	essels		_		_		_				924
Diseases affecting animals	-		_								909
		_					_		_		1542
Dominion day Dominion lands -	_	-	_	_		_		_	-	_	750
Dominion notes	-		_	-		_	_			_	271
		•			-	_	-	_	-		338
Duties of customs	-		•	•		•		•		-	127
Elections, controverted -		•	-		•		•		•		$\begin{array}{c} 121 \\ 152 \end{array}$
Elections, corrupt practices	at -		•	•		•		•		•	68
Elections, House of Commo	ns	-	-		•		-		•		
Electoral franchise -	•	•	•	•			-			•	18
Electric telegraph companie	8 -		-	•				•		-	1763
Embracery		•	•		•		-		•		2013
Escapes and rescues	•	•	•	•		•		-		•	1878
Evidence		<b>-</b>	•		-		•		•		1819
Evidence, proceedings in co	urts o	ut of	Can	ada		•		•		•	1822
Exchequer court -	-		-	•	•		-		•		1774
Explosive substances	•	-		•		•		•		-	1859
Expropriation of lands	-		•	•	•		-		•		570
Extradition of fugitive crim	inals	-		-		•		•		-	1826
Extra judicial oaths -		•	•	•	•		-		• .		1824
Frauds and conspiracies	-	-		•		-		-		•	2012
Frauds in contracts and bus	iness	with	Gov	ernn	nent	; -	•		•		2011
Fraudulent marking of mer	chand	$\mathbf{lise}$		•		•		-		-	1956
Ferries	-		•				-		•		1205
Finance, department of	-	-		•		•		-		-	235
Fire-arms, improper use of	-		• .		-		-		-		1853
Fisheries and building of fis	hing	vess	els. e	ncou	rage	eme	nt o	f		-	1204
Fisheries and fishing	•		· , ·		-		-		-		1186
Fisheries, department of	•			•		•		, -			227
Fishing by foreign vessels		_	-		-		•				1181
Forgery	-	_				-				-	1938
Franchise, electoral -		-		-		-			,	-	18
Fugitive criminals, extraditi	ion of				-						1826
Fugitive offenders from other	OH UL	ts of	HN	I. Do	min	ion	2		-		1837
Gembling in public converse	onces	. J. VI						_	_		1892
Gambling in public conveys	"TTO CO			_	-		•		-	_`	1885
Gaming houses -	-			-		•		-		-	-

										T) 4 01
Gas and gas meters, inspection of		-						_		PAGE
Geological survey	-		-				_	_		1264
Government railways		-		_					-	223
Government savings banks -	_		-		_		_	•		550
Government vessels, discipline on		-		-		_	_		-	1641
Governor General	_		-		_	_	_	•		924
Harbor and river police, Quebec		_		_		_	•		-	15
Harbor masters	_		_		_	-		•		1168
Harbors, piers and breakwaters		_		_		_	-		-	1162
High commissioner, United Kingdor	n				_	•		•		1152
Homesteads in the Territories	**			_			•		-	179
House of Commons	_			-	_	-		•		725
House of Commons, representation in	n	_		_	_	_	•		-	169
House of Commons, Speaker of	ч ₋			-	_	•		•		48
Immigration aid societies -		_		_	-		•		•	175
Immigration and immigrants	_	_	_	_		•		•		893
Immigration, Chinese -	_		_		•		-		•	873
Independence of parliament -	-		•		•		•		-	899
Indian advancement -		•		-		-		•		158
Indians	•		~		•		•		•	667
		•		•	-	~		-		626
Industrial designs	-		-		-		•		~	861
Infectious diseases affecting animals		•		-		•		-		909
Inland revenue	-		-		-		-		-	382
Inquiries concerning public matters		•		-		-		•		1564
Insolvent banks and corporations	-		-		-		•		-	1716
Inspection of gas and gas meters		•		-		-		•		1264
Inspection of petroleum -	-		- •		•		-		-	1278
Inspection of staple articles -		•		-		-		•		1212
Inspection of steamboats -	-		•		-		•		-	1049
Insurance -		-		•		•		•		1674
Insurance companies, insolvent	•		-		-		•		•	1716
Interest		•		-		•		•		1707
Interior, department of	-		-		-		-		-	221
Interpretation Act		-		-		•		-		1
Intimidation and threats -	-		-		•		-		-	2005
Investigations under oath -	-		•		-		-		-	1565
Intoxicating liquors (Temperance Act	:)		-		-		•		-	1336
Joint stock companies		-		-		-		•		1569
Joint stock companies by letters pater	nt		-		-		-		-	1579
Judges of provincial courts and judic	ial	sala	ries	3		-		-		1811
Justice, department of -	-		-		-		-		-	219
Justices of the peace, summary proceed	edin	gs	befa	ore	-		-		-	2151
Juvenile offenders, trial and punishm	ent	of		-		-		-		2143
Keewatin, District of	-		-		-		-		-	731
Lands, Dominion		-		-						750
Lands, expropriation of -	-		-		-		-			570
Lands in British Columbia -		-		-		-		-		820
Lands in Manitoba, claims to			-		-		-			688
Lands, Ordnance and Admiralty -		-		•		-				
Larceny and similar offences -	-						_		_	806
Letters patent, defective -			· _		_		_		_	1909
•							-		-	1568

