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35

AN ACT

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

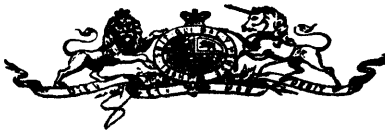
GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

55TH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE SEVENTH SESSION OF THE TWENTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM



OTTAWA

PRINTED BY SAMUEL EDWARD DAWSON

LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI 1892



55 VICTORIA.

CHAP. 6.

An Act to provide for the Recognition in the United Kingdom of Probates and Letters of Administration granted in British Possessions.

[20th May, 1892.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

Application of Act by Order in Council.

2.—(1.) Where a court of probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, a court of probate in the United Kingdom, be sealed with the seal of that court, and, thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court.

Sealing in United Kingdom of colonial probates and letters of administration.

(2.) Provided that the court shall, before sealing a probate or letters of administration under this section, be satisfied—

(a.) That probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom; and

(b.) In the case of letters of administration that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

Colonial Probates Act, 1892.

(3.) The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom.

(4.) For the purposes of this section, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

(5.) Rules of court may be made for regulating the procedure and practice, including fees and costs, in courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall, so far as they relate to probate duty, be made with the consent of the Treasury, and subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.

Application of Act to British courts in foreign countries.

3. This Act shall extend to authorize the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country, in like manner as it authorizes the sealing of a probate or letters of administration granted in a British possession to which this Act applies, and the provisions of this Act shall apply accordingly with the necessary modifications.

Orders in Council.

4.—(1.) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office.

(2.) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act.

(3.) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

Application of Act to probates, &c., already granted.

5. This Act when applied by an Order in Council to a British possession shall, subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either before or after the passing of this Act.

Colonial Probates Act, 1892.

6. In this Act—

Definitions.

The expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh :

The expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively :

The expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted :

The expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

7. This Act may be cited as the Colonial Probates Act, Short title.
1892.

ORDERS IN COUNCIL
OF THE
IMPERIAL GOVERNMENT
TOGETHER WITH
TREATIES NEGOTIATED
BETWEEN
HER MAJESTY THE QUEEN
AND
FOREIGN POWERS



OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1892

ORDERS IN COUNCIL AND TREATIES.

AT THE COURT AT WINDSOR, THE 24TH DAY OF NOVEMBER, 1891.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Earl of Limerick.

Lord Walter Gordon-Lennox.

Sir James Fergusson, Bart.

Mr. A. J. Balfour.

Sir Charles Pearson.

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that, where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign state; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign state, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign state, and so long as such law continues in force there and no longer :

And whereas a treaty was concluded on the twenty-sixth day of March, one thousand eight hundred and eighty-four, between Her Majesty and the President of the Oriental Republic of the Uruguay, for the mutual extradition of fugitive criminals :

And whereas by an Order of Her Majesty the Queen in Council, dated the fifth day of March, one thousand eight hundred and eighty-five, it was directed that the Extradition Acts, 1870 and 1873, should apply in the case of the Oriental Republic of the Uruguay :

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals :

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer :

Extradition of Fugitive Criminals—Uruguay.

And whereas a protocol was concluded on the twentieth day of March, one thousand eight hundred and ninety-one, between Her Majesty and the President of the Oriental Republic of the Uruguay, providing for the extension of the period stipulated in article IX. of the above-mentioned treaty of the twenty-sixth day of March, one thousand eight hundred and eighty-four, which protocol is in the terms following :—

“MONTEVIDEO, the twentieth day of March, one thousand eight hundred and ninety-one, their Excellencies Mr. Ernest Mason Satow, Companion of the most distinguished Order of St. Michael and St. George, Her Britannic Majesty’s Minister Resident and Consul-General, and Dr. Manuel Herrero y Espinosa, Minister for Foreign Affairs, having met together at the Ministry for Foreign Affairs with the object of providing for the extension of the period stipulated in article IX. of the treaty for the extradition of criminals in force between their respective countries for the provisional arrest of persons charged with any of the crimes or offences specified in the said treaty, and having exchanged their full powers, which were found to be in good and due form, have agreed to the following declaration, which shall be considered an integral part of the said international compact :

“The period of thirty days fixed by article IX. of the treaty for the extradition of criminals in force between the Oriental Republic of the Uruguay and Great Britain, for the provisional arrest of persons charged with any of the crimes or offences specified in the said treaty, being thoroughly recognized as insufficient, both governments agree that the said period shall henceforth be fixed at sixty days.

“In witness whereof the said plenipotentiaries have caused the present protocol to be drawn up in duplicate, and have signed both copies and thereto affixed their seals on the date above expressed.

[L.S.] “ERNEST MASON SATOW.

[L.S.] “MANUEL HERRERO Y ESPINOSA.”

And whereas the ratifications of the said protocol were exchanged at Montevideo on the seventeenth day of July, one thousand eight hundred and ninety-one :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the seventh day of December, one thousand eight hundred and ninety-one, the said Acts shall apply in the case of the said protocol of the twentieth day of March, one thousand eight hundred and ninety-one, as fully to all intents and purposes as in the case of the said recited treaty of the twenty-sixth day of March, one thousand eight hundred and eighty-four.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to the Oriental Republic of the Uruguay and to the said treaty and protocol, and so long as the provisions of the Canadian Act of 1886 continue in force and no longer.

C. L. PEEL.

Supreme Court of the North-west Territories.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE
30TH DAY OF JULY, 1891.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Archbishop of York.
Lord President.

Lord Privy Seal.
Lord Arthur Hill.

WHEREAS by an Act of the Parliament of Canada passed in the 49th year of Her Majesty's reign, chapter 25, intituled "An Act further to amend the law respecting the North-west Territories," a supreme court of record of original and appellate jurisdiction was constituted and established in and for the North-west Territories, called "The Supreme Court of the North-west Territories";

And whereas by chapter 50 of the Revised Statutes of Canada, intituled "The North-west Territories Act," the said court was continued under the name aforesaid, but no provision has yet been made for the prosecution and regulation of appeals to Her Majesty in Council from the said court;

And whereas it is expedient that provision should be made by this Order to enable parties to appeal from the decisions of the said court to Her Majesty in Council, it is hereby ordered, by the Queen's most Excellent Majesty, by and with the advice of her Privy Council, as follows :

1. Any person or persons may appeal to Her Majesty, her heirs and successors, in her or their Privy Council, from any final judgment, decree, order or sentence of the said Supreme Court of the North-west Territories in such manner, within such time, and under and subject to such rules, regulations and limitations as are hereinafter mentioned, that is to say :

In case any such judgment, decree, order or sentence shall be given or pronounced for or in respect of any sum or matter at issue above the amount or value of three hundred pounds sterling (£300), or in case such judgment, decree, order or sentence shall involve, directly or indirectly, any claim, demand or question to or respecting property or any civil right amounting to or of the value of three hundred pounds sterling (£300), the person or persons feeling aggrieved by any such judgment, decree, order or sentence may, within fourteen days next after the same shall have been pronounced, made or given, apply to the said court by motion or petition for leave to appeal therefrom to Her Majesty, her heirs and successors, in her or their Privy Council ;

In case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any duty, the said court may either direct that the judgment, decree, order or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said court may appear to be most consistent with real and substantial justice ;

And in case the said court shall direct such judgment, decree, order or sentence to be carried into execution, the person or persons in whose favour the same shall be given shall, before the execution thereof, enter into good

Supreme Court of the North-west Territories.

and sufficient security to be approved by the said court, for the due performance of such order as Her Majesty, her heirs and successors, shall think fit to make upon such appeal ;

In all cases security shall also be given by the party or parties appellant in a bond or mortgage or personal recognizance not exceeding the value of five hundred pounds sterling (£500) for the prosecution of the appeal, and the payment of all such costs as may be awarded by Her Majesty, her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council, to the party or parties respondent ; and if such last-mentioned security shall be entered into within three months from the date of such motion or petition for leave to appeal, then and not otherwise the said court shall admit the appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her or their appeal to Her Majesty, her heirs and successors, in her or their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her Majesty from Her Majesty's colonies and plantations abroad.

2. It shall be lawful for the said Supreme Court, at its discretion, on the motion or petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order or sentence of the said Supreme Court, to grant permission to such party to appeal against the same to Her Majesty, her heirs and successors, in her or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees, orders and sentences.

3. Nothing herein contained doth or shall extend or be construed to extend to take away or abridge the undoubted right and authority of Her Majesty, her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment or determination of the said court, at any time to admit his, her or their appeal therefrom, upon such terms as Her Majesty, her heirs or successors, shall think fit, and to reverse, correct or vary such judgment or determination in such manner as to Her Majesty, her heirs and successors, shall seem meet.

4. In all cases of appeal admitted by the said court, or by Her Majesty, her heirs or successors, the said court shall certify and transmit to Her Majesty, her heirs or successors, in her or their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees and orders had or made in such cases appealed so far as the same have relation to the matter of appeal, such copies to be certified under the seal of the said court, and the said court shall also certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, a copy of the reasons given by the judges of such court, or by any of such judges, for or against the judgment or determination appealed against, where such reasons shall have been given in writing, and where such reasons shall have been given orally, then a statement in writing of the reasons given by the judges of such court, or by any of such judges, for or against the judgment or determination appealed against.

5. The said court shall, in all cases of appeal to Her Majesty, her heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as Her Majesty, her heirs and successors, shall think fit to make in

Supreme Court of the North-west Territories.

the premises in such manner as any original judgment, decree or decretal order, or other order or rule of the said court should or might have been executed.

And the Right Honourable Lord Knutsford, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 16TH DAY OF MARCH, 1892.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Duke of Rutland.

Marquess of Salisbury.
Lord Chamberlain.

WHEREAS by an Act of the Parliament of Manitoba passed in the 48th year of Her Majesty's reign, chapter 48, entitled "An Act respecting the Court of Queen's Bench," it was enacted that Her Majesty's Court of Queen's Bench for Manitoba should exist and continue under the name and style of "Her Majesty's Court of Queen's Bench for Manitoba," and that it was and should continue to be a court of original and appellate jurisdiction, and should possess and exercise all such powers and authorities as by the laws of England are incident to a superior court of record of civil and criminal jurisdiction, in all matters civil and criminal whatsoever, but no provision has yet been made for the prosecution and regulation of appeals to Her Majesty in Council from the said court ;

And whereas it is expedient that provision should be made by this Order to enable parties to appeal from the decisions of the said court to Her Majesty in Council, it is hereby ordered, by the Queen's most Excellent Majesty, by and with the advice of her Privy Council, as follows :

1. Any person or persons may appeal to Her Majesty, her heirs and successors, in her or their Privy Council, from any final judgment, decree, order or sentence of the said Court of Queen's Bench of Manitoba, in such manner, within such time, and under and subject to such rules, regulations and limitations as are hereinafter mentioned, that is to say :

In case any such judgment, decree, order or sentence shall be given or pronounced for or in respect of any sum or matter at issue above the amount or value of three hundred pounds sterling (£300), or in case such judgment, decree, order or sentence shall involve, directly or indirectly, any claim, demand or question to or respecting property or any civil right amounting to or of the value of three hundred pounds sterling (£300), the person or persons feeling aggrieved by any such judgment, decree, order or sentence may, within fourteen days next after the same shall have been pronounced, made or given, apply to the said court by motion or petition for leave to appeal therefrom to Her Majesty, her heirs and successors, in her or their Privy Council ;

Court of Queen's Bench for Manitoba.

In case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any duty, the said court may either direct that the judgment, decree, order or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said court may appear to be most consistent with real and substantial justice;

And in case the said court shall direct such judgment, decree, order or sentence to be carried into execution, the person or persons in whose favour the same shall be given shall, before the execution thereof, enter into good and sufficient security to be approved by the said court for the due performance of such order as Her Majesty, her heirs and successors, shall think fit to make upon such appeal;

In all cases security shall also be given by the party or parties appellant in a bond or mortgage or personal recognizance not exceeding the value of five hundred pounds sterling (£500) for the prosecution of the appeal, and the payment of all such costs as may be awarded by Her Majesty, her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council, to the party or parties respondent; and if such last-mentioned security shall be entered into within three months from the date of such motion or petition for leave to appeal, then, and not otherwise, the said court shall admit the appeal and the party or parties appellant shall be at liberty to prefer and prosecute his, her or their appeal to Her Majesty, her heirs and successors, in her or their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her Majesty from Her Majesty's colonies and plantations abroad.

2. It shall be lawful for the said Supreme Court at its discretion, on the motion or petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order or sentence of the said Supreme Court, to grant permission to such party to appeal against the same to Her Majesty, her heirs and successors, in her or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees, orders and sentences.

3. Nothing herein contained doth or shall extend or be construed to extend to take away or abridge the undoubted right and authority of Her Majesty, her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment or determination of the said court, at any time to admit his, her or their appeal therefrom, upon such terms as Her Majesty, her heirs or successors, shall think fit, and to reverse, correct or vary such judgment or determination in such manner as to Her Majesty, her heirs and successors, shall seem meet.

4. In all cases of appeal admitted by the said court, or by Her Majesty, her heirs or successors, the said court shall certify and transmit to Her Majesty, her heirs or successors, in her or their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees and orders had or made in such cases appealed so far as the same have relation to the matter of appeal, such copies to be certified under the seal of the said court, and the said court shall also certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, a copy of the reasons given by the judges of such

Court of Queen's Bench for Manitoba.

court, or by any of such judges, for or against the judgment or determination appealed against, where such reasons shall have been given in writing, and where such reasons shall have been given orally, then a statement in writing of the reasons given by the judges of such court, or by any such judges, for or against the judgment or determination appealed against.

5. The said court shall, in all cases of appeal to Her Majesty, her heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as Her Majesty, her heirs and successors, shall think fit to make in the premises, in such manner as any original judgment, decree or decretal order, or other order or rule of the said court should or might have been executed.

And the Right Honourable Lord Knutsford, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 9TH DAY OF MAY, 1892.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Lord Steward.
Earl of Yarborough.

Sir Walter Barttelot, Bart.
Mr. Forwood.

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that, where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign state; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign state, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign state, and so long as such law continues in force there and no longer:

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

Extradition of Fugitive Criminals—Monaco.

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer :

And whereas a treaty was concluded on the seventeenth day of December, one thousand eight hundred and ninety-one, between Her Majesty and His Serene Highness the Prince of Monaco, for the mutual extradition of fugitive criminals, which treaty is in the terms following :—

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Serene Highness the Prince of Monaco, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up ; the said high contracting parties have named as their plenipotentiaries to conclude a treaty for this purpose, that is to say :

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Edwin Henry Egerton, Esquire, Companion of the most Honourable Order of the Bath, Her Majesty’s Minister Plenipotentiary at Paris ;

“ And His Serene Highness the Prince of Monaco,—Louis Fernand de Bonnefoy, Baron du Charmel, Envoy Extraordinary and Minister Plenipotentiary of Monaco in France ;

“ Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles :—

“ ARTICLE I.

“ The high contracting parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one party, shall be found within the territory of the other party, under the circumstances and conditions stated in the present treaty.

“ ARTICLE II.

“ The crimes or offences for which the extradition is to be granted are the following :—

“ 1. Murder, or attempt or conspiracy to murder.

“ 2. Manslaughter.

“ 3. Assault occasioning actual bodily harm. Malicious wounding or inflicting grievous bodily harm.

“ 4. Counterfeiting or altering money, or uttering counterfeit or altered money.

“ 5. Knowingly making any instrument, tool, or engine adapted and intended for counterfeiting coin.

“ 6. Forgery, counterfeiting, or altering or uttering what is forged, or counterfeited, or altered.

Extradition of Fugitive Criminals—Monaco.

- “7. Embezzlement or larceny.
- “8. Malicious injury to property if the offence be indictable.
- “9. Obtaining money, goods or valuable securities, by false pretences.
- “10. Receiving money, valuable security or other property, knowing the same to have been stolen, embezzled or unlawfully obtained.
- “11. Crimes against bankruptcy law.
- “12. Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company.
- “13. Perjury, or subornation of perjury.
- “14. Rape.
- “15. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under sixteen years of age, so far as such acts are punishable by the law of the state upon which the demand is made.
- “16. Indecent assault. Indecent assault without violence upon children of either sex under thirteen years of age.
- “17. Administering drugs or using instruments with intent to procure the miscarriage of a woman.
- “18. Abduction.
- “19. Child-stealing.
- “20. Abandoning children, exposing or unlawfully detaining them.
- “21. Kidnapping and false imprisonment.
- “22. Burglary or housebreaking.
- “23. Arson.
- “24. Robbery with violence.
- “25. Any malicious act done with intent to endanger the safety of any person in a railway train.
- “26. Threats by letter, or otherwise, with intent to extort.
- “27. Piracy by law of nations.
- “28. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
- “29. Assaults on board a ship on the high seas, with intent to destroy life, or to do grievous bodily harm.
- “30. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
- “31. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both states.
- “Extradition is also to be granted for participation in any of the afore-said crimes, provided such participation be punishable by the laws of both contracting parties.
- “Extradition may also be granted at the discretion of the state applied to, in respect of any other crime for which, according to the laws of both the contracting parties for the time being in force, the grant can be made.

“ARTICLE III.

“Either government may, in its absolute discretion, refuse to deliver up its own subjects to the other government.

Extradition of Fugitive Criminals—Monaco.

“ARTICLE IV.

“The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Government of Monaco has already been tried and discharged or punished, or is still under trial, within the territories of the two high contracting parties, respectively, for the crime for which his extradition is demanded.

“If the person claimed on the part of the British Government, or if the person claimed on the part of the Government of Monaco should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two high contracting parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of his sentence, or otherwise.

“ARTICLE V.

“The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the state applied to.

“ARTICLE VI.

“A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

“ARTICLE VII.

“A person surrendered can in no case be kept in prison or be brought to trial in the state to which the surrender has been made for any other crime, or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the state by which he has been surrendered.

“This stipulation does not apply to crimes committed after the extradition.

“ARTICLE VIII.

“The requisition for extradition shall be made in the following manner:

“Applications on behalf of Her Britannic Majesty's Government for the surrender of a fugitive criminal in Monaco shall be made by Her Majesty's consul in the principality.

“Application on behalf of the principality of Monaco for the surrender of a fugitive criminal in the United Kingdom shall be made by the Consul-General of Monaco in London.

“The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the state requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

Extradition of Fugitive Criminals—Monaco.

“ If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent court of the state that makes the requisition for extradition.

“ A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

“ ARTICLE IX.

“ If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the state applied to shall proceed to the arrest of the fugitive.

“ ARTICLE X.

“ If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

“ In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in Monaco, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :

“ 1. A warrant must purport to be signed by a judge, magistrate, or officer of the principality of Monaco.

“ 2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a judge, magistrate, or officer of the principality of Monaco, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.

“ 3. A certificate of, or judicial document stating the fact of, a conviction must purport to be certified by a judge, magistrate, or officer of the principality of Monaco.

“ 4. In every case, such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal and legalization of the Governor General of the principality of Monaco ; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken, may be substituted for the foregoing.

“ ARTICLE XI.

“ If the fugitive has been arrested in the principality of Monaco, his surrender shall be granted if, upon examination by a competent authority, it appears that the documents furnished by the British Government contain sufficient *prima facie* evidence to justify the extradition.

“ The authorities of the principality shall admit as valid evidence records drawn up by the British authorities of the depositions of witnesses, or copies thereof, and records of conviction or other judicial documents or copies thereof :

Extradition of Fugitive Criminals—Monaco.

Provided that the said documents be signed or authenticated by an authority whose competence shall be certified by the seal of a minister of state of Her Britannic Majesty.

“ARTICLE XII.

“The extradition shall not take place unless the evidence be found sufficient, according to the laws of the state applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said state, or to prove that the prisoner is the identical person convicted by the courts of the state which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the state applied to. In Her Britannic Majesty’s dominions the fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

“ARTICLE XIII.

“If the individual claimed by one of the two high contracting parties in pursuance of the present treaty should be also claimed by one or several other powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that state whose demand is earliest in date.

“ARTICLE XIV.

“If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the state applied to, or the proper tribunal thereof shall direct, the fugitive shall be set at liberty.

“ARTICLE XV.

“All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the state applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

“ARTICLE XVI.

“All expenses connected with extradition shall be borne by the demanding state.

“ARTICLE XVII.

“Either of the high contracting parties who may wish to have recourse for purposes of extradition to transit through the territory of a third power shall be bound to arrange the condition of transit with such third power.

“ARTICLE XVIII.

“When in a criminal case of a non-political character either of the high contracting parties should think it necessary to take the evidence of

Extradition of Fugitive Criminals—Monaco.

witnesses residing in the dominion of the other, or to obtain any other legal evidence, a "commission rogatoire" to that effect shall be sent through the channel indicated in article VIII., and effect shall be given thereto conformably to the laws in force in the place where the evidence is to be taken.

" ARTICLE XIX.

" All documents which shall be reciprocally communicated in execution of the present treaty shall be accompanied by a French or English translation (certified to be correct by the consul who transmits the document in accordance with article VIII.), when they are not drawn up in the language of the country upon which the demand is made.

" The expense of such translation shall be borne by the demanding state.

" ARTICLE XX.

" The stipulations of the present treaty shall be applicable to the colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such colonies and foreign possessions respectively will allow.

" The requisition for the surrender of a fugitive criminal who has taken refuge in any of such colonies or foreign possessions may be made to the governor or chief authority of such colony or possession by any person authorized to act in such colony or possession as a consular officer of the principality of Monaco.

" Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such colony or foreign possession will allow, to the provisions of this treaty, by the said governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his government.

" Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British colonies and foreign possessions for the surrender of criminals from Monaco who may take refuge within such colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such colony or foreign possession will allow, of the provisions of the present treaty.

" Requisitions for the surrender of a fugitive criminal emanating from any colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present treaty.

" ARTICLE XXI.

" The present treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the high contracting parties. It may be terminated by either of the high contracting parties at any time on giving to the other six months' notice of its intention to do so.

" The treaty shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible.

Extradition of Fugitive Criminals—Monaco.

“In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

“Done at Paris, the 17th day of December, 1891.

[L.S.] “EDWIN H. EGERTON,
[L.S.] “LE BARON DU CHARMEL.”

And whereas, the ratifications of the said treaty were exchanged at Paris, on the seventeenth day of March, one thousand eight hundred and ninety-two :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the twenty-third day of May, one thousand eight hundred and ninety-two, the said Acts shall apply in the case of Monaco, and of the said treaty with His Serene Highness the Prince of Monaco.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to Monaco and to the said treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force and no longer.

HERBERT M. SUFT.

ORDERS
OF THE
GOVERNOR GENERAL IN COUNCIL
HAVING FORCE OF LAW



OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1892

ORDERS IN COUNCIL, &c.

CANADA.

Customs.

By a Proclamation bearing date the 27th day of May, 1892, under authority of chapter 33 of the Revised Statutes of Canada, "An Act respecting the Duties of Customs," section 3, the duties imposed by the said Act upon fish and other products of the fisheries hereafter imported into Canada from the island of Newfoundland were remitted.

Vide Canada Gazette, vol. xxv., p. 2213.

Fisheries.

By Order in Council of the 22nd day of September, 1891, under the authority of section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulation was made and ordered to come in force on the 15th day of October, 1892:—

No one shall fish for, catch, kill, buy, sell or possess any fresh water herring (*Salmo harengus*) or ciscoes, between the 15th day of October and the 30th November, both days inclusive, in each year.

On the same date the Order in Council of the 12th September, 1891, fixing a close season for fresh water herring, was rescinded.

Vide Canada Gazette, vol. xxv., p. 580.

By Order in Council of the 29th day of September, 1891, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulations were made:—

1. For the present season the operation of the existing regulation which fixes the close season for salmon trout from the 15th of October to the 30th of November in each year, shall be suspended, and fishing therefor shall be permitted up to and including the 31st October next (1891).

2. On and after the 15th day of October, 1892, the close season for both salmon trout and whitefish in Canada (except in the province of Manitoba), shall be from the 15th day of October to the 30th day of November in each year, both days inclusive.

3. Gill-nets for catching salmon trout and whitefish shall have meshes of at least four and one-half inches extension measure.

Vide Canada Gazette, vol. xxv., p. 639.

Fisheries.

By Order in Council of the 19th day of October, 1891, under authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following special fishery regulation for the county of Shelburne, being a portion of subsection 2 of section 23 of the special fishery regulations for the province of Nova Scotia, established by the Order in Council of the 18th day of July, 1889, chapter 69 of the Consolidated Orders in Council of Canada, was cancelled, as well as any other Order in Council that may be in force to the same effect :

Dipping privileges at Morine's Falls and the saw-mill pitch on the Roseway River, to be occupied by men living above said falls, and to be subject to the dipping regulations.

Vide Canada Gazette, vol. xxv., p. 894.

By Order in Council of the 21st day of November, 1891, under authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the use of fire-arms of any kind for the purpose of killing fish was prohibited.

Vide Canada Gazette, vol. xxv., p. 1056.

By Order in Council of the 8th day of December, 1891, under authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the special fishery regulation for the county of Halifax, No. 1 (o.) of section 17 of the special fishery regulations for the province of Nova Scotia, adopted by the Order in Council of the 18th day of July, 1889, chapter 69 of the Consolidated Orders in Council of Canada, prohibiting fishing for gaspereaux with dip-nets in certain portions of Ship Harbour River was repealed, and in lieu thereof the following was substituted :—

Section 17, County of Halifax.

1. (o.) Provided always that it shall be lawful to fish for gaspereaux with dip-nets on Mondays, Tuesdays and Wednesdays in each week in all the above-mentioned streams, except in Ship Harbour River, where dip-net fishing shall be allowed on Mondays, Tuesdays, Wednesdays and Thursdays in each week.

Vide Canada Gazette, vol. xxv., p. 1134.

By Order in Council of the 4th day of January, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the fishery regulations for the province of Manitoba and the North-west Territories, established by the Order in Council of the 18th July, 1889, chapter 74 of the Consolidated Orders in Council of Canada, and the Order in Council of the 18th March, 1890, were rescinded, and the following were substituted in lieu thereof :—

Regulations relating to Fishing in Manitoba and the North-west Territories.

1. There shall be two kinds of licenses for fishing in the province of Manitoba and the North-west Territories, to be designated "commercial licenses" and "domestic licenses"; which licenses shall be issued to resident British subjects only, and who are the actual owners of the fishing gear included in such license.

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2. Every company, firm, trader or person fishing for trade and commerce in that part of Lake Winnipeg hereinafter specified, shall have a "commercial license," and the applicant for such license shall, in the application thereof, mention the number of tugs or other boats to be employed under such license, as well as the length, size and description of nets to be used, and that such license is applied for the purpose of fishing in Lake Winnipeg only, and outside the excluded limits, as shown on the map descriptive of Lake Winnipeg, which accompanied the Annual Fisheries Report of 1890.

3. No fishing tug shall fish with more than 10,000 yards of gill-nets, and no sailing or trading boat shall fish with more than 3,000 yards of gill-nets, and all gill-nets so used shall be not less than five (5) inches extension measure in the size of the mesh.

4. The fee payable on a "commercial license" for gill-net fishing shall be, for every fishing tug included in such license, \$20, and in addition a fee of \$2 for every 1,000 yards of net included in the license; and for every sailing, trading or other fishing boat, included in a "commercial license," a fee of \$10 shall be paid, which shall include a limit of 3,000 yards of net to each boat; but in no case shall a "commercial license" be granted to any one company, firm, trader or person for the use of more than in the whole 40,000 yards of net, and no company, firm, trader or person shall have or be interested in more than one "commercial license."

5. To prevent the great destruction of fish, in many cases unfit for the market, or for human food, caused by catching them in gill-nets during inclement weather, "commercial licenses" for gill-net fishing in Lake Winnipeg will not be granted after the season of 1893.

6. Every farmer, settler or *bonâ fide* fisherman, Indian or half-breed, who is an actual resident of the locality where he proposes to fish, shall be entitled to a "domestic license." The holder of a "domestic license" (except in the case of a license for seine fishing), shall be entitled to fish with not more than 300 yards of net. A fee of \$2 shall be paid for each "domestic license."

Applicants for "domestic license" shall describe in their applications the locality and the nets or other apparatus which they desire included in the license, and also the kinds of fish they desire to be licensed to catch.

Nets for catching whitefish, trout or tullibee, or nets used on the grounds usually frequented by these fish, shall have a mesh of not less than 5 inches extension measure; provided that when the applicants apply for a license to fish for other fish than the above-named in a locality not frequented by whitefish, tullibee or trout, then the mesh may be not less than 4 inches extension measure.

A "domestic" fishing license may be granted for any of the waters of Manitoba and the North-west Territories; provided, however, that no description of net, or other fishing apparatus, whatsoever, shall be used under a "domestic" or other license, within a radius of half a mile of the mouth or outlet of any river or stream, flowing into or out of any of the lakes of Manitoba or the North-west Territories.

7. The holder of a "domestic license" for net fishing for sturgeon, shall be entitled to use not more than 300 yards of gill-net, with a mesh of not less than 12 inches extension measure.

A fee of \$2 shall be paid for each such license.

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8. The holder of a "domestic license" for seine fishing shall be entitled to use a seine not exceeding 66 yards in length, with the mesh not less than 4 inches extension measure.

A fee of \$25 shall be paid for each such license.

9. No "commercial" or "domestic license" shall be issued until the fees therefor have been paid; such fees being payable strictly in advance.

10. Fishing by means of nets or other apparatus, without leases or licenses, is prohibited in the waters of Manitoba and the North-west Territories.

11. The following shall be the close seasons during which the several fish herein mentioned shall not be fished for, caught, killed, bought, sold or had in possession by any one whomsoever:—

(1.) Whitefish, salmon trout or lake trout, and tullibee, between the 5th day of October and the 15th December in each year, both days inclusive:

(2.) Pickerel (doré), gold-eyes, pike, mullets and maskinongé, between 15th April and 15th May, both days inclusive:

(3.) Speckled trout of every kind, between 15th September and 1st May, both days inclusive:

(4.) Sturgeon, between 15th May and 15th July in each year, both days inclusive.

12. Seines, nets, or other apparatus used for catching fish shall be so raised or adapted as to admit of the free passage of fish through, by, or out of the same, from six o'clock on every Saturday afternoon to six o'clock on every following Monday forenoon, and during such close time no one shall catch fish by any means whatsoever; and any fish so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited.

13. All licenses shall be issued annually and shall be in force for the periods hereinafter mentioned, subject, however, to the laws and regulations that may from time to time be in force respecting close seasons, viz.:—"Commercial licenses" from 1st May to 4th October following, both days inclusive; "domestic licenses" from the 15th December to 4th October following, both days inclusive.

14. No one shall use a bag-net, trap-net or "fish-pound" for capturing fish in the waters of Manitoba or the North-west Territories, except under the following conditions:—

The holder of a "commercial license" issued for that purpose, may engage in pound-net fishing after the season of 1893, within the prescribed limits for fishing under "commercial licenses," in Lake Winnipeg only:

Provided that no company, firm, trader or person, shall use, or be licensed to use, more than four pound-nets; and provided also, that no company, firm, trader or person shall at the same time hold licenses for the use of both gill-nets and pound-nets.

The mesh of pound or trap-nets of every description shall be not less than four and one-half inches extension measure in the "pots," "pounds," "hearts" and "tunnels," and not less than seven inches in the "bar" or "leader,"—double-headed pounds are hereby prohibited.

The fee payable on a "commercial license" for pound-net fishing shall be \$50 for each pound-net included in the license, together with a fee of 10 cents for every fathom length of the leader to such net.

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15. Lime, chemical substances or drugs, poisonous matter, dead or decaying fish, offal of fish, saw-dust and mill rubbish, or any other deleterious substances, shall not be thrown into, or be allowed to pass into, or be left or remain in any water frequented by fish in Manitoba and the North-west Territories; and any person violating this regulation shall incur a penalty not exceeding one hundred dollars.

16. These regulations shall apply to Indians and half-breeds, as well as to settlers and all other persons; provided always, that the Minister of Marine and Fisheries may from time to time set apart for the exclusive use of the Indians, such waters as he may deem necessary, and may grant to Indians or their bands, free licenses to fish during the close seasons, for themselves or their bands, for the purposes of providing food for themselves, but not for the purpose of sale, barter or traffic.

17. The use of explosive materials of any kind to catch or kill fish is prohibited in the waters of Manitoba and the North-west Territories, and the use of spears, grapnel-hooks, negogs, nishagans and fire-arms for killing fish is also prohibited:

Provided always, that special licenses may be issued to Indians or Indian bands permitting them to catch and kill fish in the manner specified in such license for the sole purpose of providing themselves or their bands with food.

18. No trader, pedlar, hawker, or any other person whomsoever, shall engage in buying, trading, or otherwise obtain or be in possession of fish of any description, caught or killed by Indians, half-breeds or any other person whomsoever, on any Indian reserve or elsewhere, during the close seasons fixed by law, and in which Indians are permitted by license or otherwise to catch fish for the sole purpose of providing food for themselves or their bands.

19. For the information of persons obtaining licenses under these regulations, every license shall have the regulations printed upon it.

20. The Minister of Marine and Fisheries having determined that it is necessary in the public interest, every dam, slide, or other obstruction, made or to be made, across or in any river or stream in Manitoba or the North-west Territories, shall have the necessary fish-pass as provided by section 13 of the Fisheries Act, and no net or other device shall be used to catch or kill fish, or obstruct their passage up or down any river or stream within 200 yards of any such dam, slide, sluice or fish-pass therein, nor in any other parts of such rivers and streams, without leaving at least one-half of the main channel thereof wholly freed from the operation of any such net, or other device, as aforesaid.

21. These regulations shall supersede all former regulations heretofore made under the Fisheries Act, which relate to the fisheries in the waters of Manitoba and the North-west Territories of Canada, and such former regulations are hereby repealed.

22. All materials, implements or appliances used and all fish caught, taken or killed in violation of these regulations shall be seized and confiscated, and any person or persons violating these regulations shall incur the penalties provided by the Fisheries Act.

Vide Canada Gazette, vol. xxv., p. 1252.

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By Order in Council of the 9th day of February, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, fishing for oysters through the ice was prohibited.

Vide Canada Gazette, vol. xxv., p. 1551.

By Order in Council of the 20th day of February, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulation was made :—

Mackerel Nets.

No mackerel net or nets used for the purpose of catching mackerel, shall be set or left in the water between the hours of 9 a.m. and 5 p.m., between the 1st day of June and the 1st day of September in each year, and all nets found in the water during the hours above-mentioned, when the conditions of the weather is such as to permit of their being taken up, shall be confiscated to Her Majesty, and the owner or user become liable for further penalties, as provided by the statute.

Vide Canada Gazette, vol. xxv., p. 1600.

By Order in Council of the 20th day of February, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulations were made :—

Pound-net Fishing.

1. No person, company or firm shall fish with a pound-net without having first obtained a license.

2. The pounds, pots, bowls, hearts or tunnels of pound-nets shall be at least 4 inches in extension, and the leaders at least 6 inches in extension ; and nothing shall be done to practically diminish their size.

3. The use of double-headed pound-nets is prohibited.

4. The fee payable for each pound-net license shall be \$50.

5. Licenses for pound-nets shall be issued to resident British subjects only, and who are the actual owners of the fishing gear included in such license. The applicant shall also describe in his application the locality, the size of net, length of leader, the description of boat or boats to be used, and the kinds of fish proposed to be caught.

6. All nets, materials, implements or appliances used, and all fish caught, taken or killed in violation of the regulations shall be seized and confiscated, and any person or persons violating these regulations shall incur the penalties provided by the Fisheries Act.

7. The pots, pounds, bowls, hearts or tunnels of pound-nets shall be so raised, opened or adapted as to admit of the free passage of fish through, by, or out of the same from 6 o'clock on every Saturday afternoon to 6 o'clock on each following Monday forenoon ; and during such closed time no one shall catch fish by any means whatever, nor shall the pound-nets be used or worked in such manner as to catch or kill any description of fish during the annual close seasons which have been or may be set aside by the Fisheries Act or regulations under it, but if any such fish are unintentionally captured in such

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net during such close seasons, they shall be liberated immediately thereafter, and any fish so taken, caught or killed and not liberated during the aforesaid "close times," together with the nets or other apparatus used, shall be forfeited.

8. No company, firm, trader or person shall use, or be licensed to use, more than five pound-nets.

9. For the information of persons obtaining pound-net licenses under these regulations, every license shall have the regulations printed thereon, or appended thereto.

10. These regulations shall apply to pound-net fishing in all the fresh waters within the Dominion of Canada, except those within the provinces of Manitoba and the North-west Territories.

11. No pound-nets shall be placed at a nearer distance than one mile apart, and the length of leaders to each pound-net shall be determined by a fishery officer.

12. The above regulations shall come into force on the 1st day of January, 1893.

Vide Canada Gazette, vol. xxv., p. 1600.

By Order in Council of the 20th day of February, under the authority of section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, section 4 of the general fishery regulations for the province of Ontario, established by the Order in Council of the 18th day of July, 1889, chapter 71 of the Consolidated Orders in Council of Canada, was rescinded, and the following substituted therefor:—

Section 4. Speckled Trout.

No one shall fish for, catch, kill, buy, sell or possess any speckled trout (*Salvelinus fontinalis*) between the 15th day of September and the 31st day of March, both days inclusive, in each year.

Vide Canada Gazette, vol. xxv., p. 1648.

By Order in Council of the 20th day of February, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulation was made for the province of Manitoba and the North-west Territories:—

Maskinongé.

No one shall fish for, catch, kill, sell or possess any maskinongé between the 15th of April and 15th of June, both days inclusive, in each year.

Vide Canada Gazette, vol. xxv., p. 1648.

By Order in Council of the 20th day of February, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following regulations were made:—

Hoop-net Fishing in the Dominion of Canada.

1. Fishing by means of hoop-nets without license from the Minister of Marine and Fisheries, under the provisions of chapter 95, Revised Statutes of Canada, and section 4 thereof, is prohibited in the Dominion of Canada.

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2. A hoop-net shall be deemed to be a single net consisting of the hoops, the wings, the funnels, and the "pot" or "trap."

3. The use of bar-nets, or "leaders," in connection with hoop-nets, is prohibited.

4. The mouth of a hoop-net shall not exceed four feet in diameter.

5. Two wings only shall be used with each hoop-net, and no wing shall be of a greater length than ten feet.

6. No hoop-net shall have more than three tunnels.

7. The meshes of all hoop-nets shall be at least three and one-quarter inches in extension in every part thereof, and nothing shall be done to practically diminish their size.

8. No hoop-net shall exceed twelve feet in length, including the hoops, funnel, "pot" or "trap."

9. No one shall fish with hoop-nets from the 1st day of April to the 1st day of July in each year, both days inclusive.

10. No hoop-nets shall be set in places known to be frequented by bass or other game fish; but if bass or other game fish are caught by accident in hoop-nets lawfully used for other fish, they shall be liberated alive by the proprietor, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, on each of whom shall devolve the proof of such actual liberation, and each of whom shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under the Fisheries Act, or any regulation made under the said Act.

11. No hoop-nets shall be used, except under the directions of a fishery officer, and only in such places as are sanctioned by him.

12. No one person, corporation, or firm, shall have the privilege of fishing with more than five (5) hoop-nets.

13. All materials, implements, or appliances, and the hoop-net itself, used, and all fish taken, caught or killed in violation of these regulations, shall be seized and confiscated, and any person or persons violating these regulations shall incur the penalties provided by the Fisheries Act, and shall in addition bar the offender from having his license renewed.

14. The hoop-net license shall be issued annually subject to the laws and regulations which may be in force from time to time respecting close seasons, and the fee payable for every such license shall be one dollar, payable strictly in advance.

15. The above regulations shall come into force on the 1st day of January, 1893, and shall then supersede all former regulations heretofore made under the Fisheries Act which relate to hoop-nets, or that description of fishing, in the waters of Canada, and all such former regulations will then be repealed.

Vide Canada Gazette, vol. xxv., p. 1648.

By Order in Council of the 26th day of March, 1892; under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, section 6 of the general fishery regulations for the province of Quebec, established by the Order in Council of the 18th day of July, 1889, chapter 72 of the Consolidated Orders in Council of Canada, was rescinded, and the following substituted therefor:—

*Fisheries.**No. 6. Bass and Maskinongé.*

“In the province of Quebec no one shall fish for, catch, kill, buy, sell or possess any bass or maskinongé between the 25th day of May and the 1st day of July, both days inclusive, in each year.”

Vide Canada Gazette, vol. xxv., p. 1888.

By Order in Council of the 26th day of March, 1892, under the authority of “The Fisheries Act,” chapter 95 of the Revised Statutes, section 8 (a.) of the general fishery regulations for the province of Quebec, established by the Order in Council of the 18th day of July, 1889, chapter 72 of the Consolidated Orders in Council of Canada, establishing a close season for speckled trout, from 1st October to 31st December, was rescinded, and the following substituted therefor:—

Section 8. Speckled Trout.

“(a.) In the province of Quebec no one shall fish for, catch, kill, buy, sell or possess any speckled trout (*Salvelinus fontinalis*) between the 1st day of October and the 30th day of April, both days inclusive, in each year.”

Vide Canada Gazette, vol. xxv., p. 1888.

STANLEY OF PRESTON.

[L.S.]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING:

A PROCLAMATION.

JNO. S. D. THOMPSON, } WHEREAS an agreement for a *modus*
Attorney-General, } *vivendi* between our Government and the
Canada. } Government of the United States in relation
to the fur seal fisheries in Behring Sea, was concluded on the fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, on the following terms, that is to say:—

“Agreement between the Government of Her Britannic Majesty and the Government of the United States for a *modus vivendi* in relation to the fur seal fisheries in Behring Sea,—

“For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the questions pending between the two

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governments touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:—

“(1.) Her Majesty’s Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867, between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels;

“(2.) The United States Government will prohibit seal killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels;

“(3.) Every vessel or person offending against this prohibition in the said waters of Behring Sea, outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proofs necessary to establish the offence shall also be sent with them;

“(4.) In order to facilitate such proper inquiries as Her Majesty’s Government may desire to make, with a view to the presentation of the case of that government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

“Signed and sealed in duplicate at Washington, this fifteenth day of June, 1891, on behalf of their respective governments, by Sir Julian Pauncefote, G.C.M.G., K.C.B., H.B.M. Envoy Extraordinary and Minister Plenipotentiary, and William F. Wharton, Acting Secretary of State of the United States.

(Signed) “JULIAN PAUNCEFOTE, [L.S.]
(Signed) “WILLIAM F. WHARTON.” [L.S.]

AND WHEREAS an arrangement has just been concluded between our Government and the Government of the United States for the continuation until the thirty-first day of October, in the year of our Lord one thousand eight hundred and ninety-three, of the said agreement and of the provisions therein made for the prohibiting of seal killing in the Behring Sea, as therein described :

NOW KNOW YE, that we have by this our royal proclamation caused the said agreement and the arrangement continuing the same to be made public, to the end that the same and every part thereof may be observed and fulfilled with good faith by all our loving subjects.

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Of all which our loving subjects, and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed. WITNESS, our right trusty and well-beloved the Right Honourable Sir FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the county of Lancaster, in the peerage of the United Kingdom; Knight Grand Cross of our most Honourable Order of the Bath; Governor General of Canada.

At our Government House, in our city of OTTAWA, this TWENTY-SECOND day of APRIL, in the year of our Lord one thousand eight hundred and ninety-two, and in the fifty-fifth year of our reign.

By command,

J. C. PATTERSON,

Secretary of State.

Vide Canada Gazette, vol. xxv., p. 1991.

By Order in Council of the 21st day of March, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following fishery regulation was made:—

Mackerel Nets.

1. No mackerel, herring or gaspereau net, or nets used for the purpose of catching mackerel, herring or gaspereau, shall be set or left set at the surface, or within twelve feet thereof, in the water between the hours of 9 a.m. and 5 p.m. between the 1st June and 31st August, both days inclusive, in each year, and all nets found in the water during the time above-mentioned, when the condition of the weather is such as to permit of their being taken up, shall be confiscated to Her Majesty, and the owner or user become liable for further penalties as provided by the statute.

2. No fleet of gill-nets of greater length than 60 fathoms shall be set to any single mooring between the 1st day of June and the 31st day of August, both days inclusive, under the penalties provided by the statute.

Vide Canada Gazette, vol. xxv., p. 1992.

By Order in Council of the 25th day of April, 1892, under authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following Orders in Council, namely:—

7th November, 1890, relative to the close season for salmon trout fishery;

5th May, 1891, relative to the sturgeon fishery;

2nd September, 1891, relative to the fresh water herring and ciscoe fishery;

29th September, 1891, relative to salmon trout and whitefish fishery;

20th February, 1892, relative to the speckled trout fishery;

20th February, 1892, relative to the hoop-net fishery;

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20th February, 1892, relative to the pound-net fishery ;
were suspended, and the close seasons, and the Orders in Council existing at
the time of the adoption of the above-mentioned close seasons, to wit :—

Salmon trout, 1st to 30th November ;

Whitefish, 1st to 30th November ;

Speckled trout, 15th September to 1st May ;

were revived and declared to be again in force ; it was also provided that the
suspension of those Orders in Council above cited, affecting pound-net fishing
and hoop-net fishing which among other things prohibits such fishing without
licenses, should in no way impair the operation of section 7 of the general fishery
regulations of the province of Ontario, prohibiting fishing without licenses,
established by the Order in Council of the 18th day of July, 1889.

Vide Canada Gazette, vol. xxv., p. 2097.

By Order in Council of the 9th day of May, 1892, under authority of
section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, the
following regulation for the better protection of salmon and trout in the pro-
vince of Prince Edward Island was made :—

Eel Fishing.

No one shall fish for eels, from boats with torches, in any waters of the
province of Prince Edward Island frequented by salmon and trout during the
months of October, November and December.

Vide Canada Gazette, vol. xxv., p. 2288.

By Order in Council of the 24th day of May, 1892, under the provisions
of "The Fisheries Act," chapter 95 of the Revised Statutes, section 16, fish-
ing for bass in any manner whatever was prohibited during a period of three
(3) years from the 1st May, 1892, in the waters of the St. John River and its
tributaries flowing through the counties of St. John, King's, Queen's, Sun-
bury and York, in the province of New Brunswick.

Vide Canada Gazette, vol. xxv., p. 2324.

By Order in Council of the 25th day of May, 1892, under the provisions
of "The Fisheries Act," chapter 95 of the Revised Statutes, section 4 of the
general fishery regulations for the province of Prince Edward Island,
established by the Order in Council of the 18th day of July, 1889, chapter 73
of the Consolidated Orders in Council of Canada, as well as the regulation
affecting the lobster fishery, established by the Order in Council of the 28th
day of January, 1891, so far as they relate to that portion of the coasts of the
province of Prince Edward Island, extending from Cape Traverse in an east-
wardly and northwardly direction to East Point, thence in a westwardly
direction to the north side of North Cape, and to that portion only, was
suspended, and it was ordered that, within the said limits, no person shall
fish for, catch, kill, buy, sell or have in possession (without lawful excuse)
any lobsters between the first day of July, one thousand eight hundred and
ninety-two, and the first day of January, one thousand eight hundred and
ninety-three.

Vide Canada Gazette, vol. xxv., p. 2324.

Fisheries.

By Order in Council of the 6th day of June, 1892, under the authority of "The Fisheries Act," chapter 95 of the Revised Statutes, the following fishery regulation was made:—

Each weir used for fishing purposes within the limits of the harbour of St. John, New Brunswick, shall be provided with a fish escape of such pattern as may be approved by the Minister of Marine and Fisheries.

Vide Canada Gazette, vol. xxv., p. 2356.

By Order in Council of the 16th day of June, 1892, under the authority of the 16th section of "The Fisheries Act," chapter 95 of the Revised Statutes, the following general fishery regulation for the better protection of speckled trout in Canada, was made:—

Speckled Trout.

Fishing for speckled trout (*Salvelinus fontinalis*) through the ice is prohibited in Canada.

Vide Canada Gazette, vol. xxvi., p. 34.

By Order in Council of the 16th day of June, 1892, under the authority of section 16 of "The Fisheries Act," chapter 95 of the Revised Statutes, section 11 (a.) of the general fishery regulations for the province of New Brunswick, established by the Order in Council of the 18th of July, 1889, chapter 70 of the Consolidated Orders in Council of Canada, in so far as it relates to speckled trout, was rescinded, and the following substituted in lieu thereof:

Speckled Trout.

In the province of New Brunswick no one shall fish for, catch, kill, buy, sell or have in possession, any speckled trout (*Salvelinus fontinalis*) between the 15th day of September and the 31st day of March in each year, both days inclusive.

Vide Canada Gazette, vol. xxvi., p. 71.

By Order in Council of the 16th day of June, 1892, under the authority of "The Fisheries Act," the Order in Council of the 20th February, 1892, fixing a close season for maskinongé in Manitoba and the North-west Territories between the 15th April and the 15th June, was rescinded.

Vide Canada Gazette, vol. xxvi., p. 34.

Indian Affairs.

By a Proclamation bearing date the 12th day of January, 1892, under authority of section 82 of the Revised Statutes of Canada, chapter 43, known as "The Indian Act," sections 83 to 92, both inclusive, of said Act were extended to apply to the bands of Indians of the province of British Columbia.

Vide Canada Gazette, vol. xxv., p. 1695.

Inland Revenue.

Inland Revenue.

By Order in Council of the 24th day of December, 1891, under the authority of section 5 of chapter 97 of the Revised Statutes of Canada, intituled "An Act respecting Ferries," the following regulations were established for the governance of the ferry across the Ottawa River from Gower Point, in the county of Renfrew, in the province of Ontario, and Lapasse, in the county of Pontiac, in the province of Quebec:—

REGULATIONS.

1. *Limits.*—The limits of the ferry shall commence one mile above and one mile below the village of Lapasse, in the township of Mansfield, in the county of Pontiac, in the province of Quebec, and a similar distance above and below Gower Point, in the township of Westmeath, in the county of Renfrew, in the province of Ontario.

2. *Ferry-boat.*—The lessee shall provide and maintain a suitable scow or ferry-boat propelled by oars or other suitable appliances, constructed and equipped to the satisfaction of the Minister of Inland Revenue, which is to be not less than 36 feet in length and 22 feet in width, and it is to be capable of carrying conveniently and with safety one loaded team with twenty foot passengers at one time.

3. *Landing Stages.*—The lessee shall construct on both sides of the river and maintain, during the term of the lease, suitable landing stages or wharfs which shall be serviceable at all states of water in the river, with suitable mooring posts and other necessary appliances, so that passengers, teams and vehicles may be taken on board and landed conveniently and without danger,—which landing stages and wharfs shall be subject to the approval of the Minister of Inland Revenue.

4. *Number of Trips.*—The ferry-boat shall cross at such times as the public convenience may require, at any time between sunrise and sunset on every day, except Sundays, when hailed by intending passengers from either side of the river, and the Minister of Inland Revenue may at any time require the crossing to be made at regular specified hours as well as when hailed by passengers desirous of crossing.

5. *Tariff of Charges.*—The maximum tariff of charges shall be as follows :

	Cents.
For a two-horse cart or conveyance and driver, each way, including horses*.....	40
For one-horse cart or conveyance and driver, including horse, each way*.....	30
For one horse, each way.....	15
For each additional horse, the property of the same party.....	10
For one head of horned cattle, each way.....	15
For each additional head of horned cattle, the property of the same party, each way.....	10

* The fees collectible on any such vehicle shall include all passengers properly belonging thereto as well as the driver.

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	Cents.
For one head of swine or sheep.....	10
For each additional head of swine or sheep, the property of the same party.....	5
For each passenger, with baggage not exceeding fifty pounds.....	5
For each package of merchandise or goods (other than above) of 100 lbs.....	2

6. The ferry-boat shall be placed on the route fully equipped and completed, and the landing stages shall be fully constructed on or before 1st May, 1892.

7. The lease will be granted for a period of five years from the first day of May, 1892.

8. The lessee will be required to give two sureties, satisfactory to the Minister of Inland Revenue, who shall be held jointly and severally with the principal, in the sum of \$500, for the full compliance by the lessee with the terms of the lease.

9. The right will be reserved to the Minister of Inland Revenue of rejecting the ferry-boat or landing stages, or either of them, should any of them be deemed unsuitable for the service or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff, should it be deemed expedient in the public interest to do so, and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

10. The lessee of the ferry shall, at all times during the continuance of the lease, carry over and across the ferry without fee, toll or reward, militiamen, soldiers or sailors when provided with proper passports or under the charge of the proper officer or officers; and it shall be lawful for the said lessee to commute the rate of passenger fees.

11. A notice of the rates of fees and tolls to be charged for ferriage shall be put in a conspicuous place near the ferry landing on both sides and also on board the ferry-boat employed.

12. The lessee shall not, at any time during the term of his lease, knowingly ferry, carry or take, or permit to be ferried, carried or taken over or across the said ferry, any contraband articles whatsoever.

Vide Canada Gazette, vol. xxv., p. 1254.

By Order in Council of the 11th day of January, 1892, under the authority of the Act 54-55 Victoria, chapter 49, the following regulations, relative to oils not suitable for illuminating purposes, were made :—

Oils intended solely for use as lubricants and unfit, owing to the properties thereof, for illuminating purposes, are hereafter to be exempt from the provisions of the Petroleum Inspection Act as regards inspection.

Provided the packages containing such oils have conspicuously marked or branded thereon the word "non-illuminating," otherwise the exemption herein provided shall not apply.

Vide Canada Gazette, vol. xxv., p. 1846.

Inland Revenue.

By Order in Council of the 30th day of January, 1892, under authority of chapter 97 of the Revised Statutes of Canada, intituled "An Act respecting Ferries," the following regulations for the governance of the ferry across the Ottawa River, between Pembroke, in the province of Ontario, and Allumette Island, in the province of Quebec, were made :—

REGULATIONS.

1. *Limits.*—The limits of the ferry shall extend from the Allumette Rapids below the town of Pembroke, in the county of Renfrew, to the Narrows above the said town, a distance of about five miles on the Ottawa River.

2. *Landing Stages.*—Suitable landing stages or wharfs, serviceable at all states of the water in the river, must be constructed and maintained by the lessee on both sides: on north shore at either Charles Warren's wharf or Desjardins's wharf, or some point between; on south shore either at Supple's wharf or Thistle's wharf, or some point between, subject to the approval of the Department of Inland Revenue.

3. *Ferry-boat.*—The lessee shall provide and maintain a vessel propelled by steam, suitable for the conveyance of passengers, horses and cattle and all ordinary vehicles, with safety and reasonable despatch; and such vessel shall not be less than 80 feet in length by 18 feet beam, must have a government certificate as to the safety of the boiler and engine, and shall be subject to the approval of the Inland Revenue Department.

4. *Number of Trips.*—The ferry-boat shall make three round trips before noon and three after noon daily as follows:—Leaving Thistle's wharf on the west side of Muskrat River, it shall call at the wharf on the east side of the said river known as Supple's wharf and cross then to Desjardins's wharf on Allumette Island. Returning it shall proceed from the said island wharf to Supple's wharf and thence to Thistle's wharf. Such trips to be made at fixed hours, of which notice shall be at all times posted upon the ferry-boat and at each landing.

5. *The Tariff.*—The fees collectible on any vehicle shall include all passengers properly belonging thereto as well as the driver.

	\$	cts.
Two horses with conveyance and driver and load of grain, hay or potatoes one way and return.....	1	00
For a two-horse cart or conveyance and driver, each way, including horses.....	0	40
For one horse and conveyance with driver and load of grain, hay or potatoes one way and return...	0	80
For one-horse cart or conveyance and driver, including horse, each way.....	0	25
For one horse, each way.....	0	15
For each additional horse, the property of the same party	0	10
For each head of horned cattle, each way.....	0	15
For each additional head of horned cattle, the property of the same party, each way	0	10
For each head of swine or sheep.....	0	10

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	\$	cts.
For each additional head of swine or sheep, the property of the same party.....	0	05
For each passenger, with baggage not exceeding fifty pounds, each way	0	10
For each package of merchandise or goods (other than above) under 100 lbs.	0	05
For oats, pease, rye, barley, potatoes and buckwheat per 100 lbs.....	0	02
For pressed hay, in bales, per 100 lbs.....	0	03
For lime in barrels, per 100 lbs.....	0	05

6. The ferry-boat shall be placed on the route fully equipped and completed, and the landing stages shall be fully constructed on or before 1st May, 1892.

7. The lease shall be granted for a period of five years from the first day of May, 1892.

8. The lessee shall be required to give two sureties, satisfactory to the Department of Inland Revenue, who shall be held jointly and severally in the sum of \$1,000 for the full compliance by the lessee with the terms of the lease.

9. The right is reserved to the Department of Inland Revenue of rejecting the ferry-boat or landing stages, or either of them, should any of them be deemed unsuitable for the service, or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff, should it be found expedient in the public interest to do so, and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

10. The notice of the rates of fares and tolls to be charged shall be put up in a conspicuous place near the ferry landing on both sides and also on board of ferry-boat employed.

Vide Canada Gazette, vol. xxv., p. 1504.

By Order in Council of the 20th day of February, 1892, under authority of chapter 97 of the Revised Statutes, intituled "An Act respecting Ferries," and the Act 51 Victoria, chapter 22, amending the same, the following regulations were made for the governance of the ferry over the Niagara River between Queenston or Hamilton's Point, in the township of Niagara, county of Lincoln, province of Ontario and Dominion of Canada, and a point in the village of Lewiston, in the state of New York, one of the United States of America, to be fixed by the municipal authorities of that place, namely:—

REGULATIONS.

1. *Limits*.—The limits of the ferry shall be from the old suspension bridge, Queenston to Glencairn or Hamilton's Point, in the township of Niagara, county of Lincoln and province of Ontario, and a point in the village of Lewiston, in the state of New York, to be fixed by the municipal authorities of that place.

2. *Landing Stages or Wharfs*.—Suitable landing wharfs shall be at all times maintained at the regular ferry landing in the village of Queenston.

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3. *Ferry-boat.*—The boats used shall be row-boats of a safe and substantial build and construction. If at any time during the term of said lease the business should require steam service, the said steamboat shall be subject to the approval of the Minister of Inland Revenue.

4. *Number of Trips.*—The ferry-boat shall commence running daily, Sundays excepted, at seven a.m. and shall continue to cross at intervals of at least once every hour thereafter until seven p.m.

5. *Tariff of Charges.*—The maximum charges for ferrying shall be as follows :—

	Cents.
For adults, in summer.....	15
do in winter.....	20
For children, in summer.....	10
do in winter.....	10

6. The lease will be granted for a period of five years from 1st May, 1892.

7. The lessee will be required to give two sureties, satisfactory to the Department of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of \$2,000 for the full compliance by the lessee with the terms of the lease.

8. The right will be reserved to the Department of Inland Revenue of rejecting the ferry-boat or landing wharfs, should they or either of them be deemed unsuitable to the service, unsafe or inadequate to meet the public wants, and to resume the ferry and relet it.

The right is also reserved to the Governor in Council to modify the maximum tariff, should it be deemed expedient in the public interest to do so; and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

9. The lessee of the ferry shall at all times during the continuance of the lease, carry over and across the ferry, without fee, toll or reward, militiamen, soldiers or sailors, when provided with proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate for passenger fees.

10. A notice of the rates of fares and tolls to be charged for ferriage, shall be put up in a conspicuous place near the ferry landing on both sides, and also on board the steam ferry-boat employed.

11. The lessee shall not at any time during the term of his lease, knowingly ferry, take or carry, or permit to be ferried, taken or carried over or across the said ferry, any contraband articles whatsoever.

12. The lessee shall observe all customs and revenue laws of the Dominion of Canada and of the United States of America.

Vide Canada Gazette, vol. xxv., p. 1599.

By Order in Council of the 7th day of March, 1892, under the authority of section 37 of "The Gas Inspection Act," schedules B and C of the regulations established by the Order in Council of the 9th January, 1889, being

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chapter 46 of the Consolidated Orders in Council of Canada, were cancelled and the following substituted in lieu thereof to take effect from the 9th February, 1892 :—

SCHEDULE B.

1st. Verification and testing of Gas and Gas Meters.

Fees to be charged for the verification of gas meters and the testing of gas under the Gas Inspection Act.

1st. Verification of meters :—

3 lights and under.....	\$0 75
5 " "	1 00
10 " "	1 50
20 " "	2 00
30 " "	2 50
50 " "	3 00
60 " "	4 00
80 " "	5 00
100 " "	6 00

and for every addition of twenty lights and under, a charge of..... 1 50

2nd. Inspection as to illuminating power :—

For every certificate as to illuminating power.....	3 00
For a certificate as to the average illuminating power during one week.....	6 00
For a certificate of illuminating power by inspection made at the request of and in the presence of the consumer after due notification.....	4 00
For a certificate as to the presence or absence of sulphurated hydrogen.....	1 50
For a certificate of an analysis for quantity of sulphur	4 00
For a certificate of an analysis for quantity of ammonia.....	3.00
For a certificate of an analysis for average quantity of sulphur and ammonia during one month.....	10 00
For each requisition for meter or gas inspection, with notice to opposite party.....	0 25

O.C. 11th February, 1876.

SCHEDULE C.

Classification of Gas Companies.

Classification.	Number of consumers.
Class 1.....	over 4,000
" 2.....	" 2,000 and less than 4,000
" 3.....	" 500 " " 2,000
" 4.....	less than 500

Table of fees payable by gas companies for certificates shall be delivered to them by Government inspectors and made public by said companies as

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required by section 36 of the Gas Inspection Act. Such fees being in accordance with the second part of the schedule to the Gas Inspection Act, establishing the number of tests upon which will be based the average result to be indicated in each certificate to be issued periodically as required by law :—

Class of Companies as defined by section 36 of the Act.	Illuminating Power, No. of Tests.	Sulphurated Hydrogen, No. of Tests.	Total Number of Tests per Certificate.	Period embraced in each Certificate.	Inspection Fee for each Certificate.
Class 1.....	2 per week.....	2 per week.....	4	1 week.....	8 cts. 12 00
do 2.....	1 do.....	2 do.....	12	1 month.....	15 00
do 3.....	1 per month.....	2 per month.....	9	3 months.....	18 00
do 4.....	1 do.....	1 do.....	12	6 months.....	18 00

Tests for sulphur and ammonia as per subsection 3 of section 8 :—

Sulphur.	Ammonia.	Total Number of Tests.	Period embraced.	Cost per average Certificate.
2 per month.....	2 per month.....	12	3 months.....	8 cts. 20 00

Note.—The above tests must be made on different days, that is to say, not more than one test under each head shall be made on the same day.

It was further ordered that the Order in Council of the 9th of February, 1892, establishing fees for the verification and testing of gas and gas meters, should be cancelled.

Vide Canada Gazette, vol. xxv., p. 1843.

By Order in Council of the 17th day of March, 1892, under authority of chapter 97 of the Revised Statutes, intituled "An Act respecting Ferries," and the Act 51 Victoria, chapter 23, amending the same, the following regulations were made for the governance of the ferry running across the Ottawa River, between the city of Ottawa, in the province of Ontario, and the city of Hull, in the province of Quebec, which regulations are to supersede all prior regulations governing said ferry :—

REGULATIONS.

1. *Limits.*—On the Ontario side of the river, the limits shall be coterminous with the limits of the city of Ottawa. On the Quebec side of the

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river, the limits shall extend from the Union Suspension Bridge to the point known as Haycock's Point, and on which a saw-mill was erected by Messrs. Gilmour & Co., but since destroyed by fire.

2. *Landing Stages or Wharfs.*—Suitable landing stages or wharfs must be constructed and maintained at the cost of the lessee, which must be safe and available at all states of the river, and subject to the approval of the Department of Inland Revenue.

3. *Ferry-boat.*—The vessel to be used from the 15th day of April to the 25th day of November, both days inclusive, in each year, shall be a substantial, seaworthy steamer of sufficient size, and must have a government certificate as to safety of boiler and engine.

4. *Number of Trips.*—From the opening to the close of navigation the ferry-boat or boats shall commence running daily at six o'clock a.m., and shall continue to cross from each side three times every hour thereafter until 8 o'clock p.m., except from the 10th day of June to the 10th day of October, when four trips must be made each hour. Earlier or later trips with boats propelled by oars during the whole season of navigation shall be made by the lessee if found necessary.

5. *Tariff of Charges.*—The maximum charges for ferrying shall be as follows:—

	Cents.
For two-horse cart or waggon with driver and load, each way.....	30
For one-horse cart or waggon with driver and load, each way.....	20
For one horse, each way.....	10
For one head of horned cattle, each way.....	15
For one sheep or swine, each way.....	5
For one passenger, each way.....	5
For every hundred pounds of freight, each way.....	1

6. The ferry-boat shall be placed on the route fully complete and equipped, and the landing stages so far completed as to be safe for use immediately on the expiration of the present lease, and the boat shall be ready on the opening of navigation each subsequent year during the continuance of the lease.

7. The lease will be granted for a period of four years and eleven months from the first day of June, 1891.

8. The lessee will be required to give two sureties, satisfactory to the Department of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of \$1,000 for the full compliance by the lessee with the terms of the lease.

9. The right will be reserved to the Department of Inland Revenue of rejecting the ferry-boat or landing wharfs, should they or either of them be deemed unsuitable to the service, unsafe or inadequate to meet the public wants, and to resume the ferry and relet it.

The right is also reserved to the Governor in Council to modify the maximum tariff, should it be deemed expedient in the public interest to do so,

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and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

10. The lessee of the ferry shall at all times during the continuance of the lease carry over and across the ferry, without fee, toll or reward, militiamen, soldiers or sailors, when provided with proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate for passenger fees.

11. A notice of the rates of fares and tolls to be charged for ferriage shall be put up in a conspicuous place near the ferry landings on both sides, and also on board the steam ferry-boat employed.

12. The lessee shall not at any time during the term of his lease knowingly ferry, take or carry, or permit to be ferried, taken or carried over or across the said ferry, any contraband articles whatsoever.

Vide Canada Gazette, vol. xxv., p. 1842.

By Order in Council of the 29th day of March, 1892, under authority of "The General Inspection Act," chapter 99 of the Revised Statutes, as amended by the Act 52 Victoria, chapter 16, the brand "Our Gem," selected as the standard for straight roller flour, by the board of delegates which met for the purpose of selecting standards for flour, on the 22nd October, 1891, was ordered to be rejected, and the brand "White Star" to be substituted as the standard for straight roller flour, from and after the 1st day of April, 1892.

Vide Canada Gazette, vol. xxv., p. 1888.

By Order in Council of the 24th day of March, 1892, under authority of chapter 97 of the Revised Statutes, intituled "An Act respecting Ferries," and the Act 51 Victoria, chapter 23, amending the same, the following regulations were made for the governance of a ferry across the Niagara River between the city of Buffalo, in the state of New York, one of the United States of America, and a point between the east side of Point Abino, in the township of Bertie, in the county of Welland, and Shisler's Point, in the township of Humberstone, in the county of Welland, province of Ontario, and Dominion of Canada :—

REGULATIONS.

1. *Limits.*—The limits of the ferry shall be between Shisler's Point, being part of lot number six in the first concession of the township of Humberstone, in the county of Welland, on the west side, and a point opposite the boundary line between lots thirty-one and thirty-two in the first concession of the township of Bertie, in the county of Welland, on the east, and a point in the city of Buffalo to be fixed by the municipal authorities of that place.

2. *Landing Wharfs or Docks.*—Suitable wharfs or docks shall be constructed and at all times maintained at some point within the said limits, which must be safe and available at all times, and subject to the approval of the Minister of Inland Revenue.

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3. *Vessel and Engine.*—The vessel used shall be a substantial, seaworthy steamer of not less than 110 feet keel and 26 feet beam, and of speed not less than 10 miles per hour, having an engine of not less than 100 horse power, high pressure, and shall be, as well as the vessel generally, subject to the inspection and approval of the Dominion inspector of steamboats. The vessel shall be supplied with life-preservers and be in all respects fully equipped, having a respectable and efficient commander, and the Minister of Inland Revenue shall be at liberty to reject any steamer which may at any time be placed upon the said ferry or the commander thereof, or the said dock or wharf, should he consider them or any of them, respectively, unsuitable to the service or unsafe or inadequate to meet the wants of the public.

4. The lessee of the ferry for the time being shall at all times during the continuance of the lease carry across on the said ferry without fee, toll or reward, Her Majesty's mails, and upon requisition by the Postmaster General of Canada, the mails of the United States of America.

5. The lessee shall not, at any time, carry or convey or permit, or suffer to be carried or conveyed, over the said ferry any contraband articles whatsoever.

6. The lessee shall observe all customs and revenue laws of the Dominion of Canada and of the United States.

7. During the period commencing on the 1st day of June and ending on the 30th day of September in each and every year the said ferry shall make at least two round trips each day between the hours of seven o'clock in the forenoon and ten o'clock at night, unless such trips are rendered impracticable by stress of weather.

8. The charges for fares and tolls to be made on the said ferry shall not, at any time, exceed the following, that is to say :—

	Cents.
For foot passengers, each way, adults.....	25
For round trip on same day.....	25
For children on foot each way.....	15
For round trip on same day for children.....	15
For every 100 lbs. of freight.....	10

9. Notices of the rates of fares and rate of tolls on the said ferry shall be put up and kept up and exhibited at all times in a conspicuous place on or near the said dock or wharf and also on the steamer employed from time to time on the said ferry.

10. The Governor in Council shall be at liberty to alter and modify the tariff of charges and tolls hereinbefore contained, should it be deemed expedient in the public interest, and after such modification as aforesaid the lessee shall not take or receive any other or larger fares or tolls than those which shall be imposed in such modified tariff during the subsistence thereof.

11. The Governor in Council shall be at liberty at any time at which it may be shown that the lessee has failed to observe, perform, fulfil and keep any or either of the said provisos, restrictions or conditions hereinbefore contained and expressed, to declare the lease forfeited and void, whereupon the same shall become and be void to all intents and purposes as if the same had never been granted, without indemnification to the lessee.

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12. The lessee shall not at any time during the existence of the lease, wilfully or knowingly infringe any of the laws or by-laws or of the regulations of the United States of America or the state of New York, or the city of Buffalo, in reference to ferriage which may be applicable to the said ferry or such portion thereof as may be within the jurisdiction of any of them the United States of America, state of New York or the city of Buffalo, or permit or suffer the same to be infringed by any officer, servant or employee of the said lessee.

13. Provided always that if the United States of America or the state of New York, or the city of Buffalo, shall, in the exercise of any authority in any of them existing at any time during the existence of said lease, prevent or hinder ferriage at or upon the said ferry or such portion as may be within the jurisdiction of such one of them, or put the lessee to any loss, expense, charge or damage in respect to the same, no claim or demand for compensation or any right or title thereto shall be made upon or against the Dominion of Canada.

14. The said ferry shall commence operations and the ferry-boat shall be placed on the route not later than the 1st day of June, 1892.

15. The lease will be granted for a period of five (5) years from the 1st day of May, 1892.

16. The lessee will be required to give two sureties—resident in the Dominion of Canada—who must be satisfactory to the Minister of Inland Revenue and who shall be bound jointly and severally with the principal in the sum of ten thousand dollars (\$10,000) for the full compliance by the said lessee with the terms of the lease.

17. The lease shall not be sublet or assigned.

Vide Canada Gazette, vol. xxv., p. 1888.

By Order in Council of the 26th day of March, 1892, under authority of chapter 97 of the Revised Statutes, intituled "An Act respecting Ferries," and the Act 51 Victoria, chapter 23, amending the same, the following regulations were made for the governance of a ferry across the Ottawa River, between the township of Fitzroy, in the province of Ontario, and Onslow, in the province of Quebec, viz. :—

REGULATIONS.

1. *Limits.*—On the Ontario side of the river, the limits shall extend 1½ miles above and 2½ miles below Mr. Mohr's landing in the township of Fitzroy; on the Quebec side, 1½ miles above and 3 miles below the side line between lots 10 and 11 in the range 3 of the township of Onslow.

2. *Landing Stages or Wharfs.*—Suitable landing stages or wharfs must be constructed and maintained at the cost of the lessee, which must be safe and available at all states of the river, and subject to the approval of the Minister of Inland Revenue.

3. *Ferry-boat.*—The ferry-boat shall be a substantial and seaworthy vessel, propelled by steam, and a low pressure engine, and must have a government certificate as to safety of the boiler and engine. The size of the hull must be not less than 50 feet keel by 18 feet beam, depth of hold 3 feet, sufficiently

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large to carry at one time and with safety two loaded teams, and having cabin accommodation for at least twelve passengers. The main deck must be suitably covered to protect the passengers from the weather. The engine to be of not less than ten (10) horse nominal power. The privilege is also granted to the lessee to ferry foot passengers and their baggage in suitable boats propelled by oars.

4. *Number of Trips.*—From the opening of navigation until the 1st October, the ferry-boat shall commence running daily (Sundays excepted) at six o'clock a.m. till 9 o'clock p.m., and from the 1st October until the close of navigation at seven o'clock a.m. and eight o'clock p.m., and whenever required by teams shall cross, but shall make not less than four round trips each day as shall be found necessary for the convenience of the public. Earlier or later trips in boats propelled by oars may be made during the whole season of navigation, by the lessee, if found necessary.

5. *Tariff of Charges.*

	Cents.
For two-horse waggon or conveyance with driver, each way.....	50
For one-horse waggon or conveyance with driver, each way.....	40
(Each vehicle being light or loaded with produce for home consumption.) Otherwise loaded, each way, extra.....	25
For one horse and driver, each way.....	25
For each additional horse, the property of the same party, each way.....	15
For each head of horned cattle, each way.....	25
For each additional head of horned cattle, the property of the same party, each way.....	15
For each head of swine or sheep, each way.....	10
For each additional head of swine or sheep, the property of the same party, each way.....	5
For each passenger with baggage not exceeding 50 pounds, each way.....	15
For each package of merchandise or goods (other than the above) under 100 lbs.....	5
For lots of freight weighing over 100 lbs., to include storage until 8 o'clock p.m. of day of crossing, per 100 pounds.....	6

6. The ferry-boat shall be placed on the route fully completed and equipped, and the landing stages shall be fully constructed on or before the 1st May, 1892.

7. The lease will be granted for a period of five years from the 1st day of May, 1892.

8. The lessee will be required to give two sureties satisfactory to the Minister of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of \$500, for the full compliance by the lessee with the terms of the lease.

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9. The right will be reserved to the Minister of Inland Revenue of rejecting the ferry-boat or landing wharfs should they or either of them be deemed unsuitable for the service, unsafe or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff should it be deemed expedient in the public interest to do so, and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shown that the lessee fails to comply with the conditions thereof.

10. The lessee of the ferry shall at all times during the continuance of his lease carry over and across the ferry without fee, toll or reward, all militiamen, soldiers or sailors when provided with proper passports or under the charge of the proper officer or officers, and it shall be lawful for the said lessee to commute the rate for passenger fees.

11. A notice of the rates of fares and tolls to be charged for ferriage shall be put in a conspicuous place near the ferry landing on both sides, and also on board the ferry-boat employed.

12. The lessee shall not at any time, during the term of his lease, knowingly ferry, carry or take, or permit to be ferried, carried or taken over or across the said ferry, any contraband articles whatsoever.

Vide Canada Gazette, vol. xxv., p. 1889.

By Order in Council of the 25th day of March, 1892, under authority of "The Inland Revenue Act," chapter 34 of the Revised Statutes of Canada, the following regulations for the governance of licensed bonded manufacturers in the Dominion of Canada were made:—

Regulations.

1. Subject to the provisions of the Inland Revenue Act, to these regulations, and to such further regulations as may hereafter be made by competent authority, licenses may be granted to manufacture in bond the articles herein enumerated, viz. :—Vinegar, fulminate, soap and any other articles of commerce in the process of manufacturing of which alcohol is destroyed and from the resultant products of which it cannot be recovered.

2. Any bonded manufactory licensed under the above-recited Act may be closed and the license forfeited, whenever it is shown to the satisfaction of the Minister of Inland Revenue that there is just cause for believing that frauds upon the revenue are being perpetrated in connection with such manufactory.

3. In addition to the license fee named in the Act above cited, every person to whom a "bonded manufacturing license" is granted, shall pay to the collector of inland revenue, in monthly instalments, such sums of money as shall be sufficient for the payment of the expenses incurred by the Inland Revenue Department for the effective supervision of the manufactures carried on under such license, and for taking account of the dutiable articles consumed in such manufacture, and of the articles produced therefrom; and the maximum sum to be so paid by the party aforesaid, shall from time to time be determined by the Minister of Inland Revenue, as he may deem necessary, and shall, as nearly as may be, be in proportion to the magnitude and general character of the business carried on under such license.

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4. Goods manufactured in bond shall be removed from the apartments of the manufactory wherein the same were made as soon as the process of manufacture is completed, and shall then be placed in compartments or store rooms set apart for that purpose, and be either warehoused as per warehousing regulations then in force or entered ex-factory for duty, the duty to be collected on the monthly returns of the manufacturer as in the case of other manufactures subject to excise.

5. With every application for a license to manufacture in bond there shall be submitted a specification or formula of all the articles to be manufactured thereunder, which specification or formula shall also set forth in detail the percentage or proportion of every ingredient to be used in the manufacture of each article, except that in the case of vinegar, the actual quantity of each ingredient to be used (water excepted) shall be given, for the production of one hundred gallons of standard vinegar.

6. The articles manufactured in bond shall be compounded carefully in accordance with the specification or formula submitted with the application for the license and approved by the Minister of Inland Revenue.

7. Collectors and officers in charge of bonded manufactures shall be and they are hereby required to see that the percentages, proportions and quantities set forth in the specification or formula are closely adhered to and in no case exceeded; but should it be ascertained by any process or by any test of any of the articles made that a greater proportion or percentage of alcohol has been used in the preparation thereof than is set forth in the specification or formula, the duty exigible upon spirits shall be collected upon the excess of alcohol so ascertained, which may be computed upon the article or articles made during the currency of the license then in force, and the manufacturer shall also be liable to the penalty of forfeiting his license as well as the other penalties set forth in the "Inland Revenue Act."

8. The under side of the flooring joists of all bonded apartments in which spirits or other goods subject to excise duty are stored or placed while under any process of manufacture, shall, if there is any space or other apartment below them, be sheeted or lathed to the satisfaction of the inspecting officer.

9. Dutiable vinegar produced in any bonded factory shall be in the proportion of 100 gallons of standard vinegar containing 6 per cent of acetic acid, over and above the quantity taken for "mix" or used in the further production of vinegar to 25 gallons of proof spirits taken into the manufactory and used for its production, with such addition to the standard quantity of vinegar as may, in the opinion of the Minister of Inland Revenue, be fairly due to any other article such as sour beer, or wine, acetic acid, or any like article brought into the manufactory, in addition to the alcohol used for its production.

10. In estimating the quantity of spirits used in any bonded manufactory during any period, for the production of vinegar, the inspector shall be guided by the books kept by the manufacturer as required by law or by the actual quantity discovered by stock-taking, thus by adding to the quantity on hand at commencement of period the quantity brought in and deducting therefrom the actual quantity found in stock, the difference may be taken as the quantity used, nevertheless due allowance must be made for the alcohol that may be in process in the mixing or compounding tub at the beginning and end of the

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period, but no allowance whatever shall be made for the quantity said to be in process in the generators at the beginning or end of the period for which the calculation is being made.

11. The percentage of acetic acid contained in any vinegar produced in any such bonded factory shall be determined by such established chemical tests, applied by such apparatus as may from time to time be directed by regulations or instructions made in that behalf by the Minister of Inland Revenue.

12. The officers of inland revenue may, at any time, take such samples from any of the packages of vinegar, or other article made in, or brought into, any bonded manufactory as may be deemed necessary for determining their strength or quality. Samples of each package so tested shall be sent to the department for confirmation, and in case the departmental test is at variance with the test so made by the officer in charge of the manufactory, then the test made at the department shall be final.

13. Every package of spirits and every other article or material brought into any bonded factory, whether subject to excise or customs duty or not, shall be immediately placed in an apartment appropriated thereto and secured by a crown lock, the sole key whereof shall be in the exclusive custody of an officer of inland revenue; and no spirits or other article shall be removed from such locked apartment, except in the presence of the officer who has the key thereof for the time being, and in his presence every article removed from such locked apartment shall be immediately conveyed to the mixing room or other place where it is to be used and applied to the purpose for which it is intended.

14. All packages containing spirits shipped to bonded factories shall have the word "non-potable" over-printed on both ends of the package, in letters not less than 2 inches in height and $\frac{3}{4}$ of an inch in width, and in a colour different from that used for the other marks on the package.

15. Whether the spirits be domestic or imported, the branding shall be done by the vendor before they leave his premises, but if the bonded manufacturer be himself the importer, he shall have the branding done at a port of entry, and before leaving the customs premises where the spirits are examined.

16. Spirits shall be removed to a bonded factory only upon a permit countersigned by the collector, which shall have the words "non-potable" distinctly written across its face.

17. If the bonded factory and the shipper's premises are situated in separate divisions, one copy of the permit (K 4, which will, in this case, be made in duplicate) shall accompany the bill of lading, and the spirits shall be consigned to the collector of the receiving division.

18. The *duplicate* permit must be designated as such and on stub of permit book may be accounted for by referring to original general number.

19. In all cases the collector shall detail an officer in addition to the officer in charge of the bonded factory, to weigh and test the spirits and see them placed under lock in the bonding warehouse of the factory, and to certify the fact in writing upon the permit.

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20. Spirits shall not be removed from a bonded factory without the written permission of the Minister of Inland Revenue, and then only to another bonded factory or to a licensed distillery.

21. The word "non-potable" shall be conspicuously placed upon all removal entries, or other official documents used in connection with the removing of spirits to a bonded factory.

22. No articles shall be kept or stored in any bonded manufactory other than such as are to be used in the manufacture of articles enumerated in the specification or formula accompanying the application for license.

23. Every excise mark on every package in which any excisable goods are taken to any bonded manufactory, shall be completely erased and removed from such package as soon as emptied.

24. No person licensed as a manufacturer in bond shall carry on any trade of buying or selling spirits or spirituous liquors on the premises for which such license is granted, nor in any other premises situated within five hundred yards of such licensed premises, except in so far as such buying and selling is a necessary consequence of the business for which the license is granted, and permission to carry on such business is specially granted in the license.

25. No duty-paid spirits (except spirits on which the difference between customs and excise duty has been paid under 49 Victoria, chapter 34, section 234 shall be taken into any bonded manufactory.

26. Whereas by the 234th section of the Act of the Parliament of Canada, 49 Victoria, chapter 34, intituled "The Inland Revenue Act," it is provided that "whenever any article not the produce of Canada upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory the difference between the duty of excise to which it would be so liable and the customs duty which would be levied on such article if so imported and entered for consumption shall be paid as a duty of excise when it is taken into the bonded manufactory, but in the case of spirits to be used for any chemical or manufacturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council, provided that no increase of duties shall accrue therefrom,"—His Excellency in Council, in pursuance of the provisions above-recited, has been pleased to order, and it is hereby ordered, that the duty exigible upon foreign spirits, when taken into any duly licensed bonded manufactory, shall be determined at the rate of thirty cents (30) per proof gallon.

27. Stock books must be kept in the factory, in which must be entered :

1st. The quantity of each description of article or commodity brought into the factory, and the spirit equivalent thereof, and in the case of spirits, the particulars of every package, stating where manufactured, the strength and quantity, the marks, &c., on the casks, and the general numbers of the permits under which it was conveyed to the factory ;

2nd. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory, and the spirit equivalent thereof, giving the particulars of every quantity mixed, showing the marks, &c., of the original packages from which they were taken ;

3rd. The quantity of each description of article or commodity removed from the factory, or disposed of otherwise than for the production of the articles therein manufactured or made ;

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- 4th. The quantity of each description of manufactured article or commodity made or produced on each day ;
 5th. The quantity of manufactured product removed from the factory ;
 6th. The quantity entered for warehouse ; and
 7th. The quantity ex-warehoused and entered for duty ex-factory ;
 28. All vinegar running from the generators having a strength of 3 per cent or more of acetic acid must be conveyed directly to the closed receivers and must there be gauged and tested before being taken for "mix" or otherwise.

The quantity required for "mix" when not exceeding the quantity stated in the specification or formula will be given by the officer when required, and at the end of the month the total quantity taken will be deducted from the total production of vinegar in the manufactory, leaving the balance as the actual quantity of dutiable vinegar produced.

29. On and after the first day of July, 1888, no allowance shall be made to the manufacturer for the quantities of spirits supposed to be in process in the generators, the department giving up all claim against the manufacturer for an equivalent number of gallons of standard vinegar, nor shall such quantity be taken into consideration in any stock-taking or assessment that may have to be made in case of a deficiency of production.

30. When vinegar is conveyed from the generators through unlocked compartments of the factory, it must be conveyed in closed pipes properly secured.

31. Should the inspector of bonded manufactories, or any other superior officer of excise at any time, on visiting a bonded manufactory, observe anything which in his judgment might lead to a loss of revenue or interfere with its proper collection, or that might offer facilities for fraud, he is empowered to give instructions as to the changes he may deem necessary for the proper protection of the revenue and such instructions shall be complied with by the manufacturer or his agent, and if said changes be not made within the space of ten days his license shall be forfeited.

32. All Orders in Council in respect of the manufacture of goods in bond previously issued or established are hereby cancelled.

33. The Minister of Inland Revenue may provide such tests for determining the percentage of free spirits contained in vinegar, and may deal with any vinegar found to contain such free spirits as may be deemed necessary for the proper protection of the revenue.

Vide Canada Gazette, vol. xxv., p. 1890.

By Order in Council of the 6th day of June, 1892, under authority of chapter 34 of the Revised Statutes, intituled "The Inland Revenue Act," the following regulations were made, under which spirits, tobacco and cigars may be ex-warehoused free of excise duty for ships' stores on regular lines of trans-oceanic steamers, viz. :—

1st. Such goods when sent from a place other than that from which the line of steamers sails, shall be entered ex-warehouse as in a case of goods for

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export, the usual bond being taken and the goods consigned to the order of the collector of inland revenue of the division which embraces the port from which the goods are to leave the country,

2nd. Before any goods are so permitted to be entered ex-warehouse in any division, the line of steamers on which they are to be used shall first be approved by the department.

3rd. Such goods shall only be consigned and delivered to approved lines of steamers sailing from a port where a collector of inland revenue is stationed.

4th. The company owning such line of steamers shall give a bond in the sum of \$5,000 that such goods shall only be used on such steamers while on the high seas, and shall in no case be reloaded in Canada without the specific permission of the department obtained in each case.

5th. The master or other duly authorized officer of the steamer to which such goods are delivered, shall give a receipt in writing, in duplicate, therefor, and such goods shall in all cases be accompanied on board the steamer by an officer of inland revenue, and by him delivered to the master or other duly authorized officer.

6th. The collector of the division from which the line of steamers sails shall forward to the collector of the division from which the goods are shipped, one copy of the receipt of the master or other duly authorized officer of the steamer as to the delivery, which receipt shall also be countersigned by the officer who accompanied the goods on board the steamer, and which receipt shall be authority for the collector for the cancellation of the bond given when the goods were entered ex-warehouse.

7th. A monthly statement shall be forwarded to the Inland Revenue Department at Ottawa by each collector, showing in detail the name of the person who ex-warehoused the goods, the number of the export entry, the nature and quantity of the goods and the line of steamers to which consigned or delivered. The collector of the port where delivered shall in addition state the name of the steamer.

8th. The quantity of excisable goods so delivered at any one time shall be a reasonable quantity required for a voyage, of which the Department of Inland Revenue shall be the judge.

Vide Canada Gazette, vol. xxv., p. 2288.

By Order in Council of the 6th day of June, 1892, under the authority of chapter 102 of the Revised Statutes, intituled: "The Petroleum Inspection Act," it was ordered that section 2 of the regulations respecting petroleum and naphtha, established by the Order in Council of the 9th day of January, 1889, chapter 47 of the Revised Orders in Council of Canada, as well as the Order in Council of the 6th October, 1881, establishing regulations under "The Petroleum Inspection Act," should be amended by adding thereto the following subsection, viz. :—

3. For use on naphtha launches for the production of motive power.

Vide Canada Gazette, vol. xxv., p. 2355.

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By Order in Council of the 22nd day of June, 1892, under the authority of chapter 97 of the Revised Statutes, intituled "An Act respecting Ferries," and the Act 51 Victoria, chapter 23, amending the same, the tariff of fees established by the Order in Council of the 30th January, 1892, section 5, for the ferry between Pembroke, in the province of Ontario, and Allumette island, in the province of Quebec, was cancelled, and the following tariff of fees established in lieu thereof:—

5. *Tariff.*

Two horses with conveyance and driver and load of grain, oats or potatoes, one way and return.....	\$1 50
For a two-horse cart or conveyance and driver, each way, including horses	0 40
For one horse and conveyance, with driver and load of grain, hay or potatoes, one way and return	1 00
For one-horse cart or conveyance and driver, including horse, each way.	0 25
For one-horse, each way.....	0 15
For each additional horse, the property of the same party.....	0 10
For each head of horned cattle, each way.....	0 15
For each additional head of horned cattle, the property of the same party, each way.....	0 10
For each head of sheep or swine.....	0 10
For each additional head of sheep or swine, the property of the same party.....	0 05
For each passenger with baggage not exceeding fifty pounds, each way..	0 10
For each package of merchandise or goods (other than the above), over 25 and under 100 lbs.....	0 05
For oats, pease, rye, barley, potatoes and buckwheat, per 100 lbs.....	0 03
For pressed hay in bales, per 100 lbs.....	0 03
For lime in barrels, per 100 lbs.....	0 05

Vide Canada Gazette, vol. xxvi., p. 83.

By Order in Council of the 30th day of June, 1892, under the authority of sections 57 and 58 of "The Weights and Measures Act," chapter 104 of the Revised Statutes, the computing scale, manufactured by the Computing Scale Company of Dayton, Ohio, was added to the list of scales which may be admitted to verification, and it was ordered that the fees to be charged for the verification thereof shall be fifty (50) per cent higher than those charged for ordinary scales of a like capacity.

Vide Canada Gazette, vol. xxvi., p. 71.

Interior.

Interior.

By Order in Council of the 25th day of August, 1891, under authority of chapter 47 of the Revised Statutes of Canada, intituled "An Act respecting the Province of Manitoba," the lands enumerated in the following schedule, being lands selected by the Swamp Lands Commissioners, during the seasons of 1889 and 1890, and amounting in all to 105,635.41 acres were vested in Her Majesty for the purposes of the province of Manitoba :—

SCHEDULE showing lands selected by Messrs. Wagner and Crawford, Swamp Lands Commissioners, during the seasons of 1889 and 1890, under the provisions of the Order in Council of 19th June, 1886, all being found vacant in the books of this department.

SEASON OF 1889.

Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.	Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.
517	west 1st.	34	1, 2, 3, 5, 6, 7, 8	280	911	west 1st.	19	2, 3, 4, 5, 6, 7, 10, 15	320
613	do	33	1, 2, 3, 4, 5, 6, 7, 8	320	911	do	20	2	40
614	do	35	1, 2, 3, 4, 5, 6, 7, 8	320	911	do	28	9, 10, 11, 12, 13, 14, 15, 16	320
811	do	30	1, 2	80	911	do	32	9, 10, 11, 12, 13, 14, 15, 16	320
811	do	31	11, 14	80	911	do	33	9, 13, 16	120
811	do	36	9, 10, 15, 16	160	911	do	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16	560
812	do	27	11, 12, 13, 14	160	911	do	35	5, 12, 13, 14	160
812	do	28	9, 10, 11, 12, 13, 14, 15, 16	320	912	do	1	1, 2, 3, 4, 5, 6, 7, 8	320
812	do	30	3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16	480	912	do	2	1, 2, 3, 4, 5, 6, 7, 8, 10, 11	400
812	do	31	1 to 16 inclusive	640	912	do	3	1 to 16 inclusive	640
812	do	32	1 to 16 do	640	912	do	4	1 to 13 do	520
812	do	33	1 to 16 do	640	912	do	5	1, 2, 3, 4, 5, 6, 7, 8, 9, 16	400
812	do	34	1 to 16 do	640	912	do	6	1 to 8 inclusive	320
813	do	24	13, 14, 15, 16	160	912	do	15	1, 2, 15, 16	160
813	do	27	9, 10, 13, 14, 15, 16	240	912	do	17	11, 12	80
813	do	31	1 to 16 inclusive	640	912	do	18	1 to 12 inclusive	480
814	do	3	3, 4, 5, 6, 7, 8, 9	280	912	do	19	11, 12, 13, 14, 15, 16	240
814	do	9	1, 8, 9	120	912	do	20	13	40
814	do	10	3, 4, 5, 6, 11, 12	240	912	do	21	14, 15, 16	120
814	do	13	4, 5, 12, 13	160	912	do	22	3, 4, 5, 6	160
814	do	14	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16	520	912	do	23	7, 8, 10, 11, 14, 15	240
814	do	15	1, 2, 3, 4, 5, 6, 7, 8	320	912	do	24	4, 5	80
814	do	23	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16	480	912	do	27	1, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16	440
814	do	36	1, 2, 3, 6, 8	200	912	do	28	1, 2, 3, 6, 7, 8, 9, 16	320
815	do	6	15, 16	80	912	do	30	1, 2, 3, 4, 5, 6	240
9 9	do	18	4, 5	80	912	do	32	3, 5, 6, 11, 12, 13	240
9 10	do	6	3, 4, 5, 6, 10, 11, 12, 13, 14, 15	400	912	do	33	1, 7, 8, 9, 10, 11, 13, 14, 15, 16	400
9 10	do	10	9, 10, 13, 14, 15, 16	240	912	do	34	5, 6, 10, 11, 12, 13, 14, 15, 16	360
9 10	do	18	15, 16	80	912	do	36	9, 16	80
9 10	do	24	2, 3, 4, 5, 6	200	913	do	3	2, 3, 4, 5, 6, 7	240
9 10	do	32	12, 13	80	913	do	4	1 to 12 inclusive	480
9 10	do	34	1, 8, 9, 16	160	913	do	5	1 to 8 do	320
9 11	do	1	3, 16	80	913	do	16	10, 14, 15	120
9 11	do	2	1, 8, 9, 16	160	913	do	21	2, 3	80
9 11	do	6	2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15	440	913	do	24	9, 16	80
9 11	do	9	11, 14	80	913	do	27	16	40
9 11	do	10	13, 14	80	913	do	31	1, 8, 14	120
9 11	do	12	1, 13, 14, 15	160	913	do	32	1, 2, 3, 4, 5, 6	240
9 11	do	13	2, 3, 4	120	913	do	35	1 to 8 inclusive	320
9 11	do	14	13	40	913	do	36	4, 5	80
9 11	do				9 14	do	6	15, 16	80

Interior.

Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.	Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.
9 14	west 1st.	7	3 to 16, inclusive.	560	11 11	west 1st.	5	7, 10, 11, 13, 14.	200
9 14	do	18	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16.	560	11 12	do	4	1 to 12 inclusive.	480
9 14	do	19	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15.	560	11 12	do	10	1.	40
9 14	do	20	1 to 8, inclusive.	320	11 12	do	14	3, 6.	80
9 14	do	21	2, 3, 4, 5, 6, 7.	240	11 12	do	20	11, 12, 13, 14.	160
9 14	do	25	9.	40	11 12	do	32	1, 8.	80
9 14	do	30	3, 4, 5, 11.	160	11 13	do	34	1.	40
9 14	do	31	16.	40	11 14	do	2	1.	40
9 14	do	32	9 to 16, inclusive.	320	11 15	do	7	6, 7, 8, 9, 10, 11, 14, 15, 16.	360
9 14	do	33	12, 13, 14, 15, 16.	200	11 15	do	17	3, 4.	80
9 14	do	34	1, 8, 9, 13, 14, 15.	240	11 15	do	33	3, 4, 5, 6.	160
9 14	do	35	5, 8, 12, 14, 15.	200	12 10	do	30	3, 4, 5, 6, 11, 12, 13, 14.	320
9 14	do	36	3.	40	12 11	do	18	9 to 16 inclusive.	320
9 17	do	23	1, 2, 7.	120	12 11	do	28	1 to 16 do	640
10 10	do	3	16.	40	12 11	do	30	1 to 16 do	640
10 10	do	5	4, 5, 10, 11, 12, 13, 14, 15, 16.	360	12 11	do	34	1, 2, 7, 8, 11, 12, 13, 14.	320
10 10	do	6	1, 8.	80	SEASON OF 1890.				
10 10	do	15	4, 5.	80	13 14	west 1st.	14	4, 6, 7, 8, 9, 10, 15, 16.	320
10 10	do	24	4, 5, 12, 13.	160	13 14	do	18	5, 6, 11, 12, 13, 14.	240
10 10	do	25	1 to 16, inclusive.	640	13 14	do	30	2, 7, 10, 15.	160
10 10	do	32	1, 2, 7, 8.	160	13 13	do	10	1 to 16 inclusive.	640
10 11	do	2	2, 3, 4, 5, 6, 7, 15, 16.	320	13 13	do	12	1 to 16 do	640
10 11	do	3	1, 2, 3, 4, 7, 8.	240	13 13	do	14	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13.	440
10 11	do	4	1, 16.	80	13 13	do	22	1 to 16 inclusive.	640
10 11	do	5	13, 14, 15, 16.	160	13 13	do	24	3, 4, 5, 6, 11, 12, 13, 14.	320
10 11	do	9	1.	40	13 13	do	26	9, 10, 15, 16.	160
10 11	do	15	13.	40	13 13	do	28	1, 2, 7, 8, 9, 10, 15, 16.	320
10 11	do	16	9.	40	13 13	do	32	15, 16.	80
10 11	do	21	8.	40	13 13	do	36	11, 12, 13, 14.	160
10 11	do	27	1, 2, 7.	120	13 12	do	10	1 to 16 inclusive.	640
10 11	do	36	9, 16.	80	13 12	do	12	1 to 16 do	640
10 12	do	1	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.	440	13 12	do	14	1 to 16 do	640
10 12	do	2	1 to 16, inclusive.	640	13 12	do	16	1 to 16 do	640
10 12	do	3	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16.	600	13 12	do	18	1 to 16 do	640
10 12	do	4	1, 2, 3, 4, 7, 8.	240	13 12	do	20	1 to 16 do	640
10 12	do	17	13, 14.	80	13 12	do	22	9, 10, 15, 16.	160
10 12	do	21	5, 11, 13, 14.	160	13 12	do	24	3, 4, 5, 6.	160
10 13	do	1	1, 2.	80	13 12	do	28	3, 4, 5, 6.	160
10 13	do	30	1, 7.	80	13 11	do	18	1 to 16 inclusive.	640
10 14	do	2	1, 2, 7, 8.	160	16 8	do	20	1, 2, 3, 4, 7, 8.	240
10 14	do	4	1 to 8, inclusive.	320	14 12	do	2	3, 4, 5, 6.	160
10 14	do	5	1 to 16 do	640	14 12	do	4	1, 2.	80
10 14	do	16	3, 4, 5, 6.	160	14 13	do	4	3, 4, 5, 6.	160
10 14	do	22	11, 12, 13, 14.	160	14 13	do	30	1, 2, 7, 8, 9, 10, 15, 16.	320
10 15	do	1	1 to 16 inclusive.	640	14 13	do	36	9, 10, 15, 16.	160
10 15	do	2	1 to 16 do	640	Less for R. of way of the M. & N. W. Ry. 4'59				
10 15	do	3	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16.	480	14 14	do	4	1, 8, 9, 16.	155 ⁴¹ ₁₀₀
10 15	do	4	12, 13.	80	14 14	do	10	1, 2, 3, 4, 7, 8.	160
10 15	do	5	1 to 16 inclusive.	640	14 14	do	20	3, 5, 6.	120
10 15	do	6	1 to 16 do	640	14 14	do	28	1, 2, 7, 8.	160
10 15	do	7	1 to 16 do	640	16 14	do	24	3, 4, 5, 6.	160
10 15	do	9	4, 5, 12, 13.	160	16 14	do	34	9, 10, 15, 16.	160
10 15	do	12	11, 12, 13, 14.	160	16 14	do	36	9, 10, 15, 16.	160
10 15	do	17	1 to 16 inclusive.	640	16 13	do	4	1, 2, 7, 8, 9, 10, 15, 16.	320
10 15	do	18	1 to 16 do	640	16 11	do	20	1, 2, 7, 8.	160
10 15	do	19	1, 2, 3, 4.	160	16 11	do	32	1, 2, 7, 8, 9, 10, 15, 15.	320
10 17	do	36	1 to 16 inclusive.	640	17 11	do	4	1, 2, 7, 8, 9, 10, 15, 16.	320
11 10	do	1	1 to 16 do	640	17 11	do	16	1, 2, 7, 8, 9, 10, 15, 16.	320
11 10	do	3	1 to 16 do	640	17 12	do	18	1, 2, 7, 8, 9, 10, 15, 16.	320
11 10	do	9	1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14.	480	17 13	do	34	1, 2, 7, 8.	160
11 10	do	13	1, 2, 7, 8, 9, 10, 15, 16.	320	17 13	do	20	11, 14.	80
11 11	do	1	1 to 16 inclusive.	640	17 13	do	16	11, 12, 13, 14.	160
					17 13	do	18	3, 4.	80
					17 13	do	6	9, 10, 14, 15, 16.	200

Interior.

Tr.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.	Tr.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.
17 13	west 1st.	4	11, 12, 13, 14.	160	19 15	west 1st.	36	3, 4, 5, 6, 9 to 16 inclusive.	480
17 13	do	26	9, 10.	80	20 13	do	4	2, 3, 4, 5, 6, 7, 9 to 16 do	560
17 13	do	2	9, 10, 15, 16.	160	20 13	do	6	1 to 16 inclusive	640
17 14	do	2	1, 2, 7, 8.	160	20 13	do	12	3, 4, 5, 6, 11, 12, 13, 14.	320
17 14	do	4	9, 10, 15, 16.	160	20 13	do	14	1 to 16 inclusive	640
17 15	do	34	9, 10, 15, 16.	160	20 13	do	16	1 to 16 do	640
18 12	do	26	9, 10, 15, 16.	160	20 13	do	18	1 to 16 do	640
18 12	do	36	1 to 16 inclusive.	640	20 13	do	20	1 to 16 do	640
18 13	do	6	12, 13.	80	20 13	do	22	15, 16	80
18 13	do	12	3, 4, 5, 6, 11, 12.	240	20 13	do	24	13, 14, 15, 16.	160
18 13	do	14	1, 2, 3, 7, 8, 9, 10.	280	20 13	do	30	1 to 16 inclusive	640
18 13	do	18	3, 4.	80	20 13	do	32	1, 2, 3, 4, 5, 6, 7, 8, 11, 12	400
18 13	do	20	3, 6.	80	20 14	do	2	1 to 16 inclusive	640
18 13	do	22	7, 8, 9, 10, 15, 16.	240	20 14	do	4	1 to 16 do	640
18 13	do	28	10, 11, 12, 13, 14, 16.	240	20 14	do	6	1 to 16 do	640
18 13	do	30	10, 11, 12, 13, 14, 16.	240	20 14	do	10	1 to 16 do	640
18 13	do	32	3, 4, 5, 6.	160	20 14	do	12	1 to 16 do	640
18 13	do	34	3, 4, 5.	120	20 14	do	14	1 to 16 do	640
18 13	do	36	1, 2, 7, 8, 9, 10, 15, 16.	320	20 14	do	16	1 to 16 do	640
18 14	do	2	1 to 16 inclusive.	640	20 14	do	18	1 to 16 do	640
18 14	do	12	1 to 16 do	640	20 14	do	20	1 to 16 do	640
18 14	do	24	1 to 16 do	640	20 14	do	22	1 to 16 do	640
18 14	do	34	1 to 16 do	640	20 14	do	24	1 to 16 do	640
18 14	do	36	1 to 16 do	640	20 14	do	28	1 to 16 do	640
18 15	do	22	3, 4, 5, 6.	160	20 14	do	30	2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16	560
19 13	do	4	1 to 16 inclusive	640	20 14	do	32	1 to 16 inclusive.	640
19 13	do	6	1 to 16 do	640	20 14	do	34	1 to 16 do	640
19 13	do	10	4, 5, 12, 13.	160	20 14	do	36	1 to 16 do	640
19 13	do	12	2, 3, 6, 7, 10, 11, 14, 15.	320	20 15	do	2	9, 10, 11, 12, 13, 14, 15, 16	320
19 13	do	16	1 to 16 inclusive	640	20 15	do	4	7, 8, 9, 10, 11, 14, 15, 16.	320
19 13	do	18	1 to 16 do	640	20 15	do	10	1 to 16 inclusive	640
19 13	do	20	1 to 16 do	640	20 15	do	12	1 to 8 do	320
19 13	do	24	1 to 16 do	640	20 15	do	14	1 to 16 do	640
19 13	do	28	3, 4, 5, 6, 10, 11, 12, 13, 14, 15.	400	20 15	do	16	1 to 16 do	640
19 13	do	30	1 to 16 inclusive	640	20 15	do	20	1 to 16 do	640
19 13	do	32	1 to 16 do	640	20 15	do	30	1 to 16 do	640
19 13	do	34	5, 6, 11, 12, 13	200	20 15	do	32	1 to 16 do	640
19 13	do	36	4, 5, 9, 12, 13, 16.	240	19 12	do	6	2, 3, 4, 5, 6, 11, 12, 13.	320
19 14	do	2	1 to 16 inclusive	640	19 12	do	12	1 to 16 inclusive	640
19 14	do	4	1, 2, 7, 8, 9, 10, 15, 16.	320	19 12	do	14	1, 2, 7, 8, 9, 10, 15, 16.	320
19 14	do	10	1 to 16 inclusive	640	19 12	do	26	9, 10, 15, 16.	160
19 14	do	14	1 to 16 do	640	18 11	do	4	9, 10, 15, 16.	160
19 14	do	16	9, 10, 15, 16.	160	18 11	do	16	1 to 16 inclusive	640
19 14	do	22	1 to 16 inclusive	640	18 11	do	20	1 to 16 do	640
19 14	do	24	1 to 16 do	640	18 11	do	26	9, 10, 15, 16.	160
19 14	do	26	9, 10, 15, 16.	160	18 11	do	28	1 to 16 inclusive	640
19 14	do	28	1 to 16 inclusive	640	18 11	do	30	1 to 16 do	640
19 14	do	32	1, 2, 7, 8, 9 to 16 inclusive	480	18 11	do	32	1 to 16 do	640
19 14	do	34	1 to 16 inclusive	640	18 11	do	34	1 to 16 do	640
19 14	do	36	1 to 16 do	640	18 11	do	36	1 to 16 do	640
19 14	do	12	1 to 16 do	640					
19 15	do	10	5, 6, 11, 12, 13, 14.	240					
19 15	do	16	9 to 16 inclusive	320					
Total.									105,635-41

Vide Canada Gazette, Nov. 28, 1891, p. 1017, and errata on p. 1451.

Interior.

By Order in Council of the 7th day of December, 1891, the east half of the north-west quarter of section 10, township 4, range 13, west of the first meridian, was vested in Her Majesty for the purposes of the province of Manitoba in exchange for legal subdivisions 12 and 13 of section 12, township 5, range 12, west of the first meridian.

Vide Canada Gazette, vol. xxv., p. 1214.

By Order in Council of the 7th day of December, 1891, under authority of the 4th section of chapter 47 of the Revised Statutes, intituled "An Act respecting the Province of Manitoba," the lands mentioned in the following schedule, amounting in all to an area of 36,479 acres, which have been selected by Messrs. Wagner and Crawford, the commissioners appointed for the purpose of making a selection of swamp lands in Manitoba under the provisions of the above-cited Act during the season of 1888, and which are found to be vacant, were vested in Her Majesty for the purposes of the province of Manitoba.

By the same Order in Council the Order in Council of the 16th day of July, 1889, transferring certain swamp lands to the province of Manitoba, was cancelled.

SCHEDULE showing lands selected by Messrs. Wagner and Crawford, Swamp Lands Commissioners, during the season of 1888, under the provisions of the Order in Council of 19th June, 1886, all being found vacant in the books of the department.

Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.	Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.
10/29	west 1st.	6	3, 4, 5, 6	160	7/25	west 1st.	4	1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16	480
2/27	do	12	1, 2, 7, 8, 9, 10, 15, 16	320	7/25	do	5	1 to 16 inclusive	640
1/26	do	6	11, 12, 13, 14	160	7/25	do	9	1 to 8 do	320
1/26	do	30	1, 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16	480	7/25	do	36	1 to 8 do	320
2/26	do	6	3, 4, 5, 6, 11, 12, 13, 14	320	6/25	do	3	1 to 16 do	640
2/26	do	18	3, 4, 5, 6, 11, 12, 13, 14	320	6/25	do	4	9, 10	80
6/26	do	1	3, 4, 5, 6, 10, 11, 12, 13, 14, 15	400	6/25	do	9	1 to 16 inclusive	640
6/26	do	3	1 to 16 inclusive	640	6/25	do	15	4, 5, 6, 7, 8, 9, 10, 11, 12	360
6/26	do	9	1 to 16 do	640	6/25	do	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16	520
6/26	do	13	1 to 16 do	640	6/25	do	19	1 to 16 inclusive	640
6/26	do	15	5, 6, 7, 8, 9, 10, 11, 12	320	6/25	do	20	11, 12, 13, 14	160
6/26	do	23	1 to 16 inclusive	640	6/25	do	21	1 to 16 inclusive	640
6/26	do	24	1, 2, 7, 8	160	6/25	do	25	1 to 16 do	640
6/26	do	25	1 to 16 inclusive	640	6/25	do	27	1 to 16 do	640
6/26	do	36	1, 2, 8	120	6/25	do	28	3, 4, 5, 6, 11, 12, 13, 14	320
8/26	do	22	9, 10, 13, 16	160	6/25	do	30	1 to 16 inclusive	640
8/26	do	24	1, 2, 3, 4, 5, 6, 7, 8	320	6/25	do	31	1 to 16 do	640
8/26	do	25	1 to 16 inclusive	640	6/25	do	33	1 to 16 do	640
8/26	do	27	1 to 16 do	640	6/25	do	34	9, 10, 15, 16	160
8/26	do	35	1 to 16 do	640	6/25	do	35	1 to 16 inclusive	640
12/26	do	14	9, 10, 15, 16	160	8/25	do	1	1 to 16 do	640
5/25	do	33	1, 8, 9, 16	160	8/25	do	2	9, 10, 15, 16	160
5/25	do	35	5, 6, 9, 10, 11, 12, 13, 14, 15, 16	400	8/25	do	3	1 to 16 inclusive	640
7/25	do	2	1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14	480	8/25	do	12	1 to 3 do	320
7/25	do	3	1, 2, 7, 8	160	8/25	do	15	1 to 16 do	640
					8/25	do	17	1 to 16 do	640
					8/25	do	21	1, 8, 9, 13, 14, 15, 16	280

Interior.

Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.	Tp.	Range and Meridian.	Section.	Legal Subdivisions.	Area in Acres.
8 25	west 1st.	22	9, 10, 13, 14, 15, 16, those portions lying north of Pipestone Creek	199	8 24	west 1st.	1	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16	480
8 25	do	23	13, 14, 15	120	8 24	do	3	9 to 16 inclusive	320
8 25	do	26	9, 10, 15, 16	160	8 24	do	5	1 to 16 do	640
8 25	do	27	1 to 16 inclusive	640	8 24	do	6	1 to 16 do	640
8 25	do	36	1 to 8 do	320	8 24	do	7	1 to 16 do	640
9 25	do	4	9, 10, 15, 16	160	8 24	do	9	1 to 16 do	640
6 24	do	5	1, 2, 7, 8	160	8 24	do	10	11, 12, 13, 14	160
6 24	do	9	10, 11, 12, 15, 16	200	8 24	do	17	1 to 16 inclusive	640
6 24	do	10	12, 13, 16	120	8 24	do	21	1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14	480
6 24	do	15	4	40	8 24	do	33	1 to 16 inclusive	640
6 24	do	16	1	40	6 23	do	31	1, 8, 9, 16	160
6 24	do	19	9 to 16 inclusive	320	7 23	do	7	1 to 16 inclusive	640
6 24	do	33	1 to 8 do	640	7 23	do	31	1 to 16 do	640
7 24	do	1	11, 12, 13, 14, 15, 16	240	8 23	do	2	3, 4, 5, 6	160
7 24	do	3	1 to 16 inclusive	640	9 22	do	13	11, 12, 13, 14	160
7 24	do	7	15, 16	80	4 21	do	2	1 to 16 inclusive	640
7 24	do	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	480	4 21	do	10	1, 2, 7, 8	160
7 24	do	31	1 to 16 inclusive	640				Total	36,479
7 24	do	33	1 to 8 do	320					
7 24	do	35	1 to 8 do	320					

Vide Canada Gazette, vol. xxv., p. 1346.

By Order in Council of the 20th day of January, 1892, under the provisions of chapters 54 and 56 of the Revised Statutes, intituled, respectively, "The Dominion Lands Act," and "An Act respecting certain public lands in British Columbia," the regulation which requires a licensee to have a saw-mill in operation upon his berth within a certain time, being subsection (d) of section 2 of the regulations approved by the Order in Council of the 11th November, 1881, as well as subsection (f) of section 2 of the Order in Council of the 17th September, 1889, chapter 98 of the Consolidated Orders in Council of Canada, were amended so that in respect of all licenses hereafter granted, the licensee shall be required to construct a mill and commence the manufacture of lumber from the timber on the tract covered by his license, within one year from the date when he is notified by the proper officer of the Department of the Interior that the Minister of the Interior regards such a step necessary or expedient in the public interest.

Vide Canada Gazette, vol. xxv., p. 1452.

By Order in Council of the 8th day of January, 1892, it was ordered that the east half of section 16 and the north-west quarter of section 18, township 18, range 3, west of the 1st meridian, be vested in Her Majesty for the purposes of the province of Manitoba.

Vide Canada Gazette, vol. xxv., p. 1551.

By Order in Council of the 8th day of January, 1892, under authority of the 108th section of chapter 50 of the Revised Statutes, intituled "An Act respecting the North-west Territories," the Order in Council of the 10th February, 1888, respecting the main highway across a quarter of section 24, township 48, range 26, west of the 2nd initial meridian, was

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rescinded; Milner Hart's survey of the said portion of the road was cancelled, and it was also ordered that Colonel Sproat's survey be confirmed, and that the road be transferred to the Lieutenant Governor in Council for the public uses of the Territories.

Vide Canada Gazette, vol. xxv., p. 1648.

By Order in Council of the 8th day of February, 1892, under authority of section 4 of chapter 47 of the Revised Statutes, section 24, township 6, range 11, west of the 1st meridian, containing an area of 640 acres more or less, was vested in Her Majesty for the purposes of the province of Manitoba, in exchange for section 20, in the same township and range.

Vide Canada Gazette, vol. xxv., p. 1698.

By Order in Council of the 18th day of March, 1892, under authority of section 3 of chapter 49 of the Revised Statutes, intituled "An Act respecting Roads and Road Allowances in the Province of Manitoba," it was ordered that the main highway through the municipality of Westbourne, in the province of Manitoba, including the portion of the said highway 66 feet wide upon which the Manitoba and North-western Railway is now located and constructed, according to the plan of survey by C. P. Brown, Dominion land surveyor, approved and confirmed by the surveyor general on the 10th of March, 1892, of record in the Department of the Interior, be transferred to the province of Manitoba.

Vide Canada Gazette, vol. xxv., p. 1940.

By Order in Council of the 21st day of March, 1892, under authority of chapter 56 of the Revised Statutes, intituled "An Act respecting certain Public Lands in British Columbia," the agricultural lands in the Kamloops land agency, being the lands in the railway belt in British Columbia, situated north of the line between townships 15 and 16, and east of the 7th meridian of the Dominion lands system of survey, were once more thrown open for homesteading by actual settlers, on the conditions and at the price prescribed by the regulations of the 17th September, 1889.

Vide Canada Gazette, vol. xxv., p. 1940.

By Order in Council of the 28th day of May, 1892, under authority of "The Dominion Lands Act," chapter 54 of the Revised Statutes, in addition to the lands already reserved in the North-west Territories as watering places for stock and as approaches to the water, the following lands were reserved for the same purpose, namely:—

The west half of section 2, township 17, range 2, west of the 5th meridian; section 10, township 17, range 1, west of the 5th meridian; and section 23, township 16, range 30, west of the 4th meridian.

Vide Canada Gazette, vol. xxvi., p. 33.

*Justice.**Justice.*

By Order in Council of the 19th day of February, 1892, under authority of "The Naturalization Act," chapter 118 of the Revised Statutes, the Order in Council of the 29th day of January, 1889, chapter 57 of the Consolidated Orders in Council of Canada, establishing regulations under the provisions of the said Act, was amended, by the insertion of the following words after section 4 of the said Order in Council, viz. :—

Sub-section 2. In the case of a statutory alien who obtains a certificate of readmission to British nationality within Canada, such certificate with the oath of allegiance required to be taken by such statutory alien, or a certified copy thereof, shall be deposited and registered in the office of the Secretary of State for Canada

Vide Canada Gazette, vol. xxv., p. 1599.

By Order in Council of the 27th day of April, 1892, under authority of section 80 of "The North-west Territories Act," as amended by section 14 of the Act 54-55 Victoria, chapter 22, intituled "An Act to amend the Acts respecting the North-west Territories," it was ordered that the mounted police barracks at Regina be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment or confinement in any part of the territories.

Vide Canada Gazette, vol. xxv., p. 2097.

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STANLEY OF PRESTON.

[L.S.]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING :

A PROCLAMATION.

ROBT. SEDGEWICK, } WHEREAS it is, in and by an Act of the
Deputy of the } Parliament of Great Britain and Ireland,
Minister of Justice, } passed in the session thereof held in the fifty-third
Canada. } and fifty-fourth years of our reign, chaptered
twenty-seven, intituled "An Act to amend the law respecting the exercise of
Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the
United Kingdom," and known as the "Colonial Courts of Admiralty Act,
1890," amongst other things enacted, that every colonial law which is made
in pursuance of this Act, or affects the jurisdiction of or practice or procedure

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in any court of such possession in respect of the jurisdiction conferred by this Act, or alters any such colonial law as above mentioned, which has been previously passed, shall, unless previously approved by us through a Secretary of State, either be reserved for the signification of our pleasure thereon, or contain a suspending clause providing that such law shall not come into operation until our pleasure thereon has been publicly signified in the British possession in which it has been passed ;

AND WHEREAS in the session of the Parliament of Canada, held in the fifty-fourth and fifty-fifth years of our reign, an Act in pursuance of the said Act was duly made and passed, intituled "An Act to provide for the exercise of Admiralty Jurisdiction within Canada, in accordance with "The Colonial Courts of Admiralty Act, 1890," and known as "The Admiralty Act, 1891";

AND WHEREAS the said last-mentioned Act contains a provision that the same shall not come into force until our pleasure thereon has been signified by proclamation in the *Canada Gazette* ;

AND WHEREAS we deem it expedient that the said Act shall come into force forthwith ;

NOW KNOW YE, and we do by these presents proclaim and declare, that it is our royal will and pleasure that the Act of the Parliament of Canada passed in the session thereof held in the fifty-fourth and fifty-fifth years of our reign, intituled "An Act to provide for the exercise of Admiralty Jurisdiction within Canada in accordance with 'The Colonial Courts of Admiralty Act, 1890,' " and known as "The Admiralty Act, 1891," shall come into and be in force on, from and after the date of this our royal proclamation.

Of all which our loving subjects, and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed.

WITNESS, our right trusty and well-beloved the Right Honourable Sir FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the county of Lancaster, in the peerage of the United Kingdom ; Knight Grand Cross of our most Honourable Order of the Bath ; Governor General of Canada.

At our Government House, in our city of OTTAWA, this SECOND day of OCTOBER, in the year of our Lord one thousand eight hundred and ninety-one, and in the fifty-fifth year of our reign.

By command,

J. A. CHAPLEAU,

Secretary of State.

Vide Canada Gazette, vol. xxv., p. 579.

By Order in Council of the 21st day of October, 1891, under authority of the 3rd section of the Act 54-55 Victoria, chapter 36, intituled : "An Act respecting the Shipping of Live Stock," it was ordered that the annexed rules and regulations be adopted as the rules and regulations to regulate the shipping

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of live stock from Canada under the provisions of the said Act, and that such rules and regulations should come into effect on the 1st day of November, 1891.

It was also ordered, under the provisions of the 5th section of the above cited Act, that a fee of two cents shall be paid to the inspector on each head of cattle shipped on any ship bound from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, or in Newfoundland, or in St. Pierre or Miquelon, or in Bermuda, or in any of the West India Islands, or in Mexico, or in South America.

REGULATIONS RESPECTING THE SHIPPING OF LIVE STOCK FROM CANADA.

Pursuant to the authority vested in the Governor in Council by the third section of the Act respecting the shipping of Live Stock, 54-55 Victoria, chapter 36, intituled "An Act respecting the shipping of Live Stock," the following regulations are prescribed for ships engaged in the transportation of live stock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, or in Newfoundland, or in St. Pierre or Miquelon, or in Bermuda, or in any of the West India Islands, or in Mexico, or in South America.

Interpretation.—In these rules the expression "cattle" means bulls, oxen, cows, and heifers one and two years old.

APPLICATION FOR INSPECTION.

No. 1. The master, owner or agent of every ship intending to take on board live stock for transportation from Canada, shall, if such ship requires to be inspected under the provisions of the Act hereinbefore mentioned, apply for inspection in writing to the inspector of the port at which the live stock is to be shipped, whereupon the inspector will take the steps necessary to inspect the vessel, and determine whether she is a safe, seaworthy and suitable ship for the transportation of live stock on the voyage intended.

If the inspector approves of the vessel, he should notify the owner, master or agent, that he may proceed to fit up the ship as required by these regulations, but if the vessel has been previously fitted for the transportation of live stock, in a manner not consistent with these regulations, the inspector shall require compliance with these requirements in all respects, before issuing his certificate.

SPACE.

No. 2. Fat cattle carried on the upper or spar deck, or any other deck, must be given a space of 2 feet 8 inches clear in width by 8 feet clear in length each, and not less than 6 feet 3 inches in height (but pens for sheep shall be not less than 7 feet in height, divided into two compartments, 3 feet 6 inches in height each), and in no case shall more than four head of cattle be allowed in each pen, except at the end of a row where five may be allowed together: provided, however, that five cattle, each 1,000 lbs. weight or under, commonly known as "stockers," may be carried in a pen instead of four fat cattle. As regards space for sheep, not more than eight or nine sheep will be counted equal to one fat ox, according to the discretion of the inspector. Cows in calf are to be given the same space as fat oxen.

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DECKS.

No. 3. Cattle shall not be carried on more than three decks; and every deck on which cattle are carried must be provided with sufficient ventilation as hereinafter prescribed.

UPPER DECK FITTINGS.

No. 4. *Stanchions, Wooden.*—Stanchions must be of good sound spruce timber, not less than $3 \times 5\frac{1}{2}$ inches, placed at proper distances from the centres, against ship's rail and secured to the rail by a hook of not less than $\frac{3}{8}$ -inch wrought iron with nut and screw. If the bulwarks are open the foot of stanchions must be secured by filling pieces 2×3 inches placed outside of rail stanchions, to which the outside planking shall be nailed, and the whole secured by through bolts and nuts. A piece of 2×3 inches, or 2-inch plank, shall be fastened to outside of stanchion and run up to underneath rail to chock stanchion down. Outside stanchions shall extend up sufficient height to form stanchions for a hand-rail where necessary for the protection of the seamen. If the bulwarks are not open, the foot of the stanchion shall be secured by a bracing of 2×3 inch sound lumber from the back of each stanchion. Outside stanchions at top of pen shall be properly secured to fore and aft stringer beams or plates not less than $5\frac{1}{2} \times 2$ inches. Inside stanchions must be placed directly in line without board stanchions, to be set up so that the $5\frac{1}{2}$ -inch way of the stanchions shall set fore and aft, and properly secured at top to fore and aft stringer beams or plates not less than $5\frac{1}{2} \times 2$ inches, firmly secured at foot to deck and flooring to keep from lifting.

Stanchions, Iron.—These may be used in place of wooden stanchions and should be not less than 2 inches in diameter, set in iron sockets above and below and fastened with nut and bolt.

Beams.—Beams or rafters must be of good sound lumber, 2×6 inches, suitably placed, to run clear across the ship where practicable. Should any house or deck fittings be in the way, then butt up closely to same. These beams shall be shouldered on the stanchions and made secure with chocks nailed or otherwise properly fastened to stanchions.

Angle-iron Frames.—Angle-iron frames fitted from side to side on top deck, 5 feet apart, may be used instead of wooden stanchions and beams.

Head or Breast Boards.—Head boards shall be not less than $1\frac{1}{2} \times 12$ inches, of good sound lumber, and well secured on the pen side of the stanchions. A double stanchion to secure head board shall be set up at each end of pen. A bolt of iron $\frac{3}{8}$ -inch in diameter shall pass through the double stanchions and head board, secured by a nut and screw. All head boards shall have holes bored through them at proper distances to tie the animals.

Foot Boards.—Foot boards shall be of the same material as head boards, properly nailed to stanchions on the inside of same.

Division Boards.—Division boards shall be of $1\frac{1}{2}$ inch \times 12 inch sound lumber, fitted perpendicularly and arranged so that they divide the animals into pens of four, or at end of row into pens of five.

Flooring.—Flooring for the deck shall be of sound 1-inch boards, laid fore and aft on scantlings 2×3 inches laid athwart-ships on the deck at 18 inch centres, and the whole well secured.

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It is optional with the owners whether they permit sheathing to be used on their ships with wooden decks, or whether they allow footlocks to be secured to the deck. But on iron decks it is absolutely necessary (if permanent footlocks are not down) to sheath them before putting down the footlocks in order to fasten same.

Footlocks.—Footlocks shall be of good sound spruce or pine lumber, or hardwood, $1\frac{1}{2} \times 3$ inches, laid fore and aft of ship, properly secured to sheathing or deck, placed 17, 16, 22 and 16 inches apart (the first one distant 17 inches from the trough), nailed when practicable with 4-inch nails through into deck strips and braced by similar locks placed athwart 18 inches apart and nailed through to deck strips.

Outside planking.—All the outside planking on open and closed railed ships, must be properly laid fore and aft of ship and nailed to the backs of stanchions, and battened after the 1st November. Nothing less than $1\frac{1}{4}$ -inch spruce or pine is to be used for this purpose.

Planking of Shelter Deck to be erected on Upper Decks.—The planks or boards to be nailed on this deck should be not less than 1-inch sound lumber 12 inches wide, laid on purlins, with four inches of space between the boards; the space to be fitted with a block 4×1 inch at back and front plates or stringers, and at the purlins to give additional support to the second covering, which is to be of boards of the same dimensions, laid over the 4-inch openings of lower boarding.

UNDER DECK FITTINGS.

Stanchions.—Stanchions shall be of good sound spruce lumber not less than $3 \times 5\frac{1}{2}$ inches, set up at proper distances from centres so that the $5\frac{1}{2}$ inch way of same shall stand fore and aft and jammed in tight between the two decks, properly braced on head and from side to side of ship; this bracing shall be 2×3 inch spruce or pine and be properly butted against each stanchion. Where it is found impracticable to run these braces across ship, by reason of hatches, &c., coming in the way, then they shall be well braced from hatch coamings and from the obstruction which prevents running braces from side to side. The heads of these stanchions shall be braced fore and aft by 2×3 -inch pieces well nailed on each stanchion and running fore and aft close up to the lower edge of the ship beams and butted at each end of compartment and against themselves, or chocked in underneath and well nailed to heads of stanchions. If upper and lower decks are wood then the stanchions set up between decks may be secured by well cleating to each deck by heads and heels of same.

Head or Breast Boards, Foot Boards, Division Boards, Flooring and Footlocks shall be of the same dimensions as those on the upper deck and fastened in the same manner, and shall have holes bored at proper distances to tie animals.

Troughs.—Suitable troughs whether on upper or under decks shall be formed on the foot boards about 12 inches wide, when required. Troughs for sheep must be made water-tight.

Casing for Steering Gear.—A suitable casing must be placed over the ship's steering gear when found necessary.

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Alley-Ways.—Alley-ways between the pens must not be less than 2 feet wide, except forward and aft, where they may be not less than 18 inches for a distance of 21 feet 4 inches from the end of the ship inwards, and no feed shall be placed or stowed in alley-ways.

VENTILATION.

No. 5. Each compartment containing cattle must have at least four bell-mouthed ventilators, of not less than 18 inches inside diameter, and with tops exceeding 7 feet in height, two situated at each end of the compartment, and must also be supplied with a sufficient number of fans worked by steam to provide good ventilation for the cattle.

No. 6. No cattle shall be loaded along the alley-ways by engine room, unless side of said engine room is covered by 1-inch lumber, making a 3-inch air-space between.

No. 7. No cattle shall be loaded on hatches on decks above cattle, nor shall any merchandise, freight or food for cattle be loaded on said hatches, but said hatches shall at all times be kept clear, but cattle may be carried on the lowest hatch, provided that a space on such hatch of 12 feet square be at all times kept clear and free, and no cattle shall be carried on any part of the vessel where, in ordinary course of navigation, they would interfere with the proper management of the vessel or would interfere with the efficient working of the boats.

MISCELLANEOUS.

No. 8. Convenient and suitable stowage shall be provided under deck for the feed for cattle; but hay to the extent of 50 lbs. for each head of cattle for consumption in the River and Gulf of St. Lawrence may be stowed on deck properly covered, and must be the first hay used. The inspector must be satisfied as to the quality and quantity of food and water provided for the cattle.

No. 9. All vessels will carry not less than 4 hogsheads, of over 100 gallons capacity, for each 100 head of cattle, and these shall be filled with fresh cold water before sailing and refilled as emptied, unless the vessel is fitted with water pipes suitably placed and fitted with taps for watering the cattle.

No. 10. Shippers of cattle will require to furnish a foreman and attendants to take charge of the cattle on board ship, and there shall be one man, including the foreman, for each 25 head of cattle shipped. Shippers are required to notify the inspector at least twelve hours before the sailing of the ship of the name of the foreman to be in charge of their shipment and of the names of the attendants, and must furnish the inspector with satisfactory evidence of their sobriety, experience, ability and general good conduct, and every such foreman and cattle attendant shall sign the ship's articles or agreement before the ship clears on her intended voyage, and be subject to the authority of the master, and the inspector shall see that the eating and sleeping accommodations for the cattle attendants and foreman are as good as the same accommodations provided for the crew of the ship. Every ship's articles or agreement signed by the foreman and attendants shall clearly state the wages to be paid to each. The foreman and attendants must report themselves to the inspector at least six hours before the sailing of the ship.

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No. 11. Cattle will be tied with rope not less than $\frac{3}{8}$ -inch in diameter, which shall not be used more than once.

No. 12. False decks on which cattle have been loaded must be removed and the manure and dirt cleaned away before the ship receives another cargo of cattle.

No. 13. The inspector may in case he finds any of the fittings are worn, decayed or appear to be unsound, require the same to be replaced before he clears the vessel. He will also supervise the loading of cattle and see that they are properly stowed and tied, and that all the requirements of these regulations have been complied with.

No. 14. Water condensers shall be on board in good working order and of sufficient capacity to provide eight gallons, every twenty-four hours, of fresh cold water for each head of cattle carried, whether the ship is fitted with water ballast tanks or not.

No. 15. Live stock shall not be taken on board until the loading of the cargo has been completed unless the consent of the inspector in writing to do otherwise is first obtained.

No. 16. The back of pens are to be lined with one-inch boards to the height of four feet, nailed to back stanchions on inside, making the back of the pens flush and smooth, if the inspector deems it necessary.

No. 17. The work throughout must be well nailed and strongly put together, and to the satisfaction of the inspector.

No. 18. If the ship is not lighted by electric lights, the inspector should see that sufficient ships' lanterns are provided to light between decks, when live stock are carried.

No. 19. Passages must be left so that the scuppers can be reached and kept clean.

No. 20. Any dispute arising under these regulations in regard to providing for the health, security and safe carriage of live stock shall be referred to the Minister of Marine and Fisheries, who may decide the matter; or the minister may refer it to any person considered competent by him and in either event the decision of the minister or of such person shall be final.

Vide Canada Gazette, vol. xxv., p. 807.

By Order in Council of the 27th day of November, 1891, under the authority of sections 5 and 18 of "The Admiralty Act, 1891," it was ordered that the limits of the Toronto admiralty district and of the registry thereof shall be all that portion of Canada comprising the province of Ontario, including all such waters as form part of the said province.

Vide Canada Gazette, vol. xxv., p. 1134.

By a proclamation bearing date the 25th day of February, 1892, under authority of 54-55 Victoria, chapter 37, it was ordered and declared that the said Act, being the Act intituled "An Act respecting the inspection of Ships," shall come into force from and after the 1st day of April, 1892.

Vide Canada Gazette, vol. xxv., p. 1745.

Marine.

By Order in Council of the 10th day of June, 1892, under the authority of the 21st section of chapter 72 of the Revised Statutes of Canada, permission was granted to change the name of the steamer "Gatineau" of Quebec, official number 69595, to "Paul Smith."

Vide Canada Gazette, vol. xxvi., p. 33.

By Order in Council of the 20th day of June, 1892, under authority of the 21st section of chapter 72 of the Revised Statutes, permission was granted to change the name of tug "Hiawatha," of Toronto, official number 85,499, to "Ospray."

Vide Canada Gazette, vol. xxvi., p. 72.

Public Works.

By Order in Council of the 20th day of February, 1892, the following tariff of tolls to be levied by the Upper Ottawa Improvement Company (incorporated under Act 38 Victoria, chapter 77), for the season of 1892, for the use of their works, was approved:—

TOLLS.