										PAGE.
Libel	-		-		-	-				1906
Library of parliament		-		•	-		-		-	177
Lighthouses, buoys and beacons	-				-	-		-		920
Loans by British companies	-		-		-	-		-		1703
Loans, raising of		-			-		-			238
Lotteries, betting and pool-selling	-				-	-				1889
Lumber, culling and measuring of		_			_				_	1292
Malicious injuries to property	<b>.</b>	_	_		_	_		_		1976
Manitoba	•		-	_	_	•		-		686
		•		•	-		•			688
Manitoba, claims to lands in	-	L.,	-		•	•		•	_	168
Manitoba, representation in the S	ena	te		•	-		•		-	693
Manitoba, road allowances in	•		•		• ,	•		•		227
Marine, department of -		-		-	-		-		-	1766
Marine electric telegraphs	-		-		-	•		•		1034
Mariners, sick and distressed -		•		-	-		-		-	1805
Maritime court of Ontario	-		•			-		-		870
Marking of timber		•		-	-		•		-	1894
Marriage, offences relating to law	of		-		-	-		-		949
Masters and mates of ships -		-		-	-		-		-	4056
Merchandise, fraudulent marking	of		-		_	-		-		1956
Militia and defence		-		-	_		-		-	589
Military and naval stores -			-		-			-		1995
Military college		_		-					-	623
Misconduct of officers -	_		_		-	_		-		2013
Naturalization and aliens -		_			_		-		-	1545
Navigable waters, protection of	_		_		_			-		1171
Navigable waters, protection of	nd c	170 <b>P</b>	-	_	_				-	1174
	uu c	1161		•	•			-		1081
Navigation of Canadian waters	-		•		-	-	_		-	673
North-West mounted police -		•		-	-		-	_		695
North-West Territories -	-		-		•	•	_		_	1824
Oaths, extra judicial		•		•	-		•	_		1543
Oaths of allegiance -	•		•		-	-		_	-	1882
Offences against public morals an	d ce	onve	nie	nce	-		•	_		1881
Offences against religion -	-		-		-	-		_	_	1896
Offences against the person -		-		•	-		-			1992
Offences relating to the army and	l na	vу	•		-	-	¥	• .	_	1967
Offences relating to the coin -		-		•	-	,	-		-	2013
Officers, misconduct of -	-		-		-	-		-	_	580
Official arbitrators		-		-	-		•		_	806
Ordnance and Admiralty lands	-		-		-	-		-		1567
Parchment, public documents ne	ed 1	ot b	e o	n ·	•		-		-	2208
Pardons and commutation of sent	enc	es			-	-		•		834
Patents of invention	0110	-		_	-		-		-	-1713
Pawnbrokers	_		_	•		-		-		0.221
Penitentiaries	_	_		_			-		-	1876
Perjury		-				-		•		1890
	-		-	_	_		-		•	0264
Person, offences against the			o <b>n</b> c	0.00	inst			•		1799
Persons administering criminal la	ιW,	acu	OHS	aga	11100		•	•		1278
Petition of right, proceedings by	-		•	_	-		_		•	1152
Petroleum, inspection of		-		•	•	_				
Piers and broak waters -	-		-		-	-				