	Per piece.
Through Quinze boom—	
Saw-logs, 17 feet and under.....	2 cts.
Through Des Joachims boom—	
Saw-logs, 17 feet and under.....	$\frac{1}{20}$ "
Through Allumette boom—	
Saw-logs, 17 feet and under.....	$\frac{1}{20}$ "
Through Melons Chenail boom—	
Saw-logs, 17 feet and under.....	$\frac{1}{10}$ "
Passing Lapasse boom—	
Saw-logs, 17 feet and under.....	$\frac{1}{20}$ "
Through Quio boom—	
Saw-logs, 17 feet and under.....	$\frac{2}{3}$ "
Through Thompson's Bay and Lime Kiln Eddy booms—	
Saw-logs, 17 feet and under.....	$\frac{2}{3}$ "
Through Chaudière assorting boom—	
Saw logs, 17 feet and under.....	$\frac{2}{3}$ "
Through booms from head of Deschênes Rapids (north side) to head of Hull slide—	
Saw-logs, 17 feet and under.....	$\frac{2}{3}$ "
Through boom at outlet of Hull slide—	
Saw-logs, 17 feet and under.....	$\frac{1}{15}$ "

The tolls on timber other than saw-logs 17 feet and under passing the foregoing booms, will be:—

Red and white pine, tamarack, spruce and hemlock, round or flatted, over 17 feet and under 25 feet long, per piece, $1\frac{1}{2}$ saw-log rates of toll.

Public Works.

- Red and white pine, tamarack, spruce and hemlock, round or flatted, 25 feet to 35 feet long, per piece, $1\frac{1}{2}$ saw-log rates of toll.
 Red and white pine, tamarack, spruce and hemlock, round or flatted, 35 feet and upwards, per piece, $2\frac{3}{4}$ saw-log rates of toll.
 Red and white pine, tamarack, spruce and hemlock, square, per piece, 4 saw-log rates of toll.
 Firewood, shingle and other timber, per cord, 8 saw-log rates of toll.

BOOM WORKING AND DRIVING EXPENSE RATES.

	Per piece.
Through Des Joachims boom, including sweeping in Deep River—	
Saw-logs, 17 feet and under	$\frac{1}{2}$ ct.
Through Fort William boom—	
Saw-logs, 17 feet and under	$\frac{1}{2}$ “
Through Allumette boom, including sweeping on Allumette Lakes—	
Saw-logs, 17 feet and under	$\frac{1}{2}$ “
Through Melons Chenail boom, including sweeping in Coulonge Lake—	
Saw-logs, 17 feet and under	$\frac{1}{2}$ “
Through Chenaux boom, including sweeping in Calumet Chenail—	
Saw-logs, 17 feet and under	$1\frac{1}{4}$ “
Through Quio boom including sweeping in Chats and Deschênes Lakes—	
Saw-logs, 17 feet and under	$1\frac{1}{2}$ “
Through Thomson's Bay boom—	
Saw-logs, 17 feet and under	$\frac{3}{4}$ “
Through Chaudière assorting boom—	
Saw-logs, 17 feet and under	$\frac{3}{4}$ “
Through booms from head of Deschênes Rapids (north side) to head of Hull slide—	
Saw-logs, 17 feet and under	$1\frac{1}{2}$ “

The boom working and driving expense rates on timber, other than saw-logs 17 feet and under, passing the foregoing booms will be:—

- Red and white pine, tamarack, spruce and hemlock, round or flatted, over 17 feet and under 25 feet long, per piece, $1\frac{1}{2}$ saw-log rates.
 Red and white pine, tamarack, spruce and hemlock, round or flatted, 25 feet to 35 feet long, per piece, $1\frac{1}{2}$ saw-log rates.
 Red and white pine, tamarack, spruce and hemlock, round or flatted, 35 feet and upwards, per piece, $2\frac{3}{4}$ saw-log rates.
 Red and white pine, tamarack, spruce and hemlock, square, per piece, 4 saw-log rates.
 Firewood, shingle and other lumber, per cord, 8 saw-log rates.

NOTE.—Upon payment of the above specified boom working and driving expense rates a rebate of fifty per cent thereof will be allowed on saw-logs, 17 feet and under in length, having a no greater diameter at the smaller end than twelve inches.

Public Works.

TOWING RATES.	Decimal of a Dollar. Per piece.
From Des Joachims boom to Fort William boom—	
Saw-logs, 17 feet and under.....	·0115
From Schyan to Fort William boom—	
Saw-logs, 17 feet and under.....	·0075
From Fort William boom to Pembroke—	
Saw-logs, 17 feet and under.....	·005
From Fort William boom to Allumette Rapids—	
Saw-logs, 17 feet and under.....	·0065
From Petewawa to Allumette Rapids—	
Saw-logs, 17 feet and under.....	·0075
From Pembroke to Allumette Rapids—	
Saw-logs, 17 feet and under.....	·0035
From Allumette boom to Paquette's Rapids—	
Saw-logs, 17 feet and under.....	·005
From Melons Chenail boom to Lapasse—	
Saw-logs, 17 feet and under.....	·005
From Chenaux boom to Braeside--	
Saw-logs, 17 feet and under.....	·006
From Chenaux boom to Arnprior or Chats Rapids—	
Saw-logs, 17 feet and under.....	01
From Bonnechère Point to Arnprior—	
Saw-logs, 17 feet and under.....	·0065
From Bonnechère Point to Chats Rapids—	
Saw-logs, 17 feet and under.....	·01
From Arnprior to Chats Rapids—	
Saw-logs, 17 feet and under.....	·00275
From Quio booms, Mohr's Island boom and Buckain's Bay to Aylmer or Deschênes Rapids—	
Saw-logs, 17 feet and under.....	·01
From Quio boom to Buckain's Bay—	
Saw-logs, 17 feet and under.....	·003
From Quio boom to Mohr's Island boom—	
Saw-logs, 17 feet and under.....	·002

On the foregoing stretches the towing rates on timber, other than saw-logs 17 feet and under, will be:—

- Red and white pine, tamarack, spruce and hemlock, round or flatted, over 17 feet and under 25 feet long, per piece, $1\frac{1}{2}$ saw-log towing rate.
- Red and white pine, tamarack, spruce and hemlock, round or flatted, 25 feet to 35 feet long, per piece, $1\frac{3}{4}$ saw-log towing rate.
- Red and white pine, tamarack, spruce and hemlock, round or flatted, 35 feet and upwards, per piece, $2\frac{1}{2}$ saw-log towing rate.
- Red and white pine, tamarack, spruce and hemlock, square, per piece, 4 saw-log towing rate.
- Firewood, shingle and other lumber, per cord, 8 saw-log towing rate.

NOTE.—Upon payment of the above specified towing rates a rebate of fifty per cent thereof will be allowed on saw-logs, 17 feet and under in length, having a no greater diameter at the smaller end than twelve inches.

Public Works.

RAFT TOWING.

	Per Crib.
From Des Joachims to Head of Narrows.	80 cts.
Narrows to Allumette Rapids.....	20 “
Allumette Rapids to Paquette’s Rapids.....	40 “
Petewawa to Allumette Rapids.....	40 “
Head of Coulonge Lake to Lapasse.....	40 “
Lapasse to Bryson.....	30 “
Chenau boom to Chats Rapids.....	60 “
Bonnechère Point to Chats Rapids.....	50 “
Arnprior to Chats Rapids.....	25 “
Quio boom to Deschênes Rapids.....	75 “

Towing per hour where there is no specified rate per piece or per crib :—

	Per hour.
Steamers :—Dauntless, J. L. Murphy, G. H. Perley, C. B. Powell, Alex. Fraser, Albert and Monitor.	\$6 00
Steamers :—Hiram Robinson, Castor and Pembroke..	5 00
Steamer :—G. B. Pattee	2 00

Vide Canada Gazette, vol. xxv., p. 1748.

Railways and Canals.

By Order in Council of the 29th day of September, 1891, in pursuance of the provisions of clause 226 of “The Railway Act,” 51 Victoria, chapter 29, the following uniform classification of freight, being the Canadian Joint Freight Classification No. 8, was authorized; such classification to take effect from the 1st day of October, 1891, and to apply to railway freight traffic, to and from all points within the Dominion of Canada.

CANADIAN JOINT FREIGHT CLASSIFICATION No. 8, 1ST OCTOBER, 1891.

Adopted by

BRANTFORD, WATERLOO AND LAKE ERIE RAILWAY.	MANITIBA AND NORTH-WESTERN RAILWAY.
BOSTON AND MAINE RAILWAY (in Canada).	MICHIGAN CENTRAL RAILROAD (Canada Division).
BROCKVILLE, WESTPORT AND SAULT STE. MARIE RAILWAY.	NEW BRUNSWICK AND PRINCE EDWARD ISLAND RAILWAY.
BUCTOCHE AND MONCTON RAILWAY.	NIAGARA CENTRAL RAILWAY.
CANADA ATLANTIC RAILWAY.	NOVA SCOTIA CENTRAL RAILWAY.
CENTRAL ONTARIO RAILWAY.	NORTHERN PACIFIC AND MANITOBA RAILWAY.
CENTRAL VERMONT RAILROAD (in Canada).	PONTIAC PACIFIC JUNCTION RAILWAY.
CUMBERLAND RAILWAY AND COAL COMPANY.	PRINCE EDWARD ISLAND RAILWAY.
ERIE AND HURON RAILWAY.	QUEBEC CENTRAL RAILWAY.
GRAND TRUNK RAILWAY.	QUEBEC AND LAKE ST. JOHN RAILWAY.
INTERCOLONIAL RAILWAY.	BAY OF QUINTE RAILWAY AND NAVIGATION CO.
KINGSTON AND PEMBROKE RAILWAY.	THOUSAND ISLANDS RAILWAY.
KINGSTON, NAPANEE AND WESTERN RAILWAY.	TÉMISCOUATA RAILWAY.
LAKE ERIE, ESSEX AND DETROIT RIVER RAILWAY.	WESTERN COUNTIES RAILWAY.
MAINE CENTRAL RAILWAY (in Canada).	WINDSOR AND ANNAPOLIS RAILWAY.

*Railways and Canals.**Explanation of Terms and Characters used.*

The number of the class is given opposite each article :—1, 2, 3, 4, 5, 6, 7, 8, 9, 10, stand for first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes respectively ; 1½ stand for once and a-half first class ; D-1 for double first class ; 3-1 for three times first class ; 4-1 for four times first class ; C.L. stands for car load ; L.C.L. for less than car load : O.R. stands for owner's risk ; K.D. stands for knocked down ; S.D. stands for single deck ; D.D. for double deck.

Articles not enumerated should be classed with similar or analogous goods.

For tables of estimated weights, &c., see at end.

Special Regulations and Conditions.

Rule 1. The minimum weight for car loads of 1st, 2nd, 3rd, 4th, 5th, 6th and 9th class freights, is 20,000 lbs. per car ; and for 7th, 8th and 10th class freights, 24,000 lbs. per car, unless otherwise specially stated. Car loads to be entitled to C.L. rate must be from one shipper to one consignee. All cars may be loaded up to their full capacity at L.C.L. or C.L. rates, as the case may be. Refrigerator cars, when supplied for perishable or other freight, will be charged ordinary rates for 1st, 2nd, 3rd, 4th, 5th or 6th class traffic, but if traffic lower than 6th class be loaded, the minimum charge will be C.L. at 6th class rate.

2. Mixed freight will not be taken at C.L. rate, but each description must be weighed and charged as per classification, except as otherwise provided for in this classification, but when a number of different articles of the same class in car loads embraced in one line of trade are shipped at one time by one shipper to one consignee at one point of delivery in full car loads, they shall be taken at the rate per 100 pounds for such class in C.L. This rule will not apply on mixed shipments of groceries, hardware, dry goods, iron, &c., but only to different articles of one straight line of trade. This will not apply in cases where two or more shippers or consignees arrange to aggregate a car lot and ship in one name, but is intended to apply only on *bonâ fide* car lots from one shipper to one consignee. In the event of shippers or consignees not strictly observing this rule or erroneously describing any portion of the consignment, the shipment must be itemized, and each shipment charged L.C.L. as per classification.

3. When more than the car load weight of one article is shipped in one day by one consignor to one consignee, the established rate for a car load should apply on the entire lot, although it may be less than two full car loads (except as noted in latter part of this rule) ; the actual weight of the balance to be charged for at the C.L. rate, reference being made on the way-bill for the balance of the lot, to the way-bill for the full car load or loads.

This, however, will not apply on shipments of agricultural implements, machinery, live stock, vehicles, furniture, woodenware, baskets, empty barrels, casks or boxes, flour, hay, coal, scrap iron, and all bulk freights commonly carried in C.L. lots, as grain, mill feed, lumber and other rough forest pro-

Railways and Canals.

ducts, joiner's work, lime, brick, &c., also all light or bulky goods which will not load 20,000 lbs. per car. In all such cases excess lots for which an extra car is necessary will be charged at the L.C.L. rates.

4. Freight from one shipper to one consignee should not be charged more for a smaller than for a greater quantity, where varying quantities of the same description of goods are classed differently. For instance: 4 brls. of ale, &c., should not be charged more than for 5 brls.; 49 brls. of apples and under should not be charged more than for 50 brls.; 129 brls. or under should not be charged more than for 130 brls.; 120 brls. flour should not be charged more than for 125 brls; nor should an L.C.L. weight at a higher class be charged more than the sum for a C.L., where C.L. classification of the same freight is given.

5. Where C.L. is not quoted, the classification given is to apply irrespective of quantity.

6. All articles, except as otherwise specified, will be taken at actual gross weight, provided, however, that any article not otherwise provided for herein, too large to be loaded in an ordinary box car and requiring a platform car for carriage (whether full capacity of car be occupied or otherwise), if 6,000 lbs. weight or under, will be charged a minimum of 20,000 lbs. 10th class, if over 6,000 lbs. and up to 12,000 lbs. will be charged a minimum of 20,000 lbs. at 7th class, and if over 12,000 lbs. a minimum of 20,000 lbs. at 6th class. These minimums will not apply in cases where the actual gross weight as per classification would give a higher charge. This arrangement will not apply west of Port Arthur.

7. All articles marked at O.R. in this classification, must be so receipted for by agents, and the words "owners' risk" written in full on the shipping notes and receipts. Articles marked "released" must also be so receipted for, and shippers or owners must duly execute a release in duplicate on the company's forms. Provided, however, that in cases where shippers decline to accept such receipts endorsed "owners' risk," or to sign such releases, the goods may be received for shipment on ordinary shipping notes and receipts without above endorsement at fifty per cent in addition to the rates which would be charged if shipped at owner's risk ^{and} released, with the exception of plate glass, which will be at double the rates which would be charged if shipped at O.R. released.

8. Special attention is directed to articles marked as "not taken unless by special contract, &c." Agents must always apply for rates, and for permission to carry such traffic before accepting or receipting for it.

9. Dynamite, dualine, gun cotton, giant powder, Hercules powder, or other explosive compounds not provided for in this classification, will not be received or transported.

10. Grain, bran, feed, malt, &c., in bulk, and all other bulk freight, must always be receipted for "more or less," and these words written in full. Agents, however, must in all cases obtain from shippers a full statement or declaration on shipping bills of the correct quantity of all bulk freight loaded in or on each car; such declaration should show quantity, weight or measurement, in accordance with the common or commercial standard under which such traffic is sold, such as:—Bush.: wheat, pease, barley, potatoes, &c.

Railways and Canals.

Tons : bran, feed, &c. Square feet or toise : stone, &c. Feet (board measure) : lumber, &c. Thousands : lath, shingles, staves, &c. Cords : wood, stave bolts, bark, posts, shingle bolts, slabs, poles, &c.—with statement as to description, and whether “green,” “partly seasoned,” or “dry,” of all forest products. In signing receipts, agents must be particular to note “said to be” as to quality and “more or less” as to quantity.

11. All heavy freight, of 2,000 lbs. or over per piece or package, of 1st, 2nd, 3rd, 4th and 5th classes, also heavy freight, and all bulk freight, in 6th, 7th, 8th, 9th and 10th classes, is to be loaded and unloaded by owners. At points where the companies provide a cartage service, it must be understood that heavy articles, and bulk freight above referred to, will not be carted or handled by the companies, unless by special arrangement, and at the expense of the owner, in addition to the rate

12. Bulk freight in less than car loads will not be taken.

13. When fruit, vegetables and other property, liable to damage by frost, are shipped in winter (1st November to 30th April, except as per note below), one man will be passed free with one or more cars to care for the fires and protect the property from freezing. No return pass to be given. The stoves, if returned, to be charged same as “empties returned.” When shippers put stoves in cars, agents must see that all reasonable precaution is taken against damage to the car or train, and receipts in all such cases must be given at “owners’ risk of fire.” Passes will not be given to men in charge of trees or shrubbery.

NOTE.—Perishable freight for Manitoba and the North-west must be prepaid between 10th October and 20th May.

14. Agricultural implements, machinery, vehicles and other bulky traffic on flat cars, should not be loaded to exceed eleven feet six inches in extreme height above the top of the rail, and nine feet in extreme width, and should be well secured by iron rods, wire, or wooden bars passing over the load and connecting the upper ends of the stakes in such a manner as to prevent spreading. When these conditions are not complied with, the companies reserve the right to either refuse the freight, or to remove any excess from the car and forward it on another car, at full rates as per classification.

15. Small consignments of one class (except gunpowder), or including articles of several classes, will be charged at actual weight, according to the classification of each article, but no single shipment will be taken for less than 100 lbs., at 1st class ; minimum charge, 35 cents, which will include cartage at one cartage point, and 45 cents if carted by the companies’ cartage agents at two cartage points.

Railways and Canals.

CLASSIFICATION.

A

	L.C.L.	C.L.
Acetate of lime, in packages.....	4	7
Acids, in carboys, less than 2,000 lbs., O.R.	D	1
do do 2,000 lbs., and over do	1	
do do C.L., O.R.		4
do in iron drums, O.R.	3	5
Acids must not be taken for shipment by water, unless by special contract.		
Actinolite.....	4	10
Advertising boards, in bundles, prepaid.		
Aerated waters—Same as ale.	1	
Agate ware, not otherwise specified.....	1	
do do nested	2	4
Agolite or mineral pulp.....	4	7
Agricultural implements, as follows (subject to note at foot of this article):		
Binders, set up.....	D	1
do K.D.	2	
Corn cutters, planters, shellers.....	D	1
Cleaners, grain.....	D	1
Clover, hullers.....	D	1
Crushers, clod.....	1½	
do grain.....	4-1	
Cradles, grain, set up.....	D	1
do K.D. and boxed.....	D	1
Cultivators, set up.....	D	1
do K.D.	1	
Cutters, feed, set up.....	D	1
do K.D.	1	
Drills, grain and seed, set up.....	D	1
do do K.D.	2	
Fanning mills, set up.....	D	1
do K.D. and tied in bundles.....	1	
Fanning mills, common cars, 34 feet long and under; minimum, 14,000 lbs.	4	
Fanning mills, furniture cars, or racked platform cars; minimum, 20,000 lbs.	4	
Harrow, wooden, set up.....	D	1
do do K.D. in bundles.....	1	
do iron, set up.....	1	
do do K.D. in bundles.....	2	
do do disc, set up.....	1	
do do K.D.	2	
Harrow frames, without teeth, K.D. in bundles.....	2	
Hay or straw stackers, or rickers, K.D. flat, tied in bundles, wheels racked, actual weight.....	1	
Hay loaders, K.D. and closely packed do pitchers, K.D.	1	
do do tedders, set up.....	D	1
do do K.D.	1	
Manure spreaders, on wheels, set up.....	1½	
do do wheels off, K.D.	1	
Mowers, field, K.D.	2	
do lawn, set up.....	1½	
do lawn, K.D., boxed, handles boxed or in bundles.....	2	
Ploughs, common, set up.....	D	1
do do K.D., handles detached and tied in bundles.....	2	
Ploughs, gang, shovel or sulky, set up.....	D	1
do do do K.D.	1	
do riding, seats, poles, handles, &c., taken off (wheels on).	1	
Plough beams, wooden.....	3	
Potato diggers, common, set up.....	D	1
do do K.D., handles detached and tied in bundles.....	2	
Powers, dog.....	D	1
do horse, Pitt's or sweep.....	1½	

CLASSIFICATION.

A

	L.C.L.	C.L.
Agricultural implements, &c.— <i>Con.</i>		
Powers, horse, tread or endless chain.	3-1	
do steam (portable engines).....	1	
Presses, hay, set up, if loaded in box cars.....	1½	
Presses, hay, K.D.	1	
Rakes, horse, set up.....	D	1
do do K.D.	1	
do hand, wooden.....	1	
Reapers, single (or harvesters) K.D.	2	
Reaper and mower knives— <i>See hardware.</i>		
Reaping and mowing machines (combined), shipped in pieces.....	1	
Rollers, field, set up.....	1½	
do do K.D., seats and shafts off	1	
Rollers, lawn or garden (wood).....	1½	
do do (iron).....	1	
Sowers, grain or seed, set up.....	D	1
do do K.D.	1	
Sweep rakes, K.D., flat, tied in bundles, wheels racked.....	1	
Threshers, or separators.....	3-1	
Agricultural implements, not otherwise specified, light and bulky.....	D	1
Agricultural implements, all kinds.....		6
Agricultural implements and parts thereof, when returned to original manufacturers for repairs, by same route or line by which originally forwarded, to be one class lower than the tariff on new implements, but not less than 10th class.		
NOTE.—Agricultural implements, of 2,000 lbs. per piece or over, to be loaded and unloaded by owners.		
NOTE.—Agricultural implements are at owner's risk of breakage and chafing, and loss of small parts, in each and every case. For charges on any shipment of agricultural implements too large to be loaded in an ordinary box car, and requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)— <i>See rule 6.</i>		
Air brake appliances.....	3	5
Alabastine.....	4	7
Alcohol, spirit or wood—Same as liquors.		
Ale, beer and porter (bottled), in open cases, O.R., released.....	D	1
Ale, beer and porter (bottled), in boxes or barrels, O.R.	3	5
Ale, beer and porter in wood, O.R. fermenting, freezing or leakage.....	3	5
Ale, beer and porter, mixed cars, bottles packed in boxes or barrels, and in wood. Ale, beer and porter must be prepaid between 1st November and 30th April.		5
Almonds— <i>See nuts.</i>		
Alum in boxes.....	2	4
Alum in barrels or casks.....	3	4
Ammoniacal liquors, in wood.....	3	4
do do waters, in carboys.....	1	4
Ammoniacal waters, in bottles, packed in wood.....	1	
Ammoniacal waters, in barrels or drums.	3	4
Ammonia, carbonate, in jars, packed in wood.....	1	
Ammonia, carbonate, in kegs.....	2	4
do sulphate of, in casks, barrels or drums.....	3	4

Railways and Canals.

CLASSIFICATION.		L.C.L.	C.L.
A—Continued.			
Ammunition—Taken by special contract only.			
anchors—See iron.			
Aniline oil, in cans, packed in wood	3	4	
Animal pokes	1	6	
Animals, stuffed—See stuffed birds, &c.			
do in stone jars, packed in wood	2	4	
Annatto, in glass, O.R.	1		
do Anthracine (dry), in barrels	2	4	
Antimony	2	4	
Anvils—See iron.			
Apples—See fruits.			
Archery, in boxes	D	1	
Argols		3	
Arrowroot, in boxes or barrels	1		
Arsenic, in boxes or barrels	1		
do crude, in barrels	2	4	
Asbestos, manufactured in packages	2	4	
do (crude)	3	6	
do cement	4	10	
Ashes, pot, pearl and soda, in boxes, barrels or casks	4	5	
do coal or wood, in bulk		10	
Ash boilers and kettles	2	4	
Asphaltum	3	5	
Axes, in boxes, barrels or casks	3	5	
Axle grease, in cans or buckets	3	5	
do in boxes, barrels or casks	4	5	
Axles, iron—See iron.			
do wood	3	6	
Awnings—See tents.			
B			
Babbit metal	3	5	
Baby jumpers, in boxes	1		
Backing, for picture and looking-glass frames, in bundles	4	7	
Bacon, loose or in bags, O.R.	2	4	
do in boxes, barrels or casks	3	5	
Baggage, military. Taken by special contract only.			
Baggage trucks or barrows—See vehicles.			
Bags and bagging, in bales	3	5	
Bags, in bags	2	5	
Bags used in transporting flour, grain or vegetables over this road—See empties returned.			
Baking powder	2	4	
Balls or birds, sportsmen's glass or clay, in boxes or barrels, O.R., prepaid	1		
do cricket, baseball, &c.	2		
Balsam (crude gum), in barrels	3	5	
Balusters—See joiners' work.			
Bamboo, in bundles or cases	D	1	
Band boxes, not boxed or crated, O.R.	4-1		
do nested and crated, O.R.	3-1		
do do boxed, O.R.	D	1	
Barilla	2	4	
Bark, extract of, in casks, O.R.	1	4	
do tanners, box cars, 30 feet or under, minimum 20,000 lbs., flat cars and box cars over 30 feet, 24,000 lbs.			
do ground, in barrels, casks or sacks	3	5	
do slippery elm, in boxes, barrels or bundles		1	
Barley, pearl, pot and common—See grain.			
Barrels, empty—flour, sugar and apple, prepaid	D	1	

CLASSIFICATION.		L.C.L.	C.L.
B			
Barrels, empty—ale, oil and other iron-hooped barrels, casks or kegs, prepaid		1½	
do all kinds, C.L. 20,000 lbs., prepaid			10
do returned—See empties returned.			
Barrel covers		1	7
Barytes		3	5
Baskets, wicker, willow or rattan		4-1	
do wicker, willow or rattan, nested in bundles		3-1	
do stave and splint, nested, handles off or turned down		1½	
do flag, for mechanics' tools, nested	D	1	
do all kinds, C.L. 20,000 lbs.			10
Bath brick, in barrels or boxes		3	
Bath tubs, wood, tin or copper	D	1	6
do wood, tin or copper, nested or boxed		1	6
Batting, in bundles, O.R.	D	1	
do pressed in bales or cases		1	
Baseball bats, in bundles		2	
do in boxes		3	
Bay rum, in glass or stone, packed in wood, O.R.		1	
do in wood		2	
Beans—See grain.			
Bedding—See household goods.			
Bedsteads, iron—See iron.			
do wood—See furniture.			
Bee hives, set up	D	1	4
do nested		1	4
do K.D., in bundles, or packed in boxes or hives		3	5
Bees, in hives, O.R., released	3-1		3
Owners to load and unload. Man in charge of car load lots passed free.			
Bees' wax		1	
Beer—See ale.			
Beets—See vegetables.			
Bellows, O.R., released		1	
Bells, O.R.		1	
do small, in cases—See hardware.			
do cow, in cases		2	
Belting, leather or rubber, O.R.		2	4
Bent stuff—See carriage goods.			
Benzine or benzole, in wood—Same as coal oil. Must not be taken for shipment by water.			
Berries—See fruit.			
Bicycles—See vehicles.			
Billiard tables and fittings, K.D., boxed, O.R.		1	
Billiard tables, not boxed. NOT TAKEN.			
Binders' boards, O.R.		3	5
Bird cages, in boxes, O.R.	D	1	
Birds, stuffed—See stuffed birds, &c.			
Biscuits, in boxes or barrels		2	4
Bisulphite of lime, in barrels or hhd's		3	5
Bitters—Same as liquors.			
Blackening		2	5
Blackening, curriers', or liquid, in wood		3	5
Black lead		2	4
Blankets, in bales, O.R. chafing		1	
Bleaching salts		4	5
Blinds, wooden—See joiners' work.			
Block shells		3	5
Blocks, butchers'		3	
do pulley or tackle		3	5
Blowers, iron rotary		2	

Railways and Canals.

CLASSIFICATION.		B	L.C.L.	C.L.
Blue stone or vitriol, in kegs or boxes...			2	5
do do in barrels or casks.			3	5
Blueing, liquid, cake or ball			1	
Boats, racing—Taken by special contract only.				
do steam yachts or launches, O.R., released, 30 feet long or under, requiring a flat car for carriage—See rule 6.				
do canoes, 20 feet and under, estimated weight 700 lbs. each, O.R., released.			1	
do canoes, nested and crated (minimum for any one consignment 700 lbs. at first class)			1½	
do skiffs and pleasure boats, 15 feet and under, estimated weight 800 lbs. each, O.R., released.			1	
do skiffs, nested—Same as canoes, nested.				
do 20 feet and under, estimated weight 1,200 lbs. each, O.R., released.			1	
do over 20 feet, in box cars, estimated weight 2,000 lbs. each, O.R., released.			1	
do over 30 feet long. Taken by special contract only.				
do of all kinds (except, lumbermen's, &c.), in box cars, C.L. 20,000 lbs., O.R., released.			6	6
do or sleds, for hauling stone or clay.			3	6
do lumbermen's, and batteaux, under 30 feet, in box cars, one boat, 4,000 lbs., each additional boat in same car 2,000 lbs., O.R., released.			1	
do lumbermen's and batteaux, in box cars, C.L., 20,000 lbs., O.R., released.			10	
do of all kinds, requiring a platform car for carriage—See rule 6.				
Bobbins—Same as spools.				
Boilers (and fixtures, shipped together), 28 feet and under, loaded and unloaded by owners			1	6
do over 28 feet long—Taken by special contract only.				
do requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.				
Boiler compound, in kegs or barrels.			2	5
do flues or tubes			2	4
do plates—See iron.				
Bolster plates—See iron.				
Bolsters—feather, hair, &c.		D	1	
Bone black			3	5
do dust, in barrels or casks.			1	5
Bones, in sacks or casks, less than 10,000 lbs.			3	
Bones, in sacks or casks, 10,000 lbs. and over			4	
Bones, in sacks, casks or bulk, C.L.			10	
Bonnets—See millinery.				
Books, in boxes or cases.			1	
Boots and shoes, in trunks, O.R.			1½	
do do in cases.			1	
Boot crimps			1	
Borax			3	5
Borax			3	
Bottles—See glassware.				

CLASSIFICATION.		B	L.C.L.	C.L.
Bottle wrappers—paper, straw or wood, in bundles or boxes.			2	5
Bows—See carriage goods.				
Boxes, wooden, empty, prepaid		D	1	
do do nested or with inside divisions for bottles			1	
do do C.L., 20,000 lbs.				10
do egg cases and carriers		D	1	
do do with wooden pasteboard compartments for each egg (C.L., minimum 20,000 lbs.)			1	10
do butter, cheese, grease, fig, spice or ball, in crates, boxes or cases			1	
do paper, empty, not boxed, O.R.		4-1	6	
do do nested and crated O.R.		D	1	5
do do nested and boxed O.R.		D	1	6
do paper, K.D., flat, boxed, O.R.			2	4
Box stuff, in bundles or shooks			4	10
Brackets—See furniture.				
Bran and shorts, in boxes and paper sacks, O.R., released.			3	8
do in bags or barrels, estimated weight, 200 lbs. per brl., lots under 5,000 lbs.				4
do lots 5,000 lbs. and over..			5	8
do mixed in paper sacks, O.R., sifting, bags or brls.				8
Brandy—See liquors.				
Brass, car brasses or bearings.			2	5
do manufactured, not otherwise specified			1	4
do in sheets, rolls, rivets or tubing.			2	4
do scrap			3	6
Bread, prepaid, O.R.				1
Brewers' finings (liquid) in casks or barrels.			2	4
Bricks, common			4	10
do fire			3	7
do terra cotta fire-proofing			4	10
do for stove-lining, loose, O.R.			1	7
do do in boxes or brls., O.R.			3	7
Brimstone—Same as sulphur.				
Bristles, in packages.			1	
Britannia ware, boxed			1	
Bromide of ammonia, in boxes or brls.			2	4
do potash do			2	4
do soda do			2	4
Bromide, in iron drums.			3	4
Bromine, in glass, packed in wood.			1	
Brooms, in bales, bundles or racks.			1	
do boxed, handles detached.			2	5
do —C.L., in common cars 34 feet long and under; minimum, 14,000 lbs.				4
Brooms in furniture cars, minimum 20,000 lbs.			1	4
Broom corn, pressed, in bales, O.R.			1	5
do handles—See handles.				
do racks, wooden			1	6
Bronze or metal ornaments, O.R.			1	4
do do crated or boxed, O.R.				2 5
Bronze powder, in cases.			1	
Bronzeware, in boxes or cases.			1	
Brush backs, wooden, in boxes.			3	5

Railways and Canals.

CLASSIFICATION.		L.C.L.	C.L.
<i>B—Continued.</i>			
Brushes, in boxes.....		2	4
Buckets, iron— <i>See</i> iron.			
do wooden— <i>See</i> woodenware.			
Buckwheat, meal— <i>See</i> flour and meal.			
do — <i>See</i> grain.			
Buffalo robes, in bales, O.R.	1	3	
Buggies— <i>See</i> vehicles.			
Bulbs and roots, in packages, prepaid, O.R.	1		
Bungs, wooden, in bags	2	4	
do do in boxes or barrels	3	4	
Burial cases, wooden or metallic, O.R., released	1	4	
Burlaps	3	5	
Burrstones or blocks	3	5	
Butter, in crocks, jars, baskets or pails, O.R.	1	3	
do in tubs, firkins, kegs, boxes or barrels, O.R.	2	3	
do in crocks or jars, not taken unless packed in boxes or barrels.			
Butter tubs and firkins.	1		
do do nested, covers in bundles.....	2		
Butter tubs and firkins—common cars 34 feet long or under; minimum, 14,000 lbs. per car..	4		
Furniture cars, or racked platform cars; minimum, 20,000 lbs. per car...	4		
Butter-workers, set up	1½		
Buttons, in cases or boxes.....	1		
C			
Cabbage— <i>See</i> vegetables.			
Cables, chain— <i>See</i> chain.			
Calamine, in packages.....	3		
Caloric engines	1		
Camphene, in wood only, O.R.	1		
This freight must not be taken for shipment by water, except by special contract.			
Camphor gum.....	1		
Canada plate	3	5	
Candied peel, in boxes or barrels	1		
Candles, tallow.....	3	5	
do wax and paraffine.....	2	4	
Canes, walking, in bundles.....	D	1	
do in boxes	1		
Cane splints, in bundles.....	1		
Canned goods—fish, vegetables, berries, fruit and potted meats.....	3	5	
Cannon and cannon balls—Taken by special contract only.			
Cant hooks and peaveys	2		
Canvas, in rolls	1		
do in bales.....	2		
Capstans.....	2		
Carbon points (electric light).....	1		
Carboys, empty, O.R	1	6	
Car brasses— <i>See</i> brass.			
Cardboard, in cases.....	2		
Cards, in cases—Same as stationery.			
Carpenters' tools, in chests.....	1		
Carpets and carpeting, in bales, O.R. of chaffing.....	1	3	
Carpet lining and stair pads.....	1	3	
do sweepers, loose, O.R.	D	1	
do do boxed	1		
Carriages— <i>See</i> vehicles.			

CLASSIFICATION.		L.C.L.	C.L.
C			
Carriage goods, as follows:—			
Bows, in bundles		1	
Carriage stuff, not otherwise specified.		2	
Hubs		3	
Hub-blocks		4	10
Rims or felloes		3	
Running gear, wheels off.....		1	
Shafts, unfinished in bdls., tongues and poles		3	
Spokes, in bundles.....		3	
Thills, finished.....	D	1	
do unfinished, in bundles		3	
Thimble skeins— <i>See</i> iron.			
Wheels, finished, without tires.....		1½	
do do with tires.....		1	
do unfinished, in white, without tires		1	
do unfinished, in white, with tires		2	
Whiffletrees, unfinished, in bundles....		3	
Carriage goods and bent stuff (except hub blocks).....			6
Cars, railway, on own wheels, O. R., released:—			
Sleeping cars.....	each, 15c	per mile.	
Passenger cars	do 12c	do	
Mail, baggage or express cars.....	do 10c	do	
Freight box cars	do 8c	do	
Platform and coal cars	do 6c	do	
4-wheel box, platform or coal cars.....	do 5c	do	
Minimum charge, \$6.00			
Railway cars requiring transportation on other cars, taken by special contract only.			
Cars, railway, on own wheels—one man will be passed free in charge of each shipment of passenger cars on their own wheels.			
No return passes to be given.			
Cars, street, 1-horse, estimated weight 6,000 lbs		1	4
Cars, street, 2-horse, estimated weight 8,000 lbs.....		1	4
Cars, hand, push or logging, set up.....		1	6
do do K.D.		3	6
Car pushers		3	
Car springs, rubber, spiral or elliptic....		3	5
Car wheels and axles		4	7
Cartridge shells or cases, empty		1	
Cartridges, metallic (when authorized to be taken) closely and securely boxed..		1	
Carts— <i>See</i> vehicles.			
Cash registers, boxed, O.R. released....		1	
Cassia, in bales or boxes		1	
Castor oil, in tin or glass, boxed		1	4
Castor oil, in casks, O.R. of leakage		2	4
Catsup, in glass, boxed, O.R.		1	
do in kegs, or casks, O.R.		3	
Cattle food, patent or concentrated, in boxes, barrels or bags.....		3	5
Cattle food, chopped straw, hay, ensilage, and similar common cattle food..		4	8
Cattle tails.....		2	
Cedar posts and ties—Taken by special contract only.			
Celluloid, in bundles		1	5
Celluloid, in boxes		2	5
Celluloid goods, in boxes.....		1	
Cement, in sacks or barrels.....		4	10

Railways and Canals.

CLASSIFICATION.		C	
		L.C.L.	C.L.
Cereals, not otherwise specified, rolled, pressed, cracked, dried or desiccated, in boxes.		3	5
Cereals, same in bags or barrels		4	5
Chain, other than cable, loose.		2	4
do do in boxes or barrels		3	5
Chain, cable, half inch and over.		3	4
Chalk, in boxes		2	
do in barrels or casks		4	
Charcoal, in sacks or barrels.		2	
do C. L., minimum 20,000 lbs. per car.		7	
Cheese, in crocks or jars, packed in cases, O. R.		2	4
Cheese, in boxes or casks, O. R. from weather.		3	4
Cheese presses—See machinery.			
Cheese safes, loose or in bundles.		4	1
do do crated.		3	1
do do boxed		D	1
Cheese setters.			1
Cheese or cream vats set up		D	1
Cheese or cream vats—legs and detachable parts taken off and crated.			1
Cheese or cream vats, requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.			
Cheese box stock		4	10
Chicken coops, prepaid.		D	1
Chicory, in cases.		2	5
do in bags or barrels.		3	5
Children's carriages, sleds, &c.—See vehicles.			
Chimney pots, zinc		D	1
do earthenware		2	4
Chlorate of potash, in kegs		3	5
Chloride of lime, in boxes.		3	5
do in casks or barrels.		4	5
Chloride of calcium, in boxes or barrels.		1	
do in drums		3	
Chocolate, in boxes		1	
Churns, loose.		D	1
do boxed or racked			1
Churns—loose, boxed or racked, common cars, 34 feet long or under; minimum, 14,000 lbs. per car.		4	
Furniture cars, or racked platform cars; minimum 20,000 lbs. per car.		4	
Cider—Same rates and conditions as ale.			
Cider mills and presses—See machinery.			
Cigars and cigarettes, in cases, securely strapped		1½	
Cigars and cigarettes, in cases, not strapped.		D	1
Cinnamon—See spices.			
Cisterns, wooden, set up.		D	1
do do K.D.		3	5
Cisterns, wooden, requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.			
Clams—See oysters.			
Clay, fire, potters, &c.		4	10
Clay birds or balls—See balls.			
Clocks and weights, boxed, O. R.		1	
Clothes lines—See cordage.			
Clothes frames or horses.		1	
Clothes, pins, less than 50 boxes.		2	
do do 50 boxes and over.		3	5

CLASSIFICATION.		C	
		L.C.L.	C.L.
Clothes wringers and washers, not boxed		1½	
do do boxed or crated		2	
Clothing (not personal effects) in trunks.	D	1	
do do boxed		1	
Clover seed—See seed.			
Cloves—See spices.			
Coal, mineral and coke		4	10
Coal facings.		3	5
Coal hods or scuttles, O. R.		1	
Coal oil—See oils.			
Cocoanuts, in boxes.		1	
do in boxes, barrels or casks.		2	4
Cocoanuts (desiccated) in pails or in glass, boxed, O. R. B.		1	
do do in boxes or barrels		3	4
Cocoa matting—See matting.			
Coffee, essence or extract, in cases.		1	
do do roasted, ground or unground, in sacks, boxes, barrels, or tins crated		3	5
do do in tins, not crated or boxed, O. R.		1	
do do green, in sacks or barrels.		4	5
Coffee mills.		1	
Coffins—See burial cases.			
Cogs, wooden, in boxes or barrels.		3	
Combs, in cases		1	
Concentrated lye		2	
Confectionery, O. R.		1	4
Contractor's plant, consisting of vehicles, derricks, tools and dredges.			6
Coopers' flags.		1	
Copperas, in boxes or kegs		2	5
do in brls. or casks.		3	5
Copperine.		3	5
Copper stills and worms.	D	1	
do bottoms, bolts, nails, sheets, rod, wire and ingots.		2	4
do vessels, very large—Taken by contract only.			
Copper, scrap and pig.		3	6
do ore.		4	10
do oxide.		3	
do manufactured, not otherwise specified.		1	
Copying presses.		1	
Cordwood—Taken by special contract only.			
Cordage, rope and rigging		3	5
do clothes lines, small cord and twine.		2	4
do do binding cord for harvesters, in bales or boxes		3	5
do do lath yarn		3	5
Corks and corkwood		1	4
Cork, ground, compressed in packages.		3	5
Cornices, metallic, in frame or open box do K.D., well boxed.	3-1	1	
Cornices, wooden		1	6
Cornice poles, in bundles or cases.		1	
Corn—See grain.			
Corn cakes, in cases		1	
Corn meal—Same as flour and meal.			
Corn, pop corn		2	
do do parched or popped		1	
do do sweet, dried		2	
do do cobs, C. L. 20,000 lbs.			10
do do husks—Same as husks.			
do do poppers—See hardware.			
Corsets, in cases.		1	

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
C—Continued.		D	
L.C.L.	C.L.	L.C.L.	C.L.
Cotton, not pressed, in bags or sacks, O. R. of fire	1 4	Dumb-bells, in boxes	3
do raw, pressed in bales, O.R. of fire	3 5	Dye stuff, not otherwise specified	1
do do raw, in cans, crated or boxed	3 3	do in sticks or bundles	2 4
do domestic, in cases	1 4	do in boxes, barrels or bags	3 5
do do in bales	2 5	Dye, liquid, in boxes or barrels, O.R.	1 4
do do in cases and bales, mixed	3	Dynamite. NOT TAKEN.	
Cotton goods	1	Dynamos, boxed, O.R.	1 4
Cotton seed meal	4 8		
Cotton waste, not pressed, in bags or sacks, O.R. of fire	1 4	E	
Cotton waste, pressed in bales, O.R. of fire	1 4	Earth closets, loose	1½
Crackers, in boxes or brls	2 4	do racked	1
Cracklings	4 7	Earthenware, in boxes, barrels or casks, O.R.	2 5
Cranberries—See fruits.		do in crates or hhd., O.R.	3 5
Creamers, set up	D 1 6	do loose, O.R., taken in C.L. only; loaded and unloaded by owners	6
do K.D. and boxed	1 6	do drain or sewer pipe	4 10
Cricket bats, wickets, &c., in boxes	1	Eavetroughs, metallic, loose	3-1 6
Crowbars—See hardware.		do do nested, in bdl.	D 1 5
Crayons, in boxes or barrels, O.R.	1	do do crated	1½ 5
Cream tartar	1	do do boxed	1 5
Crockery and stoneware, in boxes, barrels or casks, O.R.	2 5	do wooden	2 7
Crockery and stoneware, in crates or hhd., O.R.	3 5	Edge tools—See hardware.	
Cross arms—See telegraph supplies.		Eggs, in baskets or pails, O.R.	D 1
Croquet sets	1	do in boxes or barrels, O.R.	2 4
Crucibles, O.R.	1	do in patent carriers, O.R.	2 4
Crucibles, in boxes or casks	3	Egg cases and carriers—See boxes, empty.	
Cultivator teeth, in bundles	2 4	do carrier fillings—strawboard or wood, K.D. flat, in cases	2 5
do in boxes or casks	3 4	Elbows, corrugated—See stovepipe.	
Curling stones, O.R.	1	Electric light carbons, boxed	2 4
Currants—See fruit.		do globes or bulbs, glass, in packages, O.R.B.	D 1 3
Curtain fixtures, boxed or crated	1	Electric storage batteries, O.R.	1 3
do poles, boxed or crated	3 4	Electric instruments and fixtures, boxed, O.R.	1 3
do rollers and slats, in bundles or boxes	2	Electrotype plates, boxed, O.R., released	1
Cushions, carriage or sleigh, boxed	D 1	Elevator buckets, tin or iron, in bundles, crated or boxed	1
These articles must not be receipted for as part of any vehicle forwarded by railway.		Elevators, for buildings	1 6
Cutch	3 5	Emery, in cases	2
Cutlery—See hardware.		do wheels, boxed	2 4
		Emigrants' movables—See household goods.	
D		Empties, not otherwise specified, prepaid	D 1
Dates—See fruits.		do do do	
Deck, vault or floor lights—See glass.		C.L., 20,000 lbs.	10
Deer, in carcass, O.R.	D 1	Empties returned from original consignee to original shipper, every package to be fully marked or addressed, any quantity, prepaid	4
Dental goods	1	Empties, not fully marked or addressed. NOT TAKEN.	
Demijohns, empty, O.R.	D 1 4	Engines, locomotive and tenders on their own wheels, actual weight—shippers must declare weight—O.R., released. Locomotive engines must be accompanied by a person fully competent to take charge of and travel with them, who will be passed free under the same conditions and regulations as in case of man travelling in charge of live stock.	6
do in casks or cases, O.R.	1 4	Engines, portable or stationary—See machinery.	
Derricks too large to go into an ordinary box car, and necessitating a platform car for carriage—See rule 6.		Engravings—See pictures.	
Desks—See furniture.		Epsom or glauber salts—See salts.	
Detonators—Same as gunpowder.			
Dextrine, in bags, boxes or casks	3 5		
Dirt scrapers, hand	1		
Dowel rods or pins	3 6		
Dressed hogs, O.R. of weather	3 5		
Drugs and medicines, not otherwise specified, in boxes, barrels or casks	1		
Drums, in cases	4-1		
Dry goods, in trunks, O.R.	D 1		
do in bales, O.R. of chafing	1		
do in boxes	1		
Dualine. NOT TAKEN.			
Duck, in bales	2		

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
E		F	
	L.C.L. C.L.		L.C.L. C.L.
Essences and extracts, in packages, not otherwise specified	1		
Evaporators	D 1		
Excelsior, in bales	1 5		
This freight must not be taken for shipment by water.			
F			
Fancy goods, not otherwise specified, in trunks, O.R., released	D 1		
Fancy goods, not otherwise specified, in cases	1		
Fans, palm leaf, in cases	1½		
Farina, not otherwise specified, rolled, pressed, cracked, dried or desiccated, in boxes	3 5		
Farina, same in bags or barrels	4 5		
Faucets, wooden, in barrels or boxes	2		
Feathers, in boxes	4-1		
do in sacks	D 1		
Feather dusters, in boxes	D 1		
Feed steamers and evaporators, O.R.	D 1		
Feldspar	3 6		
Felt clippings, in boxes, barrels or bags, do for underlying carpet	3 5		
do do for roofing	4 5		
do boiler and pipe covering	2 4		
do do for saddlery purposes	2 4		
Fence posts and rails. Taken by special contract only.			
Fenders and fire irons, in boxes	2		
Fertilizers, in bags or barrels	4 10		
Figs—See fruit.			
Files—See hardware.			
Filters, O.R.	1		
Findings, shoe and leather, in cases	1		
Firearms, in boxes (not Government property)	1		
Fire crackers and fireworks, securely boxed, and marked to show contents, O.R.	D 1		
Fire engines, hand brake, estimated weight, 4,000 lbs., O.R.	1 6		
do steam, in box cars, actual weight	1 6		
Fire extinguishers, chemical, set up, do do in boxes, O.R.	D 1		
Fire extinguishers, chemical, 2 wheel, estimated weight 2,000 lbs., O.R.	1 6		
Fire extinguishers, chemical, 4 wheel, estimated weight 6,000 lbs., O.R.	1 6		
Fire extinguishers, hand grenades, boxed	3 5		
Fire kindlers, composition, do wood, boxed	3 6		
Fish, fresh or frozen, in packages or fish safes, on wheels, prepaid or guaranteed, O.R.	1		
Fish, fresh, in packages or frozen in bulk, prepaid or guaranteed, O.R.	4		
Fish, in fish safes on wheels, prepaid or guaranteed, O.R.	6		
Fish, in bulk or in fish safes on wheels, to be loaded and unloaded by owners.			
Fish, salted, dried or smoked, in hampers, O.R.	1 4		
do salted, dried or smoked in bundles, boxes or barrels, O.R.	2 4		
do pickled, in pails, casks or barrels.	4 5		
do canned—See canned goods.			

CLASSIFICATION.		CLASSIFICATION.	
F		F	
	L.C.L. C.L.		L.C.L. C.L.
Fishing nets, in bales, O. R. of chafing	1		
do do boxes	1		
Fishing rods, in bundles or cases	D 1		
Flax, in boxes, O. R.	2		
do in bales, O. R.	3 5		
do straw, in bales	3 7		
do seed—See seeds.			
do seed meal, in bags or barrels	4 8		
Flocks, in sacks or boxes, O. R.	1		
do hard pressed, in bales	3 5		
Florida water, in boxes, barrels or casks.	1		
Flour and meal in boxes and paper sacks, O. R., released	3 8		
Flour and meal in bags or barrels, estimated weight 200 lbs. per brl., lots under 5,000 lbs.	4		
Flour and meal in lots 5,000 lbs. and over	5 8		
Flour and meal mixed, in paper sacks, O. R. sifting, bags or brls.	8		
Flour in sacks should be charged actual gross weight—the following are considered actual weights: half brl. sacks 98½ lbs., quarter brl. sacks 49 lbs., eighth brl. sacks 24½ lbs.			
Flour-spar, in packages	3 6		
Fluters—See hardware.			
Fly traps, in boxes	D 1		
do do nested and boxed	1		
Food, prepared for children and invalids, in glass, packed, O. R.	1		
Food, prepared for children and invalids, in tin, packed	2		
Foots	4 5		
Forges, portable, O. R.	2		
Forks, hay and manure, in bundles, O.R. do wooden, in bundles, O. R.	2 5		
Foundry facings—Same as coal facings.			
Fountains and fixtures, soda, boxed, O.R.	D 1		
Fowls—See poultry.			
Frames, picture or looking glass, in bundles, O. R.	D 1		
Frames, picture or looking glass, in crates, O. R.	1½		
Frames, picture or looking glass, in boxes	1		
Freezers, ice cream	1½		
Fruits:—			
Apple cores or parings, in boxes or barrels	4 7		
Apple or fruit butter or sauce, in glass or stone, O. R.	1 4		
Apple or fruit butter or sauce, in cans or wood, O. R.	2 4		
Apples, evaporated or dried, in bags	1 4		
do do evaporated or dried, in boxes or barrels	3 5		
do do green, only carried at owner's risk of freezing; must be repaid and released between the 1st November and 30th April, as follows:			
do do in bags or boxes	1		
do do in brls., to be taken at actual weight, but not less than 150 lbs. per brl., as follows:			
do do under 50 barrels	2		
do do 50 and under 100 barrels	3		
do do 100 to 134 barrels	4		
do do carloads of 135 brls. and over	5		
do do in bulk	8		
Cranberries, prepaid, O.R.	2 4		

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
F—Continued.		F	
	L.C.L. C.L.		L.C.L. C.L.
Fruit—Continued.		Furniture, &c.—Continued.	
Oranges and lemons in packages, O.R. Must be prepaid and released between the 1st Nov. and 30th April.	1 3	Chairs, cane, reed, splint, slat and perforated wood seat, set up.	3-1
Fruit, fresh, in baskets, O.R. prepaid.	1½ 3	Chairs, willow or rattan.	4-1
do in boxes or brls., O.R., prepaid.	1 3	do camp, in bundles.	1½
do not otherwise specified, prepaid, O.R., released.	1 3	do folding.	D 1
Fruit, mixed cars fresh fruits, including apples.	3	do and step-ladders (combined) wood seat.	1
do dried—dates, figs in drums, raisins in boxes, not strapped.	1 4	do stuffed parlour furniture, tête-à-têtes and sofa lounges, set up.	D 1
do dried—dates, in boxes or brls.	2	do dentists' or barbers'.	D 1
do do raisins in boxes, strapped, currants, prunes, figs and berries, in boxes.	2 4	Chair or lounge frames.	1½
do do figs, in bags.	2 5	do legs and backs of, K.D.	1½
do do apricots and peaches, in boxes.	1 4	Church furniture, K.D., pew ends, backs, seats, mouldings, chancel rails, altars, pulpits, &c.	1
do do raisins in boxes of 50 lbs. each or over.	3 5	Common, in white or in rough, set up.	D 1
do do currants, raisins and prunes in barrels, kegs or bags.	3 5	do K.D. and closely boxed.	2
do in bags or mats, not otherwise specified.	1	Cradles, children's, wood or wicker-work.	3-1
do canned—See canned goods.		do iron.	1½
do preserved, not otherwise specified.	1	Folding beds or cots, folded.	1
do grapes, pressed in barrels, for wine making purposes.	3 5	Furniture, not otherwise specified, set up, wrapped or crated.	D 1
do brined—Same as pickles.		Furniture, not otherwise specified, set up and closely boxed.	1
Fruit driers, galvanized iron.	D 1	Marble slabs for furniture, boxed or crated.	1
Fuller's earth, in cases.	2	Mattresses, wire, K.D. and securely boxed.	3
Furnaces and furnace castings—See stoves.		do wire, hair, &c., set up.	D 1
Furniture. In less than carloads, O.R., released in each case, as follows:		do wire, rolled, in bundles or bales.	1
Bamboo, set up.	4-1	do hair, sea-grass, &c., in bales, canvased.	1½
do boxed or crated.	3-1	Night commodes.	1
Bed, sofa or chair springs, in bundles.	D 1	Rattan, in bundles.	1
do do in boxes or brls.	1	School furniture, not otherwise specified, K.D. and packed.	2
do do nested, in covered bundles.	1	do set up.	1
Bedsteads, wooden, common, set up.	4-1	School desks, set up.	D 1
do (common), finished, K.D.	2	do and seats combined, set up.	1½
do do in white, K.D. and bundled.	3	do and seats set up, folded.	2
do extra valuable, carved or elaborately finished, wrapped or crated.	D 1	do and seats, K.D., crated or boxed.	2
Bedsteads, iron, set up.	D 1	Spring beds, set up.	D 1
do K.D.	1	do folded or rolled in bundles.	1
Brackets, wood, boxed.	1	Spring bed frames.	D 1
Bureaus, wardrobes, washstands, dressing cases, desks, sideboards, wrapped or crated.	1½	Tables, extension, common.	1½
Bureau glass frames, K.D. in bundles.	1	do K.D., legs off.	1
do do K.D. and closely boxed.	2	Willow or rattan.	4-1
Camping tables and ironing stands (combined) K.D., and tied together.	1	Furniture and chair stock, in rough.	3 6
Chairs, set up and closely boxed.	1	do of all kinds, O.R. released, in carloads, common cars, 34 feet long and under, minimum, 14,000 lbs.	4
do set up crated or canvased.	D 1	do in furniture cars or racked platform cars, minimum, 20,000 lbs.	4
do wood seat, common, set up.	D 1	Furs, in bales, not otherwise specified.	D 1
do do folded flat and bundled.	1	do barrels or boxes.	1
do do common, K.D.	2	Fuse.	1½
do wood or cane, in bundles of four or more—partly K.D.	D 1	Fustic—Same as dye works.	
Chairs, cane, reed, splint, slat and perforated wood and hair seat, K.D., bundled or boxed.	1		

G

Gambier.	3 5
Gamboge, in cases.	1
Game, in boxes or barrels, prepaid, O.R.	1
Game traps.	1
Garden seats, rustic.	1
do iron.	2
Gas fixtures, in boxes, barrels or casks.	1

Railways and Canals.

CLASSIFICATION.			CLASSIFICATION.		
G			G		
	L.C.L.	C.L.		L.C.L.	C.L.
Gas machines, O.R.	D	1	(Glassware, not otherwise specified, in boxes or casks, O.R.)	1	4
do requiring a platform car for carriage (whether full capacity of car be occupied or otherwise) —See rule 6.			do not otherwise specified, in crates	2	4
Gas meters	D	1	Gloves, leather, woollen or cloth	1	
Gas retorts—See retorts.			Glucose, in packages	4	5
Gasoline, in wood	D	1 3	Glue, dry, in boxes or barrels	2	5
Gasoline—Must not be taken for shipment by water.			do liquid, in glass or tins, packed in boxes or barrels	2	5
Gelatine, in boxes	1		do stock or scrap, in sacks or barrels	3	5
Ginger, in cases	1		do do in bulk		7
Ginger ale—Same as ale.			Glycerine, refined, in glass or tin	1	
Ginseng	1		do crude, in barrels or drums	2	4
Glass, plate, or mirrors boxed, loaded in box cars	4-1	1	do nitro—NOT TAKEN.		
do plate, for mirrors, or mirrors, in boxes not over 5 feet long or wide, at owner's risk, released on special plate glass release form.	1	3	Gold and silver foil, or leaf—NOT TAKEN. (Should be shipped by express.)		
do plate, or mirrors, packages over 5 feet long or wide, in box cars, at owners' risk, shippers signing special plate glass release form.	D	1 3	Government supplies—Taken by special contract only.		
do plate, or mirrors, requiring the use of a flat or gondola car for carriage—Rule 3 not to apply—One case, minimum weight 12,000 lbs.	D	1	Grain, as follows:—		
Two or more cases, minimum weight 20,000 lbs.	D	1	Barley, pearl and pot, in boxes	3	5
Same—when shipped at owner's risk, shippers signing special plate glass release form—One case, minimum weight 12,000 lbs.			do do in bags or brls.	4	8
Two or more cases, minimum weight 20,000 lbs.			do common	4	8
Plate glass not in box cars to be loaded and unloaded by owners.			Beans, in boxes	3	5
Glass signs, O.R., released	D	1	do in bags or barrels	4	8
do showcards, boxed, O.R., released	D	1	Buckwheat	4	8
do ribbed, stained, ground, enamelled, coloured or embossed, boxed, O.R., released	1	4	Corn, sweet, pop, &c.—See corn.		
do common window, under 80 united inches, boxed, O.R., released	3	5	do common	4	8
do 80 united inches or over, O.R., released. United inches means the length and breadth of the package added together.	1	4	Malt	4	8
do broken or scrap, in packages	4	7	Oats	4	8
do lights, deck, vault or floor	3	5	Pease, dried or split, in boxes	3	5
do insulators, in barrels or boxes	3	5	do do in bags or barrels	4	8
Glassware, bottles—Ale, beer, porter, soda, mineral water, brandy, wine, bitters, prescription vials, fruit jars, lamp chimneys, in packages	3	5	do dried, common	4	8
do globes or bulbs, electric light, O.R. (minimum C.L. 16,000 lbs.)	D	1 3	Rye	4	8
do globes, gas or lamp, O.R. (minimum C.L., 16,000 lbs.)	1	3	Wheat	4	8
do globes, lantern, O.R. (minimum C.L., 16,000 lbs.)	1-3		Mixed cars of barley, oats, pease and wheat, in bags or barrels.		8
do globes, street lamp, O.R. (minimum C.L., 16,000 lbs.)	D	1 3	The general term "grain" will not apply on pot and pearl barley, beans, buckwheat or split pease on special "grain" tariffs, unless these articles are enumerated thereon as included in the special grain rates.		
			Granite—See marble.		
			Granolithic material and tools—Same as roofing material and tools.		
			Grates and grate castings, O.R.—See iron.		
			Gravel		10
			Gravestones—See marble.		
			Grease, in cans or buckets	2	
			do boxes or barrels	4	5
			Grindstones, O.R.	4	5
			do hand, set up	1	4
			do do boxed or crated	2	4
			Groceries, not otherwise specified	1	
			Guano—Same as fertilizers.		
			Gun, in packages	1	
			Gun stocks and barrels, in boxes	1	
			do in the rough, in boxes or bundles	2	
			Gunny	3	5
			Guns—See firearms.		
			Gunpowder, common black, in fireproof magazines, metallic kegs; kegs or cans securely packed in cases; at company's convenience.	D	1
			Minimum charge, \$1.		
			Gunpowder, common black, in lots of 10,000 lbs. or over	1	
			Gutta percha and gutta percha goods	1	
			Gypsum	4	10

Railways and Canals.

CLASSIFICATION.	H	
	L.C.L.	C.L.
Hair, in sacks.....	1	
do curled or rope, pressed in bales...	2	4
do plasterers', in sacks.....	1	
do do in barrels.....	2	
do do pressed in bales.	3	5
Hams— <i>See</i> meats.		
Handles, wood, finished.....	3	6
do do rough.....	4	7
Hardware, in trunks.....	1	
Hardware:—		
Bells, O.R.....	1	
Cant-dogs, clawbars, crowbars.....	3	5
Cutlery, corn poppers.....	1	
Cutter bars.....	3	5
Drag teeth, in packages.....	3	5
Files, in packages.....	2	
Fluters.....	1	
Forks, hand, in bundles.....	2	5
Hay knives do.....	1	
do do in boxes.....	2	
Hammers, sledge.....	3	
Harrow teeth, in packages.....	3	5
Hoes, in bundles.....	2	5
Jacks, hand, loose.....	2	
do do boxed or crated.....	3	
Pick-axes, loose or in bundles.....	2	
do do in boxes or casks.....	3	
Plough beams, iron.....	3	5
Plough castings, plough points, mould-boards, shares and wings in bundles.....	2	
Plough castings, in boxes or barrels.....	3	
Post augers.....	2	
Punches, iron (powder).....	3	
Rake heads, iron, in boxes.....	3	
Rake teeth, in packages.....	3	5
Rakes, hand, iron or steel heads, in bundles.....	2	5
Reaper and mower knives.....	3	
Rings (bull or hog), in boxes.....	3	
Sad irons, in boxes or barrels.....	3	
Scoops, in bundles.....	2	5
Screws, bench, iron, in boxes.....	3	5
Screws, iron or steel, in boxes.....	3	5
Screw and strap hinges.....	3	5
Scythes, in bundles.....	1	5
Scythes, in boxes.....	2	5
Scythe snaths, in bundles.....	1	5
Shot, in bags.....	1	5
do do in boxes or kegs.....	3	5
do do in small bags, or packets, enclosed in gunnies, O.R.....	3	5
Shovels and spades, in bundles.....	2	5
Staples, in boxes or kegs.....	3	5
Tacks, in boxes.....	2	
T and band hinges, in bundles.....	3	5
do do in boxes or barrels.....	3	5
Wrenches, in packages.....	3	
General hardware, not otherwise specified.....	2	
Mixed cars of forks, hoes, rakes, scythes, scythe-snaths, shovels and spades.....	5	
Harness— <i>See</i> saddlery.		
Hats and caps, in trunks.....	D	1
do do other than straw goods, in boxes.....	1	
Hats, straw, in boxes, bales or crates.....	1	
Hay, in bales.....	3	10
Cars under 34 ft., minimum 20,000 lbs.; cars 34 ft. and over, minimum 24,000 lbs. (inside measurement to govern).		

CLASSIFICATION.	H	
	L.C.L.	C.L.
Hay must not be taken for shipment by water unless specially authorized.		
Heading— <i>See</i> lumber.		
Headlights, not boxed, O.R.....	D	1
do do boxed, O.R.....	1	
Hemp, in boxes, O.R. of fire and water.	2	5
do do in bales do do.....	3	5
do do seed— <i>See</i> seed.		
do do machines— <i>See</i> machinery.		
Hercules powder—NOT TAKEN.		
Herrings— <i>See</i> fish.		
Hessians, in bales or rolls.....	3	5
Hides and skins:—		
Hides, dry, loose.....	1	3
do do pressed in bales.....	3	5
do do green, loose.....	1	3
do do do booked or bundled.....	3	5
do do salted or pickled, in barrels.....	3	5
Skins, dry—calf and sheep, loose.....	1	3
do do do in bales.....	2	4
do do deer and goat, loose.....	D	1
do do do in bales.....	2	4
do do peltries (fur), loose.....	D	1
do do do in bales.....	1	
Skins, green, calf and sheep, and sheep pelts, loose.....	1	
do do calf and sheep, and sheep pelts, pickled, in bales or bundles.....	2	4
do do salted or pickled, in brls.....	3	5
do do deer and goat, loose.....	1	
do do do in bales.....	2	3
do do peltries (fur), loose.....	D	1
do do do in bales.....	1	
Hide cuttings.....	3	5
High wines— <i>See</i> liquors.		
Hinges— <i>See</i> hardware.		
Hobby horses, set up.....	4-1	
do do do and boxed.....	D	1
do do K.D. and boxed or crated.....	1	
do do Shoe fly rockers, loose, O.R.....	D	1
do do Shoe fly rockers, crated or boxed, O.R.....	1	
Hogs, dressed— <i>See</i> dressed hogs.		
Hominy, not otherwise specified, rolled, pressed, cracked, dried or desiccated, in boxes.....	3	5
Hominy, same in bags or barrels.....	4	5
Honey, in boxes, kegs or cans.....	1	4
do do in barrels or casks.....	2	4
Hoofs and horns, in crates or bags, less than 10,000 lbs.....	3	
Hoofs and horns, 10,000 lbs. and over.....	4	10
Horn tips or ends, in packages.....	4	5
Hoops, hop poles, &c.— <i>See</i> lumber.		
Hops, in bags or boxes.....	1	
do do pressed in bales, actual weight.....	2	3
Horse nails— <i>See</i> nails.		
Horse-powers— <i>See</i> machinery.		
Horse-shoes— <i>See</i> iron.		
Hose, leather, rubber or other.....	2	4
Hose reels, lawn—set up.....	D	1
do do do K.D.....	1	
Hot water reservoirs.....	2	5
Household goods, O.R., released, prepaid.....	1	
do do do any shipment requiring a whole car for carriage, if 5,000 lbs. or under, to be charged 20,000 lbs.....		10

Railways and Canals.