													PAGE,
Pilotage -	-	-		-		~		-		-		-	1093
Police of Canada .	-		-		-		-		-		-		2261
Pool-selling and bettin	O'			•		-		-		-		-	1889
Port wardens -	.0		-		-		-		-		_		1155
Postal service -		_		_		_		_				_	494
Postal service	- C						_		_		_		2243
Prisons, public, and res	orman	ry	•		•		-		_		-		2243
Prize fighting -	•	•		-		-		-		•		-	1873
Procedure in criminal of	cases		-		-		-		, <b>-</b>		•		2015
Promissory notes	-	-		-		-		•		-		-	1659
Property, malicious ini	uries t	0		•		•		-		-		-	1976
Property of seamen, pro	otection	ı of	-		-		-		-		-		1999
Protection of navigable	water	S		-		-		-		•		-	1171
Public meetings, prese	rvation	of 1	nea.c	e a	t.		-		-		-		1871
Public morals and con	vanion	20.0	ffan	200	ะ ค.ศ.ค	inst		-		-		-	1882
Public morals and con	ещен	· · · · ·	-	CCS		111.50	-		_		-		205
Public officers -	3.1		•		-	•		_		_			238
Public revenue and au	ait	•		-		•		_			-		
Public works -			•		-		-		•		-		530
* Ublic works preserva	tion of	pea	ce r	iear		- ,		-		-		•	1863
"Unishments nardons	and co	mmı	ıtat	1011	of a	ente	ence	es	•	•	-		2208
Ruarantine -	-	-		-		-		-		•		•	905
Yul tam nationa Onaha	ec -		-		-		-		-		-		2013
*Vall Wara wa	_	-	j	-		-		-		-		-	1463
"dillarors and sanals "d	enartm	ent	of		-		-		-		-		541
"411 W 1 Tre 1 - 0 Tr 0 m 1 m 0 11 f		_		_		_				-		-	550
Railway passenger fick	ota dal	a áf	_		_		-		-		-		1539
				_		_		_		-		-	2116
Reformatory and public	•	-		•		-	_	•	_		_		2243
Reministery and public	e prisor	ıs	-		•		_			_		_	930
Registration of ships	-	•		•		•		-		_	_		1881
	ıst -		-	•			-		-		•		
Representation in the I	House o	of Co	$\mathbf{m}$	non	S	-		-		•		•	48
Returns by persons rec	eiving	depo	osit	S	-		-		-		•		1706
Riots by persons rec	•	•		-		-		-		•		-	1849
********			-		-		-		-		-		1168
Royal military college		_		_		-		-		-		•	623
Sable Island	_		_		_		-		-		•		920
	ianania					_		_		-		•	16
Savings banks, Govern Savings banks, Govern	поцать	:5		-			_				-		1641
gavines banks, Govern	imeni		-		•		-	_					1648
heam so banks in Onta	rio and	l Qu	ebe	c		•		•	_				1999
Seamen, shipping of Seamen, shipping of Seamen shipping of	propert	y of			-		-		-			_	959
$S_{\rm ear}^{\rm string}$ , shipping of	-	-		-		•		•		•		-	
Seamen, shipping of Secrecy by telegraph of	n inlan	d w	ater	<b>.</b> 8	-		-		-		•		1016
Secrecy by telegraph o	fficers	-		-		-		-		-		•	1772
Secretary of State, depa Securities to the Crown	artmen	of			-		-		-		•		230
Securities to the Crown Senate and House of C	n disc	harg	e o	f		-		-		-		•	1568
Renate and House of C	ommor		•	-	_		-		-		-		158
nepot and mouse of O	OHITHOU	ıs				-		-		-		•	168
Ohing Prosentation	Or Mran		an	of.			-		-		_		930
Ollus Greenmon and	Classii	icati	c v	01 00:4	ante	3				-		-	1040
offer a seed or mire b	LOVOILLI	OIL O		ccia	сци	,	_	-	_				1034
ODeales and coocu ma	umere		-		-		-		-	_	-	_	175
Speedy trial of certain	f Comn	vons		-		-		-		•		•	
Trial of certain	off::nce	s	-		-		-		•				2024

			PAGE 828
Statistics	•	-	820 831
Statistics, criminal	,	• .	837
Statutes, form and interpretation of	-	-	11
Statutes, publication of		-	2012
Statutes, wilful violation of	•	-	$\frac{2012}{1049}$
Steamboats, inspection of		-	1995
Stores, military and naval	-	•	683
Subsidies and allowances to the Provinces	,	-	$218^{2}$
Summary administration of criminal justice -	-	=	$\frac{2151}{2151}$
Summary proceedings before justices of the peace -		-	200
Superannuation, Civil Service	-	•	1774
Supreme court		•	1763
Telegraph companies	-	•	1772
Telegraph officers, secreey of	ı	•	1766
Telegraphs, marine	-	•	1336
Temperance Act	•	•	725
Territories, homesteads in	-	•	2005
Threats and intimidation	•	•	870
Timber, marking of	-	•	1208
Timber, tolls for transmission of, on Government works	•	•	1166
Tonnage dues	-	-	861
Trade marks		•	1754
Trade unions	•	-	1167
Transports, exemption from harbor dues	-		1846
Treason and other offences against the Queen's authority	-		235
Treasury board	-		1849
Unlawful assemblies	-	-	2012
Violation of statutes, wilful	•	_	1853
Weapons, improper use of	-		1310
Weights and measures	-	_	1208
Works for transmission of timber, tolls on	-	•	1127
Wrecks, casualties and salvage	_		

A

ATTESTED as the Printed Roll marked "A," and referred to in a Bill now before Parliament, intituled "An Act respecting the Revised Statutes of Canada."

Laurdown

Mongetta toliamento

March, 1886.