CLASSIFICATION.			CLASSIFICATION.		
H			I		
	L.C.L.	C.L.		L.C.L.	C.L.
Household goods, if over 5,000 lbs. and under 10,000 lbs. to be charged 20,000 lbs.		7	Iron—Continued.		
do do 10,000 lbs. and over to be charged C.L.		6	Drums, empty	1	5
do do including live stock (not over 10 head per car), to be charged C.L.		6	Fence stays or guards	3	5
When a car contains horses, mules or cattle, one man in charge will be carried free (on same conditions as for live stock), but no free return pass will be given.			Fencing, railing	2	5
House movers' material		6	Filings	4	10
Houses, portable		7	Fireescapes, with or without water pipe—in sections not over 15 feet long, in bundles, boxes or crates	3	5
Hubs—See carriage goods.			Fountains, K. D.	1	4
Husks and hulls, in bags	1	10	Galvanized iron, zinc or tin eave or gutter pipes—Same as metallic eave-troughs.		
do do in boxes, barrels or bales	2	10	Grates and fronts, unfinished, in bundles, under 100 lbs. per bundle	1	5
do do (C.L. minimum 20,000 lbs. per car.)			Grates and fronts, 100 lbs. per bundle or over	2	5
			Grates and fronts, finished, O. R.	1	4
			do K. D. and boxed	2	4
			Hoops	3	5
			Horse-shoes	4	5
			Horse-shoes and nails, in boxes or kegs, in mixed cars		5
			Horse-weights, loose	1	
			do boxed	3	
			Lath, in bundles, O. R.	3	5
			do in crates or boxes	4	5
			Lead, white and red, in tins, loose	2	4
			Liquor, in wood, O. R.	3	5
			Mantles and fronts, set up, O. R.	1	4
			do K. D. and boxed	2	4
			Metallic ceiling	3	5
			do shingles, in packages	4	7
			do statuary and ornamental figures, crated or boxed, O. R.	2	5
			Nitrate of, in drums or casks	4	5
			Ore	4	10
			Pig and speigle	4	10
			Pipe, gas and water, light	3	5
			do 5 in. diameter and over	4	7
			do hot air, steam or water coil—Same as radiators.		
			Pipe fittings, in boxes, kegs or brls.	3	5
			Pots, pans and stove furniture, O. R.	2	4
			Pulleys	2	
			Pumps	1	
			Rings, or fifth wheels, carriages or wagon, in bundles	1	5
			Rings, or fifth wheels, carriages or wagon, in packages	2	5
			Rolls, loose, O. R.	1	5
			do boxed or wrapped in canvas, O. R.	3	5
			Roofing	3	5
			Russia (sheet) O. R.	1	4
			Safes, 10,000 lbs. each or over, O. R.	2	4
			do under 10,000 lbs. each, O. R.	3	4
			do of 1,000 lbs. each, or over, to be loaded and unloaded by owners.		
			Sash, shutters	2	5
			Scrap, including old rails, old wheels, &c.	4	10
			Shafting, wheels and pulleys attached	1	6
			do do detached	2	6
			Shafting requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.		
			Sheet, sheet galvanized, sheet tinned	3	5
			Ship knees	3	5
			Shovel blanks, without handles	3	5
			Sinks	1	4
			do nested	2	4
			Sleigh and cutter gear, K. D., in bundles	1	5
			Smoke stacks	3-1	

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
I—Continued.		K	
L.C.L.	C.L.	L.C.L.	C.L.
<i>Iron—Continued.</i>		Kaoline—Same as clay.	
		Kalsomine—Same as paints.	
		Knees, ship—See lumber.	
		do iron—See iron.	
		Knitting machines, hand, in boxes. 1½	
		do power—See machinery.	
		L	
		Lacrosse, in bundles. D 1	
		do in boxes. 1	
		Ladders. D 1 6	
		do step 1 6	
		Lamp black. 1	
		Lamps and lanterns, well packed, O.R. 1 4	
		Lard. 3 5	
		Lasts, tied in bundles or sacks. 1 5	
		do in boxes. 2 5	
		Last blocks. 10	
		Laths—See lumber.	
		Lawn tennis sets, in boxes. 1	
		Lead, white or red, in tins, loose. 2 4	
		do do packed in wood 3 5	
		do in kegs, casks, drums or irons 3 5	
		do bar, pig, sheet and pipe 3 5	
		do scrap 4 7	
		Leather, loose. 1 4	
		do in bundles, rolls, boxes or bales 3 5	
		Leather board 3 5	
		Leather, patent, in boxes 1	
		Leather scraps 3 5	
		Leather belting—See belting.	
		Lemons—See fruit	
		Lemon syrup, in glass, packed in wood. 1	
		do wood 2	
		Licorice—stick, root or mass. 1	
		do mass or paste, in boxes. 2	
		do powdered, in barrels 3	
		Lightning rods, in bundles. 1	
		do boxes. 3 4	
		Lime, common. 4 10	
		Lime fruit juice—Same as liquors, native.	
		Linseed—See seed.	
		Linseed meal—See flaxseed meal.	
		Liquors, in demijohns or baskets, O.R., released. D 1	
		Foreign wines, spirits and cordials, in glass, tins or jugs, securely packed in boxes or barrels, O.R., released. 1 3	
		do wines, spirits and cordials, in wood less than 2,000 lbs., O.R. of breakage, leakage or freezing 1	
		do wines, spirits and cordials, in wood, 2,000 lbs. and over, O.R. of breakage, leakage or freezing 2 4	
		Native wines, spirits and cordials, in glass, tins or jugs, securely packed in boxes or barrels, O.R. released 1 4	
		do wines, spirits and cordials, in wood, less than 2,000 lbs., O.R. of breakage, leakage or freezing 2	
		do wines, spirits and cordials, in wood, 2,000 lbs. and over, O.R. of breakage, leakage or freezing 3 5	
J			
Jacks, hand, loose. 2			
do boxed or crated. 3			
Japanware—Same as tinware.			
Japanese goods—Same as fancy goods.			
Japonica 3 5			
Jellies—See preserves.			
Jewellers' scrap or sweepings. 1			
Joiners' work (subject to note at foot of this article), as follows:—			
Blinds, inside, door and window. 1			
do outside, with slats, racked, O.R. 2			
Balusters and turned work, O.R. 2			
Counters, if in box cars, O.R. 1			
Door frames, O.R. 1			
Doors, loose, O.R. 3			
do racked or crated, O.R. 3			
Mantles, O.R. 1			
Mouldings in white, in bundles, O.R. 1			
do in boxes or crates. 2			
Panelled work, O.R. 3			
Planed and moulded boards, O.R. 2			
Shelving, baseboards, &c., O.R. 3			
Sashes, glazed, with common glass, well crated or boxed, O.R. 1			
Sashes, unglazed, O.R. 1			
Shutters, close, O.R. 2			
Joiners' work, not otherwise specified. 1			
do all kinds, in box cars. 6			
NOTE.—Joiners' work, requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.			
Junk 3 5			
Jute 3 5			

Railways and Canals.

CLASSIFICATION.		L	L.C.L.	C.L.
<i>Liquors—Continued.</i>				
Shipments of high-class liquors, such as Champagne, Burgundy, Moselle, &c., must be released.				
Litharge—Same as lead, red.				
Lithographic stones, in boxes, O.R. 1				
Live stock will only be carried at owner's risk, to be loaded, unloaded and fed by owners or at their expense, as follows:—				
In carloads at not less than the following minimum weights:—				
Horses, 20,000 lbs.			9	
Cattle, 20,000 lbs.			9	
Hogs, S.D., 20,000 lbs.			9	
do D.D., 25,000 lbs.			9	
Sheep, S.D., 18,000 lbs.			9	
do D.D., 24,000 lbs.			9	
<i>Hogs, sheep, calves or small cattle must not be loaded under larger cattle in same car.</i>				
<i>When small and large animals are shipped together in same car they must be kept separate by a partition; this rule, however, will not apply to milch cows with their calves.</i>				
The owners or drovers may be taken free on the same train with their live stock under the following regulations:—				
1, 2 or 3 cars	1	person.		
4, 5 or 6 cars	2	persons.		
7, 8, 9 or 10 cars	3	do		
Over 10 cars in 1 lot.	4	do		
Return passes will not be given.				
IN LESS THAN CAR LOADS, AS FOLLOWS:—				
Bulls, under one year old, 1,000 lbs. each	1			
do one year and under two years old				
3,000 lbs. each	1			
do over two years old, 4,000 lbs. each.	1			
<i>Cattle or horned animals:—</i>				
do one animal, 2,000 lbs.	1			
do two animals, 3,500 lbs.	1			
do three animals, 5,000 lbs.	1			
do each additional animal in same car,				
1,000 lbs.	1			
<i>Calves, under six months old, 500 lbs. each</i>				
do over six months and under one				
year, 1,000 lbs. each	1			
Cow and calf, together, 2,500 lbs.	1			
Colts under six months old, each 1,000 lbs.	1			
<i>Hogs, goats, sheep and lambs, not crated not taken, excepted by special authority.</i>				
Hogs, sheep, lambs and other small animals in boxes or crates, actual weight.	D	1		
Horses, mules, &c., one animal, 2,000 lbs.	1			
do do two animals 3,500 lbs.	1			
do do three animals 5,000 lbs.	1			
Horses, each additional animal in same				
car, 1,250 lbs.	1			
Mare and foal, together, 2,500 lbs.	1			
Stallions and jacks, 4,000 lbs. each.	1			
<i>Shetland or Welsh ponies, one animal</i>				
1,200 lbs., each additional animal in				
same car, 1,000 lbs.	1			
Minimum charge for any one animal \$1.				
Above weights and rates are based upon, and intended for animals of ordinary value only.				

CLASSIFICATION.		L	L.C.L.	C.L.
<i>Live stock—Continued.</i>				
Race horses and other valuable animals will be carried at the same weights and rates on condition that the owners sign a written agreement, as follows:—				
"At owner's risk of loss or damage arising from any cause whatever."				
This must be written on the face of the consignment note and receipt.				
Lobsters, fresh, in casks or boxes, O.R.			1	
do in tins—See canned goods.				
Logwood and logwood extract—Same as dye stuff.				
Looking glasses—See glass mirrors.				
Lumber, common, and other, to be loaded and unloaded by owners, will only be carried at the convenience of the company, and at the risk of the owners, shippers furnishing their own stakes.				
Lumber, common, to include:—				
Ash, birch, beech, cherry, cedar, chestnut, elm, hemlock, hickory, larch, maple, oak, pine, poplar, spruce, sycamore, tamarack, willow, staves, laths, shingles, clapboards, bolts, edgings, slabs, shooks, heads, hoops, hoop and hop poles, ship knees, blocks, raftmen's floats, oars, traverses, toggles and withes, pegwood, poplar and pulp wood			4	10
Lumber, common, planed, tongued and grooved			4	10
Pails, fence posts, telegraph poles and ties of all descriptions will only be taken by special contract.				
Mahogany, rosewood, walnut, lignum vite, and all other valuable hardwoods				
			3	7
NOTE.—All cars with lumber should be loaded to their full capacity, as marked upon them, at C.L. rate per 100 lbs. Cars without capacity marked upon them, should only be loaded with 24,000 lbs. All excess over the capacity of cars up to 2,000 lbs. each, shall be charged proportionate C. L. rate, but if the excess be over 2,000 lbs., the whole excess over the capacity of the car shall be charged L.C.L. rate as above; and the companies reserve the right to remove all the excess, at the expense of the owner, and forward the same on another car.				
Lye, concentrated.			2	
M				
Macaroni.			1	
Machinery or cattle cards			1	
Machinery (subject to note at foot of this article), at O.R. in each case, as follows:—				
Band saws			1	
Bark mills			1	
Bolt cutters			1	
Bran dusters	D	1		
Brick machines, set up.			1	6
do K.D.			3	6
Cards, cotton or woollen.	D	1		
Cob mills.			1	
Cornice machines or brakes.			1	
Cotton presses.			1	

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
M—Continued.		M	
	L.C.L.		L.C.L. C.L.
Machinery—Continued.		Majolica ware—Same as crockery.	
Cider mill presses.	1	Malt—See grain.	
Cheese presses.	1	Mangles, set up, not boxed	1½ 6
Ditching machines.	1	do do crated	1 6
Drag saws, with horse-power, sweep	1½	do K.D., and boxed	2 6
Dustless elevator separators, set up.	D 1	Manila, in bales, O.R.	3 5
do do K.D.		Manure, stable, in cattle cars only	10
and boxed.	1	Maple sugar—See sugar.	
Engines, portable or stationary	1	Maple syrup—See syrup.	
Hemp machines.	1	Marble, polished, carved or lettered, not boxed—NOT TAKEN.	
Horse-powers, sweep.	1½	do polished, carved or lettered, boxed, O.R., prepaid	1 5
do thread—See agricultural implements.		Marble slabs, blocks or spires, polished, not carved or lettered, boxed, O.R.	2 5
Knitting machines, power	1½	do slabs, blocks or spires, unwrought	4 7
Lathes, wood or iron	1	do tile, O.R.	4 7
Looms	1½	do dust in barrels	4 7
Meat choppers, in frame	1	do blocks, rough from quarry	2 10
Mortice machines	1	Marbles, in boxes or casks	2
Moulding machines	1	Masts—Taken by contract only.	
Nail machines	3	Matches, completely covered in paper or wooden boxes and securely packed in cases, less than 2,000 lbs., O.R.	D 1
Planing machines and jointers	1	do packed as above, lots of 2,000 and over, O.R.	1 5
Printing presses	1	do loose in cases—NOT TAKEN.	3
Purifiers, set up.	D 1	Match splints	3
do K.D. and boxed		Matte—Copper, nickel, or copper-nickel, value not to exceed \$100 per ton and to be so limited by written release	4 6
Re-sawing machines	1	Mattresses—See furniture.	
Road or drag scrapers, with wheels	1	Mats and rugs	1
do do without wheels	2	Matting—cocoa, hemp, &c.	1 4
Saw mills, portable	1	Meal—See flour and meal.	
Sawing machines	4-1	Measures, loose	D 1
Saw tables	1	do nested	1
Shearing machines	1½	Meats, fresh, prepaid, O.R.	1 4
Shingle machines	1	do bologna sausage, O.R., prepaid	2 4
Smut machines	1½	do mince and sausage, prepaid, O.R.	1 4
Stumping machines, K.D., detachable parts removed	2	do mince, in paper packages, packed in boxes, O.R., prepaid	2 5
Tenoning machines	1	do do salted, smoked or dried, loose	2 4
Machinery, not otherwise specified in frame, O.R.	1½	do do do in bags	2 5
Machinery, not otherwise specified, closely boxed, O.R.	1	do do do in boxes, barrels or casks	3 5
Machinery, heavy, K.D., not otherwise specified, 1,000 lbs. per piece or over, with connections and detachable parts, removed and boxed, O.R.	2	Mechanics' tools, in boxes	1
Machinery, all kinds	6	Medicines—See drugs.	
NOTE.—Engines or machinery requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.		Melons, prepaid, O.R.	1 6
Engines or machinery over 2,000 lbs. per piece, to be loaded or unloaded by owners.		Merchandise—shippers are required to give full description of contents of packages; all articles described as merchandise will be charged	D 1
Machinery, and parts thereof, when shipped to manufacturers for repairs, to be one class lower than the tariff on new machinery but not less than 10th class.		Merchandise in trunks, contents described, O.R., released	D 1
Machines, sewing, set up, not boxed or racked, O.R., minimum C. L., 16,000 lbs.	3-1 3	Metallic sacking, in packages	3 4
do do set up, boxed or racked, O.R., minimum C.L., 16,000 lbs.	1 3	Metallic shingles—See iron.	
do do K.D. and boxed, O.R.	2 4	Metal filings or dross	4 10
do do stands, K.D., in bundles	1 4	Methylated spirits—Same as liquors, native.	
Madder, in cases	2	Mica, manufactured, in packages	1 4
do in barrels or casks	3	Mica, pulverized or scrap, in packages	2 5
Magazines, returned empty, used in transporting gunpowder	4	Milk—Taken by special contract only.	
		Milk, cans, O.R.	1½
		Milk can stock, tin or iron, in parts, boxed or crated	2 4
		do condensed—Same as canned goods.	
		Mill boards—Same as binders' boards.	

Railways and Canals.

CLASSIFICATION.			
M			
		L.C.L.	C.L.
Millet—See seeds.			
Mill dogs.		1	
Mill feed—Same as flour and meal.			
Mill-stones—See stones.			
Millinery goods, in cases.	D	1	
Mineral waters—Same as ale.			
Mineral wool.		3	5
Moccasins—Same as boots and shoes.			
Models for statuary and stucco work.	D	1	
Molasses, in wood, O.R., of leakage.		3	5
Mops and mop sticks, in bundles.		1	
do do in boxes.		2	
Moss, in sacks.	D	1	
do in bales.		1	4
Mouldings, gilt or finished, in bundles.	D	1	
do do crated.		1½	
do do boxed.		1	
do common building—See joiners' work.			
Mucilage, in glass, packed in boxes or barrels.		1	
Mucilage, in tins, packed in boxes or barrels.		2	
Mucilage, dry, in boxes.		2	
Musical instruments, not boxed—NOT TAKEN.			
Musical instruments, pianos and organs, boxed and released, O.R.		1	4
Musical instruments, church organs, K.D., loaded and unloaded by owners, O.R.	D	1	6
Musical instruments, boxed, not otherwise specified, O.R.	D	1	
Mustard, in jars or tins, loose, O.R.		1	
do do packed in boxes.		2	
Mustard seed.		2	
N			
Nails and spikes, in bags.		2	5
do do in kegs, boxes or cases.		4	5
Nails and horse-shoes, in boxes or kegs, in mixed cars.			5
Naphtha—Same as coal oil. Must not be taken for shipment by water.			
Neck yokes.		2	
Nitro-glycerine—NOT TAKEN.			
Nitrate of soda—See soda.			
Notions, not otherwise specified, in trunks, O.R.	D	1	
Notions, not otherwise specified, in boxes, O.R.		1	
Nutzegs.		1	
Nuts, edible, in bags, O.R.		1	
do do in boxes or barrels.		2	4
O			
Oakum.		2	4
Oars, boat.		1	5
Oats—See grain.			
Oats, rolled—Same as flour and meal.			
Oatmeal—See flour and meal.			
Ochre, in cans, kegs or boxes.		2	
do do in barrels or casks.		3	5
Oil cans, glass, in tin jackets, crated or boxed, O.R.		2	6
Oil cans, tin, in wooden jackets or boxes.		1	6
Oil, in glass or stone, well packed, O.R.		1	
do in kegs or cans, securely boxed, O.R.		2	4

CLASSIFICATION.			
O			
		L.C.L.	C.L.
Oil, in wood, O.R.		3	5
do for machine or lubricating purposes, in wood, O.R.		3	5
Coal or mineral oil must not be taken for shipment by water.			
Oil-cake.		4	8
Oil-cloth, wrapped, crated or boxed, 13 feet long and over, loaded in box cars, O.R.		1	5
Oil-cloth, wrapped, crated or boxed, under 13 feet long, loaded in box cars, O.R.		2	5
Oil-cloth, requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)—See rule 6.			
Onions—See vegetables.			
Opticians' instruments, O.R.		1	
Oranges—See fruits.			
Ore :—			
Iron, lead, copper.		4	10
Matte—See matte.			
Nickel—Value not to exceed \$100 per ton and to be so limited by written release.		4	10
Silver, gold—Value not to exceed \$100 per ton, and to be so limited by written release.		4	7
Organs—See musical instruments.			
Ornaments—See plaster of Paris.			
Oxide of iron—Same as earth paints.			
Ox yokes.		2	
Oysters and clams, fresh, in cans or kegs, O.R.		1	3
do shell, in bags or barrels, O.R.		3	5
do do pickled—See pickles.			
Osiers (willow reeds) in boxes, bales or bundles.		2	6
P			
Pails—See woodenware.			
Paintings, pictures, engravings, chromos, &c., boxed and released, value not to exceed \$50 per package, and to be so expressed on shipping note.	D	1	
Paintings, over \$50, not exceeding \$200 in value, boxed and released.		3-1	
Paintings, over \$200. Taken by special contract only. Shippers must declare value.			
Paints, dry, in boxes, barrels or kegs.		3	5
do do in oil, in cans, jacketed, loose, O.R. of leakage.		1	
do do in oil, in cans or pails, boxed, crated or packed in barrels.		3	5
do do not otherwise specified, in barrels, kegs, drums or irons.		3	5
do do in buckets.		2	4
Palm leaf, in bundles.		1½	
Panorama and theatrical scenery, O.R.	D	1	4
Paper, stationery, in boxes.		1	
Paper goods, such as collars, &c., in boxes.		1	
Paper hangings, in bundles, O.R., of chafing.		1	3
do do boxes or pressed in bales.		2	4
do patterns, in cases, prepaid.		1	
do printing or wrapping, O.R.		3	5
do building and roofing, O.R.		4	5
do bags, in bundles, bales or boxes, O.R.		3	5
do stock—See rags.			
do boxes—See boxes.			

Railways and Canals.

CLASSIFICATION.	L.C.L.	C.L.
<i>P—Continued.</i>		
Paper, toilet, in boxes	3	5
Papier maché goods	D 1	
Paris-green, in boxes, brls. or casks.	2	4
Pasteboard, in bundles.	2	5
do boxes.	3	5
Paraffine wax.	2	4
do candles— <i>See</i> candles.		
Patent medicines, shipped by manufacturers	1	3
Patterns, wood or metallic, O.R.	1½	
Peaches— <i>See</i> fruits.		
Pease— <i>See</i> grain.		
do green— <i>See</i> vegetables.		
Pears— <i>See</i> fruit.		
Peat	3	10
Pelts and peltries— <i>See</i> hides and skins.		
Pencils, lead, in boxes.	1	
do slate, in boxes.	2	
Pepper— <i>See</i> spices.		
Pepper sauce	1	
Perfumery, in cases	1½	
Phosphate	4	10
Phosphorus, only taken in tins, hermetically sealed and well packed in boxes.	D 1	
Photographic material.	1	
Pianofortes— <i>See</i> musical instruments.		
Piano legs and stools, wrapped or crated	1	
do do boxed.	2	
Pickles, in glass or stone, well packed, O.R.	1	3
do kegs or barrels	3	5
Pictures— <i>See</i> paintings.		
Picture frames— <i>See</i> frames.		
Picture frame backing, in bundles	4	7
Pigs' feet, in boxes or barrels.	3	
Pillows, feather, hair, &c.	D 1	
Pill boxes	D 1	
Pile drivers—Same as derricks.		
Piles—Taken by special contract only.		
Pimento, in boxes or barrels	1	
Pins, toilet, in boxes.	2	
Pineapples, O.R., prepaid.	1	3
Pipe clay	3	
Pipe— <i>See</i> earthenware.		
Pipe, iron— <i>See</i> iron.		
Pipe, wooden	2	6
Pipes, smoking, not otherwise specified, in cases	1	
Pipes, smoking, common clay, in cases	2	5
Pitch, in barrels.	4	7
Plants, in boxes, prepaid, O.R.	D 1	
Plaster, land	4	10
Plaster of Paris and stucco, in barrels or bags	4	10
Plaster of Paris ornaments, in packages, O.R., prepaid.	D 1	
Plated goods or ware	1	
Plate, electrotype or stereotype.	1	
Plumbago, crude	3	5
Porcelain—Same as crockery.		
Pork— <i>See</i> meats.		
Porter— <i>See</i> ale.		
Potatoes, evaporated—Same as fruits (apples) evaporated.		
Potatoes, sweet, in bags or boxes, O.R.	1	
do common	4	8
do at O.R. of frost, and must be prepaid between Nov. 1st and April 30th.		
Pottery—Same as earthenware.		
Poultry, live, in coops, O.R.	D 1	6

CLASSIFICATION.	L.C.L.	C.L.
<i>P</i>		
Poultry, dressed, O.R., prepaid	1	3
Preserves, in glass or stone, well packed, O.R.	1	3
Preserves, in pails or buckets, O.R.	1	3
do kegs or casks.	2	4
Printed matter, unbound, in bundles, O.R., prepaid	1	
Printed matter, unbound, in cases, prepaid	2	
Prunes— <i>See</i> fruits, dried.		
Pulleys and blocks— <i>See</i> blocks.		
Pumice stone	2	
Pumps, iron or wood	1	4
Putty, in barrels, casks or boxes	3	5
<i>Q</i>		
Quicksilver, in iron flasks	1	
Quinces— <i>See</i> fruit.		
Quills, in boxes.	D 1	
<i>R</i>		
Radiators, including coils, boilers, pipes and fittings	3	5
Rags and paper stock, in sacks	3	10
do do pressed, in crates	3	10
do do pressed, in bales	4	10
Raisins— <i>See</i> fruit.		
Range boilers	2	5
Rattan— <i>See</i> furniture.		
Refrigerators, set up	1	
do K.D.	3	
do C.L., in common cars 34 feet long and under; minimum, 14,000 lbs.		4
do in furniture or racked platform cars; minimum, 20,000 lbs.		4
Rennets, in wood	2	
Retorts, O.R.	2	
Resin	3	5
Rice, in packages.	3	5
Road scrapers— <i>See</i> machinery.		
Roofing composition, in barrels or casks, do material consisting of sand, gravel, tar, cement, and roofers' implements	4	7
Roots, garden— <i>See</i> bulbs and roots.		
Roots, seneca, in bales, boxes or barrels, O.R.	1	
Ropes— <i>See</i> cordage.		
Rosewood— <i>See</i> lumber.		
Rubber, crude	3	5
Rubber goods, in packages	1	4
do belting, hose and packing	2	4
do old, scrap	3	5
do springs— <i>See</i> car springs.		
Rugs, in bales	1	
Rum— <i>See</i> liquors.		
Rushes, in bales or boxes	1	
Rye— <i>See</i> grain.		
Rustic work, light and bulky	D 1	6
<i>S</i>		
Saddlery:—		
Saddles and harness, loose or in bundles	D 1	
do do in trunks	1½	
do do in boxes	1	

Railways and Canals.

CLASSIFICATION.			CLASSIFICATION.		
S			S		
	L.C.L.	C.L.		L.C.L.	C.L.
Saddlery—Continued.			Shoe findings.		
Saddle-trees and sweat pads.	1		Shoe pegs, in boxes.	1	5
Hames, in bundles.	1		do in barrels or casks.	2	5
do in boxes or casks.	2		Shooks—See lumber.		
Horse collars, in sacks or bundles.	1½		Shorts—See bran.		
do in boxes or barrels.	1		Shot—See hardware.		
Saddlery hardware, in boxes or barrels.	2		Shower baths.	D	1
Saddlery and harness.		4	Show cases, O.R., released.		3-1
Safes, bread, meat, milk or cheese.	4-1		Shrubbery, loose, prepaid, O.R.	D	1
do iron—See iron.			do in bundles, prepaid.		1 5
Sago.	1	3	do in boxes, O.R., prepaid.		3 5
Saleratus, in boxes or barrels.	2		Sieves.	D	1
Salt, in small bags or boxes.	3	5	do nested and boxed.		1
do in sacks or barrels (or C.L. in bulk).	4	10	Sign boards—Same as advertising boards.		
do in glass, boxed.	2		Sisal, in bales.		3 5
Salts, Epsom.	1		Sizing, in sacks or barrels.		2
do Glauber, in boxes or barrels.	3	5	Slag, mill, and cinders, prepaid.		10
Saltpetre, in boxes.	2	5	Slate, floor, in barrels, casks or boxes.		4 5
do in barrels.	3	5	do school, in boxes.		2 4
Samples, in trunks, O.R., released.	D	1	do roofing, O.R.		3 10
Sand, in packages.	4		do manufactured and marbled, well boxed, O.R.		1 4
Sand.		10	do slab, manufactured, not marbled, well boxed, O.R.		4 5
Sand-paper.	2	5	do slab, manufactured, not marbled, not boxed.		5
Sand-screens.	D	1	do wash tubs, sinks and tanks, loose, O.R.		2 4
Sardines—Same as canned goods.			do wash tubs, sinks and tanks, nested, crated or boxed.		3 5
Sashes—See joiner's work.			Sleds and sleighs, children's or hand—See vehicles.		
Sashweights, loose.	1		Sleigh stuff—See carriage goods.		
do in bundles or boxes.	3	5	do shoes, iron and steel.		3 5
Sauces—Same as preserves.			Smoke stacks—See iron.		
Saur Kraut—Same as pickles.			Snowshoes, in bundles.	D	1
Sausage casings, in barrels or kegs.	2	5	do boxes.		1
Sausages—See meats.			Snow shovels, wooden, in bundles.		1
Sawdust and shavings.	3	10	Snuff, in jars or bladders.		1½
Sawbucks, wooden, packed in bundles.	2		do boxes, barrels, casks or kegs.		1
Saws, loose or on boards.	1		Soap, fancy, castile or toilet, foreign, in boxes.		1 3
do boxed.	2	5	Soap, fancy, castile or toilet, domestic.		2 4
do buck, in bundles.	1		do common, in boxes.		4 5
Sawing machines—See machinery.			do oil or soft, in barrels.		4 5
Saw-mills, portable—See machinery.			Soapstone, crude.		4 10
Scales and scale beams, not boxed.	1	4	do slabs and manufactured articles, O.R.		1
do do boxed.	2	4	do dust.		4 7
Scale boards.	3	5	Soda, bicarbonate, in boxes, kegs or barrels.		3 5
do weights, metal.	3	5	Soda, ash or sal soda, in boxes, barrels or casks.		4 5
Scoops, spades and shovels—See hardware.			Soda, caustic, in iron drums.		4 5
Screws, wooden.	2	5	do nitrate do.		3 5
Sculpture, prepaid, O.R., released.	D	1	do salt cake, in casks.		4 5
Scythe snaths—See hardware.			do silicate, in glass.		1
Scythe stones, in boxes.	3	5	do do in wood.		4 5
Sea-grass, pressed, in bales.	3	7	do water—See mineral water.		
Seed, bird, in packages, O.R.	1		do pearl and other washing powders.		3 5
do garden, in boxes, O.R.	1	4	Solder, in packages.		2
do blue grass or orchard, in bags or barrels, O.R.	1		Sparks arresters.	D	1
do clover, timothy or red top, O.R.	3	5	Spars—Taken by special contract only.		
do flax and hemp.	3	8	Spelter.		3 5
do field, not otherwise specified, in bags, boxes or barrels.	2	5	Spices—Cloves, cinnamon, pepper, all-spice, nutmegs, &c.		1 3
do tares.	3	5	Spice-meal.		2
do Hungarian and millet, O.R.	3	5	Spinning wheels.		1
do garden, returned unsold by same road over which originally shipped.	4		do heads.	D	1
Sewing machines—See machinery.			Spirts—See liquors.		
Shavings (brewers') in bales.	2	4			
Shellac, gum, in boxes or barrels.	1				
Shells, sea, in packages, O.R.	1				
Sheep dip, in kegs or barrels.	3	5			
Shingles, metallic, in packages.	4	7			
Ship bread (hard tack), in bags or barrels.	3	5			
Shoddy.	2	5			
Shoes—See boots and shoes.					

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
S—Continued.		S	
	L.C.L. C.L.		L.C.L. C.L.
Spirits of turpentine, in barrels or in cans securely boxed, O. R. of leakage.....	2 4	Furnaces requiring a platform car for carriage (whether full capacity of car be occupied or otherwise)— <i>See</i> Rule 6.	
This freight must not be taken for shipment by water.		Stove boards, loose, O. R.	1 6
Spoke drivers.....	1½	do boards, racked, O. R.	2 5
Sponges.....	D 1	do brick or lining— <i>See</i> fire brick.	
Spools, in crates.....	2 5	do plates, O. R.	2
do in cases.....	3 5	do plates, boxed or crated.....	3 5
do in bulk.....	7	do pipes and elbows, corrugated or other, loose or in bundles, O.R., released.....	4-1 5
Springs, with axles attached, wheels off.	1½	do pipes and elbows, in crates or boxes, O.R., and released.....	D 1 5
do rubber, steel, volute, spiral— <i>See</i> car springs.		do pipe, not jointed, nested and crated	3-1
do carriage, waggon and seat.....	2 5	do pipe, manufactured, in sheets, flat or round, nested, crated or boxed	3 5
do wire, coiled in bundles.....	D 1	do pipe, iron, manufactured, flat, crated.....	2 5
do wire, in boxes, barrels or casks.	1 4	do pipe, thimbles, stone, cement or asbestos.....	2
Stamped ware, nested in crates, boxes or barrels.....	3 5	do polish, liquid.....	1
Stamped ware of tin or sheet iron to be entitled to rate as such should be nested solid: That is, when the outside and bottom surfaces rest against the inside and bottom of the article below, without any intervening space between the outside and inside surfaces and will exclude articles with ears, handles, spouts, &c., attached, which nest, but not solid as above described.		Straw—Same as hay.	
Starch, in boxes, lots under 5,000 lbs....	2	do boards.....	3 5
do in barrels or casks, lots under 5,000 lbs.....	3	do goods not otherwise specified, in cases.....	D 1
do in boxes, barrels or casks, lots 5,000 lbs. and over.....	4 5	Stretcher stock, in bundles.....	4 7
Stationery, in trunks.....	1½ 4	Stucco and stucco work— <i>See</i> plaster of Paris.	
do in boxes.....	1 4	Stuffed birds, animals, fish, heads, horns, &c., boxed, O. R., released, prepaid..	3-1
Statuary— <i>See</i> sculpture.		Sugar, in boxes or kegs.....	2 5
Steam gauges, boxed.....	2	do in bags, barrels or hogsheads....	4 5
Steam jacket heaters.....	2 4	do lemon or maple.....	3 5
Steam shovels— <i>See</i> machinery.		do and syrup, mixed, in boxes, bags, barrels, kegs or hogsheads, O. R. leakage.....	5
Stearine.....	3 5	do grape—Same as grease.	
Steel—Same as iron.		Sugar evaporators— <i>See</i> evaporators.	
Steel castings— <i>See</i> iron.		Sulphate of copper, in boxes or kegs....	2 5
Stone, polished, carved or lettered, not boxed. NOT TAKEN.		do do in barrels or casks....	3 5
Stone, polished, carved or lettered, boxed prepaid, O. R.....	1 5	do iron, in boxes or kegs.....	2 5
Stone, slabs, blocks, spires, polished, not carved or lettered, in boxes, O. R.....	2 5	do do in barrels or casks.....	3 5
Stone, slabs or blocks, unwrought.....	4 10	do zinc, in boxes or kegs.....	2 5
do coursing and dimension.....	4 10	do do in barrels or casks.....	3 5
do tiling, floor.....	4 7	Sulphur, in bags, boxes or kegs.....	2 5
do rubble, cobble and field.....	10	do in barrels or casks.....	3 5
Stones, grind— <i>See</i> grindstones.		do in bulk.....	6
do scythe and whet.....	3 5	Sumac—Same as dye stuffs.	
do mill, finished, O. R.....	2 4	Sundries—Same as merchandise.	
do mill, rough.....	3 5	Superphosphate of lime, in barrels.....	4 7
Stoneware— <i>See</i> crockery.		Surgical instruments, O. R.....	1
Stone wash tubs, loose, O. R.....	2 4	Syrup, in glass or jug, boxed, O. R.....	1 4
do nested, crated or boxed, O. R.....	3 5	do in pails, kegs or barrels, O. R. of leakage.....	3 5
Stoves and stove furniture of cast or sheet only, not tinware, shipped with stoves, O. R.....	2 4	do in tins, not boxed, O. R.....	2 4
Stoves, sheet iron ovens, O. R.....	D 1 4	do do boxed.....	3 5
do oil, packed in boxes or crates, O. R.....	1	Syrup of hypophosphites, in boxes, barrels or casks.....	1
do gas, O. R.....	2 4	Switch gates, semaphores and signal material, iron or wood.....	4 7
do furnaces, O. R.....	2 4		
do furnaces castings—Same as iron castings.		T	
		Talc.....	4 7
		Tallow—Same as grease.....	
		Tamarinds, in jars, boxed.....	1
		Tanner's scrap, in packages.....	3 5
		Tapioca, in packages.....	1 3
		Tar, in kegs or buckets.....	2
		do in barrels.....	4 7

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
T		T	
	L.C.L. C.L.		L.C.L. C.L.
Tarpaulins	2	Tobacco, cut, in boxes or barrels	1 5
Tartaric acid, in cases or barrels	1	do do repacked in cases	2 5
Tea, in trunks	1½	do plug, in caddies, loose or tied together	D 1 4
do in chests or boxes	1 3	do plug, in caddies, two or three, strapped together with metal or wood, or firmly tied together with cord of not less than ¼-inch diameter	1
do in tins, not crated, O.R.	D 1	do plug, in caddies, four or more, strapped together with metal or wood, or firmly tied together with cord of not less than ¼-inch diameter	3 5
do in tins, crated or boxed, O.R.	D 1 3	do do in boxes or barrels	3 5
Teasels	D 1	do do in caddies, crated	3 5
Telegraph and telephone instruments and fixtures, O.R.	1	do do in skins	2 4
Telegraph supplies, viz. :—		do stems, in cases or hogheads	3 5
Top pins, in bags or boxes	3 5	Toboggans, loose	3-1 6
Cross arms, in bundles	4 7	do tied in bundles	D 1 6
Insulators in barrels or boxes	3 5	Tooth picks, in boxes	1
Tents, awnings and fixtures	1	Top pins—See telegraph supplies.	
Tentpoles, in bundles	2	Tow, in boxes, O.R.	2
Terra alba clay, in boxes	3 5	do pressed in bales	3 5
do in barrels or casks	4 10	Toys, loose or in bundles, O.R.	4-1
Terra cotta, O.R.	1	do in trunks or crates, O.R.	D 1
do architectural, for building purposes, O.R.	2 4	do in boxes, O.R.	1
Terra japonica—Same as japonica.		Trays, in racks or cases	1
Theatrical scenery, O.R.	D 1 4	Trees—See shrubbery.	
Thimble skeins—See iron.		Tricycles—See velocipedes.	
Thread, in boxes	1	Tripe, salted or pickled	3 5
Tickling—Same as cottons, domestic.		Tripoli	2
Tierces, empty—See empties.		Trunks, empty or filled with valises and satchels, O.R.	1½
Ties—See lumber.		do C.L. common cars, 34 feet long or under, minimum 14,000 lbs.	3
Tiles, drain or sewer	4 10	do furniture cars, or racked platform cars, minimum weight 20,000 lbs.	3
do roofing	3 7	Trunks, containing wearing apparel and personal effects will not be taken as freight, unless with shipment of household goods. When they are offered for shipment, agents will refer parties to express companies.	
do encaustic or enamelled, for floor, O.R.	1 4	Tubs, in nests—See woodenware.	
Tile machines—Same as brick machines.		Turned stuff—See joiners' work.	
Timber and logs, under 28 ft. long—Same as lumber.		Turnips—See vegetables.	
Timber and logs, over 28 ft. long. Taken by special contract only.		Turpentine—See spirits of turpentine.	
Tin crystals, in boxes or barrels	1 3	Twine—See cordage.	
Tin foil	1	Type, in boxes	2 5
Tin, pig or plate	3 5	Type-writing machines or caligraphs, boxed or crated, O.R., released	1
Tin troughs—Same as eavetroughs.			
Tin, scrap, in packages	4		
do do do or bulk	D 1 6		
Tinware, loose, O.R.	1½		
do nested, O.R.	1½		
do in crates, O.R.	1 4		
do in boxes or barrels	1 4		
do boxes or cans, small, 16 ozs. or under, packed in cases	2 4		
do nested, solid, no other goods in same package, in crates, boxes or barrels	3 5		
This will apply on articles of stamped tinware nested solid; that is when the outside and bottom surfaces of the article above rest against the inside and surface of the bottom of the article below, without any intervening space between the outside and inside surfaces, and will exclude articles with ears, handles, spouts, &c., which may nest, but not solid as above described.			
Tobacco, unmanufactured, in bales	1 5		
do do in hlds. and cases	3 5		
do cut, in pails, loose or tied together	D 1 4		
do do two or more, strapped together with metal or wood	1 4		

U

Umbrellas, in boxes

V

Valises, loose, O.R.	D 1
do in trunks, O.R.	1½
do C.L. common cars, 34 feet long or under, minimum 14,000 lbs. per car	3
do furniture cars or racked platform cars, minimum 20,000 lbs. per car	3
do in cases	1 4

Railways and Canals.

CLASSIFICATION.		CLASSIFICATION.	
V—Continued.		V	
L.C.L.	C.L.	L.C.L.	C.L.
Varnish, in cans when boxed, O.R.	1	Vehicles—Continued.	
do in wood, O.R. of leakage	2 4	Buggies, carriages, cutters and sleighs (wheels, shafts and poles taken off) all completely and closely boxed.	D 1
This freight must not be taken for shipment by water.		Buggy, carriage and sleigh tops (shipped separately) set up, boxed or crated	3-1
Vaseline, in glass, O.R.	1	Buggy, carriage and sleigh tops (shipped separately) K.D., flat, boxed or crated	1½
do in cans, boxed	2	Sleigh and cutter bodies, in white, crated	D 1
Vats, empty—Same as cheese vats.		Buggy bodies, in white, crated	D 1
Vegetables, evaporated—Same as fruits (apples), evaporated.		Buggy, cutter and sleigh bodies, unfinished, in white, closely boxed	1
Vegetables, green, O.R. prepaid—beans, beets, cabbages, carrots, cauliflowers, cucumbers, onions, parsnips, pease, turnips and tomatoes, in bags or crates in boxes or barrels	1 3	Hose carts or reels, 1,500 lbs. each	1
Vegetables, green, in packages or bulk, do not otherwise specified.	1 8	Hook and ladder waggons, 5,000 lbs. each	1
Vehicles, at O.R. of chafing and breakage in each case, and subject to note at foot of this article:—	1 8	Baggage trucks or barrows, set up, do do K.D.	1½ 1
Omnibuses, stage coaches, 5,000 lbs. each	1	Warehouse trucks or barrows, set up do do K.D.	1½ 1
Hearse, waggons and sleighs, extra large, 5,000 lbs. each	1	Wheelbarrows, set up, do do K.D., and nested	1½ 2
2-horse buggies, carriages, hacks, sleighs, waggons, express and pedlars' waggons, 3,000 lbs. each	1	Children's carriages, set up, loose, do set up, crated or boxed, do handles, wheels, &c., detached and tied together, canvased	4-1 3-1
1-horse buggy or carriage, with covered top, 3,000 lbs. each	1	do K.D. and crated, do K.D. and boxed	D 1 1
1-horse carriage, buggy, chaise, wagon, express or pedlars' wagon, cab, gig, phaeton or sleigh, 2,000 lbs. each	1	Children's carriage wheels, crated, do do bodies, wicker or willow, nested	D 1 D 1
1-horse cariole, calache, or cutter, 1,000 lbs. each	1	do sleds or sleighs, set up, loose or in bundles	D 1
1-horse carts, 2 wheels, 1,000 lbs. each	1	do sleds or sleighs, crated or boxed, do express waggons, set up, do do nested and racked, wheels separate express waggons, K.D. and boxed	D 1 1 1½
1-horse sulkies, set up, 800 lbs. each	1	Velocipedes—bicycles and tricycles, do do crated, do do closely boxed, do children's	D 1 1½ 1 4-1
Sulkies and road carts, K.D., crated or boxed	D 1	Vehicles, all kinds, C.L. common cars 34 feet long or under, minimum 14,000 lbs.	4
Sulkies and road carts, wheels off, not crated or boxed, finished	D 1	Vehicles, furniture cars, or racked platform cars, minimum 20,000 lbs.	4
Sulkies, unfinished, in white	1½	Vehicles, farmers' waggons, lumber waggons, carts and sleighs; minimum 20,000 lbs.	6
Democrat waggons, 2-horse, set up, 3,000 lbs.	1	NOTE.—Above estimated weights are for vehicles not too large to be loaded in an ordinary box car. Any single vehicle too large to go into an ordinary box car, and necessitating a platform car for carriage, will not be taken at less than 5,000 lbs.	
Democrat waggons, 1-horse, set up, 2,000 lbs.	1	Veneering, foreign, in boxes, do native	1 3 3 7
Democrat waggons, K. D., when loaded in box cars, minimum 1,500 lbs. per wagon	1	Venison, prepaid, O.R.	1 4
Lumber waggons, common, set up, 2,400 lbs. each	1	Vermicelli, in boxes	1
Lumber waggons, common, K.D., 1,200 lbs. each	1	Vinegar, in demi-johns, O.R.	1 3
Farmers' waggons, 1-horse, set up, 2,000 lbs. each	1	Vinegar, not otherwise specified—Same rates and conditions as ale.	
Farmers' waggons, 1-horse, K.D., 1,000 lbs. each	1	Vitriol—See blue stone.	
Farmers' waggons, 2-horse, set up, 2,400 lbs. each	1	Vitriol, oil of—Same rates and conditions as acids.	
Farmers' waggons, 2-horse, K.D., 1,200 lbs. each	1		
Buck-board buggies, set up, 1,000 lbs. each	1		
Buck-board buggies, K. D., and crated, wheels, shafts, &c., removed and shipped separately, actual weight	D 1		
Bob sleds, set up, actual weight, do K.D., in pieces	1½ 1		
Buggies, carriages, cutters and sleighs crated (wheels, shafts and poles removed and shipped separate)	D 1		

Railways and Canals.

CLASSIFICATION.		W	
		L.C.L.	C.L.
Wadding	D	1	
do pressed in bales or cases		1	
Warp beams, empty, not boxed	D	1	
do do boxed		1	
do do wrapped with warp, not boxed, O.R.	D	1	
do do wrapped with warp, crated or boxed		1	4
Warp, pressed in bales, O.R. of chafing.		3	5
Washboards, zinc and wood		2	5
Washing and wringing machines, set up, not boxed		1½	5
Washing and wringing machines, boxed or crated		2	5
Washing powders—See soda.			
Water lime—See cement.			
Water pipe—See iron.			
Waterwheels, iron—See iron.			
Wax, in boxes or barrels		1	
do paraffine—See paraffine wax.			
Weights—See scales.			
Well augers or boring machines, set up, do do K.D. in pieces		1½	6
do do K. D. and boxed		2	6
do do		1	
Whalebone			
Wheat—See grain.			
Wheat, cracked—See cereals.			
Wheelbarrows—See vehicles.			
Whips, in bundles		3-1	
do in boxes		1	
Whiskey—See liquors.			
White lead—See leads.			
Whiting, in boxes		3	5
do in barrels or casks		4	10
Wicker work, not otherwise specified		4-1	
Wicking		1	
Willow ware or work, not otherwise specified		4-1	
Willow reeds—See osiers.			
Window frames—See joiners' work.			
do shades and curtains, boxed		1	
do do mounted on rollers, complete, boxed		3	
Windmills, boxed or crated, K.D.		1	6.
Wine—See liquors.			
Wire, fine, in boxes		2	4
do barb, fence and telegraph, in coil.		4	5
Wire fencing and staples shipped by manufacturers in full car loads, for fence construction only		5	
do brass or copper, O.R.		2	4
do binding, for harvesters		4	5
do cloth		1	4
do do in rolls, 150 lbs. each or over.		2	4
do common, in coil		3	5
do coppered, galvanized or steeled, O. R., wet and rust.		3	5
do fencing or railing		1	4
do lath, in bundles, boxed or crated.		3	5
do picket fencing (with wooden pickets)		2	5
do do (with iron pickets)		3	5
do for fencing—cut in lengths and rolled in bundles		2	5
Staples shipped with wire for fence construction only L. C. L. Same rates as on the wire,			

CLASSIFICATION.		W	
		L.C.L.	C.L.
Wire netting or fencing, rolled in bundles		3	5
do rope, in coil		3	5
do insulated or covered, O.R.		2	4
do truss hooping, in coil		3	5
do woven door mats, in bundles, crates or cases		2	4
do work not otherwise specified	D	1	
Wood board		3	5
Wood cuts, in boxes, O.R.		1	
Wood fibre		4	10
Wood pulp		4	10
Wood spirits or alcohol—Same as liquors.			
Wood, turned—See joiners' work.			
Woodenware—			
Buckets, pails and tubs, nested		1	
Wooden buckets, crated		2	
Butter plates, nested and crated		2	
Wooden or fibre buckets or tubs, nested		1	
Not otherwise specified		1	
All kinds, C.L., in common cars 54 ft. long or under, minimum 14,000 lbs.			4
In furniture cars or racked platform cars, minimum 20,000 lbs			4
Wool, domestic, in sacks, any quantity.		1	
do foreign, compressed, in bales		3	5
Woollen goods		1	
Wool waste—Same as cotton waste.			
Wringing machines—See washing machines.			

Y

Yarn, in bundles or boxes		1	4
do pressed in bales		3	5
Yeast, liquid, in kegs or barrels		1	
do powder or cakes, in boxes or barrels		2	4

Z

Zinc, in sheet or rolls, in bundles		2	5
do do do in casks		3	5
do slabs or pigs		3	5
do scrap		4	10

TABLE OF ESTIMATED WEIGHTS TO BE USED WHEN ACTUAL WEIGHTS CANNOT BE ASCERTAINED.

	Lbs.
Ale, beer and porter, per imperial gallon.	10'60
do do per wine gallon	8'85
Lager beer, per imperial gallon.	10'50
do per wine gallon.	8'75
(Weights of barrels to be added.)	
Apples, green, per bush	56
do do per brl.	150
Barrels, empty, ale, beer and porter per hhd	125
do do do do brl.	75
do do do do ½-brl.	50
do do do do ¼-brl.	35
do lager beer, per brl.	85
do do do per ½-brl.	52
do do do per ¼-brl.	32
do do do per ⅓-brl.	20
do do do per ⅙-brl.	12
Brick, common, each.	4½
do pressed do	7
do fire do	7
Charcoal, per bush	22
Clay, per cubic yard	3,000
Coal, anthracite:—	
Nut, per cubic foot.	50
Stove do	53
Egg do	55

Railways and Canals.

TABLE OF ESTIMATED WEIGHTS, &c.

	Lbs.
Coal, bituminous—	
Blossburg, per cubic foot.....	53
Cumberland do	53
Pittsburg do	46
Clover Hill do	45
Pictou do	49
Coke, per bush.....	40
Grain—	
Barley, per bush.....	48
Beans do	60
do per brl.....	280
Buckwheat, per bush.....	48
Corn (shelled) per bush.....	56
do (in ear) do	70
Flour, per brl.....	200
Malt, per bush.....	38
Oats do	34
Oatmeal, per brl.....	200
Oats, rolled, per brl.....	200
Pease, per bush.....	60
do (whole) per brl.....	260
do (split) do	240
Rye, per bush.....	56
Wheat do	60
Gravel, per cubic yard.....	3,500
Ice, per cubic foot.....	57
Lime, per bush.....	75
Oil, petroleum, in bulk, in tank cars, per imperial gall.....	8
Onions, per bush.....	56
Potatoes, common, per brl.....	180
do do per bush.....	60
Salt, per bush.....	60
Sand, per cubic yard.....	3,000
Seed, blue grass, per bush.....	14
Clover, per bush.....	60
Flax do	56
Hemp do	44
Hungarian, per bush.....	45
Millet do	45
Timothy do	45
Stone, cobble or rubble, per cord of 128 ft.....	13,000
do do per ton of 216 ft.....	22,000
Granite, dressed, per cubic foot.....	166
Limestone do do	170
Marble do do	170
Sand or free do do	150
Slate do do	170
Quartz, per cubic foot.....	166
Turnips, per bushel.....	56

CORDWOOD.

	Green.	Dry.
	Lbs.	Lbs.
Hickory, per cord of 128 ft.....	5,000	4,000
Beech and maple, per cord of 128 ft.....	4,500	3,750
Pine and hemlock do do	3,500	2,500
Poplar do do	5,000	4,000

STAVE BOLTS.

	Lbs.
Oak, green, per cord.....	5,300
Ash and elm do	4,600
Maple do	4,500

“Dry” cordwood should be cut and piled at least 6 months.

To ascertain contents of a car of cordwood or stave bolts:—Multiply the length, breadth, and height (in feet) together, and divide by 128.

Thus:—Car 30 ft. long, 3 ft. 6 in. high, 8 ft. wide:—
30 ft. × 3 ft. 6 in. × 8 ft. = 840 ÷ 128 = 6.56 cords.

ALLOWANCES IN WEIGHT FOR LININGS AND RACKS.

When computing weights on basis of marked tare, the following deductions should be made from scale weights, when cars are lined or racked:—(for extra tare of car)—

On box cars loaded with perishable property, when lined by shipper, 1,500 lbs.

On flat and gondola cars, when “racked,” loaded with bark—for racks, 1,500 lbs.

Cars loaded with agricultural implements or vehicles—the weight of the rack or lumber used, but not more than 1,500 lbs. for platform and 1,000 for box cars.

No allowances will be made for racks or stakes used on cars loaded with lumber, for grain doors, or for boards in doors of cars loaded with bulk freights.

LUMBER, &c.

	Green.	Partly Seasoned.	Dry.
	Lbs.	Lbs.	Lbs.
White pine, white wood, bass-wood, per 1,000 feet.....	3,500	3,000	2,700
Butternut, chestnut, red pine norway or yellow pine, hemlock, spruce, per 1,000 feet.....	4,000	3,500	3,000
Ash, elm, maple, cherry, per 1,000 feet.....	4,500	4,000	3,000
Oak, walnut, hickory, birch, beech, per 1,000 feet.....	5,000	4,500	4,000
Shingles (18-inch), per 1,000.....	375	350	325
do (16-inch), per 1,000.....	350	325	300
Lath, per 1,000.....	600	525	450
Bark, per cord.....	3,500	3,000	2,400
Staves, finished, for oil, pork, and beef barrels, per 1,000.....	3,750	3,375	3,000
Staves, sawed, unfinished, for oil, pork and beef barrels per 1,000.....	4,375	3,925	3,500
Staves, rough, for oil, pork and beef barrels, per 1,000.....	5,000	4,500	4,000
Staves, manufactured for flour barrels, per 1,000.....	1,250	1,125	1,000
Cedar posts, or bolts, for block paving, per cord.....	3,500	3,000	2,500
Shingle bolts, per cord.....	3,500	3,000	2,500
Slabs—hardwood, per cord.....	5,000	4,000	3,000
do pine, spruce and hemlock, per cord.....	4,000	3,000	2,400
Telegraph poles, per cord.....	4,000	3,500	3,000
Ties—hemlock, pine, spruce, tamarack, each about.....	160	150	130
Ties—cedar, sawn pine, each about.....	140	120	100
Hoops, hoop poles, hop poles, cord.....	3,500	3,250	3,000

Above estimates are for “dry lumber,” cut and piled 4 months or over; “part seasoned,” cut and piled at least 2 months, and all under 2 months cut is “green.”

To find contents in inch measures of a car of lumber, multiply the length in feet, the width in feet, and the height in inches together, the product will give the number of feet, inch measure.

Thus:—Car, 14 ft. long, 8 ft. wide, 60 in. high:—
14 × 8 × 60 = 6,720 feet.

Allowance should be made for waste space (if any) between the boards.

Railways and Canals.

CEDAR POSTS.

The following quantities of cedar posts, 9 feet long, are estimated to weigh 24,000 lbs. :—

28 feet car.....	4 ft. 9 in. high.
30 ".....	4 ft. 6 " "
32 ".....	4 ft. 3 " "
33 ".....	4 ft. 0 " "
34 ".....	3 ft. 10 " "

GRAIN IN BULK.

The quantity in a car can be ascertained, with sufficient accuracy, by multiplying the internal length and breadth of the car together, and then by the height of the grain. Multiply this product by 1728 (number of inches in a square foot), and divide by 2150 (number of square inches in a bushel).

Thus:—Car, 27 ft. 6 in. × 8 ft. 7½ in. × 2 ft. 1 in. = 494 ft. 1 in. 8 pts. Multiply by 1728, and ÷ 2150 = 400 nearly.

ROUND TIMBER.

1st. When all the sizes are in feet, multiply the length by the square of one-quarter of the mean girth, and the product will give the volume in cubic feet.

2nd. When the length is in feet and the girth is in inches, multiply as above, and divide by 144.

3rd. When all the dimensions are in inches, multiply as above, and divide by 1728.

Thus:—50 ft. long—girths 31·5 and 62·9 inches

$$50 \times \left(\frac{31\cdot5 + 62\cdot9}{2} \div 4 \right)^2 = 50 \times 11\cdot8^2 = 6962,$$

$$\text{and } \frac{6962}{144} = 48\cdot347$$

$$50 \times \frac{31\cdot5 + 62\cdot9 \div 2^2}{16} \div 144 = \frac{111392}{16} \div 144 = 48\cdot347 \text{ feet.}$$

The mean girth of round timber may be obtained by taking the circumference at both ends and in the centre, adding them together, and dividing by 3.

The girth of spars should be arrived at by taking their diameter at one-third of their length from the abut or large end.

SQUARE TIMBER.

1st. When all the dimensions are in feet, multiply the product of the breadth by the depth, by the length, and the product will give the volume in cubic feet.

2nd. When one of the dimensions is in inches and the other dimensions are in feet, multiply as above, and divide by 12.

3rd. When two of the dimensions are in inches, and the other dimension in feet, multiply as above, and divide by 144.

Thus:—20 ft. long and 15 in. square:—15 × 15 × 20 = 4500, and 4500 ÷ 144 = 31·25 cubic feet.

The following are found to be the average weights of round and square timber:—

White pine.....	48 lbs. per cubic foot.
Hemlock, spruce, red pine... 55	" "
Ash, elm, maple, cherry, birch, beech.....	60 " "
Oak, hickory.....	65 " "

Vide Canada Gazette, vol. xxv., p. 580.

By Order in Council of the 18th day of May, 1891, under authority of section 15 of the Act, chapter 37 of the Revised Statutes, intituled "An Act respecting the Department of Railways and Canals," the following regulation was made, the same to be added to the regulations for the governance of the Dominion canals established by the Order in Council of the 26th day of October, 1889, chapter 115 of the Consolidated Orders in Council of Canada, as section 74a, namely:—

No saw-logs or parcel of timber of any description shall be moved in booms or bags containing over five thousand (5,000) pieces in any of the main navigable channels between Pigeon Lake and Young's Point. The booms or bags containing such logs or timber shall not come nearer than one-quarter (¼) of a mile to each other when in motion. Upon failure to comply with the requirements of this regulation, the owner or person in charge shall incur a penalty of not less than fifty dollars or more than two hundred dollars.

Vide Canada Gazette, vol. xxv., p. 1055.

Railways and Canals.

By Order in Council of the 4th day of April, 1892, under authority of chapter 37 of the Revised Statutes, intituled "An Act respecting the Department of Railways and Canals," the following amendments were made to the tariff of canal tolls in force, viz. :—

That a refund be made of a portion of the canal tolls collected on wheat, Indian corn, pease, barley, rye, oats, flax seed and buckwheat which have been carried through the Welland Canal, and the St. Lawrence Canals to Montreal or to any port east of Montreal in all cases where the said products so carried are exported, and in such cases only.

That this rebate be such as to reduce the tolls to two cents per ton of the said products or any of them, and that the conditions of such refund be the following :—

That the products aforesaid on which the rebate of tolls may be claimed shall be shown to have been originally shipped for Montreal or for some other port east of Montreal, and shall be shown to have been carried to Montreal or to some port east of Montreal, and actually sent out of the country.

That the right to this rebate shall not be lost by reason of intermediate transhipment, provided that the place of such transhipment is one within the Dominion of Canada.

That the right to this rebate shall extend to any portions of cargoes lightered at Port Colborne and reshipped at Port Dalhousie, and also to shipments of the above-named products made from any Canadian Lake Ontario port.

That payment of the amount to be refunded be made, from time to time, as cargoes of the said products are despatched for export from Montreal or from some port east of Montreal.

That this Order in Council remain in force for the present year, 1892, only.

Vide Canada Gazette, vol. xxv., p. 1888.

By Order in Council of the 15th day of July, 1892, under authority of chapter 37 of the Revised Statutes, the Order in Council of 4th April, 1892, was amended by the omission of the word "Canadian" before the words "Lake Ontario port"; said amendment to have force and effect from the 4th day of April last.

Vide Canada Gazette, vol. xxvi., p. 72.

The following tariff of tolls, rates and fares henceforth to be charged and collected by the Manitoba and North-western Railway Company was approved by Council on the 2nd June, 1892 :—

Passenger rates, four cents per mile.

Immigrant rates, one-half first class passenger rates.

Railways and Canals.

FREIGHT TARIFF.

Miles.	Rate in cents per 100 pounds.										Posts, rails and poles for fencing. Cents per 100 pounds.	
	1	2	3	4	5	6	7	8	9			10
									Horses and Mules.	Cattle Hogs & Sheep.		
10.	15	13	10	8	7	6½	6	5	5	5	5	4
15.	18	15	12	9	8	7½	7	6	6	6	5½	4
20.	21	18	14	11	10	8½	8	7	7	7	6	4
25.	24	20	16	12	11	9½	9	8	8	8	6½	5
30.	27	23	18	14	13	10½	9	9	9	9	7	5
35.	29	24	20	15	14	11½	10	9½	10	9	7½	5
40.	31	26	21	16	15	12½	11	10	11	10	8	6
45.	33	28	22	17	16	13½	11	10½	12	11	8½	6
50.	35	29	24	18	17	14½	12	11	13	11	9	7
55.	37	31	25	19	17	15½	13	11½	14	12	9½	7
60.	39	33	26	20	18	16½	13	11½	15	12	10	7
65.	41	34	27	21	19	17½	13	12	15	13	10½	8
70.	43	36	29	22	20	18	14	12	16	13	11	8
75.	45	38	30	23	21	18½	14	12½	16	14	11½	8
80.	47	39	31	24	22	19	15	12½	17	14	12	9
85.	49	41	33	25	23	19½	15	13	17	15	12½	9
90.	51	43	34	26	24	20	15	13	18	15	13	10
95.	53	44	35	26	24	20½	16	13½	18	16	13½	10
100.	54	45	36	27	25	21	16	14	19	16	14	10
110.	57	48	38	29	26	21½	17	14½	19	17	14½	11
120.	60	50	40	30	27	22	17	15	20	17	15	11
130.	63	53	42	31	28	23	18	15½	20	18	15½	11
140.	66	55	44	33	30	24	19	16	21	18	16	12
150.	69	58	46	35	31	25	19	16	21	19	16	12
160.	72	60	48	36	32	26	20	16½	22	19	16½	12
170.	74	62	49	37	33	27	21	17	22	20	17	13
180.	76	64	51	38	34	28	21	17½	23	20	17½	13
190.	78	65	52	39	35	29	22	18	23	21	18	13
200.	80	67	54	40	36	30	22	18½	24	21	18½	14
210.	83	69	55	41	37	31	23	19	24	22	19	14
220.	86	72	57	43	38	32	23	19½	25	22	19½	14
230.	88	74	59	44	39	33	24	20	25	23	20	15
240.	90	75	60	45	40	33½	25	20½	26	23	20½	15
250.	92	77	61	46	41	34½	25	20½	26	24	20½	15
260.	94	78	63	47	42	35	26	21	27	24	21	16
270.	96	80	64	48	43	36	27	21½	27	25	21½	16
280.	99	82	65	49	44	36½	27	22	28	25	22	16
290.	1 00	83	66	50	45	37½	28	22½	28	26	22½	17
300.	1 02	85	68	51	46	38½	28	23	29	26	23	17
310.	1 05	88	70	53	47	39½	29	23½	29	27	23½	17
320.	1 07	89	71	54	48	40½	29	24	30	27	24	18
330.	1 09	91	73	55	49	41½	30	24½	30	28	24½	18
340.	1 11	94	74	56	50	42	31	25	31	28	25	19
350.	1 13	94	75	57	51	43	31	25	31	29	25	19
360.	1 15	96	76	58	52	43½	32	25½	32	29	25½	19
370.	1 17	98	78	59	53	44½	32	26	32	30	26	19
380.	1 19	99	80	60	54	45	32	26½	33	30	26½	20
390.	1 21	1 01	81	61	55	46	33	27	33	31	27	20
400.	1 23	1 03	82	62	56	47	33	27½	34	31	27½	20
410.	1 25	1 04	83	63	57	48	34	28	34	32	28	21
420.	1 27	1 06	85	64	58	48½	34	28½	35	32	28½	21
430.	1 29	1 08	86	65	59	49½	35	29	35	33	29	22
440.	1 31	1 09	87	66	60	50	36	29½	36	33	29½	22
450.	1 33	1 11	89	67	60	51	36	29½	36	34	29½	22
460.	1 35	1 13	90	68	61	51½	37	30	37	34	30	22
470.	1 37	1 14	91	69	62	52½	37	30½	37	35	30½	23
480.	1 39	1 16	93	70	63	53	37	31	38	35	31	23
490.	1 41	1 18	94	71	64	54	38	31½	38	36	31½	23
500.	1 43	1 19	95	72	65	55	38	32	39	36	32	24

The classification to be the Canadian Joint Freight Classification.
Vide Canada Gazette, Vol. xxvi., p. 2.

*Secretary of State.**Secretary of State.*

By Order in Council of the 21st day of March, 1892, under authority of "The Canada Temperance Act," and amendments thereto, the Order in Council of the 1st day of July, 1886, declaring the Canada Temperance Act in force in the county of the city and county of St. John, in the province of New Brunswick, was revoked.

Vide Canada Gazette, vol. xxv., p. 1842.

Letters patent have been issued, dated as below, incorporating the following companies, and notices thereof published respectively in vol. xxv. of the *Canada Gazette*, at the pages stated, viz. :—

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Ames Holden Co. ; capital \$40,000 ; 13th November, 1891.....	1020
Anderson Trading Co. ; capital \$12,000 ; 22nd January, 1892.....	1351
Canada Coal Co. ; capital \$50,000 ; 17th June, 1892.....	2326
Canadian Coloured Cotton Mills Co. ; capital \$100,000 ; 26th February, 1892.....	1602
Canadian Coloured Cotton Mills Co. ; capital increased to \$5,000,000 ; 11th March, 1892.....	1702
Canadian Paint Co. ; capital \$25,000 ; 29th January, 1892.....	1404
do capital increased to \$450,000 ; 26th February, 1892	1602
Canadian Mineral Wool Co. ; capital \$40,000 ; 10th June, 1892.....	2291
Canadian Steel Barge Co. ; capital \$128,000 ; 24th June, 1892.....	2359
Citizens Light and Power Co. ; capital \$100,000 ; 12th February, 1892	1506
Coleraine Mining Co. ; capital \$120,000 ; 20th November, 1891.....	981
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Consumers Cordage Co. ; capital increased to \$3,000,000 ; 23rd October, 1891.....	745
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Geo. E. Tuckett & Son Co. ; capital \$500,000 ; 3rd June, 1892.....	2256
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H. W. McNeil Co. ; capital \$50,000 ; 8th January, 1892.....	1259
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Secretary of State.

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Provision Supply Co.; capital \$100,000; 20th November, 1891.....	981
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Taylor Decarbonized Iron Manufacturing Co.; capital \$150,000; 8th April, 1892.....	1895
Thermolytic Fuel Co.; capital \$12,000; 4th December, 1891.....	1060
Toronto Type Foundry Co.; capital \$150,000; 1st April, 1892.....	1846
Toronto Rubber Co.; capital \$100,000; 6th November, 1891.....	981
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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE

FIFTY-FIFTH AND FIFTY-SIXTH YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE

SECOND SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Twenty-fifth day of February, and closed
by Prorogation on the Ninth day of July, 1892*



HIS EXCELLENCY

THE RIGHT HONOURABLE SIR FREDERICK ARTHUR STANLEY, BARON STANLEY OF PRESTON

GOVERNOR GENERAL

VOL. I
PUBLIC GENERAL ACTS

OTTAWA

PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1892



55-56 VICTORIA.

CHAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1892, and for other purposes relating to the public service.

[Assented to 12th April, 1892.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Messages from His Excellency Preamble.
the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirtieth day of June, one thousand eight hundred and ninety-two, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act (No. 1)* Short title
1892.

2. From and out of the Consolidated Revenue Fund of Sum granted for financial year 1891-92, \$887,812.74.
Canada there shall and may be paid and applied a sum not exceeding in the whole eight hundred and eighty-seven thousand eight hundred and twelve dollars and seventy-four cents towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of our Lord one thousand eight hundred and ninety-one, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and ninety-two, not otherwise provided for, and set forth in the schedule to this Act, and also for the other purposes in the said schedule mentioned.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament. Account to be rendered in detail.

SCHEDULE.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1892, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CIVIL GOVERNMENT.		
Department of the Interior—To pay salary of Chief Clerk from 1st November, 1891, to 30th June, 1892, at \$2,800.....	\$ 1,866 67	
To pay the following clerks for part of salary which they did not receive while under suspension :—		
K. J. Henry.....	285 48	
L. C. Pereira.....	183 87	
H. H. Turner.....	150 66	
	2,486 68	
Department of Fisheries—To promote F. H. Cunningham from a third to a second class clerkship, to date from 1st July, 1891.....	100 00	
Office of the High Commissioner for Canada in England—To meet expenditure for rates, taxes, insurance, ground rent, &c., of the official residence, and income tax on the High Commissioner's salary.....	1,200 00	
Department of Printing and Stationery—To pay Pierre Chapleau for proof-reading, 484 pages of Civil Service List.....	\$ 121 70	
To pay for proof-reading, 488 pages of Civil Service List, 1891.....	61 00	
	182 70	
Department of the Secretary of State—For compilation of the Civil Service List, 1891, in English and French.....	239 00	
Department of Justice—Further amount required for contingencies.....	\$ 3,000 00	
To pay the salary of J. W. Hughes from 1st January, 1892, to the 31st March, 1892, notwithstanding anything in the Civil Service Act.....	227 50	
	3,227 50	7,435 88
ADMINISTRATION OF JUSTICE.		
<i>Supreme Court of Canada.</i>		
To provide for additional 3rd class clerk for 3 months.....	250 00	
<i>Exchequer Court.</i>		
Amount required to complete the payment of printing and binding and distributing vol. II. of the Exchequer Court reports.....	\$ 600 00	
To pay L. A. Audette increase from 1st January, 1892, to 30th June, 1892, notwithstanding anything in the Exchequer Court Act..	25 00	
	625 00	
Further amount required for miscellaneous expenditure.....	6,000 00	6,875 00
DOMINION POLICE.		
Further amount required.....		300 00
Carried forward.....		14,610 88

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		14,610 88
PENITENTIARIES.		
<i>St. Vincent de Paul Penitentiary.</i>		
For salary of Instructor Leclair for March, April, May and June, at \$600 per annum	200 00	
<i>Dorchester Penitentiary.</i>		
To provide for maximum salary of Instructors Godsoe and Hogan (\$70 each) ..	140 00	
<i>Manitoba Penitentiary.</i>		
To provide for the salary of an assistant accountant and storekeeper from 1st February, 1892, at \$700 per annum	291 65	
<i>Regina Gaol.</i>		
To provide for salary of a deputy gaoler from 1st March, 1892, at \$750 per annum	250 00	881 65
LEGISLATION.		
SENATE.		
Further sum required for these services :—		
Pages	\$ 900 00	
Sessional messengers	1,750 00	
Charwomen	1,150 00	
Reporting debates	5,000 00	
	8,800 00	
HOUSE OF COMMONS.		
<i>The Clerk's Department.</i>		
To cover amounts of this year's appropriation expended on account of unusual length of Session of 1891 :—		
Deputy Speaker's salary	\$ 1,400 00	
Permanent sessional clerks	1,180 00	
Sessional clerks	10,107 00	
Sessional French translators	1,689 00	
Expresses between House and Government Printing Office ..	600 00	
To cover additional amount required for stationery ..	2,000 00	
To cover amount expended for French translation between 1st October, 1891, and 25th February, 1892 ..	1,194 00	
To cover amount expended in completion of the Official Debates of Session of 1891	40,000 00	
	58,170 00	
<i>The Serjeant-at-Arms' Department.</i>		
To cover amounts of this year's appropriation expended on account of unusual length of Session of 1891 :—		
Sessional messengers	\$ 10,240 00	
Pages	2,205 00	
Servants in wash-rooms and \$50 additional	786 00	
Charwomen, during Session	750 00	
Gasman	117 50	
Housekeeper's contingencies	400 00	
	14,498 50	
Carried forward	81,468 50	15,492 53

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 81,468 50	\$ cts. 15,492 53
LEGISLATION—Concluded.		
LIBRARY OF PARLIAMENT—CONTINGENCIES.		
To provide for the payment of an extra indemnity granted by Order in Council of 16th October last to the following sessional messengers, for services during the year 1891, viz. :—		
Ralph J. Smith.....	\$ 137 50	
Joseph Lafontaine.....	137 50	
	\$ 275 00	
Also—To provide funds for the payment of the salaries of the following extra or sessional messengers for services during the Session of 1892, viz. :—		
Joseph Lafontaine.....	\$ 250 00	
Thomas W. Hodgins.....	250 00	
	500 00	
	775 00	
GENERAL.		
Further amount required for printing paper, printing and binding.....	35,000 00	
To pay for 325 copies of Bourinot's Parliamentary Procedure and Practice, at \$6 per copy.....	1,950 00	
Further expenditure in connection with Franchise Act—Printing Voters' Lists, &c.....	60,000 00	
		179,193 50
ARTS, AGRICULTURE AND STATISTICS.		
Further amounts required to cover expenditure under these heads :—		
Jamaica Exposition.....	6,370 00	
Census—To complete.....	95,000 00	
World's Columbian Exposition.....	5,000 00	
		106,370 00
QUARANTINE.		
Further amount required to cover expenditure under these heads :—		
Cattle disease.....	9,000 00	
Victoria quarantine.....	1,807 50	
Sydney do.....	300 00	
Pictou do.....	100 00	
		11,207 50
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
CANADIAN PACIFIC RAILWAY.		
Construction.....	24,050 00	
INTERCOLONIAL RAILWAY.		
Increased accommodation at St. John.....	\$ 1,087 00	
Dartmouth Branch.....	1,321 00	
Stairs at Halifax.....	100 00	
	2,508 00	
CAPE BRETON RAILWAY.		
Construction and equipment.....	43,000 00	
		69,558 00
Carried forward.....		381,821 53

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts.	\$ cts.
		381,821 53
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
RIDEAU CANAL.		
Towards settlement of claims, legal expenses, and services and expenses of valuator	600 00	
GALOPS CANAL.		
To complete repairs on mooring crib, Pier Island.....	500 00	
MISCELLANEOUS.		
Railway statistics.....	1,000 00	2,100 00
PUBLIC WORKS.		
<i>(Chargeable to Consolidated Fund.)</i>		
PUBLIC BUILDINGS.		
<i>New Brunswick.</i>		
St. John custom-house—Clearing away debris of burnt edifice, fencing ground; renting, fitting up and furnishing temporary quarters for public offices, &c.	6,000 00	
<i>Quebec.</i>		
Quebec drill hall—To complete payments to contractors and architect	\$ 325 76	
St. Vincent de Paul Penitentiary—Additional amount required...	14,000 00	
		14,325 76
<i>Ontario.</i>		
Ottawa post office, custom-house, &c.—To make good damage by fire.....	6,000 00	
REPAIRS, FURNITURE, HEATING, &c.		
Rents, repairs, furniture, heating, &c.—Additional amount required.....	10,000 00	
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Georgeville—To complete payments.....	\$ 600 00	
Arisaig pier—Repairs	1,000 00	
Economy—Extension of breakwater—To complete.....	161 38	
		1,761 38
<i>New Brunswick.</i>		
Caraquet.....	\$ 75 00	
Kingston—Wharf on Richibucto River—To complete payments on contract.....	380 00	
Gray's Island.....	1,000 00	
Quaco	240 00	
West Quaco.....	300 00	
		1,995 00
Carried forward.....	40,082 14	383,921 53

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	40,082 14	383,921 53
PUBLIC WORKS—Concluded.		
<i>(Chargeable to Consolidated Fund)—Concluded.</i>		
HARBOURS AND RIVERS—Concluded.		
<i>Maritime Provinces.</i>		
General repairs and improvements—Harbour and river works.....	3,000 00	
<i>Quebec.</i>		
General repairs and improvements—Harbour and river works.....	1,000 00	
<i>Ontario.</i>		
Owen Sound harbour—To pay balance due contractors.....	\$ 2,200 00	
General repairs and improvements—Harbour and river works.....	2,000 00	
	4,200 00	
DREDGING.		
Nova Scotia, Prince Edward Island and New Brunswick—Additional amount required.....	\$ 5,000 00	
Manitoba—Additional amount required.....	3,000 00	
	8,000 00	
ROADS AND BRIDGES.		
Bridge over the Old Man's River at Fort Macleod.....	10,100 00	66,382 14
OCEAN AND RIVER SERVICE.		
To pay one year's salary as a gratuity to Sergeant Cunningham, who has been 50 years in the Quebec Water Police, and is no longer able to do duty.....	716 00	
To pay gratuity to the widow of the late Malcolm McNeil, in his lifetime employed by the Halifax agency, and drowned while on duty at the marine wharf on the 29th December, 1890.....	391 25	
For the purpose of paying salaries and rent of office in connection with the inspection of cattle shipments to England.....	1,500 00	2,607 25
FISHERIES.		
To pay the following persons \$15 each for services in compiling and forwarding daily reports in connection with Fisheries Intelligence Bureau, during the season of 1891:—		
J. P. Brennan, R. Benoit, C. P. LeLacheur, J. W. Young, J. M. Veits, Isaiah Thurber, Chas. Owen, J. C. Bourinot, Wm. Brymer, J. H. Dunlop, W. M. Solomon, Geo. Stalker, P. O'Toole, W. Grant, M. A. Dunn, Geo. Rowlings, A. G. Hamilton, Ed. D. Tremaine, J. W. Taylor, E. E. Letson, David Murray, J. A. D'Entremont, R. H. Bolman, M. J. Foley, D. McAulay, D. Urquhart, W. C. Henley and J. M. McNutt.....	\$ 420 00	
To pay J. P. Brennan for services in compiling and forwarding daily reports in connection with the Fisheries Intelligence Bureau, during the season of 1890.....	15 00	
To pay the estate of the late J. W. Young, balance of amount due for issuing <i>modus vivendi</i> licenses during 1890.....	78 05	
To provide for allowance and expenses to commissioners.....	1,000 00	
	1,513 05
Carried forward.....	454,423 97

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		454,423 97
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Further amount required to meet the expenditure under these heads:—		
Cost of elections	470 00	
Schools	26,700 00	
		27,170 00
MISCELLANEOUS.		
To refund to the legal representatives of the late Hon. J. G. Ross the amount paid by him for timber berth "B," on the Bow River, in the District of Alberta, this berth being situated in the Rocky Mountains Park of Canada....	4,050 00	
To pay Dr. A. Jukes for medical services in connection with prisoners and lunatics confined in the guard-room at Regina, N. W. T., from 1st July, 1890, to 30th June, 1892	200 00	
Amount required to meet expenses of the Civil Service Commission. (Authority is hereby given to pay members of the Civil Service for services in connection with this commission, notwithstanding anything in the Civil Service Act to the contrary).....	2,000 00	
Grant to the International Educational Association.....	2,000 00	
Further amount for the International Customs Bureau at Brussels.....	50 00	
		8,300 00
CUSTOMS.		
To provide for the payment of a gratuity to George Craven, heretofore a warehouseman in Her Majesty's Customs at Montreal, on his retirement from the service on the 1st August, 1891, as per terms of Order in Council of the 21st June, 1891		336 10
EXCISE.		
Further amount required for tobacco stamps owing to taking over stock of the British American Bank Note Co. at expiration of contract.....	\$ 17,070 58	
Further amount required for duty-pay to Excise officers so that vote may include payments to 30th June, 1892.....	2,500 00	
Preventive service—To repay W. W. Paige costs incurred <i>in re</i> the Queen <i>vs.</i> Paige.....	83 10	
Commission to Customs officers—Further amount required.....	488 08	
		20,141 76
CULLING TIMBER.		
To pay Thos. Harney for extra services in preparing statement of accounts.....		32 00
WEIGHTS AND MEASURES.		
Further amount required for contingencies.....		2,000 00
GAS INSPECTION.		
Equipment required to refit office at St. John, N.B.....		1,000 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Collection of Revenue.)</i>		
Prince Edward Island Railway.....		50,000 00
Williamsburgh Canal.....	\$ 1,200 00	
Lachine do	19,000 00	
Trent do	1,000 00	
Rideau do	2,000 00	
		23,200 00
		73,200 00
Carried forward		586,603 83

SCHEDULE—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		586,603 83
PUBLIC WORKS.		
MAINTENANCE AND REPAIRS.		
<i>Esquimaux Graving Dock.</i>		
Additional amount required for working expenses.....		5,000 00
TERRITORIAL ACCOUNT.		
Required to provide for payment of claims in connection with Militia services, rebellion, N. W. Territories, 1885.....		2,100 00
UNPROVIDED ITEMS, 1890-91.		
Amount required to cover unprovided items of 1890-91, as per Auditor General's Report, pages A-87 and 88.....		294,108 91
Total.....		887,812 74

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55-56 VICTORIA.

CHAP. 2.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial year ending the 30th June, 1893, and for other purposes relating to the public service.

[Assented to 9th July, 1892.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Message from His Excellency Preamble.
the Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, Governor General of Canada, and the estimates accompanying the same, that the sums herein-after mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirtieth day of June, one thousand eight hundred and ninety-three, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act (No. 2)* Short title.
1892.

2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole twenty-three million five hundred and eighty-six thousand three hundred and ninety-eight dollars and twenty-three cents towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of our Lord one thousand eight hundred and ninety-two, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and ninety-three, not otherwise provided for, and set forth in the schedule to this Act, and also for the other purposes in the said schedule mentioned. Sum granted for financial year 1892-93, \$23,586,398.23.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Com- Account to be rendered in detail.

mons of Canada during the first fifteen days of the then next session of Parliament.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable, of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say :—

For Intercolonial Railway.....	\$2,433,333	33
For opening communication and administration of the Government in the North-west Territories.	1,460,000	00
For improvement of the River St. Lawrence...	3,042,405	00
do do Quebec harbour	3,975,000	00
For the Quebec graving dock.....	910,000	00
For the harbour of Three Rivers.....	82,000	00
For the Pacific Railway and Canadian canals..	3,893,333	32
For general purposes, balance 30th June, 1891	\$21,625,526	20
For savings bank withdrawals to 31st December, 1891...	5,189,480	65
For four per cent funded debt redeemed to 31st December, 1891.....	883,087	61
For Dominion stock redeemed to 31st December, 1891....	108,854	32
	<hr/>	
	\$27,806,948	78
Deduct :—savings bank deposits to 31st December, 1891.....	4,372,208	51
	<hr/>	
	23,434,740	27
	<hr/>	
	\$39,230,811	92
	<hr/>	

Such sums may be raised under R.S.C., c. 29.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they are required for the purposes aforesaid, respectively, under the provisions of *The Consolidated Revenue and Audit Act*, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of such sums.

SCHEDULE.

Sums granted to Her Majesty by this Act for the Financial Year ending
30th June, 1893, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts
Inspector	1,700 00	
Office of the Assistant Receiver General, Toronto	7,100 00	
do do Montreal	5,600 00	
do do Halifax	9,700 00	
do do St. John	7,600 00	
do do Winnipeg	6,600 00	
do do Victoria	4,000 00	
do do Charlottetown	4,600 00	
Country Savings Banks, New Brunswick, Nova Scotia and Prince Edward Island—		
Salaries	11,650 00	
Contingencies	1,750 00	
One half of 1 per cent commission on \$7,259,817.53 for payment of interest on Public Debt	36,299 08	
Brokerage and commission on purchases for sinking funds	12,941 86	
English bill stamps, postage, telegrams, &c.	2,500 00	
Expenses in connection with the issue and redemption of Dominion notes	5,000 00	
Printing Dominion notes	45,000 00	
Printing, advertising, inspection, expressage and miscellaneous charges, including commutation of stamp duty	10,000 00	
		172,040 94
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	\$ 10,562 50	
The Office of the Queen's Privy Council for Canada	28,525 00	
The Department of Justice	22,432 50	
do do Penitentiaries Branch	6,425 00	
do do Militia and Defence	43,812 50	
do do Secretary of State	39,600 00	
do do Printing and Stationery	22,842 50	
do do Interior	95,414 00	
The Office of the Comptroller of the North-west Mounted Police	9,550 00	
The Department of Indian Affairs	50,975 00	
The Office of the Auditor General	26,037 50	
The Department of Finance and Treasury Board	49,777 50	
do do Inland Revenue	39,192 50	
do do Customs	36,505 00	
The Post Office Department	202,560 00	
The Department of Agriculture	55,240 00	
do do Marine	31,730 00	
do do Fisheries	15,925 00	
do do Public Works	51,117 50	
do do Railways and Canals	54,912 50	
do do Geological Survey	49,490 00	
The Office of the High Commissioner for Canada:—		
Salaries	7,834 00	
Contingencies, rent and insurance on office, income tax, fuel, light, stationery, &c., and amount—\$2,000—required towards the contingent expenses (water, light, fuel, carriage hire, cabs and railway fares) of the High Commissioner, and \$1,200 for contingencies, rates, taxes, insurance, ground rent, &c., of the official residence, including income tax	10,200 00	
Post Office Department—Amount required to pay those officers of the Savings Bank Branch, Post Office Department, engaged in the balancing of and computing interest on depositors' accounts to 30th June, 1892:—		
Post Office Department	2,500 00	
Carried forward	963,160 50	172,040 94

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$963,160 50	172,040 94
CIVIL GOVERNMENT—Continued.		
Amount required for salaries of Board of Examiners and other expenses under the Civil Service Act.....	3,700 00	
Department of the Interior—To provide for the salary of a chief clerk.....	2,800 00	
Department of the Geological Survey—To provide for the statutory increase for three months, omitted in the main Estimates, to the salary of one clerk.....	12 50	
Department of the Secretary of State—To pay for the services of Gabriel de la Porte in the Records Branch...\$730 00		
To provide for the promotion of a 2nd class clerk to a 1st class clerkship.....	75 00	
	805 00	
To reimburse temporary clerks' pay forfeited during the time they served under arms with the Militia in aid of the civil power at the Hull riots in Sept., 1891, viz. :—		
Geological Survey—Brophy, L. L.....\$ 2 00		
Johnston, R. A. A..... 3 00		
McKewan, W. K..... 1 50		
Department of Fisheries—Gilbert, E. W..... 1 50		
do Marine—Cox, F. C..... 2 00		
do Interior—Thicke, C. R..... 4 00		
	14 00	
Department of Railways and Canals—To provide for the salary of 2nd class clerk.....	1,100 00	
Department of Agriculture—To provide for the salary of Ed. R. Dewhurst, correspondence clerk (employed since January, 1879) from 1st July, 1892, at his present salary.....\$ 912 50		
To provide for the salary of James Skead, a statistical clerk (employed since May, 1881) from the 1st July, 1892, at his present salary.....	912 50	
	1,825 00	
Department of Justice—To provide for the promotion of a 3rd class clerk to a 2nd class clerkship.....\$ 100 00		
To provide for the payment to D. Stewart of the maximum salary of a 1st class clerk.....	350 00	
	450 00	
Department of Marine and Fisheries—To provide for salaries of two draughtsmen for hydrographic survey at \$600 each.....	1,200 00	
Privy Council Office—To provide for one 3rd class clerkship, notwithstanding anything in the Civil Service Act to the contrary.....\$ 800 00		
To pay the following clerks their salary from the 1st to the 31st January, 1892, notwithstanding anything to the contrary in the Civil Service Act:—		
D. Burke, 30 days at \$3 per day.....\$ 90 00		
W. C. DeBrisay, 31 days at \$2.00 per day 62 00		
F. Chadwick, 31 do 2.00 do 62 00		
J. H. Fraser, 31 do 1.50 do 46 50		
J. H. Tracey, 31 do 1.50 do 46 50		
	307 00	
	1,107 00	
Customs Department—To increase the salary of E. L. Sanders as Secretary of Department to \$1,400.....	212 50	
Office of the Auditor General—To provide for the promotion of a 3rd class clerk to 2nd class.....	150 00	
Departments Generally—Additional amount required.....	2,000 00	
	978,536 50	
CONTINGENCIES.		
The Governor General's Secretary's Office.....\$ 12,500 00		
The Queen's Privy Council for Canada..... 12,000 00		
Carried forward.....	24,500 00	978,536 30 172,040 94

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 24,500 00	978,536 50
CIVIL GOVERNMENT—Concluded.		
CONTINGENCIES—Concluded.		
The Department of Justice.....	9,000 00	
do do Penitentiaries Branch.....	8,000 00	
do Militia and Defence.....	8,000 00	
do Secretary of State.....	7,000 00	
do Printing and Stationery.....	16,000 00	
do Interior.....	8,000 00	
do Indian Affairs.....	3,000 00	
The Office of the Auditor General.....	9,000 00	
The Department of Finance and Treasury Board.....	6,000 00	
do Customs.....	6,000 00	
do Inland Revenue.....	7,000 00	
do Public Works.....	37,200 00	
The Post Office Department.....	20,000 00	
The Department of Agriculture.....	7,000 00	
do Marine.....	4,000 00	
do Fisheries.....	8,000 00	
do Railways and Canals.....		
Care and cleaning of departmental buildings, including amount, \$100, required to pay for firing the noon gun, which amount may be paid to a member of the Civil Service, notwithstanding anything to the contrary in the Civil Service Act.....	27,000 00	
Printing Bureau, cleaning, &c.....	1,500 00	
	216,200 00	1,194,736 50
ADMINISTRATION OF JUSTICE.		
Miscellaneous expenditure, including North-west Territories.....	37,000 00	
Travelling expenses of judges in the North-west Territories.....	4,000 00	
Circuit allowances, British Columbia.....	7,000 00	
Travelling allowances, Court of Queen's Bench and County Court judges, Manitoba.....	2,500 00	
Circuit allowances to judges <i>ad hoc</i>	500 00	
To pay 2 official arbitrators, \$1,000 each.....	2,000 00	
Travelling expenses of official arbitrators.....	500 00	
Expenditure under cap. 181, R.S.C.....	700 00	
To provide for services in drafting Act respecting Criminal Law, anything in the Civil Service Act to the contrary notwithstanding.....	150 00	
SUPREME COURT OF CANADA.		
The reporter.....	2,400 00	
The assistant reporter, 1st class clerk.....	1,400 00	
Clerk in the office of the registrar, 3rd class clerk.....	1,000 00	
Second clerk do do.....	550 00	
Librarian.....	1,000 00	
Caretaker.....	700 00	
3 messengers, at \$500 each.....	1,500 00	
Contingencies and disbursements, judges' travelling expenses; also salaries of officers (sheriff, registrar as editor and publisher of reports, usher, &c.), and \$150 for books for judges.....	3,500 00	
Printing, binding and distributing the Supreme Court reports.....	2,750 00	
For the purchase of law reports and text-books for the Supreme Court library.....	2,500 00	
EXCHEQUER COURT OF CANADA.		
Second class clerk.....	1,250 00	
Third class clerk.....	900 00	
Messenger.....	307 50	
Contingencies, judge's and registrar's travelling expenses, salary of sheriffs, printing, stationery, &c., and \$50 for judge's books.....	4,000 00	
Printing, binding and distributing Exchequer Court reports.....	1,000 00	
Carried forward.....	79,107 50	1,366,777 44

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	79,107 50	1,366,777 44
ADMINISTRATION OF JUSTICE—Concluded.		
EXCHEQUER COURT OF CANADA—Concluded.		
Additional to registrar as editor and publisher of reports	300 00	
To provide accommodation when necessary for Exchequer Court in Admiralty ..	300 00	
Travelling allowance for local judges and other officers	500 00	
To pay L. A. Audette increase from 1st July, 1892, to 30th June, 1893	50 00	
To pay salary of registrar, Exchequer Court, Admiralty side, Quebec	666 66	
do marshal do do	333 34	
		81,257 50
POLICE.		
Dominion Police		22,000 00
PENITENTIARIES.		
Kingston	162,763 49	
St. Vincent de Paul	99,301 13	
Dorchester	44,604 00	
Manitoba	45,388 30	
British Columbia	53,384 47	
Regina gaol	16,324 95	
Kingston—Additional amount required for machinery	\$ 20,000 00	
Prison of Isolation:—		
1 assistant chief keeper	800 00	
1 night do	500 00	
4 guards, at \$400	1,600 00	
3 trade instructors, at \$750	2,250 00	
Materials and plant for industries	8,000 00	
To commence construction of 10 houses for officers ..	5,000 00	
Increase of salary to chief superintendent of works	200 00	
2 mason instructors, to build asylum and wall	1,200 00	
Royalty for use of steward's (James Weir) seat in refectory ..	175 00	
Piping required for laundry and baths	1,200 00	
		40,925 00
St. Vincent de Paul—Increase of salary to Messenger Lynch	100 00	
Dorchester—Statutory increase to Instructors Godsoe and Hogan, to place salaries at maximum, \$10 each	20 00	
Manitoba—To provide salary for night stoker	\$ 250 00	
To provide for the construction of a boundary wall	2,500 00	
		2,750 00
Regina Gaol—Allowance for discharged prisoners	500 00	
General—To pay gratuity to P. Crimmins for 16 years and 8 months' service in Rockwood Asylum, as attendant on the insane, while that institution was under the control of the Government of United Canada and the Dominion, his salary being \$360	415 00	
		466,476 34
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate	61,238 00	
HOUSE OF COMMONS.		
Salary of the Deputy Speaker	\$ 2,000 00	
Salaries	72,400 00	
Expenses of committees, sessional and extra clerks, &c.	13,600 00	
Contingencies	23,100 00	
Publishing debates	40,000 00	
Carried forward	151,100 00	61,238 00
		1,936,511 28

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$151,100 00	61,238 00 1,936,511 28
LEGISLATION—Concluded.		
HOUSE OF COMMONS—Concluded.		
Estimate of Serjeant-at-Arms, as approved.....	33,382 50	
To pay to the widow of the late Hon. Alexander Mackenzie the amount of his sessional indemnity.....	1,000 00	
To provide for the payment to E. H. Léger, Esq., of the balance of the sessional indemnity which would have been due him had he remained in Ottawa.....	329 51	
Further amounts required to cover these expenditures :—		
Box of stationery for each member elected since last session, \$1,000, and leather trunk for each new member, \$500.....	1,500 00	
Two extra clerks (\$381 each), \$762; and owing to length of Session, 1891-92, sessional messengers, \$3,064; pages, \$648; servants, \$191.50; gas-man, \$33.50.....	4,699 00	
		192,011 01
LIBRARY OF PARLIAMENT.		
Salaries of the officers of the Library.....	\$ 16,862 50	
Books :—		
For the General Library.....	10,000 00	
For the Library of American History.....	1,000 00	
Contingencies.....	2,500 00	
Binding newspapers, &c.....	2,000 00	
Preparing and reprinting the catalogue of the Library of American History.....	1,508 00	
		33,870 50
GENERAL.		
Printing, binding and distributing the Laws.....	\$ 5,000 00	
Printing, printing paper and binding.....	70,000 00	
		75,000 00
		362,119 51
ARTS, AGRICULTURE AND STATISTICS.		
For care of Archives.....	6,000 00	
For expenses in connection with "Patent Record".....	8,000 00	
For expenses in connection with preparation of criminal statistics.....	4,000 00	
Establishment and maintenance of experimental farms.....	75,000 00	
To promote the dairying interests of Canada, in affiliation with experimental farms, including the establishment and maintenance of branch experimental stations.....	20,000 00	
Aid to agricultural societies in the North-west Territories.....	7,000 00	
The Haras National Company, for the use of six stallions for the experimental farms.....	6,000 00	
World's Columbian Exposition, Chicago.....	100,000 00	
Dairying interests—Additional sum required.....	5,000 00	
Additional amount required for Census.....	12,000 00	
		243,000 00
IMMIGRATION.		
Salaries of Agents and Employees :—		
Agent, Quebec.....	1,400 00	
Assistant Agent, Quebec.....	1,100 00	
Interpreter, Quebec.....	660 00	
Messenger, Quebec.....	365 00	
Agent, Montreal.....	1,400 00	
do Halifax.....	1,200 00	
do St. John.....	1,000 00	
Interpreter.....	800 00	
Carried forward.....		7,925 00 2,541,630 79

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward.....	7,925 00		2,541,630 79
IMMIGRATION—Concluded.			
Contingencies, Canadian agencies.....	16,000 00		
Salaries, agents, Europe.....	5,900 00		
Women's Protective Society, Montreal.....	1,000 00		
Immigration expenses.....	150,000 00		
Inspector of agencies (J. B. Lynch).....	300 00		
			181,125 00
QUARANTINE.			
Quarantine, Grosse Isle.....	20,000 00		
do St. John.....	2,500 00		
do Pictou.....	800 00		
do Halifax.....	3,000 00		
do Charlottetown.....	1,000 00		
do Victoria, B.C.....	5,000 00		
do Sydney, N.S.....	1,900 00		
do Chatham, N.B.....	1,000 00		
do Port Hawkesbury.....	300 00		
Tracadie Lazaretto.....	4,500 00		
Public health.....	2,000 00		
Cattle quarantines.....	15,000 00		
Winnipeg and St. Boniface hospitals.....	8,000 00		
Unorganized ports.....	2,000 00		
Albert Head (Victoria) quarantine.....	5,000 00		
Cattle diseases.....	5,000 00		
			77,000 00
PENSIONS.			
For Amount of Annuity to—			
Lady Cartier.....	1,200 00		
Mrs. Delaney.....	400 00		
Mrs. Gowanlock.....	400 00		
Miss Harriet Fraser.....	250 00		
Mr. Roderick Fraser.....	150 00		
Pensions payable on account of Fenian Raid.....	3,147 50		
To meet probable amount required for veterans of War of 1812.....	600 00		
Compensation to pensioners in lieu of land.....	603 28		
Pensions payable to militiamen on account of Rebellion of 1885.....	23,000 00		
do Mounted Police, Prince Albert Volunteers and Police			
Scouts, on account of Rebellion of 1885.....	3,886 26		
			33,637 04
SUPERANNUATION.			
Extra allowance to W. Wallace, ex-postmaster at Victoria, B.C.....			240 00
MILITIA.			
Salaries, military branch and district staff.....	12,400 00		
Brigade majors, salaries, transport expenses, &c.....	13,900 00		
Ammunition, including artillery ammunition and manufacture of small-arms			
ammunition at the Government cartridge factory, Quebec.....	50,000 00		
Militia clothing and greatcoats.....	80,000 00		
Militia stores.....	42,000 00		
Public armouries and care of arms, including pay of superintendents of stores,			
caretakers, storemen and armourers.....	60,000 00		
Carried forward.....	258,300 00		2,833,632 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	258,300 00	2,833,632 83
<i>MILITIA—Concluded.</i>		
Drill instruction	35,000 00	
Drill pay and incidental expenses connected with the drill and training of the Militia	275,000 00	
Contingencies and general services, including grants to artillery and rifle associations and bands of efficient corps	38,000 00	
Dominion Rifle Association—Government grant	10,000 00	
Dominion Artillery Association—Government grant	2,000 00	
Improved rifled ordnance	3,000 00	
Military properties—		
Care and maintenance of drill sheds, rifle ranges, buildings, &c. \$	28,000 00	
Construction and repairs	69,500 00	
	97,500 00	
Royal Military College of Canada	75,000 00	
Permanent Forces—Pay and maintenance of "A," "B" and "C" Batteries, Schools of Artillery at Quebec, Kingston, and Victoria, B.C.	\$180,000 00	
Cavalry and Infantry Schools at Quebec, Fredericton, St. John's, Que., Toronto, London and Winnipeg	290,000 00	
	470,000 00	
Monuments for battlefields of Canada	2,000 00	
Grant in aid of the Canadian Military Institute, Toronto	100 00	
Further amount required for drill pay	6,000 00	
		1,271,900 00
<i>RAILWAYS AND CANALS.</i>		
<i>(Chargeable to Capital.)</i>		
<i>RAILWAYS.</i>		
<i>Canadian Pacific Railway.</i>		
Construction	2,000 00	
To pay the award of arbitrators and balance of expenses of arbitration, and the expense of engineer and staff on expenditure	590,000 00	
<i>Intercolonial Railway.</i>		
Increased accommodation at Halifax	152,000 00	
Rolling stock	20,000 00	
Extension along front of city of St. John	14,000 00	
Construction (original)	2,000 00	
St. Charles Branch	20,300 00	
Additional property accommodation at St. John	121,000 00	
Indiantown Branch	5,500 00	
Increased accommodation at St. John	6,500 00	
Additional sidings at Halifax	4,500 00	
Stations and sidings at Eureka Junction	9,000 00	
Increased accommodation at St. John	3,000 00	
To pay interest and costs in connection with the award in the case of Gallivan vs. The Queen—claim of heirs of Martin Burke, St. John	500 00	
Extension along front of city of St. John	8,000 00	
Increased accommodation, Moncton, machinery	8,590 00	
Branch line at Campbellton to Mowat's wharf	1,914 00	
Increased accommodation at New Glasgow	6,000 00	
<i>Cape Breton Railway.</i>		
Train ferry between Mulgrave and Point Tupper	70,000 00	
Construction	21,700 00	
Train ferry between Mulgrave and Point Tupper	39,700 00	
<i>Oxford and New Glasgow Railway.</i>		
Construction	5,000 00	
Carried forward	1,111,204 00	4,105,532 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,111,204 00	4,105,532 83
RAILWAYS AND CANALS—Continued.		
<i>(Chargeable to Capital.)—Continued.</i>		
CANALS.		
Lachine.....	175,000 00	
Lake St. Louis.....	25,000 00	
Soulanges.....	400,000 00	
Cornwall.....	500,000 00	
Rapide Plat.....	250,000 00	
Galops.....	250,000 00	
St. Lawrence river and canals.....	200,000 00	
Welland.....	60,000 00	
do deepening to 14 feet.....	20,000 00	
do land damages, Grand River.....	9,000 00	
Murray.....	60,000 00	
Trent.....	74,000 00	
Grenville.....	7,000 00	
St. Peter's.....	8,000 00	
Sault Ste. Marie.....	430,000 00	
		3,579,204 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
<i>Lachine.</i>		
Building eight pairs of spare gates for old and new locks.....	19,500 00	
Taking down and rebuilding lock walls of old lock No. 1, both sides, including chamber, upper and lower wing walls.....	37,800 00	
Rebuilding old regulating weir at Lachine and improving present drainage system on south side of canal above Côte St. Paul bridge.....	15,000 00	
Building six stationary bridges.....	5,350 00	
<i>Welland.</i>		
Bridge over old lock No. 2 and road.....	5,700 00	
Overhauling the superstructure of the pier at Port Dalhousie and removal of shoal, also construction of piers for bridge at Thorold.....	20,000 00	
Repairing piers, Port Colborne and Port Maitland, and canal bank summit level.....	2,000 00	
To repair banks damaged by high water and storm of 9th February, 1889.....	3,000 00	
Towards the construction of the culvert at Stromness.....	7,500 00	
Towards constructing a new swing bridge between Stromness and the Buffalo and Brantford Railway crossing.....	3,000 00	
Cleaning and deepening the back ditch on the north side of feeder.....	1,500 00	
Restoring outlet for drainage west side of canal at Port Colborne.....	5,000 00	
Removing shoal at mouth of Chippewa River.....	3,000 00	
To repair about 500 feet of the canal bank damaged by a slide on the 24th August, 1891.....	8,000 00	
To form outlet for drainage at Feeder Junction.....	3,000 00	
To construct a bridge across the feeder at Petit Road.....	3,000 00	
Cleaning back ditch on north side of feeder.....	1,000 00	
<i>Chambly.</i>		
Taking down and rebuilding east chamber wall of lock No. 5.....	6,000 00	
Fences on canal frontage of lands alongside of tow-path on Isle Ste. Thérèse.....	2,500 00	
Building dry rubble protection wall, part of west embankment forming the public road between bridge No. 3 and Langelier bridge (3 miles).....	4,000 00	
Purchase and installation of electric motor to run machinery in workshops during summer.....	1,000 00	
Towards the settlement of Lamoureux Bros. claim.....	1,600 00	
Towards the settlement of the Yule estate claim and incidental expenses.....	1,200 00	
For purchase of wire, running motor in workshop.....	390 00	
Carried forward.....	160,040 00	7,684,736 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	160,040 00	7,684,736 83
RAILWAYS AND CANALS—Concluded.		
<i>(Chargable to Income.)—Continued.</i>		
CANALS—Concluded.		
<i>Ste. Anne's Lock.</i>		
Earth excavation and puddling behind walls of old lock.....	5,000 00	
<i>Carillon and Grenville.</i>		
Towards rebuilding masonry in wing walls above guard lock, Grenville.....	14,000 00	
Towards strengthening and repairing portion of Carillon dam.....	15,000 00	
To pay land and damages and services of valuers	1,000 00	
Rebuilding dry retaining walls, approaches to lock No. 6, Grenville Canal	5,000 00	
<i>Williamsburgh.</i>		
For one pair spare gates for lock, Rapide Plat Canal	4,000 00	
<i>Rideau.</i>		
Bridge at Oliver's Ferry.....	20,000 00	
Cutting around old dry dock at the by-wash, Ottawa, and making a slip.....	1,000 00	
Repairs to dam at Hogsback.....	4,000 00	
Bridge at Merrickville.....	6,000 00	
To rebuild a portion of the tow-path between Hartwell's and Hogsback locks...	1,500 00	
Land and damages, legal expenses, &c.....	1,600 00	
<i>Trent Valley.</i>		
Towards the construction of a dredge.....	6,000 00	
To complete dam at Fenelon Falls.....	1,400 00	
Cribwork below dam at Young's Point.....	1,200 00	
Cribwork below dam at Lakefield.....	900 00	
Rebuilding Heeley's Falls dam.....	5,000 00	
Towards building and maintaining a swing bridge at Fenelon Falls.....	10,000 00	
<i>St. Peter's.</i>		
Towards reconstructing whole of west wall.....	10,000 00	
Towards excavating point of rock on western tow-path	400 00	
<i>Culbute.</i>		
Towards the settlement of claims and the removal of obstructions.....	5,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not provided for.....	5,000 00	
Arbitrations and awards.....	4,000 00	
Surveys and inspections—Canals.....	3,000 00	
To meet salaries of officers not on the Civil Service List.....	12,300 00	
Surveys and inspections—Railways.....	10,000 00	
Railway statistics.....	1,600 00	
To provide for salaries of engineers, draughtsmen and extra clerks, Chief Engineer, Canals Branch.....	13,000 00	
To provide for salaries of extra clerks and copyists.....	17,000 00	
		343,940 00
Carried forward.....		8,028,676 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		8,028,676 83
PUBLIC WORKS.		
<i>(Chargeable to Capital.)</i>		
HARBOURS AND RIVERS.		
<i>New Brunswick.</i>		
Cape Tormentine harbour.....	30,000 00	
<i>Quebec.</i>		
River St. Lawrence—Improvement of ship channel between Quebec and Montreal —To complete channel at Cap à la Roche.....	49,000 00	
Ship channel between Quebec and Montreal	30,000 00	
<i>Ontario.</i>		
River Kaministiquia—Turning basin, &c.....	14,000 00	
Kingston graving dock—To complete.....	51,000 00	
<i>British Columbia.</i>		
Esquimalt graving dock—Balance due contractors for stop-gate with hoisting frame and winches, complete.....	4,827 00	178,827 00
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Halifax public buildings—Improvements, &c.....	\$ 1,500 00	
Dartmouth post office	15,000 00	
Lunenburg post office, custom-house, &c.....	10,000 00	
Pictou post office, custom-house, &c.....	10,000 00	
North Sydney public building—Improvements and repairs.....	1,000 00	
Yarmouth public building—Improvements and repairs	1,000 00	
Halifax Dominion building—New boiler, &c.....	900 00	
Sydney (South) post office, custom-house, &c.—Balance due con- tractors; fencing, &c.....	1,650 00	
Halifax drill hall	40,000 00	
<i>Prince Edward Island.</i>		
Montague public building—Safe	400 00	
Summerside public building—Renewals, &c.....	450 00	
<i>New Brunswick.</i>		
St. John Dominion buildings—Improvements, &c	1,500 00	
Chatham post office, custom-house, &c.....	15,000 00	
St. John custom-house.....	50,000 00	
Chatham post office, custom-house, &c.—Revote.....	3,000 00	
Carried forward.....	151,400 00	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 151,400 00	8,207,503 83
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)—Continued.</i>		
PUBLIC BUILDINGS—Continued.		
<i>Quebec.</i>		
Grosse Isle quarantine station	24,200 00	
Laprairie post office—Site to be furnished by local authorities free of cost	6,000 00	
Rivière du Loup (Fraserville) post office, custom-house, &c	1,500 00	
St. Henri post office, &c.—To complete	19,000 00	
St. Hyacinthe post office, custom-house, &c.—To complete	10,800 00	
St. Vincent de Paul penitentiary	22,800 00	
Richmond post office, customs and inland revenue offices	4,000 00	
West Farnham post office, customs and inland revenue offices	4,000 00	
Quebec post office—New wing and improvements in old building	3,000 00	
Montreal post office—Alterations and improvements	15,000 00	
Coaticook public buildings—Improvements, &c	800 00	
Rivière du Loup (Fraserville) post office, custom-house, &c.—To complete	5,500 00	
Laprairie post office	3,500 00	
St. Hyacinthe post office, custom-house, &c.—Revote	3,500 00	
St. Vincent de Paul penitentiary—Additional amount required	7,500 00	
<i>Ontario.</i>		
Brantford battalion drill shed	10,000 00	
Carleton Place post office, &c.—To complete	1,800 00	
Orillia public building—The town contributing the Wheeler lot free of cost	5,000 00	
Port Arthur post office, custom-house, &c.—On proper site being given	20,000 00	
Toronto drill hall—The city of Toronto having provided a plot of land as agreed upon	97,800 00	
Petrolia public building—To complete	14,000 00	
Smith's Falls post office, custom-house, &c	10,000 00	
Pictou post office, custom-house, &c.—To erect	10,000 00	
Toronto custom-house and examining warehouse—Paving, &c	4,500 00	
London post office—Alterations and repairs	3,000 00	
Peterborough custom-house—Including vault accommodation for customs and inland revenue purposes	2,200 00	
Geological Museum, Ottawa—Alterations and additions to library	750 00	
Chatham public building—Improvements, &c	1,000 00	
Toronto examining warehouse—Alterations in plumbing, heating, &c	1,300 00	
Carleton Place post office, &c.—Additional amount required	1,000 00	
Petrolia public building—To complete	7,500 00	
Kingston Royal Military college—Model shed	1,500 00	
Orillia public building	7,000 00	
Peterborough custom-house	4,000 00	
<i>Manitoba.</i>		
Winnipeg military buildings	25,000 00	
Public buildings generally	2,000 00	
<i>North-west Territories.</i>		
Edmonton registry office and Crown lands and timber agents' offices	10,000 00	
Prince Albert Crown lands and timber agents' offices	4,000 00	
Carried forward	525,850 00	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$525,850 00	8,207,503 83
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income.)—Continued.</i>		
<i>PUBLIC BUILDINGS—Continued.</i>		
<i>North-west Territories—Concluded.</i>		
Regina court house, land office and registry office.....	10,000 00	
Lethbridge custom-house and court house, site being furnished.....	7,000 00	
Calgary post office, custom-house and inland revenue, Dominion lands and Crown timber offices.....	10,000 00	
Court house and lock-up and police accommodation.....	8,000 00	
Medicine Hat immigration buildings—To provide court house and police accommodation.....	1,000 00	
Prince Albert registry office and Dominion lands and timber agents' offices.....	3,500 00	
Old Government House, Regina—Heating conservatory with hot water in 1890-91.....	1,314 61	
North-west mounted police buildings.....	15,000 00	
Court-house, lock-up and police accommodation.....	4,500 00	
<i>British Columbia.</i>		
General repairs and improvements, public buildings.....	3,000 00	
Vancouver post office, custom-house, &c.....	30,800 00	
Victoria drill hall—Locality furnishing site free of cost.....	14,000 00	
Victoria military buildings, including Macaulay Point battery.....	5,000 00	
Victoria custom-house—Repairs and improvements.....	1,000 00	
Nanaimo public buildings—Repairs, improvements, &c.....	1,000 00	
New Westminster post office—Improvements, &c.....	1,000 00	
Victoria military building, including Macaulay Point battery.....	4,000 00	
Victoria marine hospital—Alterations, improvements, &c.....	2,000 00	
Vancouver post office, custom-house, &c.—Additional amount required.....	9,000 00	
<i>Repairs, Furniture, Heating, &c.</i>		
Repairs, furniture, &c.....	106,200 00	
Grounds, public buildings, Ottawa.....	6,000 00	
Removal of snow, public buildings, Ottawa.....	2,500 00	
Heating, public buildings, Ottawa.....	60,000 00	
Gas and electric light, public buildings, Ottawa, including roads and bridges.....	26,000 00	
Water, public buildings, Ottawa.....	16,500 00	
Allowance for fuel and light, Rideau Hall.....	8,000 00	
Telephone service, public buildings, Ottawa.....	3,500 00	
Major's Hill Park, Ottawa.....	4,000 00	
Salaries of engineers, firemen, caretakers, &c., of Dominion public buildings.....	64,000 00	
Heating Dominion public buildings—Fuel, &c.....	48,500 00	
Lighting Dominion public buildings.....	37,000 00	
Water for Dominion public buildings.....	15,000 00	
Sundry supplies for caretakers, engineers, firemen, &c., Dominion buildings.....	5,000 00	
Dominion immigration buildings—Repairs, furniture, &c.....	3,000 00	
Materials for repairs, &c., in connection with ventilation and lighting public buildings, Ottawa.....	4,000 00	
Rents, repairs, furniture, heating, &c.—Additional amount required.....	15,000 00	
Heating public buildings, Ottawa, including salaries of engineers, firemen and elevator attendants—Additional amount required.....	6,000 00	
	1,088,164 61	
Carried forward.....	1,088,164 61	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,088,164 61	8,207,503 83
PUBLIC WORKS.		
(Chargeable to Income.)—Continued.		
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Cow Bay—Repairs.....	\$ 1,000 00	
L'Ardoise—Breakwater.....	15,000 00	
French River—Repairs to pier.....	300 00	
West Chezzetcook.....	6,800 00	
Stony Island.....	2,500 00	
Louis Head.....	3,000 00	
Digby—Pier.....	20,000 00	
Mabou—Repairs to pier—To complete.....	1,000 00	
West Arichat—Repairs to breakwater, &c.—To complete.....	1,500 00	
Broad Cove Marsh—Repairs to pier—To complete.....	1,800 00	
Nyanza—Wharf.....	1,800 00	
Margaretville and Hampton piers.....	2,500 00	
LaHave Islands to West Dublin shore <i>via</i> Crooked Channel—Boat passage.....	1,000 00	
Devil Island breakwater.....	700 00	
Great Village River—Additional work performed, 1883, 1884 and 1886, by contractor by diversion of river.....	3,250 00	
Round Hill.....	4,000 00	
Walton.....	300 00	
Pictou Island wharves.....	4,500 00	
Bayfield new wharf.....	5,000 00	
Bayfield breakwater—Repairs.....	5,000 00	
East Bay—Repairs to wharf.....	400 00	
Boularderie Island—Wharf on south side.....	1,600 00	
Boularderie Island—Repairs to wharf near Island Point.....	500 00	
Cape Sable Island—Breakwater on its southern side.....	1,050 00	
Eatonville—Beach protection works.....	1,000 00	
D'Escousse wharf.....	4,000 00	
Babbins Cove.....	1,000 00	
Margaree—Repairs to breakwater—To complete.....	1,100 00	
Ingonish south pier—To complete.....	2,000 00	
Somerville pier—Repairs.....	500 00	
South Gut pier—To complete.....	200 00	
Fox Island—Beach protection.....	650 00	
Big Tracadie—Repairs to breakwater.....	300 00	
Meteghan Cove—Repairs to pier.....	300 00	
Maitland—Repairs to wharf.....	300 00	
Eatonville—Beach protection works—Additional amount required.....	2,300 00	
Parrsborough harbour—Dredging entrance channel.....	3,500 00	
Bayfield—New wharf—Additional amount required.....	5,000 00	
Blue Rock breakwater—Repairs.....	500 00	
McNair's Cove pier—Heavy repairs, dredging, &c.....	5,000 00	
Yarmouth harbour.....	10,000 00	
Blanche harbour.....	300 00	
Negro Island—Beach protection.....	300 00	
Grand Etang.....	5,000 00	
Barrington Passage pier—Enlargement of pier, dredging, &c.....	600 00	
Mabou coal mines—Wharf at Coal Mine Point; the residents contributing in labour to the amount of \$2,000.....	2,000 00	
Devil's Island breakwater.....	1,100 00	
Meagher's Beach—Repairs to protection works.....	500 00	
Great Village wharf—Balance due contractor.....	240 00	
Green harbour.....	300 00	
Louis Head—Additional amount required to complete breakwater.....	500 00	
Port Lorne—To complete repairs to breakwater and extension of east pier.....	500 00	
Cow Bay—Additional amount required for repairs to breakwater.....	2,500 00	
Carried forward.....	135,990 00	1,088,164 61 8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
Brought forward.....	\$ 135,990	00	1,088,164	61 8,207,503 83
PUBLIC WORKS—Continued.				
<i>(Chargeable to Income.)—Continued.</i>				
HARBOURS AND RIVERS—Continued.				
<i>Prince Edward Island.</i>				
Repairs to piers and breakwaters.....	6,000	00		
Miminegash.....	2,950	00		
Port Selkirk pier—Repairs.....	800	00		
St. Peter's Bay—Repairs to breakwater at inner end.....	1,100	00		
Belfast pier—Repairs—To complete.....	250	00		
Brae harbour—Extension of breakwater (the locality having contributed \$500 towards the construction of the whole work required).....	650	00		
Malpeque—Repairs to beach protection works.....	250	00		
Bay Fortune harbour.....	1,500	00		
Bay View—To complete repairs to wharf.....	100	00		
Nine Mile Creek—Extension of pier and general repairs.....	400	00		
Bay Fortune—Additional amount required to complete extension of breakwater.....	700	00		
<i>New Brunswick.</i>				
Lower Neguac—Wharf.....	3,000	00		
Edgett's Landing—Ballast wharf and gridirons—To complete.....	1,200	00		
Shippegan breakwater—To complete.....	2,000	00		
Repairs to breakwater at Negro Point, St. John harbour.....	2,500	00		
Dalhousie ballast wharf—Repairs.....	250	00		
Shediac harbour—Improvements at Pointe du Chêne, and dredging entrance to channel.....	5,000	00		
Clifton breakwater—Repairs—To complete.....	500	00		
Tracadie—Wharf.....	3,500	00		
River St. John, including Tobique.....	9,500	00		
Tracadie wharf—Additional amount required.....	1,500	00		
Lower Neguac wharf—Additional amount required to complete.....	5,000	00		
Sackville harbour—Repairs to protection work on Rampasture Isthmus, Tintamarre River.....	2,000	00		
Negro Point breakwater, St. John harbour.....	500	00		
Campbellton ballast wharf—Extension.....	4,400	00		
St. Croix River improvements, on condition that at least \$35,000 is spent by the United States Government.....	17,500	00		
Shediac harbour—New breakwater for protection of Intercolonial Railway wharf, at Pointe du Chêne.....	5,000	00		
<i>Maritime Provinces Generally.</i>				
General repairs and improvements.....	9,400	00		
<i>Quebec.</i>				
River Nicolet.....	1,000	00		
Anse à l'Eau, or Tadoussac pier.....	1,800	00		
Rimouski pier—Repairs.....	3,000	00		
Lévis graving dock—Dredging—To complete.....	2,000	00		
River St. Maurice—West channel, mouth of river.....	2,000	00		
Cacouna pier.....	1,500	00		
Etang du Nord—Repairs.....	1,500	00		
Ste. Anne des Monts.....	2,300	00		
Isle Verte pier.....	1,000	00		
Carried forward.....	239,540	00	1,088,164	61 8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward.....	\$ 239,540 00	1,088,164 61	8,207,503 83
PUBLIC WORKS—Continued.			
<i>(Chargeable to Income.)—Continued.</i>			
HARBOURS AND RIVERS—Continued.			
<i>Quebec—Concluded.</i>			
River Yamaska—To complete repairs to lock and dam, and for dredging.....	1,000 00		
L'Islet pier—Repairs.....	6,000 00		
Murray Bay—Renewals and repairs.....	1,000 00		
Lake Megantic piers—Repairs.....	300 00		
Laprairie—Works in connection with ice piers.....	2,500 00		
River Ottawa—Improvement of channel at Mille Iles.....	1,000 00		
Ste. Anne la Pérade.....	2,000 00		
River St. Maurice—Improvement of channel between Grandes Piles and La Tuque.....	1,000 00		
Knowlton's Landing—To complete extension of wharf, &c.....	1,000 00		
Ile aux Coudres—Repairs to pier.....	300 00		
Roberval pier, Lake St. John.....	4,000 00		
Baie St. Paul—Repairs to isolated pier.....	900 00		
Les Eboulements—Repairs to wharf.....	800 00		
Baie St. Paul—Extension of wharf at Cap aux Corbeaux.....	1,000 00		
Matane—Extension of wharf.....	3,500 00		
Chicoutimi wharf.....	1,000 00		
Anse St. Jean.....	500 00		
St. Michel de Bellechasse—Repairs to pier.....	1,000 00		
St. Laurent, Island of Orleans—Renewals.....	250 00		
River St. Maurice—Improvement of channel between Grandes Piles and La Tuque—Additional amount required to complete.....	2,000 00		
River Nicolet—Additional amount required.....	1,000 00		
L'Assomption River—Improvement of Châte Monte-à-peine—To complete.....	400 00		
Longueuil pier—Enlargement and repairs.....	2,500 00		
Yamachiche pier.....	2,000 00		
St. Jean Port Joli pier.....	5,000 00		
River Ottawa—Compensation in full to Mrs. Nephtali Guindon, for land taken at Papineauville in 1888, to open a channel for navigation purposes between the main channel of the Ottawa and Pentecost Bay, including damage done to her property.....	500 00		
<i>Ontario.</i>			
Kingston harbour, Lake Ontario.....	7,000 00		
Port Hope—Repairs.....	2,600 00		
River Ottawa—Improvement of steamboat channel through Narrows at Petewawa, above Pembroke.....	1,000 00		
Little Current.....	3,100 00		
Southampton—To complete extension of landing pier, &c.....	5,000 00		
Meaford harbour works—The town having contributed \$3,000.....	3,600 00		
Georgian Bay—Removal of Robertson rocks in main passage between Clapperton and Croker's Island.....	1,000 00		
Thornbury.....	3,000 00		
Belleville harbour—Dredging.....	3,500 00		
Port Elgin—Dredging, &c.....	2,500 00		
Hamilton harbour—Dredging.....	3,000 00		
Rainy River—Improvement of Long Sault Rapids.....	2,300 00		
General repairs and improvements, harbours and rivers.....	600 00		
Trenton harbour—Dredging; locality providing \$2,000.....	3,000 00		
Belleville harbour works; the local authorities furnishing \$2,000.....	3,000 00		
Toronto harbour—Works at eastern entrance, &c., the city of Toronto having contributed \$100,000.....	75,000 00		
Carried forward.....	401,190 00	1,088,164 61	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward.....	\$ 401,190 00	1,088,164 61	8,207,503 83
PUBLIC WORKS—Continued.			
<i>(Chargeable to Income.)—Continued.</i>			
HARBOURS AND RIVERS.			
<i>Ontario—Concluded.</i>			
Owen Sound harbour—Dredging.....	15,000 00		
Port Albert—Repairs to north pier, and towards extension of piers and dredging.....	8,000 00		
Goderich harbour—Extension of piers.....	15,000 00		
Rainy River—Improvement of Long Sault Rapids—Additional amount required.....	2,200 00		
River Beaudet—Improvement of river by cleaning out channel ...	5,000 00		
Port Rowan—Wharf	6,000 00		
Midland harbour—Dredging.....	2,500 00		
Penetanguishene—Dredging.....	2,500 00		
Port Arthur—Dredging.....	5,000 00		
<i>Ontario and Quebec.</i>			
General repairs and improvements.....	7,500 00		
<i>Manitoba.</i>			
General repairs and improvements.....	900 00		
<i>North-west Territories.</i>			
General repairs and improvements.....	3,300 00		
<i>British Columbia.</i>			
Victoria harbour	6,000 00		
Victoria harbour—Dredging in outer harbour.....	12,000 00		
Fraser River.....	10,000 00		
Columbia River—Improvements above Golden	5,400 00		
Columbia River—Improvements between Revelstoke and Arrow Lake.....	2,500 00		
Skeena River.....	2,000 00		
Fraser River—Protection of works at Garry Bush.....	7,500 00		
Cowichan River	1,800 00		
General repairs and improvements, harbours and rivers.....	3,000 00		
Columbia River—Protection of bank at Revelstoke; the Revelstoke Smelting Company providing \$2,500.....	2,500 00		
Fraser River—Improvement of navigable channel, and protection of south bank of river at Miller's Landing and Sunas—To complete, on condition of parties interested giving \$5,000.....	5,000 00		
Esquimalt caisson chamber—Repairs.....	4,500 00		
<i>Harbours and Rivers Generally.</i>			
Harbours and rivers generally.....	5,000 00		
		541,290 00	
DREDGING.			
New dredging plant.....	15,000 00		
Dredge vessels—Repairs.....	30,000 00		
Carried forward	45,000 00	1,629,454 61	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 45,000 00	1,629,454 61
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)—Continued.</i>		
DREDGING—Concluded.		
Dredging—Nova Scotia.....	36,300 00	
do Prince Edward Island.....		
do New Brunswick.....		
do Quebec and Ontario.....	33,700 00	
do Manitoba.....	15,000 00	
do British Columbia.....	10,000 00	
do General service.....	6,000 00	
do Nova Scotia, Prince Edward Island and New Brunswick —Additional amount required.....	3,700 00	
do Quebec and Ontario—Additional amount required.....	6,300 00	
do British Columbia—Additional amount required.....	5,000 00	
New dredging plant.....	15,000 00	
	176,000 00	
SLIDES AND BOOMS.		
Slides and booms.....	\$ 5,000 00	
Ottawa district—River Petewawa.....	10,000 00	
Ottawa district—Reconstruction of works at Des Joachims and Calumet stations.....	2,500 00	
Saguenay district—To effect a settlement with William Larouche and Gagné and Rochette, in full of all demands for damages caused to their mills by the breaking away of the Government works on the "Petite Décharge" outlet from Lake St. John....	1,500 00	
		19,000 00
ROADS AND BRIDGES.		
Bridge across the Battle River at Battleford, painting, &c.....	\$ 800 00	
Bridges, Ottawa City, over the Ottawa River, the slides, the Rideau Canal and approaches thereto.....	4,500 00	
Aid to the municipality of Russell, Manitoba, towards the con- struction of a bridge across the Assiniboine, at or near the village of Millwood, Marquette County.....	2,500 00	
		7,800 00
TELEGRAPH LINES.		
Aid towards establishing telegraphic communication between Mani- toulin Island and the mainland, at Nelson station, on the Canadian Pacific Railway.....	\$ 1,000 00	
Land and cable telegraph lines for the sea coasts and islands of the Lower River and Gulf of St. Lawrence and the Maritime Pro- vinces:—		
Land line on north shore of St. Lawrence—To improve roadway, repair line and increase operating facilities of same between Pointe des Monts and Pointe aux Esqui- maux.....	1,500 00	
Loop line from Meat Cove to White Point, C.B.—To com- plete.....	800 00	
Assistance towards the construction and maintenance of a telegraph line, Shippegan to Point Miscou, N.B.....	4,000 00	
Telegraph lines, North-west Territories:—		
Assistance towards the construction and maintenance of a line from Moosomin station, Canadian Pacific Railway, to Cannington, or to a point on the Manitoba and South- western Railway.....	3,000 00	
Telegraph lines, British Columbia:—		
Line from Nanaimo to Comox.....	7,000 00	
		17,300 00
Carried forward.....	1,849,554 61	8,207,503 83

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,849,554 61	8,207,503 83
PUBLIC WORKS—Concluded.		
(Chargeable to Income.)—Concluded.		
EXPERIMENTAL FARMS.		
Improvements, renewals, repairs, &c., in connection with buildings, fences, &c.	6,000 00	
MISCELLANEOUS.		
Surveys and inspections.....	\$ 6,700 00	
National Art Gallery.....	1,000 00	
To provide for salaries of engineers, draughtsmen and clerks, Chief Engineer's office.....	54,000 00	
To provide for salaries of architects, draughtsmen and clerks, Chief Architect's office.....	29,500 00	
To provide for salaries of staff, telegraph service.....	5,200 00	
Surveys and inspections—Additional amount required.....	9,000 00	
To assist in the publication of the historical and topographical map of the Dominion of Canada, by G. F. Baillairegé.....	500 00	
To provide for temporary clerical and other assistance—inclusive of services of all persons required who were first employed after 1st July, 1882, notwithstanding anything to the contrary in the Civil Service Act.....	36,000 00	
Repairs to Wascana dam, Regina, on condition that what is required in addition to put the dam in a state of thorough repair be contributed by the other parties interested, and that hereafter it be taken over and maintained at the cost of the municipality.....	3,500 00	
Monument to the late Sir John A. Macdonald.....	10,000 00	
	155,400 00	2,010,954 61
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
Steam communication with the Magdalen Islands.....	8,600 00	
Steam communication between Grand Manan, N.B., and mainland.....	4,000 00	
Subsidy to a line of steamers to run between London, Eng., and St. John, N.B., and Halifax, N.S., a port in the Dominion to be the terminal port.....	25,000 00	
Subsidy to steamer between Campbellton and Gaspé and intermediate ports.....	12,500 00	
Steam communication between Port Mulgrave or Pictou Railway terminus and Cheticamp, touching at Port Hood, Mabou, Broad Cove, Margaree and Cheticamp, the Local Government having granted a similar amount conditionally on a Dominion vote for the same service.....	2,000 00	
Steam communication between Prince Edward Island and the mainland.....	6,000 00	
Steam communication between St. John and ports in Basin of Minas, Parrsboro', Maitland, Summerville, Hantsport, Avondale, Windsor, Kingsport, Wolfville, &c.....	3,000 00	
Steam communication between Canso, Arichat, Port Hood and Mabou, and such other places between above limits as may be agreed upon, touching daily at Port Mulgrave; and also to provide for continuance of service during winter on the Port Mulgrave and Canso section.....	4,000 00	
Steam communication between Halifax and Newfoundland <i>via</i> Cape Breton, at \$200 per trip, not to exceed \$2,000 per annum.....	2,000 00	
Steam service between San Francisco and Victoria, B.C.....	17,640 00	
Steam communication between St. John, Digby and Annapolis for the following service, viz.: Five trips a week during the months of June, July, August and September, and three trips a week during the remaining eight months of the year.....	11,500 00	
For three lines of steamers running between the ports of Halifax and St. John, N.B., or either, and the West Indies and South America.....	103,000 00	
Steam communication between Halifax and St. John <i>via</i> Yarmouth.....	5,000 00	
Carried forward.....	204,240 00	10,218,458 44

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	204,240 00	10,218,458 44
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—Concluded.		
Bras d'Or steamship communication between Baddeck and Grand Narrows, daily, St. Peter's and Port Mulgrave, daily, and Irish Cove, East Bay and Grand Narrows, twice a week.....	7,000 00	
To complete payment for the mail service between Canada and Liverpool until the 30th June, 1892, a contract for which was made with the agents for the Allan Line of steamships on the 24th December, 1891.....	21,028 00	
To provide for payment for mail service between Canada and Liverpool, performed by the Allan Line of steamships from 1st July, 1892, to 30th June, 1893.....	126,533 00	
Steamship service, Pictou to Murray harbour, Montague bridge and Souris, tri-weekly.....	1,200 00	
Steamship service between Nanaimo and Victoria, tri-weekly, between Nanaimo and Comox, twice per week, and between Comox and Valdez Island, once per week.....	6,000 00	
		366,001 00
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of Government steamers.....	116,600 00	
To provide for examination of masters and mates.....	5,000 00	
Rewards for saving life and life-boat service.....	8,000 00	
To provide for investigation into wrecks, and collection of information relating to disasters to shipping.....	1,000 00	
Canadian registration of shipping.....	2,500 00	
Quebec Water Police.....	7,000 00	
Removal of obstructions in navigable rivers.....	5,000 00	
Winter mail service, P.E.I.....	5,000 00	
Tidal observations.....	10,000 00	
To provide an increase in the salary of A. E. Gilpin, clerk to the Chairman of the Board of Examiners of Masters and Mates, from 1st July, 1892.....	50 00	
To provide for the payment of 2 months' wages to the father of R. McKenzie, who was drowned in September, 1888, at Cape Race, while acting as 2nd mate of steamer "Newfield".....	90 00	
To pay Macdonald Brothers for their services in saving the boiler and engine of the Dominion steamer "Napoléon III.," wrecked at Little Glace Bay, Cape Breton, N.S., November, 1890.....	4,000 00	
Repairs to steamer "Quadra".....	15,000 00	
		179,240 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances, &c., of lighthouse-keepers.....	197,200 00	
Agencies, rents and contingencies.....	17,935 00	
Maintenance and repairs to lights, fog-whistles, buoys and beacons and humane establishments.....	259,100 00	
Completion and construction of lighthouses and fog-alarms.....	40,000 00	
Signal service.....	6,000 00	
Repairs to wharves.....	5,000 00	
To provide an increase to the salary of L. A. Blanchet, in the Quebec agency, from 1st July, 1892.....	50 00	
		525,285 00
SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto.....	5,250 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
Meteorological service.....	62,900 00	
To provide for the erection of a building at Toronto, in connection with the Meteorological Service.....	6,000 00	
To provide for the expenditure in connection with hydrographic surveys in the Dominion.....	2,000 00	
		77,150 00
Carried forward.....		11,366,134 44

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	§	cts.	§ cts.
Brought forward.....			11,366,134 44
MARINE HOSPITALS.			
St. Catharines hospital.....	500	00	
Kingston do.....	500	00	
Marine hospitals in the Provinces of Quebec, New Brunswick, Nova Scotia, Prince Edward Island and British Columbia.....	30,000	00	
Shipwrecked and distressed seamen.....	3,000	00	
			34,000 00
STEAMBOAT INSPECTION.			
To provide for expenses of steamboat inspection.....	23,000	00	
Further amount required for this service.....	3,000	00	
			26,000 00
FISHERIES.			
SALARIES AND DISBURSEMENTS OF FISHERY OFFICERS, &c.			
<i>Ontario.</i>			
Salaries, inspectors and overseers.....	12,000	00	
Disbursements, inspectors and overseers.....	6,000	00	
Wages and expenses of special guardians.....	3,000	00	
Miscellaneous.....	1,000	00	
<i>Quebec.</i>			
Salaries, inspectors and overseers.....	10,000	00	
Disbursements, inspectors and overseers.....	4,000	00	
Wages and expenses of special guardians.....	1,500	00	
Miscellaneous.....	500	00	
<i>New Brunswick.</i>			
Salaries, inspectors and overseers.....	9,000	00	
Disbursements, inspectors and overseers.....	5,000	00	
Wages and expenses of special guardians.....	6,000	00	
Miscellaneous.....	1,000	00	
<i>Nova Scotia.</i>			
Salaries, inspectors and overseers.....	13,000	00	
Disbursements, inspectors, overseers and wardens.....	6,000	00	
Wages and expenses of special guardians.....	2,500	00	
Miscellaneous.....	1,000	00	
<i>Prince Edward Island.</i>			
Salaries, inspectors and overseers.....	3,000	00	
Disbursements, inspectors and overseers.....	700	00	
Wages and expenses of special guardians.....	1,000	00	
Miscellaneous.....	200	00	
<i>Manitoba.</i>			
Salaries, inspectors and overseers.....	2,000	00	
Disbursements, inspectors and overseers.....	1,000	00	
Wages and expenses of special guardians.....	1,000	00	
Miscellaneous.....	500	00	
Carried forward.....	90,900	00	11,426,134 44

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	8 cts.	8 cts.
Brought forward.....	90,900 00	11,426,134 44
FISHERIES—Concluded.		
SALARIES AND DISBURSEMENTS OF OFFICERS, &c.—Concluded.		
<i>North-west Territories.</i>		
Salaries, inspectors and overseers.....	1,500 00	
Disbursements, inspectors and overseers.....	1,000 00	
Wages and expenses of special guardians.....	1,000 00	
Miscellaneous.....	500 00	
<i>British Columbia.</i>		
Salaries, inspectors and overseers.....	3,000 00	
Disbursements, inspectors and overseers.....	2,000 00	
Wages and expenses of special guardians.....	3,500 00	
Miscellaneous.....	1,500 00	
FISH-BREEDING.		
Building and maintenance of fish-breeding establishments.....	40,000 00	
To cover the cost of building lobster hatcheries.....	5,000 00	
Further amount required for fish-breeding.....	1,000 00	
Fish hatchery for Manitoba and the North-west Territories.....	7,000 00	
FISHERY PROTECTION VESSELS.		
To provide for the cost, maintenance and repairs of fishery protection steamers and vessels.....	100,000 00	
MISCELLANEOUS.		
Building fish-ways and clearing rivers.....	5,000 00	
To provide for legal and incidental expenses.....	2,000 00	
Canadian fishery exhibit.....	1,000 00	
To pay for services performed by Customs and Fisheries departments, and other expenses in connection with the distribution of the fishing bounty and collection of statistics.....	4,750 00	
Survey of oyster beds and oyster culture.....	5,000 00	
To provide for the payment to collectors of Customs for services in connection with the issuing of <i>modus vivendi</i> licenses during the season of 1891.....	560 00	
Expenses in connection with Behring Sea matters.....	60,000 00	
To meet expenses in connection with work collecting supplementary data respecting fur seals in the North Pacific Ocean and Behring Sea during year ended 30th June, 1892.....	1,000 00	
To meet expenses in connection with work collecting supplementary data respecting fur seals in the North Pacific Ocean and Behring Sea during the year ending 30th June, 1893.....	1,000 00	
To provide for two prizes of \$500 and \$250 for model, plan and specifications of an improved fishing vessel of between 80 and 120 tons.....	750 00	
		338,960 00
SUPERINTENDENCE OF INSURANCE.		
To meet expenses in connection with the service.....		7,000 00
GEOLOGICAL SURVEY.		
Amount required for Geological Survey.....		60,000 00
Carried forward.....		11,832,094 44

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		11,832,094 44
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO, QUEBEC AND THE MARITIME PROVINCES.		
Relief of distress and medical attendance, Ontario.....	\$ 800 00	
Relief of distress and seed, Quebec.....	4,200 00	
Blankets for Indians in Ontario and Quebec.....	1,600 00	
Schools.....	27,000 00	
Salaries, Chiefs Cook and McGregor.....	100 00	
Removal of Lake of Two Mountains Indians.....	1,000 00	
Payment of Robinson Treaty annuities.....	16,806 00	
Survey of Indian reserves.....	500 00	
To continue the provision made in previous years of \$25 for each of five scholarships at the Mohawk Indian industrial institute at Brantford, to be used in paying collegiate fees, purchasing books and defraying necessary expenses incurred during attendance at the Brantford collegiate institute.....	125 00	
To pay one-half the salaries of teachers at the Methodist schools at Oka for the year ended 30th June, 1891.....	200 00	
To provide for the cost of the removal of the school-house at Michipicoten, north shore of Lake Superior, from the place where it now stands to the Indian reserve.....	100 00	
To pay T. J. Richardson the balance of his account for reporting proceedings of the Dundee Commission.....	48 85	
	52,479 85	
NOVA SCOTIA.		
Salaries.....	\$ 1,200 00	
Relief and seed grain.....	3,045 00	
Medical attendance and medicines.....	1,200 00	
Miscellaneous.....	75 00	
To provide compensation for damages to Duncan Chisholm's lands in the county of Antigonish, through depredations of the Indians upon the timber, \$400; and for the use by the Indians for ten years of timber and wood standing or lying upon 30 acres of land belonging to him adjoining the reserve, \$60; and for the expenses of the examination of the lands by the appraisers, \$13.....	473 00	
	5,993 00	
NEW BRUNSWICK.		
Salaries.....	\$ 2,005 00	
Relief and seed grain.....	2,700 00	
Medical attendance and medicines.....	1,195 00	
Miscellaneous expenses.....	300 00	
To provide for the payment to Dr. H. A. Fish at Newcastle, of his account for medicine supplied to the Indians at Red Bank and Eel Ground, from August, 1889, to August, 1890.....	86 35	
	6,286 35	
PRINCE EDWARD ISLAND.		
Salaries.....	\$ 300 00	
Relief and seed grain.....	1,125 00	
Medical attendance.....	350 00	
Office and miscellaneous.....	75 00	
To provide for the erection of a house for the teacher of the Indian school at Lennox Island.....	150 00	
	2,000 00	
MANITOBA, THE NORTH-WEST TERRITORIES AND KEEWATIN.		
Annuities.....	\$130,000 00	
Implements and tools.....	12,000 00	
Seed grain.....	1,500 00	
Carried forward.....	143,500 00	11,832,094 44

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 143,500 00	66,759 20 11,832,094 44
DEPARTMENT OF INDIAN AFFAIRS—Concluded.		
MANITOBA, THE NORTH-WEST TERRITORIES AND KEEWATIN—Concluded.		
Live stock.....	4,550 00	
Supplies for destitute Indians.....	218,200 00	
Triennial clothing.....	4,000 00	
Day, boarding and industrial schools.....	204,000 00	
Surveys.....	4,000 00	
Farm wages.....	24,000 00	
Supplies for farmers.....	11,000 00	
Sioux.....	5,000 00	
Agency and farm buildings.....	6,000 00	
General expenses.....	143,000 00	
Grist and saw-mills.....	1,555 00	
Compassionate allowance for children of late Instructor Payne.....	120 00	
To provide buildings for the St. Boniface industrial school.....	2,000 00	
To provide for the salary of E. Jean, clerk in the Winnipeg office.....	200 00	
To provide for the payment of the first of 12 years' arrears of annuity to the Montreal Lake and Lac la Rouge bands, Treaty No. 6.....	500 00	
To provide the usual grant for nets and twine supplied for the Indians of the McKenzie River district.....	500 00	
To provide for the payment of the wives of instructors for services rendered in teaching the Indian women the domestic arts.....	700 00	
To provide for the erection of a hospital on the Blood reserve.....	2,500 00	
Industrial school at Brandon.....	20,000 00	
	795,325 00-	
BRITISH COLUMBIA.		
Salaries.....	\$ 19,720 00	
Relief of distress.....	3,000 00	
Seed grain, implements and tools.....	1,200 00	
Medical attendance and medicines.....	5,000 00	
Day schools.....	8,500 00	
Industrial and boarding schools.....	29,890 00	
Travelling expenses.....	4,500 00	
Office and miscellaneous expenses.....	4,050 00	
Steamer "Vigilant".....	2,200 00	
Surveys.....	9,672 00	
Reserve Commission.....	8,000 00	
To assist the Coqualeetza home, Chilliwack, which was completely destroyed by fire.....	2,500 00	
To provide for 10 pupils at \$60 each at the girls' industrial school at Port Simpson.....	600 00	
	98,832 00	
		960,916 20
NORTH-WEST MOUNTED POLICE.		
Pay of force.....	310,000 00	
Subsistence.....	85,000 00	
Forage.....	75,000 00	
Fuel and light.....	35,000 00	
Clothing.....	50,000 00	
Repairs, renewals, replacement of horses, arms and ammunition.....	45,000 00	
Medicines, medical comforts and hospital expenses.....	3,000 00	
Books, stationery and printed forms.....	4,000 00	
Scouts, guides, billeting charges, travelling allowances, transport of men and horses.....	60,000 00	
Contingencies.....	8,000 00	
		675,000 00
Carried forward.....		13,468,010 64

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		13,468,010 64
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Expenditure connected with Lieutenant Governor's office	6,000 00	
Incidental justice, &c.	8,040 00	
Addition to salary of clerk of Legislative Assembly	400 00	
Legal adviser	1,200 00	
Registrars	18,160 00	
Insane patients, Manitoba	18,000 00	
Schools, clerical assistance, printing, &c.	198,200 00	
		250,000 00
MISCELLANEOUS.		
"Canada Gazette"	6,000 00	
Miscellaneous printing	25,000 00	
Expenses in connection with distribution of parliamentary documents	2,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next session	20,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy	2,000 00	
For the expenses of the Government in the district of Keewatin	2,000 00	
Maintenance of Keewatin and other lunatics chargeable to Keewatin	4,000 00	
To meet expenditure in connection with "The Canada Temperance Act"	2,500 00	
To compensate members of the North-west Mounted Police for injuries received in the discharge of duty	2,000 00	
To provide for the payment of Mr. Fabre's salary and contingencies of his office	3,500 00	
To meet cost of litigated matters (Justice)	10,000 00	
To cover expenses of taking evidence concerning the Public Accounts, and reporting the same to the Auditor General of Canada, under authority of section 57 of the "Consolidated Revenue and Audit Act"; and to pay for legal advice to the Auditor General, and assistance to him in estimating the value of printing for the returning officers and others	500 00	
To meet payments to extra clerks, for services rendered in preparation of returns ordered by Parliament	5,000 00	
Commercial agencies	5,000 00	
Survey, construction of roads, bridges and other necessary works in connection with the Hot Springs reservation, near Banff station, North-west Territories	8,000 00	
Academy of Arts	2,000 00	
To assist in the publication of the proceedings of the Royal Society	5,000 00	
Classification of old records of the late Province of Canada, in Department of Secretary of State	1,500 00	
Classification of old records of Canada in office of the Privy Council	1,000 00	
Further amount required for plant for Printing Bureau	6,000 00	
To meet cost of arbitration respecting the accounts between the Dominion of Canada and the Provinces of Ontario and Quebec. (Payments on account of services rendered may be made to members of the Civil Service notwithstanding anything in the Civil Service Act)	10,000 00	
On account of expenses in connection with the survey of Georgian Bay	18,000 00	
To provide for the re-survey of the south shore of the Island of Anticosti	3,000 00	
To provide for the expenses in connection with the determination of longitude at Montreal	2,000 00	
To pay expenses re inquiry made by Justice Kingsmill into Dr. Spohn's charges in connection with supplies for steamer "Bayfield," Georgian Bay survey	250 00	
To pay for the services rendered by George Gott, the collector of customs at Amherstburg, in connection with the removal of the wreck of the "Mary Birkhead," sunk at the lower end of Lime Kiln Cut, Bois Blanc Island	100 00	
Amount required to pay cost of litigation in the case of H. Bulmer <i>vs.</i> The Queen	1,500 00	
To refund amount received from sundry persons by the Department of the Interior as bonus and rents for licenses to cut timber on, and for their actual outlay for surveys made (under instructions from the Department of Interior) of certain timber berths in the late disputed territories, as, after the award of the Boundary Commission, no timber has been cut	34,225 53	
Carried forward	182,075 53	13,718,010 64

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	182,075 53	13,718,010 64
MISCELLANEOUS—Concluded.		
Printing Bureau, for a rotary perforating machine.	\$ 1,250 00	
Printing Bureau, miscellaneous supplies and renewals of type, &c..	6,000 00	
	7,250 00	
To meet proportion of expenditure in connection with the International Customs Bureau at Brussels	600 00	
Commission on the liquor traffic.....	5,000 00	
Litigated matters (Justice).....	10,000 00	
Amount required to meet expenditure of the North-west Mounted Police Commission.....	3,300 00	
To provide for expense of survey of bed of straits between Capes Tormentine and Traverse.....	12,900 00	
		221,125 53
COLLECTION OF REVENUE.		
CUSTOMS.		
<i>Salaries and Contingent Expenses of the several Ports.</i>		
In the province of Nova Scotia	\$ 114,560 00	
do New Brunswick.....	89,960 00	
do Prince Edward Island.....	19,375 00	
do Quebec.....	208,320 00	
do Ontario.....	301,155 00	
do Manitoba.....	31,500 00	
do North-west Territories.....	4,300 00	
do British Columbia.....	51,045 00	
Provinces generally—To cover any unforeseen changes it may appear necessary to make in staff	5,000 00	
Salary and travelling expenses of inspectors of ports, and travelling expenses of other officers on inspection	19,000 00	
Board of Customs and outside Detective Service—To meet expenditure in connection therewith, including \$400, salary of Commissioner of Customs as chairman of the board	23,600 00	
Customs Laboratory—To meet expenditure in connection with the testing of sugars, &c., including pay of officers appointed or employed for that purpose	6,000 00	
Miscellaneous—Contingencies of head office—Covering newspapers, advertising, telegraphing, locks, instruments, &c., for the several ports of entry.....	17,000 00	
To provide for the administration of the Chinese Immigration Act, including remuneration to customs officers.....	2,650 00	
To pay in full the claim of Messrs. Yates & Startford, of Brantford, Ont., for refund of customs duty exacted from them on oak lumber imported for car building, which by decision of Exchequer Court was ruled to be free of duty under the provisions of the tariffs in force from 1879 to 1884, both inclusive	14,979 66	
To add to Wm. Jerrold O'Hara's salary, at the Port of Montreal, notwithstanding anything in the Civil Service Act to the contrary.....	400 00	
		908,844 66
EXCISE.		
Salaries of officers and inspectors of excise.....	\$298,638 75	
To provide for increases depending upon the result of excise examinations.....		
To provide for extra duty-pay of officers at large distilleries and other factories	6,000 00	
Preventive service.....	15,800 00	
Travelling expenses, rent, fuel, stationery, &c	45,000 00	
Stamps for imported and Canadian tobacco.....	20,000 00	
Carried forward.....	385,438 75	908,844 66 13,939,136 17

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 385,438 75	908,844 66 13,939,136 17
COLLECTION OF REVENUE—Continued.		
<i>Excise—Concluded.</i>		
To pay collectors of customs allowance on duties collected by them..	4,000 00	
Commission to sellers of stamps for Canada twist tobacco.....	150 00	
To increase the salaries of chief officers in charge of special surveys, "Tobacco Factories".....	300 00	
To provide for duty-pay to officers serving long hours at other than special surveys.....	1,000 00	
To increase the salary of J. A. Clarke, deputy collector, St. John, N.B.....	45 00	
To provide for extension of inland revenue supervision in the North- west Territories—		
Salaries.....	3,000 00	
Contingencies.....	2,500 00	
<i>Special.</i>		
To enable the department to supply methylated spirits to manu- facturers, the cost of which will be recouped by the manufac- turers to whom they are supplied.....	5,000 00	
		401,433 75
CULLING TIMBER.		
<i>Montreal.</i>		
Deputy supervisor.....	\$ 900 00	
<i>Quebec.</i>		
Salaries.....	6,650 00	
<i>Three Rivers.</i>		
Deputy supervisor.....	300 00	
Clerk.....	500 00	
<i>General.</i>		
Contingencies.....	6,000 00	
Pay of cullers.....	8,300 00	
Superannuated cullers.....	7,500 00	
		30,150 00
WEIGHTS AND MEASURES AND GAS.		
Salaries of officers, inspectors and assistant inspectors of weights and measures, including extension of the service in North- west or elsewhere.....	\$ 56,150 00	
Salaries of inspectors of gas.....	14,100 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for weights and measures.....	15,950 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for gas....	8,000 00	
To increase the salary of H. G. Roche, inspector of gas, Ottawa....	100 00	
To increase the salary of Alfred E. Wheatley, assistant inspector, weights and measures, Hamilton.....	50 00	
To increase the salary of J. S. Baker, assistant inspector of weights and measures.....	100 00	
		94,450 00
Carried forward.....		1,434,878 41 13,939,136 17

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	1,434,878 41	13,939,136 17
COLLECTION OF REVENUE—Continued.		
INSPECTION OF STAPLES.		
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act	3,000 00	
ADULTERATION OF FOOD.		
To meet expenses under the Act	25,000 00	
LIQUOR LICENSE ACT.		
To refund the estate of the late Philip Andrick an amount collected from him under the "Liquor License Act, 1883"	15 00	
MINOR REVENUES.		
Ordnance lands	\$ 3,455 00	
Inland revenue	800 00	
	4,255 00	
ORDNANCE LANDS.		
Amount required for construction of roads and bridges on ordnance lands at Grand Falls, New Brunswick—To complete	530 00	
RAILWAYS AND CANALS.		
<i>Railways.</i>		
Intercolonial Railway	\$ 3,450,000 00	
Windsor Branch Railway	30,000 00	
Prince Edward Island Railway	250,000 00	
<i>Canals.</i>		
Repairs and working expenses	551,600 00	
Salaries and contingencies of canal officers	42,970 00	
Additional pay to persons permanently employed "in the public service," and remuneration to any other persons for services rendered for or in connection with passing vessels through the canals of the Government of Canada from midnight on Saturdays to midnight on Sundays, notwithstanding anything in the Civil Service Act to the contrary	15,000 00	
To pay gratuity to the widow of John Chisholm, who died whilst on duty as mate of SS. "Mayflower"	280 00	
	4,339,850 00	
PUBLIC WORKS.		
Collection of slides and booms dues	\$ 4,000 00	
Repairs and working expenses, harbours, docks and slides	102,600 00	
To provide for paying the Upper Ottawa Improvement Company the authorized allowance for management, &c., in connection with logs passed through the Chenuaux boom, Ottawa River, during fiscal year 1892-93	1,600 00	
Telegraph lines between Prince Edward Island and the mainland	2,000 00	
Land and cable telegraph lines of the sea coasts and islands of the lower river and gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield," or other vessels when required for cable service	28,000 00	
Telegraph lines, North-west Territories	22,900 00	
Telegraph lines, British Columbia	10,000 00	
	171,100 00	
Carried forward	5,807,528 41	13,939,136 17

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$171,100 00	5,807,528 41 13,939,136 17
COLLECTION OF REVENUE—Continued.		
PUBLIC WORKS—Concluded.		
Public Works agency, British Columbia	2,500 00	
Rivière du Lièvre lock, dam, &c.—Working expenses	1,200 00	
Telegraphic service generally	2,700 00	
		177,500 00
POST OFFICE.		
Mail service	\$2,046,842 00	
Salaries and allowances	1,163,350 00	
Miscellaneous	206,000 00	
To provide for reimbursing F. W. P. English, clerk in the Ottawa post office, the sum of \$27.40, and for reimbursing William Potter, labourer in the same office, the sum of \$21, for expenses incurred by them on the occasion of a fire in that building on the 17th January last	48 40	
To provide for the promotion to the 1st class, from the 1st July, 1891, of H. G. Goodfellow and W. H. O'Regan, 2nd class railway mail clerks in the Montreal postal division	320 00	
To compensate Jason E. Hetherington, railway mail clerk, for performance of duties of chief railway mail clerk, Ottawa division, during the illness of J. D. Thomson, chief railway mail clerk, Ottawa	100 00	
Amount required to enable the Postmaster General to pay J. H. Bartlett, in addition to his present salary as 2nd class clerk, the sum of \$60 for attending to the clock of the Ottawa post office	60 00	
Amount required to increase the salary of W. J. Gow, superintendent of letter carriers in the Winnipeg post office, from \$690 to \$800 a year, in accordance with the provisions of the Civil Service Act	110 00	
To provide for one additional 1st class railway mail clerk in the Barrie division	960 00	
To provide for one additional 1st class railway mail clerk in the London division	960 00	
Amount required to increase the salary of W. C. Whittaker, assistant post office inspector of the New Brunswick division, from \$1,450 to \$1,500 a year	50 00	
Postal division in Sherbrooke in connection with Montreal division:—		
1 assistant post office inspector	\$1,600 00	
1 3rd class clerk	400 00	
	2,000 00	
		3,420,800 40
DOMINION LANDS.		
Commissioner's salary	5,000 00	
Superintendent of mines' salary	3,200 00	
Inspector of agencies' salary	2,200 00	
Secretary's salary	2,000 00	
Assistant Secretary's salary	1,500 00	
Homestead inspectors' salaries	8,400 00	
Dominion lands agents' salaries	20,195 00	
do agent, New Westminster	1,500 00	
Crown timber agent do	1,800 00	
Salaries of clerks in outside service, forest rangers and intelligence officers	43,526 25	
Travelling expenses of inspector of agencies, homestead inspectors and superintendent of mines, contingencies of superintendent of mines, land board, Dominion lands and Crown timber agents, and at head office; removal expenses account, stationery and printing and Half-breed Claims Commission expenses	40,180 00	
Carried forward	129,501 25	9,405,828 81 13,939,136 17

SCHEDULE—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 129,501 25	9,405,828 81
COLLECTION OF REVENUE— <i>Concluded.</i>		
DOMINION LANDS— <i>Concluded.</i>		
To pay members of the Board of Examiners Dominion land surveyors. (The authority required by the Civil Service Act is hereby given for paying out of this vote such sums as may be required to pay for the services of members of the board who are also members of the Civil Service).....	1,000 00	
Stationery, rent of rooms and contingent expenditure of Board of examiners of Dominion land surveyors	200 00	
To pay salaries of extra clerks at head office, Ottawa; advertising, copying, &c.	6,000 00	
To provide for the salary of one carpenter	732 00	
	137,433 25	9,543,262 06
DOMINION LANDS.		
(<i>Chargeable to Capital.</i>)		
To provide for the amount required for surveys, examination of survey returns, printing of plans, &c.....		100,000 00
TERRITORIAL ACCOUNT.		
To meet claims arising from North-west troubles.....		4,000 00
Total.....		23,586,398 23

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



55 - 56 VICTORIA.

CHAP. 3.

An Act respecting Fishing Vessels of the United States.

[Assented to 10th May, 1892.]

Preamble.

Chapter 4 of
1891.

WHEREAS the *Act respecting Fishing Vessels of the United States of America*, assented to on the tenth day of July, one thousand eight hundred and ninety-one, expired on the thirty-first day of December, one thousand eight hundred and ninety-one; and whereas it may be expedient to continue, from time to time, the privileges accorded United States fishing vessels under the provisions of that Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Licenses may
be granted to
U.S. fishing
vessels.

1. The Governor in Council may, from time to time, authorize the issue of licenses to United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, during the periods mentioned in such licenses, for the following purposes:—

For what pur-
poses.

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits;

Fees and con-
ditions.

(b.) The transhipment of catch, and the shipping of crews;
2. The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council:

Term of
license.

3. No license shall be issued for a longer period than one calendar year, and all licenses shall expire on the thirty-first day of December of the year for which they are issued.

Report to
Parliament.

2. The Order in Council for the issue of such licenses shall without delay be communicated to both Houses of Parliament, if Parliament is then in session, or, if not then in session, within the first ten days of the then next session.



55-56 VICTORIA.

CHAP. 4.

An Act respecting aid by United States Wreckers in Canadian waters.

[Assented to 10th May, 1892.]

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

- 1.** United States vessels and wrecking appliances may salvage any property wrecked, and may render aid and assistance to any vessels wrecked, disabled or in distress, in the waters of Canada contiguous to the United States. Privilege granted.
- 2.** Aid and assistance include all necessary towing incident thereto. Interpretation.
- 3.** Nothing in the customs or coasting laws of Canada shall restrict the salving operations of such vessels or wrecking appliances. Customs and coasting laws.
- 4.** This Act shall come into force from and after a date to be named in a proclamation by the Governor General, which proclamation may be issued when the Governor in Council is advised that the privilege of salving any property wrecked, and of aiding any vessels wrecked, disabled or in distress, in United States waters contiguous to Canada will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this Act to United States vessels and wrecking appliances. Commencement of Act.
- 5.** This Act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States waters contiguous to Canada. Duration of Act.



55-56 VICTORIA.

CHAP. 5.

An Act to authorize the granting of Subsidies in aid of the construction of the lines of Railway therein mentioned.

[Assented to 9th July, 1892.]

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

1. The Governor in Council may grant the subsidies herein-after mentioned to the railway companies, and towards the construction of the railways also hereinafter mentioned, that is to say:—

To the Lake Erie and Detroit River Railway Company, for 58 miles of their railway from a point at or near Cedar Creek to the town of Ridgetown, in lieu of the subsidies granted to the Lake Erie and Detroit River Railway Company by the Act 53 Victoria, chapter 2, and to the Amherstburg, Lake Shore and Blenheim Railway Company by the Act 52 Victoria, chapter 3.....	\$ 224,000
To the Ottawa, Arnprior and Parry Sound Railway Company, for 55 miles of their railway from Barry's Bay towards the Northern Pacific Junction Railway, a subsidy not exceeding \$6,400 per mile on the first 27½ miles out from Barry's Bay and not exceeding \$3,200 per mile on the second 27½ miles, nor exceeding in the whole.....	\$264,000
To the Canadian Pacific Railway Company or to the Columbia and Kootenay Railway and Navigation Company, for a railway from a point on the Canadian Pacific Railway at or near Revelstoke to the head of Arrow Lake, for 25 miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	80,000

To

To the Tobique Valley Railway Company, for a railway from the north end of the 11 miles for which a subsidy was granted by the Act 53 Victoria, chapter 2, to Plaister Rock Island, for 3 miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..	\$ 9,600
To the Monfort Colonization Railway Company, for 21 miles of their railway from Lachute, St. Jérôme or a point at or near St. Sauveur, on the line of the Montreal and Western Railway, to Monfort and westward, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole	67,200
To the Ontario, Belmont and Northern Railway Company, for 10 miles of their railway from the Belmont iron mines to the Canadian Pacific Railway and the Central Ontario Railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	32,000
To the Montreal and Champlain Junction Railway Company, the balance remaining unpaid of the subsidies granted by the Acts 50-51 Victoria, chapter 24, and 51 Victoria, chapter 3, a subsidy of.....	15,100
To the Buctouche and Moncton Railway Company, for 32 miles of their railway from Moncton to Buctouche, the balance remaining unpaid of the subsidy, not exceeding \$3,200 per mile, granted by the Acts 49 Victoria, chapter 10, and 50-51 Victoria, chapter 24, not exceeding in the whole.....	35,480
To the Cobourg, Northumberland and Pacific Railway Company, for 19 miles of their railway from Cobourg to the Ontario and Quebec Railway (in addition to the subsidy granted by the Act 53 Victoria, chapter 2), a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	60,800
For a railway from the parish of St. Rémi, in the county of Napierville, to St. Cyprien in the said county, for 12 miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	38,400
To the Inverness and Richmond Railway Company (or any other company undertaking the work), for 25 miles of their railway from a point on the Cape Breton Railway, at or near Orange-dale, to Broadcove, a subsidy not exceeding \$3,200 per mile, in lieu of the subsidy of \$50,000 granted to the said railway company by 53 Victoria, chapter 2, and on the same conditions, not exceeding in the whole.....	80,000

To the Nicola Valley Railway Company, for 25 miles of their railway, from a point on the Canadian Pacific Railway at or near Spence's Bridge towards Nicola Lake..	\$80,000
To the Lotbinière and Megantic Railway Company, for 15 miles of their railway from a point at or near St. Jean Deschaillons towards Glen Lloyd, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	48,000
To the Stewiacke and Lansdowne Railway Company, for a railway from a point on the Intercolonial Railway, through the Stewiacke valley, on a line which will afford facilities of communication with the iron mines at Spring-side, Upper Stewiacke and Musquodoboit settlements, 25 miles, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	80,000
To the Philipsburg Junction Railway and Quarry Company, for $6\frac{7.5}{100}$ miles of their railway from Stanbridge Station to Philipsburg, in the county of Missisquoi, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole...	21,600
To the Kingston, Napanee and Western Railway Company, for three miles of their railway from a point at or near Harrowsmith to a point at or near Sydenham, in lieu of the subsidy granted for this section of road by the Act 52 Victoria, chapter 3, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole...	9,600
For a railway from Cape Tourmente towards Murray Bay, in the province of Quebec, 20 miles, in lieu of the subsidy granted by the Act 52 Victoria, chapter 3, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole	64,000
To the Stewiacke and Lansdowne Railway Company, for a railway from Truro, or a point between Truro and Stewiacke, to Newport or to Windsor, in the province of Nova Scotia, for 49 miles of such railway, in lieu of the subsidy granted by the Act 52 Victoria, chapter 3, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	156,800
To the Restigouche and Victoria Railway Company, for 15 miles of their railway from Campbellton towards Grand Falls, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..	48,000
For a railway from St. John's to Ste. Rosalie, 32 miles, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	102,400

For a railway from St. Placide to St. Andrews, 8 miles, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	\$	25,600
For a railway to complete the connection between Sydney and Louisburg, in the county of Cape Breton, for 28 miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole		89,600
To the Belleville and Lake Nipissing Railway Company, for 30 miles of their railway from Belleville to Tweed and thence to Bridgewater, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole...		96,000
To the Kingston, Smith's Falls and Ottawa Railway Company, for 56 miles of their railway from the city of Kingston to Smith's Falls, in lieu of the subsidies, not to exceed \$179,200, granted by the Acts 52 Victoria, chapter 3, and 53 Victoria, chapter 2, a subsidy calculated on a basis of $3\frac{1}{2}$ per cent on the amount of such subsidies so granted, to be paid in semi-annual instalments for such period not exceeding 21 years, as the Company may elect, which represents a grant in cash of.....		179,200

Provided that, upon the completion of 28 miles of the said railway, a semi-annual subsidy may be paid proportionate to the value of the portion so completed in comparison with that of the whole 56 miles : Provided also, that the Company may deposit with the Minister of Finance and Receiver General, a sum not exceeding \$1,170,000, in consideration whereof there shall be paid to the Company for such period not exceeding 20 years as the Company may elect, a semi-annual annuity calculated on a basis of $3\frac{1}{2}$ per cent on the amount so deposited : Provided further, that the Governor in Council may permit the Company to assign the said subsidy and annuity to trustees by way of security for any bonds or securities which may be issued by the Company in respect of their undertaking.

To the St. Catharines and Niagara Central Railway Company, for 34 miles of their railway from the city of St. Catharines to the city of Hamilton, in lieu of the subsidies not to exceed \$108,000 granted by the Acts 52 Victoria, chapter 3, and 53 Victoria, chapter 2, a subsidy calculated on a basis of $3\frac{1}{2}$ per cent on the amount of the said subsidies, to be paid in semi-annual instalments for such period, not exceeding twenty years, as the Company may elect, representing a grant in cash of.....	\$108,000 Provided
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Provided that, upon the completion of 10 miles of said railway, a semi-annual subsidy may be paid proportionate to the value of the portion so completed in comparison with that of the whole 34 miles: Provided also, that the Company may deposit with the Minister of Finance and Receiver General a sum not exceeding \$400,000, in consideration whereof there shall be paid by the Government to the Company, for such period not exceeding 20 years, as the Company may elect, a semi-annual annuity, calculated on a basis of $3\frac{1}{2}$ per cent on the amount so deposited, or a guarantee of a like sum, as interest on the bonds of the Company: Provided further, that the Company, with the approval of the Governor in Council, may assign the said subsidy and annuity to trustees by way of security for principal, or interest of any bonds or securities which may be issued by the Company in respect of their undertaking, and the subsidy last above mentioned to the St. Catharines and Niagara Central Railway Company shall be paid in instalments, the first semi-annual payment upon which shall be made at the end of the six months from the date of the Chief Engineer's certificate of the completion of the first ten miles of railway, and each subsequent payment at the end of six months thereafter, for the term of twenty years or less. It is a condition of this subsidy that the sum not exceeding \$400,000 above mentioned shall be deposited with the Finance Minister before January 1st, 1893.

To the Woodstock and Centreville Railway Company, for a railway from Woodstock towards Centreville, 20 miles, in lieu of the subsidy granted by 50-51 Victoria, chapter 24, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	\$	64,000
To the Brockville, Westport and Sault Ste. Marie Railway Company, for the balance remaining unpaid of the subsidy granted by the Act 52 Victoria, chapter 3, not exceeding \$3,200 per mile, and also for the balance remaining unpaid of the subsidy granted by the Act 53 Victoria, chapter 2, nor exceeding in the whole.....		96,800
To the New Glasgow Iron, Coal and Railway Company, for a railway from Eureka Junction on the Intercolonial Railway to a point at or near Sunnybrae, including a branch line to the charcoal iron furnace at Bridgeville, for $12\frac{1}{2}$ miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....		40,000
To the Thousand Island Railway Company, for an extension of their railway to connect with the Brockville, Westport and Sault Ste. Marie Railway, the Kingston, Napanee and Western Railway, the Kingston, Smith's Falls and Ottawa Railway, or the waters of the Rideau Canal, and an extension across the mouth of		

the Gananoque River, the balance remaining unpaid of the subsidy granted by the Act 52 Victoria, chapter 3, not exceeding in the whole. \$ 44,000

Payable, \$14,000 on the completion of the last named or southern extension, and the balance of said subsidy, being \$30,000, on the completion of the first named or northern extension of their railway.

To the Manitoulin and North Shore Railway Company, for 30 miles of their railway from Little Current to the Algoma Branch of the Canadian Pacific Railway, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..... \$ 96,000

To the Lindsay, Bobcaygeon and Pontypool Railway Company, for 16 miles of their railway from the end of the line subsidized by the Act 53 Victoria, chapter 2, at the junction with the Midland Railway, to Pontypool, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..... 51,200

For 75 miles of the railway from Sand Point, Shelburne Harbour; in Nova Scotia, to Annapolis Royal, in the county of Annapolis, and to a junction at or near New Germany on the Nova Scotia Central Railway, with a view to future construction to Liverpool, in lieu of the subsidy of a like amount granted by the Act 53 Victoria, chapter 2, for the same length of railway from Shelburne and from Liverpool towards Annapolis, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole... 240,000

To the Kingston, Napanee and Western Railway Company, for 20 miles of their railway, being extensions or branches in the counties of Peterborough, Hastings, Addington, Frontenac or Leeds towards iron deposits, a subsidy not exceeding \$3,200 per mile, payable in instalments regulated by the length of each of the said extensions, additions or branches, the subsidy not exceeding in the whole..... 64,000

To the St. John Valley and Rivière du Loup Railway Company, for 15 miles of their railway from the north end of the line subsidized by the Act 53 Victoria, chapter 2, towards the town of Woodstock, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole... 48,000

To the Cobourg, Northumberland and Pacific Railway Company, for 30 miles of their railway from Cobourg to the Ontario and Quebec Rail-

	way, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole ..	\$ 96,000
To the Ottawa, Arnprior and Parry Sound Railway Company, for 30 miles of their railway from Eganville to Barry's Bay, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....		96,000
To the Ottawa, Arnprior and Parry Sound Railway Company, for 22 miles of their railway from a point on the Canadian Pacific Railway to Eganville, in lieu of the subsidy granted by the Act 51 Victoria, chapter 3, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole		70,400
To the Lake Témiscamingue Colonization Railway Company, for 35 miles of their railway from Mattawa to the Long Sault, in lieu of the subsidies granted by the Acts 52 Victoria, chapter 3, and 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....		112,000
To the Témiscouata Railway Company, for 12 miles of their railway from the north end of the section of the St. François Branch subsidized by the Act 51 Victoria, chapter 3, being the first 12 miles on the section subsidized by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$1,800 per mile, in addition to the subsidy already granted, and not exceeding in the whole		21,600
To the Tilsonburg, Lake Erie and Pacific Railway Company, for 16 miles of their railway from Port Burwell to Tilsonburg, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....		51,200
To the Woodstock and Centreville Railway Company, for 6 miles of their railway from the west end of their 20 miles subsidized by the Act 50-51 Victoria, chapter 24, to the international boundary between the province of New Brunswick and the state of Maine, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....		19,200
To the Lake Témiscamingue Colonization Railway Company, for 15 miles of their railway from the Long Sault to the crossing of the Kippewa River, a subsidy not exceeding \$3,200 per mile,—and a subsidy of 15 per cent on the value of a wooden truss bridge over the Ottawa		

River near Mattawa, not exceeding \$15,000,— not exceeding in the whole.....	\$63,000
To the Goderich and Wingham Railway Company, for 31 miles of their railway from Goderich to Wingham, <i>via</i> Port Albert, a subsidy not ex- ceeding \$3,200 per mile, nor exceeding in the whole.....	99,200
To the Joliette and St. Jean de Matha Railway Company, for 8 miles of their railway from St. Félix de Valois to St. Jean de Matha, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	25,600
To the Bracebridge and Baysville Railway Com- pany, for 15 miles of their railway from Brace- bridge towards Baysville, a subsidy not exceed- ing \$3,200 per mile, nor exceeding in the whole.....	48,000
To the Nipissing and James Bay Railway Company, for 25 miles of their railway from, at or near North Bay station on the Canadian Pacific Railway towards James Bay, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	80,000
For a railway from a point on the Intercolonial Railway between Ste. Flavie and Little Métis station to Matane, for 50 miles of such railway, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	160,000
To the Ontario and Pacific Railway Company, for 53 $\frac{4}{7}$ miles of their railway from Cornwall to Ottawa, in lieu of the subsidy granted by the Act 52 Victoria, chapter 3, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	172,400
For a railway from a point on the line of the Cana- dian Pacific Railway on Isle Jésus, in the county of Laval, towards St. Eustache, for 12 miles of such railway, in lieu of the subsidy granted by the Act 50-51 Victoria, chapter 24, to the Carillon and Grenville Railway Company, for 12 miles of their railway, from St. Eustache to Sault au Récollet, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..	38,400
For a railway from St. Eustache to St. Placide, in the county of Two Mountains, for 18 miles of such railway, in lieu of the subsidy granted by the Act 49 Victoria, chapter 10, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	57,600
To the Port Arthur, Duluth and Western Railway Company, the balance remaining unpaid of the subsidy granted by the Act 51 Victoria,	

chapter 3, not exceeding, with the amount already paid, \$3,200 per mile, nor exceeding in the whole.....	\$ 114,125
To the Drummond County Railway Company for $4\frac{1}{10}$ miles of their railway from Bull's Wharf, on the St. Lawrence River, near Nicolet, to Ste. Rosalie Junction, an excess of distance by the constructed line over the subsidies heretofore voted for a railway between the said points, \$3,200 per mile, nor exceeding in the whole....	14,720
To the St. Lawrence and Adirondack Railway Company, for $5\frac{4}{10}$ miles of their railway, from Huntingdon towards the international boundary, which, with the distance between Valleyfield and Huntingdon, $12\frac{5}{10}$ miles, makes up the distance of 18 miles named in the 53 Victoria, chapter 2, granting a subsidy to this Company, and for $2\frac{4}{10}$ miles from the east end of the 18 miles referred to to the international boundary, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	25,024

To whom, for what purposes and on what conditions subsidies may be granted.

2. The subsidies hereinbefore mentioned as to be granted to companies named for that purpose shall, if granted by the Governor in Council, be granted to such companies respectively ; the other subsidies may be granted to such companies as shall be approved by the Governor in Council as having established to his satisfaction their ability to construct and complete the said railways respectively ; all the lines for the construction of which subsidies are granted, unless they are already commenced, shall be commenced within two years from the first day of August next, and completed within a reasonable time, not to exceed four years, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the Company with the Government, which agreement the Government is hereby empowered to make ; the location also of every such line of railway shall be subject to the approval of the

How payable.

Governor in Council ; and all the said subsidies respectively shall be payable out of the Consolidated Revenue Fund of Canada, by instalments, on the completion of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, to be established by the report of the said Minister, or upon the completion of the work subsidized,—except as to subsidies with respect to which it is hereinbefore otherwise provided, and except also as to the subsidy granted to the Kingston, Smith's Falls and Ottawa Railway Company, and the subsidy granted to the St. Catharines and Niagara Central Railway Company, the first semi-

annual payments upon both of which shall be made at the end of six months from the date of the Chief Engineer's certificate of the completion of their railways respectively, and each subsequent payment at the end of each six months thereafter, for the term of twenty years or less.

3. The granting of such subsidies respectively shall be subject to such conditions for securing such running powers or traffic arrangements and other rights as will afford all reasonable facilities and equal mileage rates to all railways connecting with those so subsidized, as the Governor in Council determines. As to running powers.

4. Notwithstanding the expiration of the time limited by the Act 47 Victoria, chapter 8, and by the contract entered into with the Pontiac Pacific Junction Railway Company, the Governor in Council may pay the balance remaining unpaid of the subsidy granted by the said Act to the said Company, according as it becomes due and payable in accordance with the said contract, and subject to the terms and conditions applicable to the said subsidy under the terms of the said Act. Payment of balance to Pontiac Pacific Junction Ry. Co.

5. Notwithstanding the expiration of the time limited by the Act 52 Victoria, chapter 3, and by the contract entered into with the Quebec and Lake St. John Railway Company, the Governor in Council may pay the balance remaining unpaid of the subsidy granted by the said Act to the said Company, according as it becomes due and payable in accordance with the said contract, and subject to the terms and conditions applicable to the said subsidy under the terms of the said Act ; and, notwithstanding anything contained in the Act 50-51 Victoria, chapter 24, the Governor in Council may also pay to the said Company the balance remaining unpaid of the subsidy granted to the Company by the said Act, amounting to \$12,800, on the four miles of their road from the north end of the main line subsidized towards Roberval. Payment of balance to Quebec and Lake St. John Ry. Co.

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55-56 VICTORIA.

CHAP. 6.

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

[Assented to 9th July, 1892.]

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

Grants of land authorized.

48-49 V., c. 73,
49 V., c. 29,
54-55 V., c. 13.

Proviso: as to limit of time for compliance with conditions.

Proviso: previous Acts to apply.

1. Notwithstanding any limits of time prescribed in chapter seventy-three of the Statutes of 1885, or in chapter twenty-nine of the Statutes of 1886, or in chapter thirteen of the Statutes of 1891, the Governor in Council may grant a free homestead or scrip, as therein provided, to any person who is entitled thereto under the said Acts, or any of them, but has not already been granted such homestead or scrip; Provided that such person complies within six months after the first day of July, one thousand eight hundred and ninety-two, with the conditions required, by the said Acts or any of them, to be complied with on or before the first day of August, one thousand eight hundred and eighty-six: Provided also, that the provisions of the said Acts shall, so far as applicable, apply to grants of land or scrip under the authority of this Act.

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55 - 56 VICTORIA.

CHAP. 7.

An Act to authorize the conveyance to the Corporation of the City of Toronto of certain Ordnance Lands in that City.

[Assented to 10th May, 1892.]

WHEREAS the lands hereinafter mentioned and described Preamble are part of the property mentioned in *The British North America Act, 1867*, as ordnance property, and are included as such in the schedule to the revised statute respecting ordnance and admiralty lands, belonging to class two mentioned in the latter Act; and whereas the Corporation of the City of Toronto require the said lands for the enlargement of a market in that city known as the "Western Cattle Market," and have applied for a grant of the said lands for the sum of fifty-two thousand dollars, which sum has been fixed upon as the present value of the said lands; and whereas the said market is largely used in connection with the cattle trade between the Dominion of Canada and England, and the said Corporation have expended large sums of money and have used other means to foster and increase the said trade, which is a matter of interest and benefit to the whole of Canada; and whereas it is expedient that the said grant be made upon payment of the said sum of fifty-two thousand dollars: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may grant, for the sum of fifty-two thousand dollars, to be paid in such manner and at such times as he deems proper, the lands hereinafter mentioned—or such interest therein as Her Majesty has for the use of Canada—to the Corporation of the City of Toronto, their successors and assigns, namely, all and singular that certain parcel or tract of land situate, lying and being in the city of Toronto and province of Ontario, and described as follows:—Commencing on the east limit of Strachan avenue, at the intersection of the southerly limit of the right of way of the Canadian Pacific Railway Company (formerly belonging to the Credit Valley Railway Company); thence southerly, along the said limit, six hundred and seven feet, to the intersection of the northerly Certain lands may be conveyed. Description. limit

limit of the lands of the Grand Trunk Railway Company (formerly belonging to the Great Western Railway Company); thence north sixty-eight degrees, fifty-three minutes east, two hundred and ninety-seven feet and six-tenths of a foot, to the intersection of the fence forming the southerly limit of the lands now used in connection with the immigration sheds; thence north forty degrees, thirty-eight minutes east, along the said fence, three hundred and nine feet and six-tenths of a foot, to an angle in the said fence; thence north twelve degrees, eight minutes east, still along the said fence, two hundred and eight feet and seven-tenths of a foot, to the southerly limit of the right of way of the Canadian Pacific Railway aforesaid; thence north eighty-seven degrees, thirty minutes west, along the said limit of the right of way, six hundred and ninety-six feet, to the easterly limit of Strachan avenue and the place of beginning.

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55 - 56 VICTORIA.

CHAP. 8.

An Act respecting the bounty on Beet Root Sugar.

[Assented to 9th July, 1892.]

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

- 1.** Chapter thirty-one of the Statutes of 1891, intituled *An Act to encourage the production of Beet Root Sugar*, is hereby continued and shall remain in force until the thirtieth day of June, one thousand eight hundred and ninety-five. Chapter 31 of 1891 continued.
- 2.** From and after the first day of July, one thousand eight hundred and ninety-two, the cost of customs supervision in connection with the carrying out of the provisions of the said Act shall be paid by the producers therein mentioned. Cost of customs supervision.

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55 - 56 VICTORIA.

CHAP. 9.

An Act to amend the Act relating to the Harbour of St. John, in the Province of New Brunswick.

[Assented to 9th July, 1892.]

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

Section 1, c. 51 of 1882 amended.

1. Section one of chapter fifty-one of the Statutes of 1882, intituled *An Act relating to the Harbour of St. John, in the Province of New Brunswick*, is hereby amended by adding after the word "members" in the third line, the words "whose residence shall be in the city of St. John."

Section 8 amended.

2. The first paragraph of section eight of the said Act is hereby repealed and the following substituted therefor:—

Government may raise \$1,000,000.

"**8.** To enable the said corporation of the Harbour Commissioners of St. John to purchase, acquire, obtain and receive the harbour property and privileges agreed to be transferred to them by the city corporation of St. John, as hereinbefore mentioned, for the purchase and acquisition of other wharf property as hereinafter mentioned, and for the extension and improvement of the said harbour, the Governor in Council may raise, by the issue of debentures, the sum of one million dollars."

Section 8 further amended.

3. The fourth paragraph of the said section eight of the said Act is hereby amended by inserting at the beginning thereof the following words:—"From the remainder of the sum so raised, a sum shall be reserved sufficient in the opinion of the Governor in Council to make the payments required for the purchase and acquisition of other wharf property as hereinafter provided, and for the repair and improvement thereof, and for the construction of such works as may improve the facilities for shipment therein and;" and by striking out from the said clause the words "for the purchase and acquisition of other wharf property as hereinafter provided, and."

Section 15 amended.

4. The second paragraph of section fifteen of the said Act is hereby repealed and the following substituted therefor:—

"2. All such other officers, assistants and servants as are required by the said corporation for the purposes of this Act shall be appointed by the said corporation, who shall allow them such remuneration as the said corporation deems necessary and the Governor in Council approves of.

Appointment
and salary of
officers.

"3. The said commissioners shall serve without remuneration, except the chairman, who may be allowed such remuneration, not exceeding two thousand dollars per annum, as the said corporation deems necessary and the Governor in Council approves of."

Chairman
may be
salaried.

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55 - 56 VICTORIA.

CHAP. 10.

An Act respecting the Harbour Commissioners of Three Rivers.

[Assented to 9th July, 1892.]

Preamble.

Chapter 52 of
1882.

Chapter 76 of
1885.

Power to bor-
row money.

WHEREAS by section six of chapter fifty-two of the Statutes of 1882, the Harbour Commissioners of Three Rivers were authorized to borrow any sum or sums of money not exceeding three hundred thousand dollars, for the purposes and upon the terms and conditions therein mentioned, such sums of money to be raised by the issue of debentures, with coupons attached; and whereas the said Commissioners have, under the said authority, borrowed the sum of eighty-two thousand dollars, and have issued debentures therefor to a like account, with coupons attached, a part of which coupons have fallen into arrear and remain unpaid—which debentures and unpaid coupons are held by the Government of Canada; and whereas by section four of chapter seventy-six of the Statutes of 1885, the said section six of the Act first above cited was repealed, save and except as to the debentures theretofore issued by the said Commissioners; and whereas it is expedient to renew the said authority, upon the conditions and with the limitation hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. For the purpose of purchasing wharves or beach property, or for constructing wharves or other accommodation for vessels within the limits of the harbour of Three Rivers, the corporation of the Harbour Commissioners of Three Rivers may borrow, in such sums and for such number of years, and at such rates of interest not exceeding five per cent per annum, with a sinking fund of one per cent per annum to be applied to the payment of the capital, such interest and sinking fund to be payable half yearly, as are found expedient, any sums of money not exceeding in the whole the sum of two hundred and eighteen thousand dollars, and may expend such sums for the purposes above mentioned, in the manner deemed by them best calculated to promote the commerce and interests of the harbour of Three Rivers.

- 2.** The said sums of money may be raised by the issue of ^{Debentures.} debentures under the hands of three of the said Commissioners, and the seal of the corporation, countersigned by the secretary-treasurer of the said corporation, with coupons signed by him for the half yearly interest, payable to bearer at the times when the said interest is made payable.
- 3.** The said sums so borrowed, and the interest thereon, ^{How payable.} shall be paid out of the revenues of the said harbour.
- 4.** The said debentures shall, notwithstanding anything ^{Ranking.} contained in section three of chapter seventy-six of the Statutes of 1885, have priority of ranking and privilege over the sum of eighty-two thousand dollars already borrowed, as set forth in the preamble hereto.
- 5.** No loan shall be effected, and no expenditure shall be ^{Approval by} incurred, without the previous authorization of the Minister of ^{Minister.} Public Works.
- 6.** No loan shall be effected, and no debentures shall create ^{Interest due} any lien or charge on the said harbour, until the said Commis- ^{to Govern-} sioners have paid to the Government of Canada the amount ^{ment to be} of the interest then due and unpaid on the hereinabove-men- ^{paid before} tioned sum of eighty-two thousand dollars. ^{borrowing.}

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55 - 56 VICTORIA.

CHAP. II.

An Act to readjust the Representation in the House of Commons.

[Assented to 9th July, 1892.]

Preamble.

WHEREAS by the census of the year one thousand eight hundred and ninety-one, and in accordance with *The British North America Act, 1867*, and certain other Acts of the Parliament of the United Kingdom and of the Parliament of Canada, the province of Manitoba is, by its present population, entitled to seven members in the House of Commons, the province of Nova Scotia to twenty members, the province of New Brunswick to fourteen members, and the province of Prince Edward Island to five members, respectively; and whereas by reason thereof and of the existence of great inequalities in the respective populations of certain electoral districts in the other provinces of Canada, it is expedient to readjust the boundaries of certain electoral districts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Number of members for each province.

1. The House of Commons shall consist of two hundred and thirteen members, of whom ninety-two shall be elected for Ontario, sixty-five for Quebec, twenty for Nova Scotia, fourteen for New Brunswick, seven for Manitoba, six for British Columbia, and five for Prince Edward Island.

Present electoral districts to continue except as hereinafter altered

2. The said provinces respectively shall, for the purposes of the election of members to serve in the House of Commons, be divided into the electoral districts established by *The Representation Act*, and by this Act; each of the electoral districts hereby constituted shall, unless hereinafter otherwise provided, return one member; and each of the now existing electoral districts shall remain constituted and represented as it now is, except in so far as it is altered by the following provisions of this Act, that is to say:—

ONTARIO.

2. In the province of Ontario—

Renfrew, N.

(a.) The electoral district of North Renfrew shall consist of the town of Pembroke, that part of the village of Eganville north

north of the river Bonnechère, and the townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Alcona, North Alcona, Fraser, McKay, Wylie and Rolph ;

(b.) The electoral district of South Renfrew shall consist of Renfrew, S. the townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Gratton, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns and Jones, the villages of Arnprior and Renfrew, and that part of the village of Eganville south of the river Bonnechère ;

(c.) The electoral district of Lincoln and Niagara shall consist of the town of Niagara, the city of St. Catharines, the Lincoln and Niagara. townships of Niagara, Grantham, Clinton, Louth, Pelham and Gainsborough, and the villages of Beamsville, Merritton and Port Dalhousie ;

(d.) The electoral district of Welland shall consist of the Welland. townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby, the villages of Chippewa, Fort Erie, Niagara Falls and Port Colborne, and the towns of Niagara Falls, Thorold and Welland ;

(e.) The electoral district of Haldimand and Monck shall consist of the townships of Oneida, Rainham, Seneca, North Haldimand and Monck. Cayuga and South Cayuga, Canboro', Dunn, Moulton, Sherbrooke and Wainfleet, and the villages of Caledonia, Cayuga, Hagersville and Dunnville ;

(f.) The electoral district of South Wentworth shall consist Wentworth, S. of the townships of Saltfleet, Binbrooke, Barton, Glanford, North and South Grimsby, Caistor, East and West Flamborough, the town of Dundas, and the villages of Grimsby and Waterdown ;

(g.) The electoral district of North Wentworth and Brant shall consist of the townships of Ancaster, Blenheim, East Wentworth, N., and Brant Brantford, South Dumfries and Beverley ;

(h.) The electoral district of South Brant shall consist of the Brant, S. townships of West Brantford, Onondaga and Tuscarora, the city of Brantford and the town of Paris ;

(i.) The electoral district of South Norfolk shall consist of Norfolk, S. the townships of Houghton, North Walsingham and South Walsingham, Charlotteville, Woodhouse and Walpole, the town of Simcoe, and the villages of Port Dover and Port Rowan ;

(j.) The electoral district of West Bruce shall consist of the Bruce, W. townships of Saugeen, Bruce, Kincardine, Huron and Kinloss, the town of Kincardine, and the villages of Tiverton, Port Elgin and Lucknow ;

(k.) The electoral district of North Bruce shall consist of the Bruce, N. townships of Arran, Elderslie, Amabel, Albemarle, Eastnor, Lindsay and St. Edmunds, the Saugeen and Cape Croker reserves, and the villages of Southampton, Wiarton, Chesley, Tara and Paisley ;

(l.) The electoral district of Bothwell shall consist of the Bothwell. townships of Sombra (including Walpole Island, St. Anne's Island

Island and the other islands at the mouth of the River St. Clair), Dawn, Camden, Chatham and Zone, the villages of Wallaceburg, Dresden and Thamesville, and the town of Bothwell ;

Nipissing. (m.) The electoral district of Nipissing shall consist of the temporary judicial district of Nipissing, as defined by the Act forty-seventh Victoria, chapter three, of the Statutes of the province of Ontario, and the townships of Head, Clara and Maria, and shall include that part of the district of Algoma bounded by a line running along the western boundary of the townships of Long and McGiverin, thence northerly by a line in extension of the said western boundary to a point intersecting the Canadian Pacific Railway at or near Ridout station, thence to the northern boundary of the province of Ontario ;

Algoma. (n.) The electoral district of Algoma shall consist of that part of the district of Algoma bounded on the east by the western boundary of the electoral district of Nipissing, and on the south, west and north by the boundaries of the province of Ontario, and shall include Manitoulin Island and the islands adjacent thereto ;

West Toronto. (o.) The electoral district of West Toronto shall consist of the wards, as constituted on the fourteenth day of June, one thousand eight hundred and seventy-two, of St. Andrew, St. George and St. Patrick, and shall return two members ;

Ottawa City. (p.) The electoral district of the city of Ottawa shall consist of the city of Ottawa, except that part thereof known as New Edinburgh ;

Hamilton. (q.) The electoral district of the city of Hamilton shall consist of the city of Hamilton as at present constituted for municipal purposes, and shall return two members ;

Ontario, S. (r.) The electoral district of South Ontario shall consist of the townships of West Whitby, East Whitby, Reach and Scugog, the towns of Whitby and Oshawa, and the village of Port Perry ;

Ontario, N. (s.) The electoral district of North Ontario shall consist of the townships of Scott, Brock, Thorah, Mara, Rama, Morrison, Ryde, Draper, Oakley, Macaulay, Maclean and Ridout, and the villages of Beaverton, Bracebridge and Cannington.

QUEBEC.

3. In the province of Quebec—

Wright. (a.) The electoral district of Wright shall consist of the city of Hull, the town of Aylmer, the township of Templeton, including the village of Pointe-à-Gatineau, the townships of Hull, Eardley, Masham, Wakefield, Lowe, Denholm, Aylwin, Hincks, Bowman, Bigelow, Blake, Northfield, Wright, Bouchette, Cameron, Wabasse, Bouthillier, Kensington, Maniwaki, Egan, Lytton, Sicotte, Aumond, Robertson, and all the unorganized territories west of the River du Lièvre to the southern boundary of the county of Montcalm ;

(b.) The electoral district of *Labelle* shall consist of the parish of Notre-Dame de Bonsecours, including the village of Montebello, the parishes of Ste. Angélique and of St. André Avelin, the township of Lochaber, including the village of Thurso, the township of Buckingham, including the village of Buckingham, the townships of Portland, Derry, Mulgrave, Ripon, Villeneuve, Lathbury, Hartwell, Suffolk, Ponsonby, Wells, Bidwell, Preston, Addington, Amherst, Clyde, Labelle, Killaly, McGill, Dudley, La Minerve, Joly, Marchand, Loranger, Kiamika, Campbell, and all the unorganized territory west of the River du Lièvre and south of the southern boundary of the county of Montcalm ;

(c.) The electoral district of *Laval* shall consist of the village of Sté. Rose and the parishes of Ste. Dorothée, St. François de Sales, St. Martin, Ste. Rose, St. Vincent de Paul, Sault au Récollet, St. Joseph de la Rivière des Prairies, St. Léonard de Port Maurice, Longue Pointe and Pointe aux Trembles ;

(d.) The electoral district of *L'Assomption* shall consist of the towns of L'Assomption and Laurentides, and the parishes of Lachenaie, L'Assomption, L'Épiphanie, Repentigny, St. Henri de Mascouche, St. Lin, St. Paul l'Hermite, St. Roch de l'Achigan, St. Sulpice and Lavaltrie ;

(e.) The electoral district of *Berthier* shall consist of the town of Berthier, and the parishes of Berthier, Lanoraie, St. Barthélemi, St. Cuthbert, St. Damien, St. Gabriel de Brandon, St. Michel des Saints, St. Norbert, and La Visitation de l'Île du Pads, and the townships of Courcelles, Joliette and Prévost ;

(f.) The electoral district of *Jacques Cartier* shall consist of the town of Lachine, and the villages of Dorval, Ste. Anne de Bellevue, Ste. Geneviève, St. Joachim de la Pointe Claire, St. Laurent, Côte des Neiges, Côte St. Paul, Notre-Dame de Grâce, Verdun and Outremont, and the parishes of Lachine, Ste. Anne du Bout de l'Isle, Ste. Geneviève, St. Joachim de la Pointe Claire, St. Laurent, St. Raphaël de l'Île Bizard, Côte St. Paul and Notre-Dame des Neiges Ouest ;

(g.) The electoral district of *Hochelaga* shall consist of the towns of Ste. Cunégonde and St. Henri, and of St. Gabriel and Côte St. Antoine wards in the city of Montreal ;

(h.) The electoral district of *Maisonneuve* shall consist of the towns of Maisonneuve and Côte St. Louis, of the villages of Côte de la Visitation and Mile End, and of Hochelaga and St. Jean Baptiste wards in the city of Montreal ;

(i.) The electoral district of *St. Mary* shall consist of St. Mary's ward in the city of Montreal ;

(j.) The electoral district of *St. James* shall consist of St. James's ward and the East ward in the city of Montreal ;

(k.) The electoral district of *St. Lawrence* shall consist of St. Louis and St. Lawrence wards in the city of Montreal ;

(l.) The electoral district of *St. Antoine* shall consist of St. Antoine ward in the city of Montreal ;

- Montreal (St. Anne). (m.) The electoral district of St. Anne shall consist of the Centre, West and St. Anne's wards in the city of Montreal ;
- Chateauguay. (n.) The electoral district of Chateauguay shall consist of the villages of Ormstown and St. Louis (Indian village and reserve of Caughnawaga), and of the parishes of St. Joachim de Chateauguay, Ste. Philomène, Ste. Martine, St. Urbain Premier, St. Malachie d'Ormstown, Très Saint Sacrement, St. Antoine Abbé, Ste. Clothilde and St. Jean Chrysostôme ;
- Laprairie and Napierville. (o.) The electoral district of Laprairie and Napierville shall consist of the villages of Laprairie, St. Rémi and Napierville, and the parishes of Laprairie, St. Constant, St. Isidore, St. Jacques le Mineur, St. Philippe, St. Michel Archange, St. Patrice de Sherrington, St. Edouard, St. Cyprien and St. Rémi ;
- St. John's and Iberville. (p.) The electoral district of St. John's and Iberville shall consist of the towns of St. John's and Iberville, and the parishes of St. Jean l'Evangeliste, St. Luc, Ste. Marguerite de Blairfindie (L'Acadie), St. Alexandre, Ste. Anne de Sabrevois, St. Athanase, Ste. Brigide, St. George de Henriville, St. Grégoire le Grand, St. Sébastien, St. Valentin, Notre-Dame de Stanbridge and Notre-Dame des Anges de Stanbridge, together with the islands situate in the river Richelieu opposite the parishes forming part of the said electoral district ;
- Missisquoi. (q.) The electoral district of Missisquoi shall consist of the parish of St. Thomas de Foucault, of that of St. George de Clarenceville, which includes the village of Clarenceville, that of St. Armand East, which includes the village of Frelighsburg, that of St. Armand West, which includes the village of Philipsburg, the parish of St. Ignace de Stanbridge, the township of Stanbridge, the town of Bedford, the municipality of Stanbridge Station, the township of Dunham, which includes the villages of Dunham, Cowansville and Sweetsburg, the west part of the township of Farnham, the town of Farnham, and the parish of Lacolle, together with the islands situated in the river Richelieu opposite the said parish of Lacolle ;
- Rouville. (r.) The electoral district of Rouville shall consist of the villages of St. Césaire, Marieville, Richelieu and Canrobert, and the parishes of St. Pie, St. Paul, L'Ange Gardien, St. Césaire, St. Michel de Rougemont, St. Jean Baptiste, St. Hilaire, Ste. Angèle, Ste. Marie de Monnoir and St. Mathias ;
- Chambly. (s.) The electoral district of Chambly shall consist of the town of Longueuil, the villages of Verchères, Boucherville, Chambly Basin, Chambly Canton and Varennes, the municipality of St. Lambert, and the parishes of Boucherville, Chambly, Longueuil, St. Basile le Grand, St. Bruno, St. Hubert, Varennes, Ste. Julie, Verchères, Contrecœur, Ste. Théodosie, St. Antoine, St. Marc and Belœil ;
- Bagot. (t.) The electoral district of Bagot shall consist of the town of Acton, the village of Upton, and the parishes of St. André d'Acton, St. Ephrem d'Upton, Ste. Hélène, St. Hugues, Ste. Rosalie, St. Simon, St. Théodore d'Acton, St. Marcel and St. Dominique, and those parts of the parishes of St. Nazaire and Ste. Christine which are included in the township of Acton ;

(u.) The electoral district of Richelieu shall consist of the towns of St. Ours and Sorel, and the parishes of St. Roch, St. Joseph de Sorel, St. Ours, St. Louis de Bonsecours, St. Pierre de Sorel, St. Robert, Ste. Victoire, St. Aimé and Ste. Anne de Sorel ;

Richelieu.

(v.) The present electoral districts of the city of Three Rivers and of the county of St. Maurice shall form one electoral district, which shall be called the electoral district of Three Rivers and St. Maurice.

Three Rivers and St. Maurice.

NOVA SCOTIA.

4. In the province of Nova Scotia—

The county of Queen's and the county of Shelburne shall together form one electoral district, which shall be known as the electoral district of Shelburne and Queen's.

Shelburne and Queen's.

NEW BRUNSWICK.

5. In the province of New Brunswick—

(a.) The electoral district of the city of St. John shall consist of the city of St. John, as now existing under provincial legislation ;

St. John city.

(b.) The city of St. John, as now existing under provincial legislation, shall also form part of the electoral district of the city and county of St. John ;

St. John city and county.

(c.) The county of Sunbury and the county of Queen's shall together form one electoral district, which shall be known as the electoral district of Sunbury and Queen's.

Sunbury and Queen's.

PRINCE EDWARD ISLAND.

6. In the province of Prince Edward Island there shall be five electoral districts, designated and constituted as follows :—

(a.) The electoral district of King's, which shall consist of lots numbers thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-nine and sixty-six, and also the town of Georgetown, common, royalty and reserved lands, and Boughton and Panmure islands, in King's county, as designated and bounded on the official survey and map of the said island made by direction of the Government of Great Britain by Captain Holland in or about the year one thousand seven hundred and sixty-six ;

King's.

(b.) The electoral district of East Queen's, which shall consist of lots numbers twenty-four (and Rustico island), thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, forty-eight, forty-nine, fifty, fifty-seven, fifty-eight, sixty and sixty-two, in Queen's county, and lots sixty-one, sixty-three and sixty-four in King's county, as designated and bounded on the said official survey and map of the said island ;

Queen's, E.

(c.) The electoral district of West Queen's, which shall consist of lots numbers twenty, twenty-one, twenty-two, twenty-three, thirty-one, thirty-two and sixty-five, in Queen's county, as designated

Queen's, W.

designated and bounded on the said official survey and map of the said island, together with the city of Charlottetown and the common and royalty thereof;

Prince, E.

(d.) The electoral district of East Prince, which shall consist of lots numbers fifteen, seventeen, eighteen, nineteen, twenty-five, twenty-six, twenty-seven and twenty-eight, and also Princetown and royalty and the several islands in Richmond Bay, in Prince county, and lots twenty-nine, thirty and sixty-seven, in Queen's county, as designated and bounded on the said official survey and map of the said island, together with the town of Summerside;

Prince, W.

(e.) The electoral district of West Prince, which shall consist of lots numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and sixteen, in Prince county, as designated and bounded on the said official survey and map of the said island.

MANITOBA.

7. In the province of Manitoba there shall be seven electoral districts, designated and constituted as follows:—

Winnipeg
City.

(a.) The electoral district of the city of Winnipeg, which shall continue to be constituted as at present;

Lisgar.

(b.) The electoral district of Lisgar, which shall comprise the rural municipalities of Rhineland, Stanley, Pembina, Louise, Turtle Mountain, Argyle, Lorne, Dufferin, and the town of Nelson;

Brandon.

(c.) The electoral district of Brandon, which shall comprise the rural municipalities of Morton, Winchester, Arthur, Pipestone, Wallace, Woodworth, Sifton, Daly, Whitehead, Glenwood, Elton, Cornwallis and Oakland, the village of Virden, and the city of Brandon;

Marquette.

(d.) The electoral district of Marquette, which shall comprise the rural municipalities of Odanah, Clan William, Harison, Saskatchewan, Blanchard, Strathclair, Shoal Lake, Oak River, Miniota, Archie, Birtle, Ellice, Russell, Silver Creek, Rossburn, Shell River, Boulton, the town of Minnedosa, the town of Birtle and the town of Rapid City, and also all the unorganized territory lying between the western boundary of the province of Manitoba and the easterly limit of range seventeen, west of the principal meridian, north of township eighteen in ranges seventeen and twenty-two, inclusive, west of the principal meridian, and also lying north of township twenty-eight in ranges twenty-three to twenty-nine, inclusive, west of the principal meridian, to the northern boundary of the province of Manitoba;

Macdonald.

(e.) The electoral district of Macdonald, which shall comprise the rural municipalities of South Cypress, South Norfolk, North Norfolk, North Cypress, Langford, Rosedale, Lansdowne, Westbourne and Portage la Prairie, and the towns of Portage la Prairie, Gladstone and Neepawa, and the village of Carberry, together with all the unorganized territory

territory lying within and bounded by the following limits, that is to say: on the west the eastern limit of range seventeen west of the principal meridian, on the east a line running through the middle of lake Manitoba, on the south the north boundary of township twenty and the same produced east to the said line running through the middle of lake Manitoba, and on the north the northern boundary of the province of Manitoba;

(f.) The electoral district of Selkirk, which shall comprise Selkirk. the rural municipalities of St. François-Xavier, Macdonald, Woodlands, St. Laurent, Rockwood, Gimli, St. Andrew's, St. Paul's, Kildonan, Assiniboia, Springfield and St. Clement's, and the towns of West Selkirk and East Selkirk, together with all the unorganized territory lying north of the municipalities of St. Laurent and Gimli, the same being bounded on the west by the eastern boundary of the electoral district of Macdonald, as described in the next preceding paragraph, and on the east by lake Winnipeg to the northern boundary of the province of Manitoba, and also all the unorganized territory lying east of the municipalities of Springfield and St. Clement's and of lake Winnipeg, and north of the line between townships nine and ten, extending to the northern boundary of the province of Manitoba, including all the islands in lake Winnipeg;

(g.) The electoral district of Provencher, which shall com- Provencher. prise the rural municipalities of Franklin, Montcalm, Morris, DeSalaberry, La Broquerie, Taché, St. Boniface and Ritchot, and the towns of Emerson, St. Boniface and Morris, together with all the unorganized territory lying east of the eastern boundaries of the municipalities of Franklin, La Broquerie and Taché, south of the line between townships ten and nine, and extending to the eastern boundary of the province.

BRITISH COLUMBIA.

8. In the province of British Columbia—

(a.) The electoral district of Burrard shall consist of New Burrard. Westminster district and the Coast district as defined in a public notice issued from the lands and works office, on the fifteenth day of December, one thousand eight hundred and sixty-nine, at the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the "Mineral Ordinance," 1869, saving and excepting thereout all that portion of New Westminster district lying to the east of the meridian of $122^{\circ} 45'$ west longitude, and to the south of the parallel of $49^{\circ} 15'$ of north latitude produced east from the Gulf of Georgia to its intersection with the aforesaid meridian of longitude;

(b.) The electoral district of New Westminster shall consist New West-
minster. of that portion of New Westminster district as defined by the aforesaid public notice lying to the east of the meridian of $122^{\circ} 45'$ of west longitude, and to the south of the parallel of $49^{\circ} 15'$ of north latitude produced east from the Gulf of Georgia to its intersection with the aforesaid meridian;

Yale and
Cariboo.

(c.) The electoral districts of Yale and Cariboo shall together form one electoral district, which shall be known as the electoral district of Yale and Cariboo.

Towns, villa-
ges, &c., not
mentioned.

3. Every town, village, township or place lying within the territorial limits of any electoral district, and not specifically included in any other electoral district by this Act, shall be and be taken to be part of the electoral district in which it is so locally situate.

Interpreta-
tion.

4. Wherever in this Act any word or expression is used to denote the name of any territorial division, such word or expression shall, unless the context otherwise requires, be construed as indicating such territorial division as it exists and is bounded at the date of the passing of this Act.

Commence-
ment of Act.

5. This Act shall take effect only upon the dissolution of the present Parliament.

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55-56 VICTORIA.

CHAP. 12.

An Act respecting the Voters' Lists of 1891.

[Assented to 9th July, 1892.]

WHEREAS the duplicate copies of the lists of voters for certain electoral districts for the year one thousand eight hundred and ninety-one were not forwarded to the Clerk of the Crown in Chancery on or before the thirty-first day of December in that year, as required by subsection six of section twenty-one of *The Electoral Franchise Act*, but many of them have been forwarded since that day and all of them may be expected to be so forwarded before the end of the present session of Parliament; and whereas it is expedient to remove any doubt as to the validity of such lists which might arise by reason of non-compliance with the provisions of the said section; and whereas it is expedient that there should be no revision of voters' lists during the present year: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall not be taken or held to affect the validity of any such list of voters as aforesaid that it was not finally revised and certified, or that a duplicate copy thereof was not forwarded to the Clerk of the Crown in Chancery, on or before the thirty-first day of December, in the year one thousand eight hundred and ninety-one, but such list shall for all purposes be taken and held to have been duly brought into force, notwithstanding such non-compliance with the said Act: Provided that such list shall have been finally revised and certified, and a duplicate copy thereof forwarded to the Clerk of the Crown in Chancery, before the end of this present session of Parliament.

2. There shall be no revision during the present year, one thousand eight hundred and ninety-two, of the lists of voters as last finally revised.



55-56 VICTORIA.

CHAP. 13.

An Act to amend the Act respecting the Senate and House of Commons.

[Assented to 9th July, 1892.]

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

Days of absence during present session.

Proviso.

1. For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for twelve days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

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55-56 VICTORIA.

CHAP. 14.

An Act to amend the Acts respecting the Civil Service.

[Assented to 9th July, 1892.]

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

1. Any person who, on the first day of July, one thousand eight hundred and eighty-two, was in the service or employment of the Government of Canada, or of any department thereof, and who has since been continuously engaged therein, may, notwithstanding anything in *The Civil Service Act*, be appointed to any position in the public service, without regard to age and without being required to pass the preliminary or qualifying examination provided for by the said Act, subject however to such regulations as are made by the Governor in Council, or by the head of a department, prescribing examinations for appointment or promotion in the Civil Service; and any such person may also, notwithstanding anything in the said Act, be temporarily continued in the public service :

Who may be appointed or promoted without examination.

R.S.C., c. 17.

2. All appointments of such persons, and all payments of salaries to them, heretofore made, are hereby legalized and confirmed :

Retroaction.

3. No appointment or promotion shall be made under the provisions of this section after the first day of July, one thousand eight hundred and ninety-four.

Time limited.

2. Section fifteen of chapter twelve of the Statutes of 1888 is hereby repealed.

Section 15 of c. 12 of 1888 repealed.



55-56 VICTORIA,

CHAP. 15.

An Act further to amend the Dominion Lands Act.

[Assented to 9th July, 1892.]

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

R.S.C., c. 54,
clause 17 re-
pealed.

1. Clause seventeen of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed.

Clause 21 re-
pealed.

2. Clause twenty-one of the said Act is hereby repealed and the following substituted therefor:—

As to laying
out and de-
scribing cer-
tain lands.

“21. Nothing in this Act shall be construed to prevent the land upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as is necessary in order to carry out the provisions of section two of the *Act respecting certain Claims to Lands in the Province of Manitoba*, or to prevent fractional sections or lands bordering on any river, or lake, or other watercourse, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as appears desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as seems expedient, or to prevent any Dominion lands in the mountainous regions of Manitoba, the North-west Territories and British Columbia, where the ordinary mode of survey is impracticable, from being laid out into townships, sections, quarter sections or legal subdivisions by fixing the corners of such townships, sections, quarter sections, or legal subdivisions by reference to points determined by astronomical observation or by triangulation or other geodetic process, in such manner as the Minister directs, and the describing of such townships, sections, quarter sections or legal subdivisions for patent by metes and bounds according to a plan of record.”

R.S.C., c. 48.

3. The sub-clause substituted by section three of chapter thirty-one of the Statutes of 1887, for sub-clause five of clause thirty-eight of the said Act, is hereby repealed and the following substituted therefor :—

Clause 38 amended.

“ 5. If, in connection with the homestead entry, the settler has obtained a pre-emption entry, in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed, in accordance with the provisions of this Act, by the Governor in Council ; but such pre-emption right, if not exercised and payment made within two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior : Provided, however, that where a settler has had a homestead and pre-emption entry, and has obtained a patent for his homestead in time to entitle him to make a second homestead entry, and has been permitted to make a second homestead entry for the quarter section which was previously his pre-emption, he shall be entitled to a patent under such second homestead entry upon proving—

Right of settler who has obtained pre-emption entry and pays the price.

Forfeiture in default.

Proviso as to second homestead entry.

“(1.) That he has resided upon the quarter section which was the subject of his first homestead entry for not less than six months in each of three years from and after the date of his second homestead entry ;

Residence.

“(2.) That within the first year after the date of his second homestead entry he broke and prepared for crop not less than fifteen acres of his second homestead quarter section ;

Breaking land.

“(3.) That within the second year after the date of his second homestead entry he cropped the said fifteen acres, and broke and prepared for crop not less than fifteen acres in addition on his second homestead quarter section, making not less than thirty acres ;

Second year.

“(4.) That within the third year after the date of his second homestead entry he cropped the said thirty acres, and broke and prepared for crop not less than ten acres in addition, making in all not less than forty acres of the said second homestead broken and prepared for crop within three years of the date of his second homestead entry ;

Third year.

“And the residence described in this sub-clause shall be sufficiently fulfilled if the applicant has not been absent from his residence for more than six months in any one year.

Residence explained.

4. The clause substituted by section five of chapter thirty-one of the Statutes of 1887, for clause forty-three of the said Act is hereby repealed and the following substituted therefor :—

Clause 43 repealed.

“**43.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry : Provided, however, that any person

No second homestead entry.

Exception.

person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry."

Chap. 17 of
1883.

Clause 47 re-
pealed.

Mineral and
coal lands.

5. Clause forty-seven of the said Act is hereby repealed, and the following substituted therefor:—

"47. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years."

Roads in
N. W. T.

6. The Lieutenant Governor and Assembly of the Northwest Territories may, with the consent of the Governor in Council, close up any road which has been transferred to the Territories, or vary its direction; and may, subject to any ordinances made in respect thereof, open and establish any new highway in the stead of such road; and the land in any road allowance, public travelled road, or trail so closed may be dealt with as the Governor in Council sees fit.

Irrigation
companies, &c.

7. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor.

Section 12 of
c. 24 of 1891,
repealed.

8. Section twelve of chapter twenty-four of the Statutes of 1891, intituled *An Act further to amend the Dominion Lands Act*, is hereby repealed.



55-56 VICTORIA.

CHAP. 16.

An Act to amend An Act respecting the Department of the Geological Survey.

[Assented to 10th May, 1892.]

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

1. Section two of the Act fifty-third Victoria, chapter eleven, intituled *An Act respecting the Department of the Geological Survey*, is hereby repealed and the following substituted therefor:—

“2. There shall be a department of the Civil Service which shall be called ‘The Geological Survey,’ which shall be presided over by a Minister of the Crown to be named from time to time for that purpose by the Governor in Council; and the Minister so named shall have the management and control of the department during the pleasure of the Governor in Council.”

2. Section ten of the said Act is hereby amended by striking out the words “of the Interior” in the twelfth line thereof.

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55 - 56 VICTORIA.

CHAP. 17.

An Act respecting the Department of Marine and Fisheries.

[Assented to 12th April, 1892.]

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

Department constituted.

1. There shall be a department which shall be called "The Department of Marine and Fisheries," over which the Minister of Marine and Fisheries for the time being appointed by the Governor General by Commission under the Great Seal shall preside; and the Minister shall have the management and direction of the said department and shall hold office during pleasure.

Deputy Minister and officers.

2. The Governor in Council may appoint an officer who shall be called the Deputy Minister of Marine and Fisheries and who shall be the deputy head of the Department of Marine and Fisheries; and the Governor in Council may also appoint such other officers as are necessary for the proper conduct of the business of the said department, all of whom shall hold office during pleasure.

Matters under control of department.

3. The duties, powers and functions of the Minister of Marine and Fisheries shall extend and apply to the subjects and boards and other public bodies, officers and other persons, and services and properties of the Crown, enumerated in the schedule to this Act, of which the said Minister shall have the control, regulation, management and supervision.

Governor in Council may transfer duties under this Act to another department.

4. The Governor in Council may at any time assign any of the duties and powers hereby assigned to and vested in the Minister of Marine and Fisheries to any other member of the Queen's Privy Council for Canada and his department; and from the period appointed for that purpose by Order in Council such duties and powers shall be transferred to and vested in such other member of the Queen's Privy Council for Canada and his department.

5. The Minister shall invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency in which delay would be injurious to the public interest, or where, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the department; and the said Minister shall also in like manner invite tenders for all contracts for supplies.

Tenders to be invited for works and supplies.

6. The Minister, whenever any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security is given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion; and whenever it seems to the Minister inexpedient to let such work to the lowest tenderer, he shall so report and shall obtain the authority of the Governor in Council previous to passing by such lowest tenderer.

Security to be taken.

7. The Minister shall make and submit to the Governor General an annual report on all the works under his control, to be laid before both Houses of Parliament within fifteen days from the commencement of each session, showing the state of each work and the amount received and expended in respect thereof, with such other information as is requisite.

Annual report.

8. This Act shall be substituted for chapter twenty-five of the Revised Statutes, which is hereby repealed.

R.S.C., c. 25 repealed.

SCHEDULE.

1. Pilots and pilotage, and decayed pilots' fund.
2. The construction and maintenance of lighthouses, light-ships, fog-alarms, buoys and beacons.
3. Ports and harbours, harbour commissioners and harbour masters.
4. Piers, wharves and breakwaters, and the collection of tolls in connection therewith, and the minor repairs on such properties.
5. Steamships and vessels belonging to the Government of Canada engaged in connection with services administered by the Minister of Marine and Fisheries.
6. Sick and distressed seamen, and the establishment, regulation and maintenance of marine and seamen's hospitals.
7. River and harbour police.
8. Humane establishments.
9. Life-boat service, and rewards for saving life.
10. Inquiries into causes of shipwrecks and casualties, and the collection of wreck statistics.
11. Inspection of steamboats and examination of engineers, and inquiry into accidents to steamers and the conduct of engineers.

12. Examination of masters and mates.
13. Registration and measurement of shipping, and preparation of returns of registered shipping of Canada.
14. Meteorological and magnetic services.
15. Tidal observations on the coasts of Canada.
16. Climatology of Canada.
17. Inspection of vessels carrying live stock from Canada to Europe.
18. Shipping of seamen, shipping masters, and shipping offices.
19. Winter communication between Prince Edward Island and the mainland by steamer and iceboats.
20. Hydrographic surveys.
21. Administration of deck-load law, and the subject of deck and load lines.
22. Removal of wrecks and other obstructions in navigable waters.
23. Sea, coast and inland fisheries, and the management, regulation and protection thereof, and everything relating thereto, and the payment of fishing bounties.
24. Any other duty or power assigned to the Minister of Marine and Fisheries by the Governor General in Council; and generally all such matters as refer to the marine and fisheries of Canada.

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55-56 VICTORIA.

CHAP. 18.

An Act further to amend chapter ninety-six of the Revised Statutes, intituled "An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels."

[Assented to 12th April, 1892.]

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

1. Section three of *An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels*, chapter ninety-six of the Revised Statutes, is hereby repealed. R.S.C., c. 96, s. 3 repealed.

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55 - 56 VICTORIA.

CHAP. 19.

An Act further to amend the Steamboat Inspection Act.

[Assented to 10th May, 1892.]

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

R.S.C., c. 78,
section 2
amended.

1. The paragraph lettered (a) of section two of *The Steamboat Inspection Act*, chapter seventy-eight of the Revised Statutes, is hereby amended by adding after the word “steam,” in the third line thereof, the words “or by any machinery or power other than sails or oars.”

Section 3
repealed.

2. The section substituted by section two of chapter thirty-nine of the Statutes of 1891, for section three of the said Act, is hereby repealed and the following substituted therefor :—

Application of
Act.

3. This Act shall not apply to steamboats belonging to Her Majesty :

“2. The Governor in Council may direct that this Act or certain provisions thereof shall apply to, or shall not apply to, any steamboat or class of steamboats registered elsewhere than in Canada.”

Section 8
amended.

3. Subsection three of section eight of the said Act is hereby repealed and the following substituted therefor :—

Board of
steamboat in-
spection.

“3. The board shall meet at such time and at such place as the Minister of Marine and Fisheries determines, and may make rules and regulations for their own conduct, for the uniform inspection of steamboats, for prescribing the duties of engineers, and for such other purposes as are necessary under this Act; and such rules and regulations shall not come into force until after they are approved by the Governor in Council.”

Section 29
repealed.

4. Section twenty-nine of the said Act is hereby repealed and the following substituted therefor :—

Regulations
as to boats.

“29. The Governor in Council may make such regulations as are deemed advisable with respect to boats to be carried by steamboats or by other vessels mentioned in this Act.”

5. Section thirty of the said Act is hereby repealed and the following is substituted therefor :—

“**30.** The Governor in Council may make such regulations as are deemed advisable with respect to life-preservers, fire buckets, and other life-saving appliances to be carried by steamboats or by other vessels mentioned in this Act.”

Section 30 repealed.

Regulations as to life-saving appliances

6. Section thirty-one of the said Act is hereby repealed.

Section 31 repealed.

7. Subsection ten of section forty-one of the said Act is hereby repealed, and the following substituted therefor :—

Section 41 amended.

“**10.** No person shall act in the double capacity of engineer and master on any steamboat, or as engineer and fireman on any steamboat having an engine of over seven nominal horse power and required by law to carry a certificated engineer, except in cases where the boiler is fired from the engine room.”

Engineer not to be master or fireman.

Exception.

8. The said section forty-one is hereby further amended by adding the following subsection thereto :—

Section 41 repealed.

“**16.** Every engineer holding a certificate of competency whether granted under this Act or under the Acts of the United Kingdom relating to merchant shipping, who is employed on any steamboat, shall keep his certificate of competency posted up, framed and protected by glass, in some conspicuous place in the engine room of such steamboat, and any engineer neglecting to do so shall incur a penalty of twenty dollars.”

Certificate to be posted up.

9. Section fifty-three of the said Act is hereby repealed and the following substituted therefor :—

Section 53 repealed.

“**53.** No tug boat shall be employed to tow any barge, or any boat, bateau, scow or undecked vessel having passengers on board, unless such vessel has been inspected by an inspector of hulls and equipment, and by him certified, as provided in schedule C to this Act, to be fit and properly equipped to carry passengers on the waters on which she is so towed ; and no such vessel shall, while so towed, have on board a greater number of passengers than she is certified as being fit to carry safely :

Barges, &c., carrying passengers.

“**2.** Every such vessel shall pay an inspection fee of ten dollars for every inspection under this Act, which fee shall be paid to and received by an inspector of hulls and equipment, who shall, at such times and in such manner as the Governor in Council from time to time directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada :

Inspection fee.

“**3.** Before a certificate is issued to such vessel, the inspection fee must be paid to the inspector who inspects the vessel, and she must also be equipped throughout in conformity with the requirements of this Act and of the regulations made thereunder, and must have suitable means for steering, an anchor

Inspector's certificate.

and chain, and a substantial tow-line of suitable length; and such certificate shall state the period of time for which it is valid :

Penalty for
contraven-
tion.

“ 4. For any violation of this section, the master and the owner of the tug boat, and the owner and person in charge of such barge, boat, bateau, scow or vessel carrying passengers, shall each incur a penalty not exceeding two hundred dollars and not less than twenty dollars.”

Section 58
amended.

10. Section fifty-eight of the said Act is hereby amended by inserting after the word “Act,” in the third line, the words “or of any Order in Council made under it.”

Schedule C
amended.

11. Schedule C to the said Act is hereby amended by inserting at the end thereof the following words: “and that her equipment throughout is in conformity with the requirements of *The Steamboat Inspection Act* and of the regulations made thereunder.”

Commence-
ment of Act.

12. This Act shall come into force on and after a day to be named by proclamation of the Governor in Council.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's
most Excellent Majesty.



55-56 VICTORIA.

CHAP. 20.

An Act to amend "The Pilotage Act."

[Assented to 10th May, 1892.]

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

1. The paragraph lettered (*d*) of section fifty-nine of *The Pilotage Act*, chapter eighty of the Revised Statutes, is hereby repealed and the following substituted therefor:—

"(*d*.) Ships registered in Canada, of not more than one hundred and twenty tons registered tonnage."

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55-56 VICTORIA.

CHAP. 21.

An Act further to amend the Acts respecting the Duties of Customs.

[Assented to 9th July, 1892.]

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

Certain duties of customs imposed.

1. The duties of customs imposed by chapter thirty-three of the Revised Statutes, by chapter twenty of the Statutes of 1890, and by chapter forty-five of the Statutes of 1891, on the articles mentioned in this section are hereby repealed, and the rates of duty hereinafter mentioned are substituted for them respectively; and if any such article is now free of duty, the duty in this section mentioned and set opposite to it is hereby imposed on it, that is to say:—

- 1. Eggs, 5 cents per dozen 5c. per doz.
- 2. All molasses n.o.p., all syrups n.o.p., all tank bottoms, all tank washings, all cane juice, all concentrated cane juice, all beet-root juice and all concentrated beet-root juice, when imported direct without transshipment from the country of growth and production;
 - (a.) Testing by polariscope, forty degrees or over and not over fifty-six degrees, a specific duty of one and one-half cent per gallon..... 1½c. p. gal.
 - (b.) When testing less than forty degrees a specific duty of one and one-half cent per gallon, and in addition thereto one cent per gallon for each degree or fraction of a degree less than forty degrees... 1½c. p. gal. and 1c. per deg. add'l.
 - (c.) And in addition to the foregoing rates, a further specific duty in all cases of two and one-half cents per gallon when not so imported direct without transshipment. 2½c. p. gal. add'l.

The packages (when of wood) in which imported, to be in all cases exempt from duty.

- 3. Paraffine wax, stearic acid and stearine of all kinds n.e.s., three cents per pound..... 3c. p. lb.
- 4. Glove leathers when imported by glove manufacturers for use in their factories in the manufacture of gloves, viz.: kid, lamb, buck, deer, antelope and water-hog, tanned or dressed, coloured or uncoloured, ten per cent *ad valorem*..... 10 p. c.

2. The duties of customs, if any, imposed by the said Acts on the articles mentioned in this section are hereby repealed, and the said articles may be imported into Canada or taken out of warehouse for consumption free of duty, that is to say:—

- 1. Oleostearine and degreas, when imported by manufacturers of leather for use in the manufacture of leather in their own factories.
- 2. Tin strip waste.
- 3. Nitrite of soda.
- 4. Lime juice, crude only.

3. The foregoing provisions of this Act shall be held to have come into force on the sixth day of July, in the present year one thousand eight hundred and ninety-two.

4. The Governor in Council may, whenever he deems it in the public interest to do so, by proclamation, suspend the operation of section one of this Act, with respect to the second item thereof, for such time as is named in such proclamation, and declare that during such time the following shall be in force in lieu thereof:—

“ 2. All molasses n.o.p., all syrups n.o.p., all tank bottoms, all tank washings, all cane juice, all concentrated cane juice, all beet-root juice and all concentrated beet-root juice:

“(a.) Testing by polariscope forty degrees or over and not over fifty-six degrees, a specific duty of one and one-half cent per gallon..... 1½c. p. gal.

“(b.) When testing less than forty degrees, a specific duty of one and one-half cent per gallon, and in addition thereto one cent per gallon for each degree or fraction of a degree less than forty degrees..... 1½c p. gal. per gallon for each degree or fraction of and 1c. per deg. add'l.

“The packages (when of wood) in which imported to be in all cases exempt from duty.”

5. The Governor in Council may, whenever he deems it in the public interest to do so, by proclamation, suspend the operation of section one of chapter forty-five of the Statutes of 1891, with respect to the second item thereof, for such time as is named in such proclamation.

Section 2 of the said Act may be suspended.

6. The Governor in Council may, whenever he deems it in the public interest to do so, by proclamation, suspend the operation of section two of chapter forty-five of the Statutes of 1891, for such time as is named in such proclamation, and declare that during such time the following shall be in force in lieu thereof:—

“2. The duties of customs, if any, imposed by the said Acts on the articles mentioned in this section are hereby repealed, and the said articles may be imported into Canada or taken out of warehouse for consumption free of duty, that is to say:—

“All cane sugar not above number fourteen Dutch standard in colour, all beet-root sugar not above number fourteen Dutch standard in colour, all sugar sweepings, all sugar drainings or pumpings drained in transit, all melado, all concentrated melado, all molasses n.o.p., all concentrated molasses n.o.p., all cane juice n.o.p., all concentrated cane juice n.o.p., all beet-root juice n.o.p., all concentrated beet-root juice n.o.p., all tank bottoms n.o.p., and all concrete n.o.p.”

Certain provisions may be suspended.

7. The Governor in Council may, whenever he deems it in the public interest to do so, by proclamation, suspend the operation of the provisions of any Acts respecting the duties of customs in so far as they provide for the payment of duty or otherwise on any sugars, molasses or tobacco, when imported from any country which is shown to his satisfaction not to accord to Canada most-favoured-nation treatment, and may declare that during such suspension all sugars, molasses and tobacco, when imported from such countries, shall, in lieu of any other provisions, be subject to and chargeable with, and that there shall be collected thereon, customs duties as follows:—

“All cane sugar not above number fourteen Dutch standard in colour, all beet-root sugar not above number fourteen Dutch standard in colour, all sugar sweepings, all sugar drainings or pumpings drained in transit, all melado, all concentrated melado, all molasses n.o.p., all concentrated molasses n.o.p., all cane juice n.o.p., all concentrated cane juice n.o.p., all beet-root juice n.o.p., all concentrated beet-root juice n.o.p., all tank bottoms n.o.p. and all concrete n.o.p., testing by polariscope over seventy degrees—one cent per pound, and for every additional degree or fraction of a degree, three and one-third cents per one hundred pounds additional.....	1c. per lb. and 3¼c. per 100 lbs.
---	---

“All sugars above number fourteen Dutch standard in colour, and refined sugar of all kinds, grades or standards, and all

sugar syrups derived from refined sugars,
a specific duty of two cents per pound.... 2c. p. lb.

“ All molasses n.o.p., all tank bottoms, all tank washings, all cane juice, all concentrated cane juice, all beet-root juice and all concentrated beet-root juice—the rate payable under the tariff at the time in force—with twenty-five per cent of such rate additional.

“ Cut tobacco, fifty-five cents per pound and fifteen per cent *ad valorem*..... 55c. p. lb. & 15 p. c.

“ Manufactured tobacco n.e.s., and snuff, forty-five cents per pound and fifteen per cent *ad valorem*..... 45c. p. lb. & 15 p. c.

“ Unmanufactured tobacco, twenty-five cents per pound..... 25c. p. lb.”

8. The item numbered 610 in schedule C to chapter thirty-three of the Revised Statutes, is hereby repealed.

9. The items numbered 95 and 122 in section ten of chapter twenty of the Statutes of 1890 are hereby repealed.

10. The item numbered 1 in section one of chapter forty-five of the Statutes of 1891 is hereby repealed.

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55 - 56 VICTORIA.

CHAP. 22.

An Act further to amend the Inland Revenue Act.

[Assented to 9th July, 1892.]

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

R.S.C., c. 34,
s. 7 repealed. **1.** Section seven of *The Inland Revenue Act*, chapter thirty-four of the Revised Statutes, is hereby repealed and the following substituted therefor :—

Application of Act. “**7.** This Act extends and applies to the whole of Canada, subject always to the provisions respecting intoxicants in the Act respecting the District of Keewatin,—in which no license to manufacture any intoxicant shall issue, except under an Order in Council as provided in the said Act: Provided always, that no license shall be issued under this Act, nor shall any business subject to excise be carried on in any unsurveyed or unsettled tract of country, nor shall any such license issue or such business be carried on in any district or place designated in an Order in Council to that effect: Provided further, that the Minister of Inland Revenue may, where for any reason he deems it in the public interest to do so, refuse to issue any license authorized by this Act.”

As to Keewatin.

As to unsettled tracts, &c.

Section 152 further amended. **2.** Section five of chapter forty-six of the Statutes of 1891 is hereby repealed and the following is substituted for the subsection two added, by the said section five, to section one hundred and fifty-two of the said Act :—

Labels on such bottles, &c. “**2.** Subject to the provisions of *The Trade Mark and Design Act*, no person shall attach to any bottle, flask or other package of spirits any label, stamp or other device containing any statement or information other than the name of such spirits and the name of the bottler and his place of residence, unless the form and wording thereof have first been submitted to and approved by the Department of Inland Revenue.”

Section 274 amended. **3.** Section two hundred and seventy-four of *The Inland Revenue Act* is hereby amended by adding thereto the following subsections :—

“2. Cigars, when put up in packages of three or six cigars, shall not be sold or removed from any licensed factory in lots of less than one hundred cigars : Sale of cigars.

“3. The provision of the last preceding subsection shall not affect licenses now in force ; and the Minister may also exempt from its operation, for a period not exceeding one year from the termination of such licenses, any factory, the owner of which, in the judgment of the Minister, would be unduly prejudiced by the same being brought into earlier operation.” Exceptions. Licenses in force. And certain factories unduly prejudiced.

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55-56 VICTORIA

CHAP. 23.

An Act further to amend the General Inspection Act.

[Assented to 9th July, 1892.]

Preamble.

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

R.S.C., c. 99,
s. 2. sub-s. 1
amended.

1. Subsection one of section two of *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, is hereby amended by adding the following paragraphs thereto :—

Apples,
Cheese.

“(h.) Apples ;
“(i.) Cheese.”

Section 15 re-
pealed and
new section
substituted.

2. Section fifteen of the said Act is hereby repealed, and the following substituted therefor :—

Choice of sam-
ples for stan-
dards of in-
spection.

“**15.** The Governor in Council may appoint such persons as he deems properly qualified for the purpose of choosing samples of any of the articles subject to inspection under this Act, to be standards by which the inspectors of such articles throughout Canada shall be governed in the work of inspection ; and the persons so appointed shall distribute a portion of each of the standards so chosen to the councils of the boards of trade of the several cities in and for which inspectors of such articles have been appointed, and to such persons elsewhere as are designated for the purpose by the Governor in Council :

Distribution
of standards.

Standard of
grain from
crop having
marked char-
acteristics.

“**2.** If a considerable portion of the crop of wheat or any other grain of any one year has any marked characteristics which exclude it, to the prejudice of the producer, from the grade to which it otherwise belongs, the persons appointed under the first subsection of this section may establish a special grade, and choose a sample of such grade to be the standard therefor ; and in such case the packages containing the samples distributed, and the certificates given by inspectors in relation to such grade, shall be marked ‘commercial grade’ :

Rejection of
standards and
substitution of
others.

“**3.** The Governor in Council may reject the standards in this section mentioned, if he deems them to be unfairly or improperly chosen, and he shall forthwith cause others to be chosen in their place by such means as he directs :

"4. The Governor in Council may, from time to time, modify the classification hereinafter provided for, with respect to any article subject to inspection under this Act; and such modified classification shall be published in four successive issues of the *Canada Gazette*, and shall thereupon have like force and effect as if herein enacted."

Classification may be varied.

3. Section thirty-three of the said Act, as amended by section six of chapter sixteen of the Statutes of 1889, is hereby repealed.

Section 33 repealed.

4. Section thirty-four of the said Act is hereby repealed.

Section 34 repealed.

5. Section forty-five of the said Act, as enacted by section three of chapter sixteen of the Statutes of 1889, and amended by chapter forty-eight of the Statutes of 1891, is hereby repealed.

Section 45 repealed.

6. Section seventy of the said Act is hereby repealed, and the following substituted therefor:—

Section 70 repealed.

"70. Nothing in this Act shall prevent any person from exporting pot and pearl ashes, without inspection, if, on one end of the barrel containing them, there is neatly and legibly branded or marked the name and address of the manufacturer, the weight and tare of the barrel, the quality of ashes contained in it, and the words 'not inspected'; but every person who exports any pot or pearl ashes not so marked, or who marks any such barrel falsely, shall incur a penalty of twenty dollars for every barrel or other package so exported or falsely marked."

Inspection of pot and pearl ashes not compulsory.

Under certain conditions.

Penalty for contravention.

7. The said Act is hereby further amended by adding the following sections thereto:—

New sections added, as to inspection of apples.

" APPLES.

"109. In the inspection of closed packages of apples, the inspector shall open not less than one package in every five; and if the manner of packing is found to be fraudulent or unfair, then he shall open all the packages put up by the shipper of such package :

Inspection of closed packages of apples.

"2. Every package found to be fairly and properly packed he shall brand as 'No. 1 Inspected Canadian Apples,' or 'No. 2 Inspected Canadian Apples,' as the case may be, if fit to be so branded :

Brands.

"3. The inspector shall also examine the varieties of apples submitted for inspection, and shall correct the nomenclature if incorrectly marked, or if the name of the variety is not marked he shall cause it to be marked on the package :

Name to be marked.

"4. The inspector may charge a fee of ten cents for each package inspected by him, and such charge shall cover the cost of opening and closing the package.

Inspection fee.

Qualities of
apples.

“**110.** No. 1 inspected Canadian apples shall consist of perfect specimens of one variety, of uniform size, and, in the case of a coloured variety, of fairly uniform colour, and shall be free from scab, worm-holes, knots and blemishes of any kind :

“2. No. 2 inspected Canadian apples shall consist of specimens of one variety, free from scab, worm-holes, knots and blemishes of any kind, but not of uniform size or colour.

Regulations
for inspection
of cheese.

“**111.** The Governor in Council may make regulations for the inspection of cheese and the branding of packages thereof, and may make a tariff of the fees and charges to be allowed to the inspector for such inspection.”

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55 - 56 VICTORIA.

CHAP. 24.

An Act further to amend The Patent Act.

[Assented to 9th July, 1892.]

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

1. Section eight of *The Patent Act*, chapter sixty-one of the Revised Statutes, is hereby repealed and the following substituted therefor :— R. S. C., c. 61, s. 8, amended.

“**S.** Any inventor who elects to obtain a patent for his invention in a foreign country before obtaining a patent for the same invention in Canada, may obtain a patent in Canada, if the same be applied for within one year from the date of the issue of the first foreign patent for such invention ; and, if within three months after the date of the issue of a foreign patent, the inventor gives notice to the Commissioner of his intention to apply for a patent in Canada for such invention, then no other person having commenced to manufacture the same device in Canada during such period of one year, shall be entitled to continue the manufacture of the same after the inventor has obtained a patent therefor in Canada, without the consent or allowance of the inventor ; and, under any circumstances, if a foreign patent exists, the Canadian patent shall expire at the earliest date on which any foreign patent for the same invention expires.” As to inventions for which foreign patents have been taken out.
Manufacture in Canada.
Expiry of Canadian patent.

2. The third subsection of section ten of the said Act is hereby repealed, and the following substituted therefor :— Sub-s. 3 of s. 10 amended.

“**3.** Such oath or affirmation may be made before a minister plenipotentiary, *chargé d'affaires*, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath may be administered.” Before whom inventor may make oath.

3. Section fourteen of the said Act is hereby repealed and the following substituted therefor :— S. 14 amended.

Model to be furnished when required.

Or specimens.

Precautions to be taken with dangerous substances.

“14. In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion ; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment. If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor.”

S.15 amended.

4. Section fifteen of the said Act is hereby repealed and the following substituted therefor :—

“15. No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof.”

S.22 amended.

5. Section twenty-two of the said Act is hereby repealed, and the following substituted therefor :—

Duration of patent.

“22. The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years ; but at the time of the application therefor it shall be at the option of the applicant to pay the full fee required for the term of eighteen years, or the partial fee required for the term of six years, or the partial fee required for the term of twelve years :

Duration when partial fee is paid.

“2. If a partial fee only is paid, the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of six or twelve years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted, which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner, or the signature of any other member of the Queen’s Privy Council for Canada acting for him :

Further fee and certificate to extend in such cases.

Effect of further payment.

“3. If such second payment, together with the first payment, makes up only the fee required for twelve years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of twelve years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining six years, making up the full term of eighteen years, and obtains a like certificate in respect thereof.”

Sub-s. 1 of s. 37 amended.

6. Subsection one of section thirty-seven of the said Act, as enacted by section two of chapter thirteen of the Statutes of 1890, and amended by section one of chapter thirty-three of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

“ 37. Every patent granted under this Act shall be subject, and be expressed to be subject, to the following conditions:— Conditions of patent.

“(a.) That such patent and all the rights and privileges thereby granted shall cease and determine, and that the patent shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, or his assignee, within that period or any authorized extension thereof, commence, and after such commencement, continuously carry on in Canada the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada; Manufacture in Canada.

“(b.) That if, after the expiration of twelve months from the granting of a patent, or any authorized extension of such period, the patentee or patentees, or any of them, or his or their representatives, or his or their assignee, for the whole or a part of his or their interest in the patent, imports, or causes to be imported into Canada, the invention for which the patent is granted, such patent shall be void as to the interest of the person or persons importing or causing to be imported as aforesaid: Importation into Canada.

“ 2. Any question which arises as to whether a patent, or any interest therein, has or has not become void, under the provisions of this section, may be adjudicated upon by the Exchequer Court of Canada, which court shall have jurisdiction to decide any such question upon information in the name of the Attorney General of Canada, or at the suit of any person interested: Jurisdiction of Exchequer Court in such cases.

“ 3. This section shall not be held to take away or affect the jurisdiction which any court other than the Exchequer Court of Canada possesses.” Jurisdiction of other courts not ousted.

7. Section thirty-nine of the said Act, as amended by section three of chapter thirteen of the Statutes of 1890, is hereby repealed and the following substituted therefor:— S.39 repealed

“ 39. The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:— Tariff of fees

	\$	cts.
Full fee for 18 years.....	60	00
Partial fee for 12 years.....	40	00
Partial fee for 6 years.....	20	00
Fee for further term of 12 years.....	40	00
Fee for further term of 6 years.....	20	00
On lodging a <i>caveat</i>	5	00
On asking to register a judgment <i>pro tanto</i>	4	00
On asking to register an assignment or any other document affecting or relating to a patent.....	2	00
On asking to attach a disclaimer to a patent.....	2	00

	\$	cts.
On asking for a copy of patent with specification.....	4	00
On petition to reissue a patent after surrender, and on petition to extend a former patent to the whole of Canada for every unexpired year of the duration of the provincial or sub-patent, the fee shall be at the rate of.....	4	00

“On office copies of documents, not above mentioned, the following charges shall be made :—

For every single or first folio of certified copy.....	0	25
For every subsequent hundred words (fractions from and under fifty not being counted, and over fifty being counted for one hundred).....	0	10”

Examination
of applications
for patents.

8. On each application for a patent, a thorough and reliable examination shall be made by competent examiners to be employed in the Patent Office for that purpose.

Application of
Act.

9. This Act shall only apply to patents issued after the passing hereof.

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55-56 VICTORIA.

CHAP. 25.

An Act further to amend the Chinese Immigration Act.

[Assented to 9th July, 1892.]

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

1. Section thirteen of *The Chinese Immigration Act*, chapter sixty-seven of the Revised Statutes, is hereby repealed, and the following substituted therefor:—

R.S.C., c. 67,
s. 13 repealed.

“13. Every Chinese person who wishes to leave Canada, with the intention of returning thereto, shall give written notice of such intention to the controller at the port or place whence he purposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends taking both going and returning, and such notice shall be accompanied by a fee of one dollar; and the controller shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary, under such regulations as are made for the purpose by the Governor in Council:

Registration of Chinese leaving Canada and intending to return.

“2. The person whose name and description are so registered shall be entitled, on his return, which shall be within six months of such registration, and on proof of his identity to the satisfaction of the controller (as to which the decision of the controller shall be final) to receive from the controller the amount of the entrance duty paid by him on his return.”

Refund of entrance duty on return.

2. Notwithstanding anything in the next preceding section, any Chinese person who has left Canada under the provisions of the section thereby repealed may return to Canada thereunder at any time during six months from the passing of this Act.

Saving.



55 - 56 VICTORIA.

CHAP. 26.

An Act to amend "The Canada Temperance Amendment Act, 1888."

[Assented to 12th April, 1892.]

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

Section 11 of c. 35 of 1888 repealed.

1. Section eleven of chapter thirty-five of the Statutes of 1888, intituled *The Canada Temperance Amendment Act, 1888*, is hereby repealed and the following substituted therefor :—

Sale of certain articles not prohibited.

"**11.** Nothing in *The Canada Temperance Act* shall be held to interfere with the purchase or sale, by legally qualified physicians, chemists or druggists, of the following articles, that is to say :—

Officinal preparations.

"(a.) The officinal preparations of the authorized pharmacopœias when made of full medicinal strength and sold only for medicinal purposes ;

Patent medicines.

"(b.) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage, the sale of which is a violation of *The Canada Temperance Act* ;

Perfumery, &c.

"(c.) Eau de Cologne, bay rum, or other articles of perfumery lotions, extracts, varnishes, tinctures or other pharmaceutical preparations containing alcohol, but not intended for use as beverages ;

Methylated spirits.

"(d.) Methylated spirits for pharmaceutical, chemical or mechanical uses ;

Alcohol for certain purposes and subject to certain regulations.

"(e.) Spirituous liquors or alcohol for exclusively medicinal purposes, or for *bonâ fide* use in some art, trade or manufacture ; provided that such spirituous liquor or alcohol, when sold for medicinal purposes, shall not exceed in quantity ten ounces at any one time, and shall be removed from the premises, and that the sale thereof be made on the certificate or prescription of a legally qualified physician, affirming that such liquor or alcohol has been prescribed for the person named therein ; provided also, that when such sale is for its use in some art, trade or manufacture, such sale 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 such liquor or alcohol is to be used only for the purposes set forth in the application ; provided further, that the vendor shall file all such certificates and prescriptions, and shall record every such sale in a book kept for that purpose, giving the name and address of the purchaser, the quantity of liquor or alcohol so sold, the name and address of the physician prescribing it, and of the person for whom it is prescribed, and of the justices whose names are appended to the certificate above referred to, and of the purpose for which the liquor or alcohol is prescribed ; and the said file and book shall be kept for inspection by the inspector for the county or district at all proper times ; and the vendor 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 whose revenue division the county or district is situated."

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55-56 VICTORIA.

CHAP. 27.

An Act further to amend the Railway Act.

[Assented to 9th July, 1892.]

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

Chapter 29, 1888, section 2, amended.

“Railway” interpreted.

1. The paragraph lettered (q) of section two of *The Railway Act*, chapter twenty-nine of the Statutes of 1888, is hereby repealed and the following substituted therefor:—

“(q.) The expression ‘railway’ means any railway which the company has authority to construct or operate, and includes all stations, depots, wharfs, rolling stock, equipment, property, and works connected therewith, and also any railway bridge or other structure which the company is authorized to construct under a special Act;”

Section 77 repealed.

Company not bound to see to trusts, &c.

Proviso.

2. Section seventy-seven of the said Act is hereby repealed, and the following substituted therefor:—

“**77.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, and whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security, and, accordingly, shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing herein contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights.”

Section 90 amended.

Declaration as to powers with respect to lands.

3. The paragraph lettered (s), added by section one of chapter twenty-eight of the Statutes of 1890, to section ninety of the said Act, is hereby repealed and the following substituted therefor:—

“(s.) Any company which has obtained from the Crown by way of subsidy or otherwise, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had,

as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part or parts thereof ; and such company may convey the same, or any part or parts thereof, to any other company which has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given ; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it ; and as to any lands given to the company by any corporation or other party, as aid towards, or as consideration in whole or in part for, the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company and of any other company to which it may convey its right in any of the said lands shall be the same as if such lands had been obtained by the company from the Crown as aforesaid."

4. Subsection four of section ninety-three of the said Act is amended by striking out the following words : " But no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work." Section 93 amended.

5. Section one hundred and seventy-three of the said Act is hereby repealed and the following substituted therefor :— Section 173 repealed.

" 173. The railway of any company shall not be crossed, intersected, joined or united by or with any other railway, nor shall any railway be intersected or crossed by any street railway, electric railway or tramway, whether constructed under Dominion or provincial or municipal authority or otherwise, unless the place and mode of protection of the proposed crossing, intersection or junction or union are first approved by the Railway Committee, on application therefor,—of which application ten clear days' notice in writing shall be given by the party or company desiring the approval, such notice to be sent by mail addressed to the president, general manager, managing director, secretary, or superintendent of the company whose railway is to be so crossed, intersected, joined or united ; and in the case of crossing by street railways, electric railways or tramways respectively the said Railway Committee shall have the same powers in all respects as to the protection of such crossing and otherwise as are given the said Railway Committee by this Act in regard to one railway crossing another." Crossing subject to approval of Railway Committee.

6. Section one hundred and ninety-seven of the said Act is hereby repealed, and the following substituted therefor :— Section 197 repealed.

" 197. At every public road crossing at rail level of the railway, the fence, on both sides of the crossing and on both sides of the track shall be turned in to the cattle guards, so as to allow of the safe passage of trains." Fencing at crossings.

Section 255 amended.

7. Section two hundred and fifty-five of the said Act is hereby amended by adding thereto the following subsection :—

Exception in case of interlocking switches.

“**2.** Wherever there is adopted or in use on any railway at any such bridge an interlocking switch and signal system, or other device which, in the opinion of the Railway Committee, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the said Committee may, by an order in writing, give permission for engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the said Committee deem proper; and the said Committee may at any time modify or revoke such order.”

Section 259 repealed.

8. Section two hundred and fifty-nine of the said Act is hereby repealed, and the following substituted therefor :—

Rate of speed in cities, &c.

“**259.** No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than six miles an hour, unless the track is fenced in the manner prescribed by this Act.”

Section 260 repealed.

9. Section two hundred and sixty of the said Act is hereby repealed and the following substituted therefor :—

As to train moving reversely.

“**260.** Whenever any train of cars is moving reversely in any city, town or village, the locomotive and tender being in the rear of such train, the company shall station on the last car in the train a person who shall warn persons standing on or crossing the track of such railway, of the approach of such engine, tender and train; and for every violation of any of the provisions of this section, or of any of the three sections next preceding, the company shall incur a penalty of one hundred dollars.”

Penalty.

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55-56 VICTORIA.

CHAP. 28.

An Act further to amend "The Winding-up Act."

[Assented to 9th July, 1892.]

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

1. Section fourteen of *The Winding-up Amendment Act*, 1889, is hereby amended by inserting in the second line thereof after the word "him" the words "or of whose claims he has notice." 52 V., c. 32/
s. 14 amended
as to notice to
creditors by
liquidator.

2. Whenever a company is being wound up and the realization and distribution of its assets has proceeded so far that in the opinion of the court it becomes expedient that the liquidator should be discharged, and the balance remaining in his hands of the moneys and assets of the company can be better realized and distributed by the court, the court may make an order discharging the liquidator and for payment, delivery and transfer into court, or to such officer or person as the court may direct, of such moneys and assets, and the same shall be realized and distributed, by or under the direction of the court, among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the liquidator; the court may likewise make an order directing how the books, accounts and documents of the company and of the liquidator may be disposed of, and may order that they be deposited in court or otherwise dealt with as may be thought fit. Provision for
discharge of
liquidator,
and distribu-
tion of assets
remaining.

Disposal of
books and
documents.

3. This Act may be cited as *The Winding-up Amendment Act*, 1892. Short title.

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The Criminal Code, 1892.

[55-56 VICT., c. 29.]

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55-56 VICTORIA.

CHAP. 29.

An Act respecting the Criminal Law.

[Assented to 9th July, 1892.]

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

TITLE I.

INTRODUCTORY PROVISIONS.

PART I.

PRELIMINARY.

- 1.** This Act may be cited for all purposes as *The Criminal Code*, 1892. Short title.
- 2.** This Act shall come into force on the first day of July, 1893. Commencement of Act.
- 3.** In this Act the following expressions have the meanings assigned to them in this section unless the context requires otherwise : Explanation of terms.
 - (a.) The expression "any Act," or "any other Act," includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province 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 ; R.S.C., c. 174, s. 2 (a).
 - (b.) The expression "Attorney-General" means the Attorney-General or Solicitor-General of any province in Canada in which any proceedings are taken under this Act, and, with respect to the North-west Territories and the district of Keewatin, the Attorney-General of Canada ; R.S.C., c. 150, s. 2 (a).
 - (c.)

(c.) The expression "banker" includes any director of any incorporated bank or banking company; R.S.C., c. 164, s. 2 (g).

(d.) The expression "cattle," includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and by whatever technical or familiar name known, and shall apply to one animal as well as to many; R.S.C., c. 172, s. 1.

(e.) The expression "Court of Appeal" includes the following courts: R.S.C., c. 174, s. 2 (h).

(i.) In the province of Ontario, any division of the High Court of Justice;

(ii.) In the province of Quebec, the Court of Queen's Bench, appeal side;

(iii.) In the provinces of Nova Scotia, New Brunswick and British Columbia, and in the North-west Territories, the Supreme Court in banc;

(iv.) In the province of Prince Edward Island, the Supreme Court of Judicature;

(v.) In the province of Manitoba, the Court of Queen's Bench;

(f.) The expression "district, county or place" includes any division of any province of Canada for purposes relative to the administration of justice in criminal cases; R.S.C., c. 174, s. 2 (f).

(g.) The expression "document of title to goods" includes any bill of lading, India warrant, dock warrant, warehouse-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 goods, authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to; R.S.C., c. 164, s. 2 (a).

(h.) The expression "document of title to lands" includes any deed, map, paper or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real property, or to any interest in any real property, or any notarial or registrar's copy thereof, or any duplicate instrument, memorial, certificate or document authorized or required by any law in force in any part of Canada respecting registration of titles, and relating to such title; R.S.C., c. 164, s. 2 (b).

(i.) The expression "explosive substance" includes any materials for making an explosive substance; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; and also any part of any such apparatus, machine or implement; R.S.C., c. 150, s. 2 (b).

(j.) Finding the indictment includes also exhibiting an information and making a presentment; R.S.C., c. 174, s. 2 (d).

(k.) Having in one's possession, includes not only having in one's own personal possession, but also knowingly—

(i.) having in the actual possession or custody of any other person; and

(ii.) having in any place (whether belonging to or occupied by one's self or not) for the use or benefit of one's self or of any other person; R.S.C., c. 164, s. 2 (l); c. 165, s. 2; c. 167, s. 2; c. 171, s. 3; 50-51 V., c. 45, s. 2 (e).

If there are two or more persons, any one or more of whom, with the knowledge and consent of the rest, have any such thing in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

(l.) The expressions "indictment" and "count" respectively include information and presentment as well as indictment, and also any plea, replication or other pleading, and any record; R.S.C., c. 174, s. 2 (c).

(m.) The expression "intoxicating liquor" means and includes any alcoholic, spirituous, vinous, fermented or other intoxicating liquor, or any mixed liquor a part of which is spirituous or vinous, fermented or otherwise intoxicating; R.S.C., c. 151, s. 1 (d).

(n.) The expression "justice" means a justice of the peace, and includes two or more justices, if two or more justices act or have jurisdiction, and also any person having the power or authority of two or more justices of the peace; R.S.C., c. 174, s. 2 (b).

(o.) The expression "loaded arms" includes any gun, pistol or other arm loaded with gunpowder, or other explosive substance, and ball, shot, slug or other destructive material, or charged with compressed air and ball, shot, slug or other destructive material;

(o-1.) The expression "military law" includes *The Militia Act* and any orders, rules and regulations made thereunder, the Queen's Regulations and Orders for the Army; any Act of the United Kingdom or other law applying to Her Majesty's troops in Canada, and all other orders, rules and regulations of whatever nature or kind soever to which Her Majesty's troops in Canada are subject;

(p.) The expression "municipality" includes the corporation of any city, town, village, county, township, parish or other territorial or local division of any province of Canada, the inhabitants whereof are incorporated or have the right of holding property for any purpose; R.S.C., c. 164, s. 2 (j).

(p-1.) In the sections of this Act relating to defamatory libel the word "newspaper" shall mean any paper, magazine or periodical containing public news, intelligence or occurrences, or any remarks or observations thereon, printed

for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two such papers, parts or numbers, and also any paper, magazine or periodical printed in order to be dispersed and made public, weekly or oftener, or at intervals not exceeding thirty-one days, and containing only or principally advertisements;

(q.) The expression "night" or "night time" means the interval between nine o'clock in the afternoon and six o'clock in the forenoon of the following day, and the expression "day" or "day time" includes the interval between six o'clock in the forenoon and nine o'clock in the afternoon of the same day;

(r.) The expression "offensive weapon" includes any gun or other firearm, or air-gun, or any part thereof, or any sword, sword blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, knife, or other instrument intended for cutting or stabbing, or any metal knuckles, or other deadly or dangerous weapon, and any instrument or thing intended to be used as a weapon, and all ammunition which may be used with or for any weapon; R.S.C., c. 151, s. 1 (c).

(s.) The expression "peace officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, and justice of the peace, and also the warden, keeper or guard of a penitentiary and the gaoler or keeper of any prison, and any police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process;

(t.) The expressions "person," "owner," and other expressions of the same kind include Her Majesty and all public bodies, bodies corporate, societies, companies, and inhabitants of counties, parishes, municipalities or other districts in relation to such acts and things as they are capable of, doing and owning respectively;

(u.) The expression "prison" includes any penitentiary, common gaol, public or reformatory prison, lock-up, guard room or other place in which persons charged with the commission of offences are usually kept or detained in custody;

(v.) The expression "property" includes: R.S.C., c. 164, s. 2 (e).

(i.) every kind of real and personal property, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods;

(ii.) not only such property as was originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged and anything acquired by such conversion or exchange, whether immediately or otherwise;

(iii.) any postal card, postage stamp or other stamp issued or prepared for issue by the authority of the Parliament of Canada, or of the legislature of any province of Canada, for the payment to the Crown or any corporate body of any fee, rate or duty, and whether still in the possession of the Crown or of any person or corporation; and such postal card or stamp shall be held to be a chattel, and to be equal in value to the amount of the postage, rate or duty expressed on its face in words or figures or both;

(w.) The expression "public officer" includes any inland revenue or customs officer, officer of the army, navy, marine, militia, North-west mounted police, or other officer engaged in enforcing the laws relating to the revenue, customs, trade or navigation of Canada;

(x.) The expression "shipwrecked person" includes any person belonging to, on board of or having quitted any vessel wrecked, stranded, or in distress at any place in Canada; R.S.C., c. 81, s. 2 (h).

(y.) The expression "Superior Court of Criminal Jurisdiction" means and includes the following courts:

(i.) In the province of Ontario, the three divisions of the High Court of Justice;

(ii.) In the province of Quebec, the Court of Queen's Bench;

(iii.) In the provinces of Nova Scotia, New Brunswick and British Columbia, and in the North-west Territories, the Supreme Court;

(iv.) In the province of Prince Edward Island, the Supreme Court of Judicature;

(v.) In the province of Manitoba, the Court of Queen's Bench (Crown side);

(z.) The expression "territorial division" includes any county, union of counties, township, city, town, parish or other judicial division or place to which the context applies; R.S.C., c. 174, s. 2 (g).

(aa.) The expression "testamentary instrument" includes any will, codicil, or other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be as after his death, whether the same relates to real or personal property, or both; R.S.C., c. 164, s. 2 (i).

(bb.) The expression "trustee" means a trustee on some express trust created by some deed, will or instrument in writing, or by parol, or otherwise, and includes the heir or personal representative of any such trustee, and every other person upon or to whom the duty of such trust has devolved or come, whether by appointment of a court or otherwise, and also an executor and administrator, and an official manager, assignee, liquidator or other like officer acting under any Act relating to joint stock companies, bankruptcy or insolvency, and any person who is, by the law of the province of Quebec, an "*administrateur*" or "*fuléicommissaire*"; and the expres-

sion "trust" includes whatever is by that law an "administration" or "fidéicommission"; R.S.C., c. 164, s. 2 (r).

(cc.) The expression "valuable security" includes any order, exchequer acquittance or other security entitling or evidencing the title of any person to any share or interest in any public stock or fund, whether of Canada or of any province thereof, or of the United Kingdom, or of Great Britain or Ireland, or any British colony or possession, or of any foreign state, or in any fund of any body corporate, company or society, whether within Canada or the United Kingdom, or any British colony or possession, or in any foreign state or country, or to any deposit in any savings bank or other bank, and also includes any debenture, deed bond, bill, note, warrant, order or other security for money or for payment of money, whether of Canada or of any province thereof, or of the United Kingdom or of any British colony or possession, or of any foreign state, and any document of title to lands or goods as hereinbefore defined where-soever such lands or goods are situate, and any stamp or writing which secures or evidences title to or interest in any chattel personal, or any release, receipt, discharge or other instrument, evidencing payment of money, or the delivery of any chattel personal; and every such valuable security shall, where value is material, be deemed to be of value equal to that of such unsatisfied money, chattel personal, share, interest or deposit, for the securing or payment of which, or delivery or transfer or sale of which, or for the entitling or evidencing title to which, such valuable security is applicable, or to that of such money or chattel personal, the payment or delivery of which is evidenced by such valuable security; 53 V., c. 37, s. 20.

(dd.) The expression "wreck" includes the cargo, stores and tackle of any vessel and all parts of a vessel separated therefrom, and also the property of shipwrecked persons;

(ee.) The expression "writing" includes any mode in which, and any material on which, words or figures whether at length or abridged are written, printed or otherwise expressed, or any map or plan is inscribed.

Meaning of expressions in other Acts retained.

4. The expressions "mail," "mailable matter," "post letter," "post letter bag," and "post office" when used in this Act have the meanings assigned to them in *The Post Office Act*, and in every case in which the offence dealt with in this Act relates to the subject treated of in any other Act the words and expressions used herein in respect to such offence shall have the meaning assigned to them in such other Act.

Offences against statutes of England,

5. No person shall be proceeded against for any offence against any Act of the Parliament of England, of Great Britain, or of the United Kingdom of Great Britain and Ireland,

Ireland, unless such Act is, by the express terms thereof, or of some other Act of such Parliament, made applicable to Canada or some portion thereof as part of Her Majesty's dominions or possessions.

Great Britain,
or the United
Kingdom.

6. Every one who commits an offence against this Act is liable as herein provided to one or more of the following punishments :—

Consequences
of committing
offence.

- (a.) Death ;
- (b.) Imprisonment ;
- (c.) Whipping ;
- (d.) Fine ;
- (e.) Finding sureties for future good behaviour ;
- (f.) If holding office under the Crown, to be removed therefrom ;
- (g.) To forfeit any pension or superannuation allowance ;
- (h.) To be disqualified from holding office, from sitting in Parliament and from exercising any franchise ;
- (i.) To pay costs ;
- (j.) To indemnify any person suffering loss of property by commission of his offence.

PART II.

MATTERS OF JUSTIFICATION OR EXCUSE.

7. All rules and principles of the common law which render any circumstances a justification or excuse for any act, or a defence to any charge, shall remain in force and be applicable to any defence to a charge under this Act except in so far as they are hereby altered or are inconsistent herewith.

General rule
under com-
mon law.

8. The matters provided for in this part are hereby declared and enacted to be justifications or excuses in the case of all charges to which they apply.

General rule
under this
Act.

9. No person shall be convicted of an offence by reason of any act or omission of such person when under the age of seven years.

Children
under seven.

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

Children
between seven
and fourteen.

11. No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under

Insanity.

natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such act or omission was wrong.

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

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

Compulsion
by threats.

12. Except as hereinafter provided, compulsion by threats of immediate death or grievous bodily harm from a person actually present at the commission of the offence shall be an excuse for the commission, by a person subject to such threats, and who believes such threats will be executed, and who is not a party to any association or conspiracy the being a party to which rendered him subject to compulsion, of any offence other than treason as defined in paragraphs *a, b, c, d* and *e* of subsection one of section sixty-five, murder, piracy, offences deemed to be piracy, attempting to murder, assisting in rape, forcible abduction, robbery, causing grievous bodily harm, and arson.

Compulsion
of wife.

13. No presumption shall be made that a married woman committing an offence does so under compulsion because she commits it in the presence of her husband.

Ignorance of
the law.

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

Execution of
sentence.

15. Every ministerial officer of any court authorized to execute a lawful sentence, and every gaoler, and every person lawfully assisting such ministerial officer or gaoler, is justified in executing such sentence.

Execution of
process.

16. Every ministerial officer of any court duly authorized to execute any lawful process of such court, whether of a civil or criminal nature, and every person lawfully assisting him, is justified in executing the same; and every gaoler who is required under such process to receive and detain any person is justified in receiving and detaining him.

Execution of
warrants.

17. Every one duly authorized to execute a lawful warrant issued by any court or justice of the peace or other person having jurisdiction to issue such warrant, and every person lawfully assisting him, is justified in executing such warrant; and every gaoler who is required under such warrant to receive and detain any person is justified in receiving and retaining him.

18. If a sentence is passed or process issued by a court having jurisdiction under any circumstances to pass such a sentence or issue such process, or if a warrant is issued by a court or person having jurisdiction under any circumstances to issue such a warrant, the sentence passed or process or warrant issued shall be sufficient to justify the officer or person authorized to execute the same, and every gaoler and person lawfully assisting in executing or carrying out such sentence, process or warrant, although the court passing the sentence or issuing the process had not in the particular case authority to pass the sentence or to issue the process, or although the court, justice or other person in the particular case had no jurisdiction to issue, or exceeded its or his jurisdiction in issuing, the warrant, or was, at the time when such sentence was passed or process or warrant issued, out of the district in or for which such court, justice or person was entitled to act.

Execution of
erroneous
sentence or
process.

19. Every officer, gaoler or person executing any sentence, process or warrant, and every person lawfully assisting such officer, gaoler or person, shall be protected from criminal responsibility if he acts in good faith under the belief that the sentence or process was that of a court having jurisdiction or that the warrant was that of a court, justice of the peace or other person having authority to issue warrants, and if it be proved that the person passing the sentence or issuing the process acted as such a court under colour of having some appointment or commission lawfully authorizing him to act as such a court, or that the person, issuing the warrant acted as a justice of the peace or other person having such authority, although in fact such appointment or commission did not exist or had expired, or although in fact the court or the person passing the sentence or issuing the process was not the court or the person authorized by the commission to act, or the person issuing the warrant was not duly authorized so to act.

Sentence or
process
without juris-
diction.

20. Every one duly authorized to execute a warrant to arrest who thereupon arrests a person, believing in good faith and on reasonable and probable grounds that he is the person named in the warrant, shall be protected from criminal responsibility to the same extent and subject to the same provision as if the person arrested had been the person named in the warrant.

Arresting the
wrong person.

2. Every one called on to assist the person making such arrest, and believing that the person in whose arrest he is called on to assist is the person for whose arrest the warrant is issued, and every gaoler who is required to receive and detain such person, shall be protected to the same extent and subject to the same provisions as if the arrested person had been the person named in the warrant.

Irregular
warrant or
process.

21. Every one acting under a warrant or process which is bad in law on account of some defect in substance or in form apparent on the face of it, if he in good faith and without culpable ignorance and negligence believes that the warrant or process is good in law, shall be protected from criminal responsibility to the same extent and subject to the same provisions as if the warrant or process were good in law, and ignorance of the law shall in such case be an excuse: Provided, that it shall be a question of law whether the facts of which there is evidence may or may not constitute culpable ignorance or negligence in his so believing the warrant or process to be good in law.

Arrest by
peace officer
in case of
certain
offences.

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

Persons assist-
ing peace
officer.

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

Arrest of per-
sons found
committing
certain
offences.

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

Arrest after
commission of
certain
offences.

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

Arrest of per-
son believed
to be com-
mitting cer-
tain offences
by night.

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

Arrest by
peace officer
of person
found com-
mitting
offence.

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

Arrest of
person found
committing
any offence at
night.

28. Every one is justified in arresting without warrant any person whom he finds by night committing any offence:
2. Every peace officer is justified in arresting without warrant any person whom he finds lying or loitering in

any highway, yard or other place by night, and whom he has good cause to suspect of having committed or being about to commit any offence for which an offender may be arrested without warrant.

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

30. Nothing in this Act shall take away or diminish any authority given by any Act in force for the time being to arrest, detain or put any restraint on any person. Statutory power of arrest.

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

32. It is the duty of every one executing any process or warrant to have it with him, and to produce it if required. Duty of persons arresting.

2. It is the duty of every one arresting another, whether with or without warrant, to give notice, where practicable, of the process or warrant under which he acts, or of the cause of the arrest.

3. A failure to fulfil either of the two duties last mentioned shall not of itself deprive the person executing the process or warrant, or his assistants, or the person arresting, of protection from criminal responsibility, but shall be relevant to the inquiry whether the process or warrant might not have been executed, or the arrest effected, by reasonable means in a less violent manner.

33. Every peace officer proceeding lawfully to arrest, with or without warrant, any person for any offence for which the offender may be arrested without warrant, and every one lawfully assisting in such arrest, is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by such flight, unless such escape can be prevented by reasonable means in a less violent manner. Peace officer preventing escape from arrest for certain offences.

34. Every private person proceeding lawfully to arrest without warrant any person for any offence for which the offender Private person preventing escape from

arrest for certain offences.

offender may be arrested without warrant is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by flight, unless such escape can be prevented by reasonable means in a less violent manner: Provided, that such force is neither intended nor likely to cause death or grievous bodily harm.

Preventing escape from arrest in other cases.

35. Every one proceeding lawfully to arrest any person for any cause other than such offence as in the last section mentioned is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by flight, unless such escape can be prevented by reasonable means in a less violent manner: Provided such force is neither intended nor likely to cause death or grievous bodily harm.

Preventing escape or rescue after arrest for certain offences.

36. Every one who has lawfully arrested any person for any offence for which the offender may be arrested without warrant is protected from criminal responsibility in using such force in order to prevent the rescue or escape of the person arrested as he believes, on reasonable grounds, to be necessary for that purpose.

Preventing escape or rescue after arrest in other cases.

37. Every one who has lawfully arrested any person for any cause other than an offence for which the offender may be arrested without warrant is protected from criminal responsibility in using such force in order to prevent his escape or rescue as he believes, on reasonable grounds, to be necessary for that purpose: Provided that such force is neither intended nor likely to cause death or grievous bodily harm.

Preventing breach of the peace.

38. Every one who witnesses a breach of the peace is justified in interfering to prevent its continuance or renewal and may detain any person committing or about to join in or renew such breach of the peace, in order to give him into the custody of a peace officer: provided that the person interfering uses no more force than is reasonably necessary for preventing the continuance or renewal of such breach of the peace, or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of such breach of the peace.

Prevention by peace officers of breach of the peace.

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

2. Every peace officer is justified in receiving into custody any person given into his charge as having been a party to

a breach of the peace by one who has, or whom such peace officer, upon reasonable and probable grounds, believes to have, witnessed such breach of the peace.

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

Suppression
of riot by
magistrates.

41. Every one, whether subject to military law or not, acting in good faith in obedience to orders given by any sheriff, deputy sheriff, mayor or other head officer or acting head officer of any county, city, town or district, or by any magistrate or justice of the peace, for the suppression of a riot, is justified in obeying the orders so given unless such orders are manifestly unlawful, and is protected from criminal responsibility in using such force as he, on reasonable and probable grounds, believes to be necessary for carrying into effect such orders.

Suppression
of riot by
persons acting
under lawful
orders.

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

42. Every one, whether subject to military law or not, who in good faith and on reasonable and probable grounds believes that serious mischief will arise from a riot before there is time to procure the intervention of any of the authorities aforesaid, is justified in using such force as he, in good faith and on reasonable and probable grounds, believes to be necessary for the suppression of such riot, and as is not disproportioned to the danger which he, on reasonable grounds, believes to be apprehended from the continuance of the riot.

Suppression of
riot by per-
sons without
orders.

43. Every one who is bound by military law to obey the lawful command of his superior officer is justified in obeying any command given him by his superior officer for the suppression of a riot, unless such order is manifestly unlawful:

Protection
of persons
subject to
military law.

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

44. Every one is justified in using such force as may be reasonably necessary in order to prevent the commission of any offence for which, if committed, the offender might be arrested without warrant, and the commission of which would be likely to cause immediate and serious injury to the person or property of any one; or in order to prevent any

Prevention of
certain
offences.

any act being done which he, on reasonable grounds, believes would, if committed, amount to any of such offences.

Self-defence
against unprovoked assault.

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

Self-defence
against provoked assault.

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

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

Prevention of
insult.

47. Every one is justified in using force in defence of his own person, or that of any one under his protection, from an assault accompanied with insult: Provided, that he uses no more force than is necessary to prevent such assault, or the repetition of it: Provided also, that this section shall not justify the wilful infliction of any hurt or mischief disproportionate to the insult which the force used was intended to prevent.

Defence of
movable
property
against trespasser.

48. Every one who is in peaceable possession of any movable property or thing, and every one lawfully assisting him, is justified in resisting the taking of such thing by any trespasser, or in retaking it from such trespasser, if in either case he does not strike or do bodily harm to such trespasser; and if, after any one being in peaceable possession as aforesaid has laid hands upon any such thing, such trespasser persists in attempting to keep it or to take it from the possessor, or from any one lawfully assisting him, the trespasser shall be

deemed to commit an assault without justification or provocation.

49. Every one who is in peaceable possession of any movable property or thing under a claim of right, and every one acting under his authority, is protected from criminal responsibility for defending such possession, even against a person entitled by law to the possession of such property or thing, if he uses no more force than is necessary.

Defence of movable property with claim of right.

50. Every one who is in peaceable possession of any movable property or thing, but neither claims right thereto nor acts under the authority of a person claiming right thereto, is neither justified nor protected from criminal responsibility for defending his possession against a person entitled by law to the possession of such property or thing.

Defence of movable property without claim of right.

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

Defence of dwelling-house.

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

Defence of dwelling-house at night.

53. Every one who is in peaceable possession of any house or land, or other real property, and every one lawfully assisting him or acting by his authority, is justified in using force to prevent any person from trespassing on such property, or to remove him therefrom, if he uses no more force than is necessary; and if such trespasser resists such attempt to prevent his entry or to remove him such trespasser shall be deemed to commit an assault without justification or provocation.

Defence of real property.

54. Every one is justified in peaceably entering in the day-time to take possession of any house or land to the possession of which he, or some person under whose authority he acts, is lawfully entitled.

Assertion of right to house or land.

2. If any person, not having or acting under the authority of one having peaceable possession of any such house or land with a claim of right, assaults any one peaceably entering as aforesaid, for the purpose of making him desist from such entry

entry, such assault shall be deemed to be without justification or provocation.

3. If any person having peaceable possession of such house or land with a claim of right, or any person acting by his authority, assaults any one entering as aforesaid, for the purpose of making him desist from such entry, such assault shall be deemed to be provoked by the person entering.

Discipline of minors.

55. It is lawful for every parent, or person in the place of a parent, schoolmaster or master, to use force by way of correction towards any child, pupil or apprentice under his care, provided that such force is reasonable under the circumstances.

Discipline on ships.

56. It is lawful for the master or officer in command of a ship on a voyage to use force for the purpose of maintaining good order and discipline on board of his ship, provided that he believes, on reasonable grounds, that such force is necessary, and provided also that the force used is reasonable in degree.

Surgical operations.

57. Every one is protected from criminal responsibility for performing with reasonable care and skill any surgical operation upon any person for his benefit, provided that performing the operation was reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

Excess.

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

Consent to death.

59. No one has a right to consent to the infliction of death upon himself; and if such consent is given, it shall have no effect upon the criminal responsibility of any person by whom such death may be caused.

Obedience to *de facto* law.

60. Every one is protected from criminal responsibility for any act done in obedience to the laws for the time being made and enforced by those in possession (*de facto*) of the sovereign power in and over the place where the act is done.

PART III.

PARTIES TO THE COMMISSION OF OFFENCES.

Parties to offences.

61. Every one is a party to and guilty of an offence who—
 (a.) actually commits it; or
 (b.) does or omits an act for the purpose of aiding any person to commit the offence; or

(c.) abets any person in commission of the offence; or
 (d.) counsels or procures any person to commit the offence.

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

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

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

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

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

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

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

TITLE II.

OFFENCES AGAINST PUBLIC ORDER, INTERNAL
AND EXTERNAL.

PART IV.

TREASON AND OTHER OFFENCES AGAINST THE
QUEEN'S AUTHORITY AND PERSON.

Treason.

65. Treason is—

(a.) the act of killing Her Majesty, or doing her any bodily harm tending to death or destruction, maim or wounding, and the act of imprisoning or restraining her ; or

(b.) the forming and manifesting by an overt act an intention to kill Her Majesty, or to do her any bodily harm tending to death or destruction, maim or wounding, or to imprison or to restrain her ; or

(c.) the act of killing the eldest son and heir apparent of Her Majesty, or the Queen consort of any King of the United Kingdom of Great Britain and Ireland ; or

(d.) the forming and manifesting, by an overt act, an intention to kill the eldest son and heir apparent of Her Majesty, or the Queen consort of any King of the United Kingdom of Great Britain and Ireland ; or

(e.) conspiring with any person to kill Her Majesty, or to do her any bodily harm tending to death or destruction, maim or wounding, or conspiring with any person to imprison or restrain her ; or

† (f.) levying war against Her Majesty either—

(i.) with intent to depose Her Majesty from the style, honour and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland or of any other of Her Majesty's dominions or countries ;

(ii.) in order, by force or constraint, to compel Her Majesty to change her measures or counsels, or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of Canada ; or

(g.) conspiring to levy war against Her Majesty with any such intent or for any such purpose as aforesaid ; or

(h.) instigating any foreigner with force to invade the said United Kingdom or Canada or any other of the dominions of Her Majesty ; or

(i.) assisting any public enemy at war with Her Majesty in such war by any means whatsoever ; or

(j.) violating, whether with her consent or not, a Queen consort, or the wife of the eldest son and heir apparent, for the time being, of the King or Queen regnant :

2. Every one who commits treason is guilty of an indictable offence and liable to suffer death.

66. In every case in which it is treason to conspire with any person for any purpose the act of so conspiring, and every overt act of any such conspiracy, is an overt act of treason. Conspiracy.

67. Every one is guilty of an indictable offence and liable to two years' imprisonment who— Accessories after the fact.

(a.) becomes an accessory after the fact to treason; or

(b.) knowing that any person is about to commit treason does not, with all reasonable despatch, give information thereof to a justice of the peace, or use other reasonable endeavours to prevent the commission of the same.

68. Every subject or citizen of any foreign state or country at peace with Her Majesty, who— Levying war by subjects of a state at peace with Her Majesty.

(a.) is or continues in arms against Her Majesty within Canada; or

(b.) commits any act of hostility therein; or

(c.) enters Canada with intent to levy war against Her Majesty, or to commit any indictable offence therein for which any person would, in Canada, be liable to suffer death; and

Every subject of Her Majesty within Canada who— Subjects assisting.

(d.) levies war against Her Majesty in company with any of the subjects or citizens of any foreign state or country at peace with Her Majesty; or

(e.) enters Canada in company with any such subjects or citizens with intent to levy war against Her Majesty, or to commit any such offence therein; or

(f.) with intent to aid and assist, joins himself to any person who has entered Canada with intent to levy war against Her Majesty, or to commit any such offence therein— is guilty of an indictable offence and liable to suffer death. R.S.C., c. 146, ss. 6 and 7.

69. Every one is guilty of an indictable offence and liable to imprisonment for life who forms any of the intentions hereinafter mentioned, and manifests any such intention by conspiring with any person to carry it into effect, or by any other overt act, or by publishing any printing or writing; that is to say— Treasonable offences.

(a.) an intention to depose Her Majesty from the style, honour and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of Her Majesty's dominions or countries;

(b.) an intention to levy war against Her Majesty within any part of the said United Kingdom, or of Canada, in order by force or constraint to compel her to change her measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of Canada;

(c.) an intention to move or stir any foreigner or stranger with force to invade the said United Kingdom, or Canada, or any other of Her Majesty's dominions or countries under the authority of Her Majesty. R.S.C., c. 146, s. 3.

Conspiracy to
intimidate a
legislature.

70. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who confederates, combines or conspires with any person to do any act of violence in order to intimidate, or to put any force or constraint upon, any Legislative Council, Legislative Assembly or House of Assembly. R.S.C., c. 146, s. 4.

Assaults on
the Queen.

71. Every one is guilty of an indictable offence and liable to seven years' imprisonment, and to be whipped once, twice or thrice as the court directs, who—

(a.) wilfully produces, or has near Her Majesty, any arm or destructive or dangerous thing with intent to use the same to injure the person of, or to alarm, Her Majesty; or

(b.) wilfully and with intent to alarm or to injure Her Majesty, or to break the public peace:

(i.) points, aims or presents at or near Her Majesty any firearm, loaded or not, or any other kind of arm;

(ii.) discharges at or near Her Majesty any loaded arm;

(iii.) discharges any explosive material near Her Majesty;

(iv.) strikes, or strikes at, Her Majesty in any manner whatever;

(v.) throws anything at or upon Her Majesty; or

(c.) attempts to do any of the things specified in paragraph (b) of this section.

Inciting to
mutiny.

72. Every one is guilty of an indictable offence and liable to imprisonment for life who, for any traitorous or mutinous purpose, endeavours to seduce any person serving in Her Majesty's forces by sea or land from his duty and allegiance to Her Majesty, or to incite or stir up any such person to commit any traitorous or mutinous practice.

Enticing
soldiers or
sailors to
desert.

73. Every one is guilty of an indictable offence who, not being an enlisted soldier in Her Majesty's service, or a seaman in Her Majesty's naval service—

(a.) by words or with money, or by any other means whatsoever, directly or indirectly persuades or procures, or goes about or endeavours to persuade, prevail on or procure, any such seaman or soldier to desert from or leave Her Majesty's military or naval service; or

(b.) conceals, receives or assists any deserter from Her Majesty's military or naval service, knowing him to be such deserter.

2. The offender may be prosecuted by indictment, or summarily before two justices of the peace. In the former case he is liable to fine and imprisonment in the discretion of the court, and in the latter to a penalty not exceeding two hundred

dred dollars, and not less than eighty dollars and costs, and in default of payment to imprisonment for any term not exceeding six months. R.S.C., c. 169, ss. 1 and 4.

74. Every one who resists the execution of any warrant authorizing the breaking open of any building to search for any deserter from Her Majesty's military or naval service is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty of eighty dollars. R.S.C., c. 169, s. 7.

Resisting execution of warrant for arrest of deserters.

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

Enticing militiamen or members of the North-west mounted police force to desert.

(a.) persuades any man who has been enlisted to serve in any corps of militia, or who is a member of or has engaged to serve in the North-west mounted police force, to desert, or attempts to procure or persuade any such man to desert; or

(b.) knowing that any such man is about to desert, aids or assists him in deserting; or

(c.) knowing any such man is a deserter, conceals such man or aids or assists in his rescue. R.S.C., c. 41, s. 109; 52 V., c. 25, s. 4.

76. In the two following sections, unless the context otherwise requires—

Interpretation.

(a.) Any reference to a place belonging to Her Majesty includes a place belonging to any department of the Government of the United Kingdom, or of the Government of Canada, or of any province, whether the place is or is not actually vested in Her Majesty;

(b.) Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model or information itself or the substance or effect thereof only be communicated;

(c.) The expression "document" includes part of a document;

(d.) The expression "model" includes design, pattern and specimen;

(e.) The expression "sketch" includes any photograph or other mode of expression of any place or thing;

(f.) The expression "office under Her Majesty," includes any office or employment in or under any department of the Government of the United Kingdom, or of the Government of Canada or of any province. 53 V., c. 10, s. 5.

77. Every one is guilty of an indictable offence and liable to imprisonment for one year, or to a fine not exceeding one hundred dollars, or to both imprisonment and fine, who—

Unlawfully obtaining and communicating official information.

(a.) for the purpose of wrongfully obtaining information—

(i.) enters or is in any part of a place in Canada belonging to Her Majesty, being a fortress, arsenal, factory, dockyard, camp, ship, office or other like place, in which part he is not entitled to be; or

(ii.) when lawfully or unlawfully in any such place as aforesaid either obtains any document, sketch, plan, model or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan; or

(iii.) when outside any fortress, arsenal, factory, dockyard or camp in Canada, belonging to Her Majesty, takes, or attempts to take, without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard or camp; or

(b.) knowingly having possession of or control over any such document, sketch, plan, model, or knowledge as has been obtained or taken by means of any act which constitutes an offence against this and the following section, at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interests of the state, to be communicated at that time; or

(c.) after having been entrusted in confidence by some officer under Her Majesty with any document, sketch, plan, model or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully, and in breach of such confidence, communicates the same when, in the interests of the state, it ought not to be communicated; or

(d.) having possession of any document relating to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interests of the state, to be communicated at the time:

2. Every one who commits any such offence intending to communicate to a foreign state any information, document, sketch, plan, model or knowledge obtained or taken by him, or entrusted to him as aforesaid, or communicates the same to any agent of a foreign state, is guilty of an indictable offence and liable to imprisonment for life. 53 V., c. 10, s. 1.

Communi-
cating infor-
mation
acquired by
holding
office.

78. Every one who, by means of his holding or having held an office under Her Majesty, has lawfully or unlawfully, either obtained possession of or control over any document, sketch, plan or model, or acquired any information, and at any time corruptly, or contrary to his official duty, communicates or attempts to communicate such document, sketch, plan, model or information to any person to whom

the same ought not, in the interests of the state, or otherwise in the public interest, to be communicated at that time, is guilty of an indictable offence and liable—

(a.) if the communication was made, or attempted to be made, to a foreign state, to imprisonment for life; and

(b.) in any other case to imprisonment for one year, or to a fine not exceeding one hundred dollars, or to both imprisonment and fine.

2. This section shall apply to a person holding a contract with Her Majesty, or with any department of the Government of the United Kingdom, or of the Government of Canada, or of any province, or with the holder of any office under Her Majesty as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract who is under a like obligation of secrecy, as if the person holding the contract, and the person so employed, were respectively holders of an office under Her Majesty. 53 V., c. 10, s. 2.

PART V.

UNLAWFUL ASSEMBLIES, RIOTS, BREACHES OF THE PEACE.

79. An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously.

Definition of unlawful assembly.

2. Persons lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.

3. An assembly of three or more persons for the purpose of protecting the house of any one in their number against persons threatening to break and enter such house in order to commit any indictable offence therein is not unlawful.

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

Definition of riot.

81. Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment. R.S.C., c. 147, s. 11.

Punishment of unlawful assembly.

Punishment
of riot.

82. Every rioter is guilty of an indictable offence and liable to two years' imprisonment with hard labour. R.S.C., c. 148, s. 13.

Reading the
Riot Act.

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

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

“GOD SAVE THE QUEEN.”

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

(a.) with force and arms wilfully oppose, hinder or hurt any person who begins or is about to make the said proclamation, whereby such proclamation is not made; or

(b.) continue together to the number of twelve for thirty minutes after such proclamation has been made, or if they know that its making was hindered as aforesaid, within thirty minutes after such hindrance. R.S.C., c. 147, ss. 1 and 2.

Duty of justice if rioters do not disperse.

84. If the persons so unlawfully, riotously and tumultuously assembled together as mentioned in the next preceding section, or twelve or more of them, continue together, and do not disperse themselves, for the space of thirty minutes after the proclamation is made or after such hindrance as aforesaid, it is the duty of every such sheriff, justice and other officer, and of all persons required by them to assist, to cause such persons to be apprehended and carried before a justice of the peace; and if any of the persons so assembled is killed or hurt in the apprehension of such persons or in the endeavour to apprehend or disperse them, by reason of their resistance, every person ordering them to be apprehended or dispersed, and every person executing such orders, shall be indemnified against all proceedings of every kind in respect thereof: Provided, that nothing herein contained shall, in any way, limit or affect any duties or powers imposed or given by this Act as to the suppression of riots before or after the making of the said proclamation. R.S.C., c. 147, s. 3.

85. All persons are guilty of an indictable offence and liable to imprisonment for life who, being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force demolish or pull down, or begin to demolish or pull down, any building, or any machinery, whether fixed or movable, or any erection used in farming land, or in carrying on any trade or manufacture, or any erection or structure used in conducting the business of any mine, or any bridge, waggon-way or track for conveying minerals from any mine. R.S.C., c. 147, s. 9.

Riotous destruction of buildings.

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

Riotous damage to buildings.

2. It shall not be a defence to a charge of an offence against this or the last preceding section that the offender believed he had a right to act as he did, unless he actually had such a right. R.S.C., c. 147, s. 10.

87. The Governor in Council is authorized from time to time to prohibit assemblies without lawful authority 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, and to prohibit persons when assembled for any other purpose so training or drilling themselves or being trained or drilled. Any such prohibition may be general or may apply only to a particular place or district and to assemblies of a particular character, and shall come into operation from the publication in the *Canada Gazette* of a proclamation embodying the terms of such prohibition, and shall continue in force until the like publication of a proclamation issued by the authority of the Governor in Council revoking such prohibition.

Unlawful drilling.

2. Every person is guilty of an indictable offence and liable to two years' imprisonment who, without lawful authority and in contravention of such prohibition or proclamation—

(a.) is present at or attends any such assembly for the purpose of training or drilling any other person to the use of arms or the practice of military exercises or evolutions ; or

(b.) at any assembly trains or drills any other person to the use of arms or the practice of military exercises or evolutions. R.S.C., c. 147, ss. 4 and 5.

88. Every one is guilty of an indictable offence and liable to two years' imprisonment who, without lawful authority, attends, or is present at, any such assembly as in the last preceding section mentioned, for the purpose of being, or who at any such assembly is, without lawful authority and in contravention of such prohibition or proclamation

Being unlawfully drilled.

trained or drilled to the use of arms or the practice of military exercises or evolutions. R.S.C., c. 147, s. 6.

Forcible entry and detainer.

89. Forcible entry is where a person, whether entitled or not, enters in a manner likely to cause a breach of the peace, or reasonable apprehension thereof, on land then in actual and peaceable possession of another.

2. Forcible detainer is where a person in actual possession of land, without colour of right, detains it in a manner likely to cause a breach of the peace, or reasonable apprehension thereof, against a person entitled by law to the possession thereof.

3. What amounts to actual possession or colour of right is a question of law.

4. Every one who forcibly enters or forcibly detains land is guilty of an indictable offence and liable to one year's imprisonment.

Affray.

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

2. Every one who takes part in an affray is guilty of an indictable offence and liable to one year's imprisonment with hard labour. R.S.C., c. 147, s. 14.

Challenge to fight a duel.

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

Prize-fighting defined.

92. In sections ninety-three to ninety-seven inclusive the expression "prize-fight" means an encounter or fight with fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them. R.S.C., c. 153, s. 1.

Challenging to fight a prize-fight, &c.

93. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding six months, with or without hard labour or to both, who sends or publishes, or causes to be sent or published or otherwise made known, any challenge to fight a prize-fight, or accepts any such challenge, or causes the same to be accepted, or goes into training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize-fight. R.S.C., c. 153, s. 2.

Engaging as principal in a prize-fight.

94. Every one is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding twelve months and not less than three months, with or

without hard labour who engages as a principal in a prize-fight. R.S.C., c. 153, s. 3.

95. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, with or without hard labour or to both, who is present at a prize-fight as an aid, second, surgeon, umpire, backer, assistant or reporter, or who advises, encourages or promotes such fight. R.S.C., c. 153, s. 5.

Attending or promoting a prize-fight.

96. Every inhabitant or resident of Canada is guilty of an offence and liable, on summary conviction, to a penalty not exceeding four hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, with or without hard labour or to both, who leaves Canada with intent to engage in a prize-fight without the limits thereof. R.S.C., c. 153, s. 5.

Leaving Canada to engage in a prize-fight.

97. If, after hearing evidence of the circumstances connected with the origin of the fight or intended fight, the person before whom the complaint is made is satisfied that such fight or intended fight was *bonâ fide* the consequence or result of a quarrel or dispute between the principals engaged or intended to engage therein, and that the same was not an encounter or fight for a prize, or on the result of which the handing over or transfer of money or property depended, such person may, in his discretion, discharge the accused or impose upon him a penalty not exceeding fifty dollars. R.S.C., c. 153, s. 9.

Where the fight is not a prize-fight, discharge or fine.

98. Every one is guilty of an indictable offence and liable to two years' imprisonment who induces, incites or stirs up any three or more Indians, non-treaty Indians, or half-breeds, apparently acting in concert—

Inciting Indians to riotous acts.

(a.) to make any request or demand of any agent or servant of the Government in a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace; or

(b.) to do any act calculated to cause a breach of the peace. R.S.C., c. 43, s. 111.

PART VI.

UNLAWFUL USE AND POSSESSION OF EXPLOSIVE SUBSTANCES AND OFFENSIVE WEAPONS —SALE OF LIQUORS.

99. Every one is guilty of an indictable offence and liable to imprisonment for life who wilfully causes, by any explosive

Causing dangerous explosions.

explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property, whether any injury to person or property is actually caused or not. R.S.C., c. 150, s. 3.

Doing anything, or possessing explosive substances, with intent to cause dangerous explosions.

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

(a.) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion of a nature likely to endanger life, or to cause serious injury to property;

(b.) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life or to cause serious injury to property, or to enable any other person by means thereof to endanger life or to cause serious injury to property—

whether any explosion takes place or not and whether any injury to person or property is actually caused or not. R.S.C., c. 150, s. 3.

Unlawfully making or possessing explosive substances.

101. Every one is guilty of an indictable offence and liable to seven years' imprisonment who makes, or knowingly has in his possession or under his control, any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it, or has it not in his possession or under his control, for a lawful object, unless he can show that he made it or had it in his possession or under his control for a lawful object. R.S.C., c. 150, s. 5.

Having possession of arms for purposes dangerous to the public peace.

102. Every one is guilty of an indictable offence and liable to five years' imprisonment who has in his custody or possession, or carries, any offensive weapons for any purpose dangerous to the public peace. R.S.C., c. 149, s. 4.

Two or more persons openly carrying dangerous weapons so as to cause alarm.

103. If two or more persons openly carry offensive weapons in a public place in such a manner and under such circumstances as are calculated to create terror and alarm, each of such persons is liable, on summary conviction before two justices of the peace, to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment to imprisonment for any term not exceeding thirty days. R.S.C., c. 148, s. 8.

Smugglers carrying offensive weapons.

104. Every one is guilty of an indictable offence and liable to imprisonment for ten years who is found with any goods liable to seizure or forfeiture under any law relating to inland revenue, the customs, trade or navigation, and knowing them to be so liable, and carrying offensive weapons. R.S.C., c. 32, s. 213.

Carrying a pistol or air-gun without justification.

105. Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding twenty-five dollars

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

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

Certificate of exemption.

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

4. When any such certificate is granted under the preceding provisions of this section, the justice granting it shall forthwith make a return thereof to the proper officer in the county, district or place in which such certificate has been granted for receiving returns under section nine hundred and two; and in default of making such return within ninety days after a certificate is granted, the justice shall be liable, on summary conviction, to a penalty of not more than ten dollars.

5. Whenever the Governor in Council deems it expedient in the public interest, he may by proclamation suspend the operation of the provisions of the first and second subsections of this section respecting certificates of exemption, or exempt from such operation any particular part of Canada, and in either case for such period, and with such exceptions as to the persons hereby affected, as he deems fit.

Governor in Council may suspend operation.

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

Selling pistol or air-gun to minor.

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

Having weapons on person when arrested.

107. Every one who when arrested, either on a warrant issued against him for an offence or while committing an offence, has upon his person a pistol or air-gun is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding fifty dollars and not less than twenty dollars, or to imprisonment for any term not exceeding three months, with or without hard labour. R.S.C., c. 148, s. 2.

Having weapons on the person with intent to injure any person.

108. Every one who has upon his person a pistol or air-gun, with intent therewith unlawfully to do injury to any other person, is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for any term not exceeding six months, with or without hard labour. R.S.C., c. 148, s. 3.

Pointing any firearm at any person.

109. Every one who, without lawful excuse, points at another person any firearm or air-gun, whether loaded or unloaded, is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars and not less than ten dollars, or to imprisonment for any term not exceeding thirty days, with or without hard labour. R.S.C., c. 148, s. 4.

Carrying offensive weapons about the person.

110. Every one who carries about his person any bowie-knife, dagger, dirk, metal knuckles, skull cracker, slung shot, or other offensive weapon of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon, or being masked or disguised carries or has in his possession any firearm or air-gun, is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding fifty dollars and not less than ten dollars, and in default of payment thereof to imprisonment for any term not exceeding thirty days, with or without hard labour. R.S.C., c. 148, s. 5.

Carrying sheath-knives in seaports.

111. Every one, not being thereto required by his lawful trade or calling, who is found in any town or city carrying about his person any sheath-knife is liable, on summary conviction before two justices of the peace, to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment thereof to imprisonment for any term not exceeding thirty days, with or without hard labour. R.S.C., c. 148, s. 6.

Exception as to soldiers, &c.

112. It is not an offence for any soldier, public officer, peace officer, sailor or volunteer in Her Majesty's service, constable or other policeman, to carry loaded pistols or other usual arms or offensive weapons in the discharge of his duty. R.S.C., c. 148, s. 10.

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

Refusing to deliver offensive weapon to a justice.

2. The justice of the peace may record the refusal and adjudge the offender to pay a penalty not exceeding eight dollars, or the offender may be proceeded against by indictment as in other cases of indictable offences. R.S.C., c. 152, s. 1.

114. Every one, except the sheriff, deputy sheriff and justices of the peace for the district or county, or the mayor, justices of the peace or other peace officer for the city or town respectively, in which any public meeting is held, and the constables and special constables employed by them, or any of them, for the preservation of the public peace at such meeting, is guilty of an indictable offence, and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, who, during any part of the day upon which such meeting is appointed to be held, comes within one mile of the place appointed for such meeting armed with any offensive weapon. R.S.C., c. 152, s. 5.

Coming armed within two miles of public meeting.

115. Every one is guilty of an indictable offence and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both, who lies in wait for any person returning, or expected to return, from any such public meeting, with intent to commit an assault upon such person, or with intent, by abusive language, opprobrious epithets or other offensive demeanour, directed to, at or against such person, to provoke such person, or those who accompany him, to a breach of the peace. R.S.C., c. 152, s. 6.

Lying in wait for persons returning from public meeting.

116. Every one is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars or to six months' imprisonment, or to both, who, during any time when and within any place in the North-west Territories where section one hundred and one of *The North-west Territories Act* is in force—

Sale of arms in the North-west Territories.

(a.) without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to or with any person, any improved arm or ammunition; or

(b.)

(b.) having such permission sells, exchanges, trades, bar-
ters or gives any such arm or ammunition to any person
not lawfully authorized to possess the same.

2. The expression "improved arm" in this section means
and includes all arms except smooth-bore shot-guns; and
the expression "ammunition" means fixed ammunition or
ball cartridge. R.S.C., c. 50, s. 101.

Possessing
weapons near
public works.

117. Every one employed upon or about any public work,
within any place in which the *Act respecting the Preser-
vation of Peace in the vicinity of Public Works* is then in force,
is liable, on summary conviction, to a penalty not exceeding
four dollars and not less than two dollars for every such
weapon found in his possession who, upon or after the day
named in the proclamation by which such Act is brought
into force, keeps or has in his possession, or under his care
or control, within any such place, any weapon.

2. Every one is liable, on summary conviction, to a penalty
not exceeding one hundred dollars and not less than forty
dollars who, for the purpose of defeating the said Act, re-
ceives or conceals, or aids in receiving or concealing, or
procures to be received or concealed within any place in
which the said Act is at the time in force, any weapon
belonging to or in custody of any person employed on or
about any public work. R.S.C., c. 151, ss. 1, 5 and 6.

Sale, &c., of
liquors near
public works.

118. Upon and after the day named in any proclamation
putting in force in any place *An Act respecting the Preser-
vation of Peace in the vicinity of Public Works*, and dur-
ing such period as such proclamation remains in force, no
person shall, at any place within the limits specified in
such proclamation, sell, barter, or directly or indirectly, for
any matter, thing, profit or reward, exchange, supply or
dispose of any intoxicating liquor, nor expose, keep or have
in possession any intoxicating liquor intended to be dealt
with in any such way.

2. The provisions of this section do not extend to any
person selling intoxicating liquor by wholesale and not
retailing the same, if such person is a licensed distiller or
brewer.

3. Every one is liable, on summary conviction, for a first
offence to a penalty of forty dollars and costs, and, in default
of payment, to imprisonment for a term not exceeding three
months, with or without hard labour,—and on every sub-
sequent conviction to the said penalty and the said im-
prisonment in default of payment, and also to further im-
prisonment for a term not exceeding six months, with or
without hard labour, who, by himself, his clerk, servant,
agent or other person, violates any of the provisions of this
or of the preceding section.

4. Every clerk, servant, agent or other person who, being
in the employment of, or on the premises of, another person,
violates

violates or assists in violating any of the provisions of this or of the preceding section for the person in whose employment or on whose premises he is, is equally guilty with the principal offender and liable to the same punishment. R.S.C., c. 151, ss. 1, 13, 14 and 15.

119. Every one is guilty of an offence and liable, on summary conviction before two justices of the peace, to a fine not exceeding fifty dollars for each offence, and in default of payment to imprisonment for a term not exceeding one month, with or without hard labour, who, without the previous consent of the officer commanding the ship or vessel—

Intoxicating liquors on board Her Majesty's ships.

(a.) conveys any intoxicating liquor on board any of Her Majesty's ships or vessels; or

(b.) approaches or hovers about any of Her Majesty's ships or vessels for the purpose of conveying any such liquor on board thereof; or

(c.) gives or sells to any man in Her Majesty's service, on board any such ship or vessel, any intoxicating liquor. 50-51 V., c. 46, s. 1.

PART VII.

SEDITIONIOUS OFFENCES.

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

Oaths to commit certain offences.

(a.) administers, or is present at and consenting to the administration of, any oath or any engagement purporting to bind the person taking the same to commit any crime punishable by death or imprisonment for more than five years; or

(b.) attempts to induce or compel any person to take any such oath or engagement; or

(c.) takes any such oath or engagement.

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

Other unlawful oaths.

(a.) administers or is present at and consenting to the administration of any oath or engagement purporting to bind the person taking the same:

(i.) to engage in any mutinous or seditious purpose;

(ii.) to disturb the public peace or commit or endeavour to commit any offence;

(iii.) not to inform and give evidence against any associate, confederate or other person;

(iv.) not to reveal or discover any unlawful combination or confederacy, or any illegal act done or to be done or any illegal oath or obligation or engagement which may

have

have been administered or tendered to or taken by any person, or the import of any such oath or obligation or engagement ; or

(b.) attempts to induce or compel any person to take any such oath or engagement ; or

(c.) takes any such oath or engagement. C.S.L.C., c. 10, s. 1.

Compulsion
in administer-
ing and taking
oaths.

122. Any one who, under such compulsion as would otherwise excuse him, offends against either of the last two preceding sections shall not be excused thereby unless, within the period hereinafter mentioned, he declares the same and what he knows touching the same, and the persons by whom and in whose presence, and when and where, such oath or obligation or engagement was administered or taken, by information on oath before one of Her Majesty's justices of the peace for the district or city or county in which such oath or engagement was administered or taken. Such declaration may be made by him within fourteen days after the taking of the oath or, if he is hindered from making it by actual force or sickness, then within eight days of the cessation of such hindrance, or on his trial if it happens before the expiration of either of those periods. C.S.L.C., c. 10, s. 2.

Seditious
offences de-
fined.

123. No one shall be deemed to have a seditious intention only because he intends in good faith—

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

(b.) to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice ; or to excite Her Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state ; or

(c.) to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of Her Majesty's subjects.

2. Seditious words are words expressive of a seditious intention.

3. A seditious libel is a libel expressive of a seditious intention.

4. A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention.

Punishment
of seditious
offences.

124. Every one is guilty of an indictable offence and liable to two years' imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy.

Libels on
foreign sove-
reigns.

125. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful justification,

fication, publishes any libel tending to degrade, revile or expose to hatred and contempt in the estimation of the people of any foreign state, any prince or person exercising sovereign authority over any such state.

126. Every one is guilty of an indictable offence and liable to one year's imprisonment who wilfully and knowingly publishes any false news or tale whereby injury or mischief is or is likely to be occasioned to any public interest. Spreading false news.

PART VIII.

PIRACY.

127. Every one is guilty of an indictable offence who does any act which amounts to piracy by the law of nations, and is liable to the following punishment:— Piracy by the law of nations.

(a.) To death, if in committing or attempting to commit such crime the offender murders, attempts to murder or wounds any person, or does any act by which the life of any person is likely to be endangered ;

(b.) To imprisonment for life in all other cases.

128. Every one is guilty of an indictable offence and liable to imprisonment for life who, within Canada, does any of the following piratical acts, or who, having done any of the following piratical acts, comes or is brought within Canada without having been tried therefor :— Piratical act

(a.) Being a British subject, on the sea, or in any place within the jurisdiction of the Admiralty of England, under colour of any commission from any foreign prince or state, whether such prince or state is at war with Her Majesty or not, or under pretense of authority from any person whomsoever commits any act of hostility or robbery against other British subjects, or during any war is in any way adherent to or gives aid to Her Majesty's enemies ;

(b.) Whether a British subject or not, on the sea or in any place within the jurisdiction of the Admiralty of England, enters into any British ship, and throws overboard, or destroys, any part of the goods belonging to such ship, or laden on board the same ;

(c.) Being on board any British ship on the sea or in any place within the jurisdiction of the Admiralty of England—

(i.) turns enemy or rebel, and piratically runs away with the ship, or any boat, ordnance, ammunition or goods ;

(ii.) yields them up voluntarily to any pirate ;

(iii.) brings any seducing message from any pirate, enemy or rebel ;

(iv.) counsels or procures any persons to yield up or run away with any ship, goods or merchandise, or to turn pirate or to go over to pirates ;

(v.) lays violent hands on the commander of any such ship in order to prevent him from fighting in defence of his ship and goods;

(vi.) confines the master or commander of any such ship;

(vii.) makes or endeavours to make a revolt in the ship;

or
(d.) Being a British subject in any part of the world, or (whether a British subject or not) being in any part of Her Majesty's dominions or on board a British ship, knowingly—

(i.) furnishes any pirate with any ammunition or stores of any kind;

(ii.) fits out any ship or vessel with a design to trade with or supply or correspond with any pirate;

(iii.) conspires or corresponds with any pirate.

Piracy with violence.

129. Every one is guilty of an indictable offence and liable to suffer death who, in committing or attempting to commit any piratical act, assaults with intent to murder, or wounds, any person, or does any act likely to endanger the life of any person.

Not fighting pirates.

130. Every one is guilty of an indictable offence and liable to six months' imprisonment, and to forfeit to the owner of the ship all wages then due to him, who, being a master, officer or seaman of any merchant ship which carries guns and arms, does not, when attacked by any pirate, fight and endeavour to defend himself and his vessel from being taken by such pirate, or who discourages others from defending the ship, if by reason thereof the ship falls into the hands of such pirate.

TITLE III.

OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE.

PART IX.

CORRUPTION AND DISOBEDIENCE.

Judicial corruption.

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

(a.) holding any judicial office, or being a member of Parliament or of a legislature, corruptly accepts or obtains, or agrees to accept, or attempts to obtain for himself or any other person, any money or valuable consideration, office, place, or employment on account of anything already

done or omitted, or to be afterwards done or omitted, by him in his judicial capacity, or in his capacity as such member ; or

(b.) corruptly gives or offers to any such person or to any other person, any such bribe as aforesaid on account of any such act or omission.

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

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

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

Corruption of officers employed in prosecuting, offenders.

133. Every one is guilty of an offence and liable to a fine of not less than one hundred dollars, and not exceeding one thousand dollars, and to imprisonment for a term not exceeding one year and not less than one month, and in default of payment of such fine to imprisonment for a further time not exceeding six months who—

(a.) makes any offer, proposal, gift, loan or promise, or who gives or offers any compensation or consideration, directly or indirectly, to any official or person in the employment of the Government, or to any member of his family, or to any person under his control, or for his benefit, with intent to obtain the assistance or influence of such official or person to promote either the procuring of any contract with the Government, for the performance of any work, the doing of any thing, or the furnishing of any goods, effects, food or materials, the execution of any such contract, or the payment of the price, or consideration stipulated therein, or any part thereof, or of any aid or subsidy, payable in respect thereof ; or

(b.) being an official or person in the employment of the Government, directly or indirectly, accepts or agrees to accept, or allows to be accepted by any person under his control, or for his benefit, any such offer, proposal, gift, loan, promise, compensation or consideration ; or

(c.) in the case of tenders being called for by or on behalf of the Government, for the performance of any work, the doing of any thing, or the furnishing of any goods, effects, food or materials, directly or indirectly, by himself or by the agency of any other person on his behalf, with intent to obtain the contract therefor, either for himself or for any

Frauds upon the Government.

other person, proposes to make, or makes, any gift, loan, offer or promise, or offers or gives any consideration or compensation whatsoever to any person tendering for such work or other service, or to any member of his family, or other person for his benefit, to induce such person to withdraw his tender for such work or other service, or to compensate or reward him for having withdrawn such tender; or

(*d.*) in case of so tendering, accepts or receives, directly or indirectly, or permits, or allows to be accepted or received by any member of his family, or by any other person under his control, or for his benefit, any such gift, loan, offer, promise, consideration or compensation, as a consideration or reward for withdrawing or for having withdrawn such tender; or

(*e.*) being an official or employee of the Government, receives, directly or indirectly, whether personally, or by or through any member of his family, or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration whatsoever, either in money or otherwise, from any person whomsoever, for assisting or favouring any individual in the transaction of any business whatsoever with the Government, or who gives or offers any such gift, loan, promise, compensation or consideration; or

(*f.*) by reason of, or under the pretense of, possessing influence with the Government, or with any Minister or official thereof, demands, exacts or receives from any person, any compensation, fee or reward, for procuring from the Government the payment of any claim, or of any portion thereof, or for procuring or furthering the appointment of himself, or of any other person, to any office, place or employment, or for procuring or furthering the obtaining for himself or any other person, of any grant, lease or other benefit from the Government; or offers, promises or pays to such person, under the circumstances and for the causes aforesaid, or any of them, any such compensation, fee or reward; or

(*g.*) having dealings of any kind with the Government through any department thereof, pays any commission or reward, or within one year before or after such dealings, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall lie upon him, makes any gift, loan, or promise of any money, matter or thing, to any employee or official of the Government, or to any member of the family of such employee, or official, or to any person under his control, or for his benefit; or

(*h.*) being an employee or official of the Government, demands, exacts or receives, from such person, directly or indirectly, by himself, or by or through any other person for his benefit, or permits or allows any member of his family, or any person under his control, to accept or receive—

(i.) any such commission or reward ; or

(ii.) within the said period of one year, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall lie upon him, accepts or receives any such gift, loan or promise ; or

(i.) having any contract with the Government for the performance of any work, the doing of anything, or the furnishing of any goods, effects, food or materials, and having or expecting to have any claim or demand against the Government by reason of such contract, either directly or indirectly, by himself or by any person on his behalf, subscribes, furnishes or gives, or promises to subscribe, furnish or give, any money or other valuable consideration for the purpose of promoting the election of any candidate, or of any number, class or party of candidates to a legislature or to Parliament, or with the intent in any way of influencing or affecting the result of a provincial or Dominion election.

2. If the value of the amount or thing paid, offered, given, loaned, promised, received or subscribed, as the case may be, exceeds one thousand dollars, the offender under this section is liable to any fine not exceeding such value.

3. The words " the Government " in this section include the Government of Canada and the Government of any province of Canada, as well as Her Majesty in the right of Canada or of any province thereof.

134. Every person convicted of an offence under the next preceding section shall be incapable of contracting with the Government, or of holding any contract or office with, from, or under it, or of receiving any benefit under any such contract. R.S.C., c. 173, ss. 22 and 23. Other consequences of conviction for any such offence.

135. Every public officer is guilty of an indictable offence and liable to five years' imprisonment who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person. Breach of trust by public officer.

136. Every one is guilty of an indictable offence and liable to a fine not exceeding one thousand dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than one month, and in default of payment of such fine to imprisonment for a further term not exceeding six months, who directly or indirectly,— Corrupt practices in municipal affairs.

(a.) makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member of a municipal council, whether the same is to inure to his own advantage

or to the advantage of any other person, for the purpose of inducing such member either to vote or to abstain from voting at any meeting of the council of which he is a member or at any meeting of a committee of such council, in favour of or against any measure, motion, resolution or question submitted to such council or committee; or

(b.) makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member or to any officer of a municipal council for the purpose of inducing him to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person; or

(c.) makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any officer of a municipal council for the purpose of inducing him to perform or abstain from performing, or to aid in procuring or preventing the performance of, any official act; or

(d.) being a member or officer of a municipal council, accepts or consents to accept any such offer, proposal, gift, loan, promise, agreement, compensation or consideration as is in this section before mentioned; or in consideration thereof, votes or abstains from voting in favour of or against any measure, motion, resolution or question, or performs or abstains from performing any official act; or

(e.) attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a municipal council in giving or withholding his vote in favour of or against any measure, motion, resolution or question, or in not attending any meeting of the municipal council of which he is a member, or of any committee thereof; or

(f.) attempts by any such means as in the next preceding paragraph mentioned to influence any member or any officer of a municipal council to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or to perform or abstain from performing, or to aid in procuring or preventing the performance of, any official act. 52 V., c. 42, s. 2.

Selling office,
appointment,
&c.

137. Every one is guilty of an indictable offence who, directly or indirectly—

(a.) sells or agrees to sell any appointment to or resignation of any office, or any consent to any such appointment or resignation, or receives, or agrees to receive, any reward or profit from the sale thereof; or

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

Every one who commits any such offence as aforesaid, in addition to any other penalty thereby incurred forfeits any

right which he may have in the office and is disabled for life from holding the same.

2. Every one is guilty of an indictable offence who, directly or indirectly—

(a.) receives or agrees to receive any reward or profit for any interest, request or negotiation about any office, or under pretense of using any such interest, making any such request or being concerned in any such negotiation; or

(b.) gives or procures to be given any profit or reward, or makes or procures to be made any agreement for the giving of any profit or reward, for any such interest, request or negotiation as aforesaid; or

(c.) solicits, recommends or negotiates in any manner as to any appointment to or resignation of any office in expectation of any reward or profit; or

(d.) keeps any office or place for transacting or negotiating any business relating to vacancies in, or the sale or purchase of, or appointment to or resignation of offices.

The word "office" in this section includes every office in the gift of the Crown or of any officer appointed by the Crown, and all commissions, civil, naval and military, and all places or employments in any public department or office whatever, and all deputations to any such office and every participation in the profits of any office or deputation.

138. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful excuse, disobeys any Act of the Parliament of Canada or of any legislature in Canada by wilfully doing any act which it forbids, or omitting to do any act which it requires to be done, unless some penalty or other mode of punishment is expressly provided by law.

Disobedience
to a statute.

139. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful excuse, disobeys any lawful order other than for the payment of money made by any court of justice, or by any person or body of persons authorized by any statute to make or give such order, unless some penalty is imposed, or other mode of proceeding is expressly provided, by law.

Disobedience
to orders of
court.

140. Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a sheriff, deputy-sheriff, mayor, or other head officer, justice of the peace, or other magistrate, or other peace officer, of any county, city, town, or district, having notice that there is a riot within his jurisdiction, without reasonable excuse omits to do his duty in suppressing such riot.

Neglect of
peace officer
to suppress
riot.

141. Every one is guilty of an indictable offence and liable to one year's imprisonment who, having reasonable notice that he is required to assist any sheriff, deputy-sheriff,

Neglect to aid
peace officer
in suppressing
riot.

mayor, or other head officer, justice of the peace, magistrate, or peace officer in suppressing any riot, without reasonable excuse omits so to do.

Neglect to aid peace officer in arresting offenders.

142. Every one is guilty of an indictable offence and liable to six months' imprisonment who, having reasonable notice that he is required to assist any sheriff, deputy-sheriff, mayor or other head officer, justice of the peace, magistrate, or peace officer, in the execution of his duty in arresting any person, or in preserving the peace, without reasonable excuse omits so to do.

Misconduct of officers entrusted with execution of writs.

143. Every one is guilty of an indictable offence and liable to a fine and imprisonment, who, being a sheriff, deputy-sheriff, coroner, elisor, bailiff, constable or other officer entrusted with the execution of any writ, warrant or process, wilfully misconducts himself in the execution of the same, or wilfully, and without the consent of the person in whose favour the writ, warrant or process was issued, makes any false return thereto. R.S.C., c. 173, s. 29.

Obstructing public or peace officer in the execution of his duty.

144. Every one is guilty of an indictable offence and liable to ten years' imprisonment who resists or wilfully obstructs any public officer in the execution of his duty or any person acting in aid of such officer.

2. Every one is guilty of an offence and liable on indictment to two years' imprisonment, and on summary conviction before two justices of the peace to six months' imprisonment with hard labour, or to a fine of one hundred dollars, who resists or wilfully obstructs—

(a.) any peace officer in the execution of his duty or any person acting in aid of any such officer;

(b.) any person in the lawful execution of any process against any lands or goods or in making any lawful distress or seizure. R.S.C., c. 162, s. 34.

PART X.

MISLEADING JUSTICE.

Perjury defined.

145. Perjury is an assertion as to a matter of fact, opinion, belief or knowledge, made by a witness in a judicial proceeding as part of his evidence, upon oath or affirmation, whether such evidence is given in open court, or by affidavit or otherwise, and whether such evidence is material or not, such assertion being known to such witness to be false, and being intended by him to mislead the court, jury, or person holding the proceeding. Evidence in this section includes evidence given on the *voir dire* and evidence given before a grand jury.

2. Every person is a witness within the meaning of this section who actually gives his evidence, whether he was competent to be a witness or not, and whether his evidence was admissible or not.

3. Every proceeding is judicial within the meaning of this section which is held in or under the authority of any court of justice, or before a grand jury, or before either the Senate or House of Commons of Canada, or any committee of either the Senate or House of Commons, or before any Legislative Council, Legislative Assembly or House of Assembly or any committee thereof, empowered by law to administer an oath, or before any justice of the peace, or any arbitrator or umpire, or any person or body of persons authorized by law or by any statute in force for the time being to make an inquiry and take evidence therein upon oath, or before any legal tribunal by which any legal right or liability can be established, or before any person acting as a court, justice or tribunal, having power to hold such judicial proceeding, whether duly constituted or not, and whether the proceeding was duly instituted or not before such court or person so as to authorize it or him to hold the proceeding, and although such proceeding was held in a wrong place or was otherwise invalid.

4. Subornation of perjury is counselling or procuring a person to commit any perjury which is actually committed.

146. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who commits perjury or subornation of perjury. Punishment of perjury.

2. If the crime is committed in order to procure the conviction of a person for any crime punishable by death, or imprisonment for seven years or more, the punishment may be imprisonment for life. R.S.C., c. 154, s. 1.

147. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, being required or authorized by law to make any statement on oath, affirmation or solemn declaration, thereupon makes a statement which would amount to perjury if made in a judicial proceeding. False oaths.

148. Every one is guilty of perjury who — False statement, wilful omission in affidavit, &c.

(a.) having taken or made any oath, affirmation, solemn declaration or affidavit where by any Act or law in force in Canada, or in any province of Canada, it is required or permitted that facts, matters or things be verified, or otherwise assured or ascertained by or upon the oath, affirmation, declaration or affidavit of any person, wilfully and corruptly, upon such oath, affirmation, declaration or affidavit, deposes, swears to or makes any false statement as to any such fact, matter or thing; or

(b.) knowingly, wilfully and corruptly, upon oath, affirmation, or solemn declaration, affirms, declares, or deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing, or purporting so to do, or knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit, as to any such fact, matter or thing.—such statement, affidavit, affirmation or declaration being untrue, in the whole or any part thereof. R.S.C., c. 154, s. 2.

Making false affidavit out of province in which it is used.

149. Every person who wilfully and corruptly makes any false affidavit, affirmation or solemn declaration, out of the province in which it is to be used but within Canada, before any person authorized to take the same, for the purpose of being used in any province of Canada, is guilty of perjury in like manner as if such false affidavit, affirmation or declaration were made before a competent authority in the province in which it is used or intended to be used. R.S.C., c. 154, s. 3.

False statements.

150. Every one is guilty of an indictable offence and liable to two years' imprisonment who, upon any occasion on which he is permitted by law to make any statement or declaration before any officer authorized by law to permit it to be made before him, or before any notary public to be certified by him as such notary, makes a statement which would amount to perjury if made on oath in a judicial proceeding.

Fabricating evidence.

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

Conspiring to bring false accusations.

152. Every one is guilty of an indictable offence who conspires to prosecute any person for any alleged offence, knowing such person to be innocent thereof, and shall be liable to the following punishment :

(a.) To imprisonment for fourteen years if such person might, upon conviction for the alleged offence, be sentenced to death or imprisonment for life ;

(b.) To imprisonment for ten years if such person might, upon conviction for the alleged offence, be sentenced to imprisonment for any term less than life.

Administering oaths without authority.

153. 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 or affirmation touching any matter or thing whereof such justice or other person has not jurisdiction or cognizance by some law in force at the time being, or authorized or required

by any such law, is guilty of an indictable offence and liable to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding three months.

2. Nothing herein contained shall be construed to extend to any oath or 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 or affirmation required or authorized by any law of Canada, or by any law of the province wherein such oath or affirmation is received or administered, or is to be used, or to any oath or affirmation, which is required or authorized by the laws of any foreign country to give validity to an instrument in writing or to evidence designed or intended to be used in such foreign country. R.S.C., c. 141, s. 1.

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

Corrupting juries and witnesses.

(a.) dissuades or attempts to dissuade any person by threats, bribes or other corrupt means from giving evidence in any cause or matter, civil or criminal; or

(b.) influences or attempts to influence, by threats or bribes or other corrupt means, any jurymen in his conduct as such, whether such person has been sworn as a jurymen or not; or

(c.) accepts any such bribe or other corrupt consideration to abstain from giving evidence, or on account of his conduct as a jurymen; or

(d.) wilfully attempts in any other way to obstruct, pervert or defeat the course of justice. R.S.C., c. 173, s. 30.

155. Every one is guilty of an indictable offence and liable to a fine not exceeding the penalty compounded for, who, having brought, or under colour of bringing, an action against any person under any penal statute in order to obtain from him any penalty, compounds the said action without order or consent of the court, whether any offence has in fact been committed or not. R.S.C., c. 173, s. 31.

Compounding penal actions.

156. Every one is guilty of an indictable offence and liable to seven years' imprisonment who corruptly takes any money or reward, directly or indirectly, under pretense or upon account of helping any person to recover any chattel, money, valuable security or other property which, by any indictable offence has been stolen, taken, obtained, extorted, converted or disposed of, unless he has used all due diligence to cause the offender to be brought to trial for the same. R.S.C., c. 164, s. 89.

Corruptly taking a reward for helping to recover stolen property without using diligence to bring offender to trial.

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

Unlawfully advertising a reward for return of stolen property.

(a.) publicly advertises a reward for the return of any property which has been stolen or lost, and in such advertisement uses any words purporting that no questions will be asked ; or

(b.) makes use of any words in any public advertisement purporting that a reward will be given or paid for any property which has been stolen or lost, without seizing or making any inquiry after the person producing such property ; or

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

(d.) prints or publishes any such advertisement. R.S.C., c. 164, s. 90.

Signing false declaration respecting execution of judgment of death.

158. Every one is guilty of an indictable offence and liable to two years' imprisonment, who knowingly and wilfully signs a false certificate or declaration when a certificate or declaration is required with respect to the execution of judgment of death on any prisoner. R.S.C., c. 181, s. 19.

PART XI.

ESCAPES AND RESCUES.

Being at large while under sentence of imprisonment.

159. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having been sentenced to imprisonment, is afterwards, and before the expiration of the term for which he was sentenced, at large within Canada without some lawful cause, the proof whereof shall lie on him.

Assisting escape of prisoners of war.

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

(a.) assists any alien enemy of Her Majesty, being a prisoner of war in Canada, to escape from any place in which he may be detained ; or

(b.) assists any such prisoner as aforesaid, suffered to be at large on his parole in Canada or in any part thereof, to escape from the place where he is at large on his parole.

Breaking prison.

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

Attempting to break prison.

162. Every one is guilty of an indictable offence and liable to two years' imprisonment who attempts to break prison,

prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom. R.S.C., c. 155, s. 5.

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

Escape from custody after conviction or from prison.

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

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

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

Escape from lawful custody.

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

Assisting escape in certain cases.

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

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

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

Assisting escape in other cases.

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

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

167. Every one is guilty of an indictable offence and liable to two years' imprisonment who with intent to facilitate the escape of any prisoner lawfully imprisoned conveys, or causes to be conveyed, anything into any prison.

Aiding escape from prison.

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

Unlawfully procuring discharge of prisoner.

unlawfully, under colour of any pretended authority, directs or procures the discharge of any prisoner not entitled to be so discharged, and the person so discharged shall be held to have escaped. R.S.C., c. 155, s. 8.

How escaped prisoners shall be punished.

169. Every one who escapes from custody, shall, on being retaken, serve, in the prison to which he was sentenced, the 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 to the penitentiary or prison from which the escape was made. R.S.C., c. 155, s. 11.

TITLE IV.

OFFENCES AGAINST RELIGION, MORALS AND PUBLIC CONVENIENCE.

PART XII.

OFFENCES AGAINST RELIGION.

Blasphemous libels.

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

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

Obstructing officiating clergyman.

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

(a.) by threats or force, unlawfully obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister in or from celebrating divine service, or otherwise officiating in any church, chapel, meeting-house, school-house or other place for divine worship, or in or from the performance of his duty in the lawful burial of the dead in any church-yard or other burial place. R.S.C., c. 156, s. 1.

Violence to officiating clergyman.

172. Every one is guilty of an indictable offence and liable to two years' imprisonment who strikes or offers any violence to, or upon any civil process, or under the pretense of executing any civil process, arrests any clergyman or other minister who is engaged in or, to the knowledge of the offender, is about to engage in, any of the rites or duties in the

the next preceding section mentioned, or who, to the knowledge of the offender, is going to perform the same, or returning from the performance thereof. R.S.C., c. 156, s. 1.

173. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars and costs, and in default of payment to one month's imprisonment, who wilfully disturbs, interrupts or disquiets any assemblage of persons met for religious worship, or for any moral, social or benevolent purpose, by profane discourse, by rude or indecent behaviour, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting. R.S.C., c. 156, s. 2. Disturbing public worship.

PART XIII.

OFFENCES AGAINST MORALITY.

174. Every one is guilty of an indictable offence and liable to imprisonment for life who commits buggery, either with a human being or with any other living creature. R.S.C., c. 157, s. 1. Unnatural offence.

175. Every one is guilty of an indictable offence and liable to ten years' imprisonment who attempts to commit the offence mentioned in the next preceding section. R.S.C., c. 157, s. 1. Attempt to commit sodomy.

176. Every parent and child, every brother and sister, and every grandparent and grandchild, who cohabit or have sexual intercourse with each other, shall each of them, if aware of their consanguinity, be deemed to have committed incest, and be guilty of an indictable offence and liable to fourteen years' imprisonment, and the male person shall also be liable to be whipped: Provided that, if the court or judge is of opinion that the female accused is a party to such intercourse only by reason of the restraint, fear or duress of the other party, the court or judge shall not be bound to impose any punishment on such person under this section. 53 V., c. 37, s. 8. Incest.

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

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

(b.) does any indecent act in any place intending thereby to insult or offend any person. 53 V., c. 37, s. 6.

Acts of gross
indecenty.

178. Every male person is guilty of an indictable offence and liable to five years' imprisonment and to be whipped who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecenty with another male person. 53 V., c. 37, s. 5.

Publishing
obscene mat-
ter.

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

(a.) publicly sells, or exposes for public sale or to public view, any obscene book, or other printed or written matter, or any picture, photograph, model or other object, tending to corrupt morals; or

(b.) publicly exhibits any disgusting object or any indecent show;

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

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question of law whether the occasion of the sale, publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the sale, publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the seller, publisher or exhibitor shall in all cases be irrelevant.

Posting immo-
ral books, &c.

180. Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post—

(a.) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent or immoral character; or

(b.) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(c.) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses. R.S.C., c. 35, s. 103.

181. Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces and has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of sixteen years. R.S.C., c. 157, s. 3 ; 53 V., c. 37, s. 3.

Seduction of girls under sixteen.

182. Every one, above the age of twenty-one years, is guilty of an indictable offence and liable to two years' imprisonment who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under twenty-one years of age. 50-51 V., c. 48, s. 2.

Seduction under promise of marriage.

183. Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a guardian, seduces or has illicit connection with his ward, and every one who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill or workshop, or who, being in a common employment with him in such factory, mill or workshop, is, in respect of her employment or work in such factory, mill or workshop, under or in any way subject to his control or direction. 53 V., c. 37, s. 4.

Seduction of a ward, servant &c.

184. Every one is guilty of an indictable offence and liable to a fine of four hundred dollars, or to one year's imprisonment, who, being the master or other officer or a seaman or other person employed on board of any vessel, while such vessel is in any water within the jurisdiction of the Parliament of Canada, under promise of marriage, or by threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger.

Seduction of females who are passengers on vessels.

2. The subsequent intermarriage of the seducer and the seduced is, if pleaded, a good defence to any indictment for any offence against this or either of the two next preceding sections except in the case of a guardian seducing his ward. R.S.C., c. 65, s. 37.

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

Unlawfully defiling women.

(a.) procures, or attempts to procure, any girl or woman under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without Canada, with any other person or persons ; or

(b.) inveigles or entices any such woman or girl to a house of ill-fame or assignation for the purpose of illicit intercourse or prostitution, or knowingly conceals in such house any such woman or girl so inveigled or enticed ; or

(c.) procures, or attempts to procure, any woman or girl to become, either within or without Canada, a common prostitute; or

(d.) procures, or attempts to procure, any woman or girl to leave Canada with intent that she may become an inmate of a brothel elsewhere; or

(e.) procures any woman or girl to come to Canada from abroad with intent that she may become an inmate of a brothel in Canada; or

(f.) procures, or attempts to procure, any woman or girl to leave her usual place of abode in Canada, such place not being a brothel, with intent that she may become an inmate of a brothel within or without Canada; or

(g.) by threats or intimidation procures, or attempts to procure, any woman or girl to have any unlawful carnal connection, either within or without Canada; or

(h.) by false pretenses or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Canada; or

(i.) applies, administers to, or causes to be taken by any woman or girl any drug, intoxicating liquor, matter, or thing with intent to stupify or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl. 53 V., c. 39, s. 9; R.S.C., c. 157, s. 7.

Parent or guardian procuring defilement of girl.

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

(a.) procures such girl or woman to have carnal connection with any man other than the procurer; or

(b.) orders, is party to, permits or knowingly receives the avails of the defilement, seduction or prostitution of such girl or woman,

is guilty of an indictable offence, and liable to fourteen years' imprisonment if such girl or woman is under the age of fourteen years, and if such girl or woman is of or above the age of fourteen years to five years' imprisonment. 53 V., c. 37, s. 9.

Householders permitting defilement of girls on their premises.

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

(a.) is liable to ten years' imprisonment if such girl is under the age of fourteen years; and

(b.) is liable to two years' imprisonment if such girl is of or above the age of fourteen and under the age of sixteen years. R.S.C., c. 157, s. 5; 53 V. c. 37, s. 8.

188. Every one is guilty of an indictable offence and liable to two years' imprisonment who conspires with any other person by false pretenses, or false representations or other fraudulent means, to induce any woman to commit adultery or fornication. Conspiracy to defile.

189. Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew, at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb. R.S.C., c. 157, s 3; 50-51 V., c. 48, s. 1. Carnally knowing idiots, &c.

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

(a.) who, being the keeper of any house, tent or wigwam, allows or suffers any unenfranchised Indian woman to be or remain in such house, tent or wigwam, knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein; or

(b.) who, being an Indian woman, prostitutes herself therein; or

(c.) who, being an unenfranchised Indian woman, keeps, frequents or is found in a disorderly house, tent or wigwam used for any such purpose.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof. R.S.C., c. 43, s. 106; 50-51 V., c. 33, s. 11.

PART XIV.

NUISANCES.

191. A common nuisance is an unlawful act or omission to discharge a legal duty, which act or omission endangers the lives, safety, health, property or comfort of the public, or by which the public are obstructed in the exercise or enjoyment of any right common to all Her Majesty's subjects. Common nuisance defined.

Common nuisances which are criminal.

192. Every one is guilty of an indictable offence and liable to one year's imprisonment or a fine who commits any common nuisance which endangers the lives, safety or health of the public, or which occasions injury to the person of any individual.

Common nuisances which are not criminal.

193. Any one convicted upon any indictment or information for any common nuisance other than those mentioned in the preceding section, shall not be deemed to have committed a criminal offence; but all such proceedings or judgments may be taken and had as heretofore to abate or remedy the mischief done by such nuisance to the public right.

Selling things unfit for food.

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

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

Common bawdy-house defined.

195. A common bawdy-house is a house, room, set of rooms or place of any kind kept for purposes of prostitution.

Common gaming-house defined.

196. A common gaming-house is—

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

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

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

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

Common betting-house defined.

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

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

(i.) the owner, occupier, or keeper thereof;

(ii.) any person using the same;

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

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

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

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

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

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

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

199. Every one who plays or looks on while any other person is playing in a common gaming-house is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars and not less than twenty dollars, and in default of payment to two months' imprisonment. R.S.C., c. 158, s. 6. Playing or looking on in gaming-house.

200. Every one is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars, and to six months' imprisonment with or without hard labour who— Obstructing peace officer entering a gaming-house.

(a.) wilfully prevents any constable or other officer duly authorized to enter any disorderly house, as mentioned in section one hundred and ninety-eight, from entering the same or any part thereof; or

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

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

(d.) uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer, authorized as aforesaid, into any such disorderly house or any part thereof. R.S.C., c. 158, s. 7.

201. Every one is guilty of an indictable offence and liable to five years' imprisonment, and to a fine of five hundred dollars, who, with the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise— Gaming in stocks and merchandise.

(a.) without the *bonâ fide* intention of acquiring any such shares, goods, wares or merchandise, or of selling the same, as the case may be, makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise; or

(b.) makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise in respect of which no delivery of the thing sold or purchased is made or received, and without the *bonâ fide* intention to make or receive such delivery.

2. But it is not an offence if the broker of the purchaser receives delivery, on his behalf, of the article sold, notwithstanding that such broker retains or pledges the same as security for the advance of the purchase money or any part thereof.

3 Every office or place of business wherein is carried on the business of making or signing, or procuring to be made or signed, or negotiating or bargaining for the making or signing of such contracts of sale or purchase as are prohibited in this section is a common gaming-house, and every one who as principal or agent occupies, uses, manages or maintains the same is the keeper of a common gaming-house. 51 V., c. 42, ss. 1 and 3.

Habitually frequenting places where gaming in stocks is carried on.

202. Every one is guilty of an indictable offence and liable to one year's imprisonment who habitually frequents any office or place wherein the making or signing, or procuring to be made or signed, or the negotiating or bargaining for the making or signing, of such contracts of sale or purchase as are mentioned in the section next preceding is carried on. 51 V., c. 42, s. 1.

Gambling in public conveyances.

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

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

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

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

the same, and take him before a justice of the peace, and make complaint of such offence on oath, in writing.

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

4. Every company or person who owns or works any such railway car or steamboat must keep a copy of this section posted up in some conspicuous part of such railway car or steamboat.

5. Every company or person who makes default in the discharge of such duty is liable to a penalty not exceeding one hundred dollars and not less than twenty dollars. R.S.C., c. 160, ss 1, 3 and 6.

204. Every one is guilty of an indictable offence, and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who— Betting and pool-selling.

(a.) uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool; or

(b.) keeps, exhibits, or employs, or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control, any device or apparatus for the purpose of recording any bet or wager or selling any pool; or

(c.) becomes the custodian or depository of any money, property or valuable thing staked, wagered or pledged; or

(d.) records or registers any bet or wager, or sells any pool, upon the result—

(i.) of any political or municipal election;

(ii.) of any race;

(iii.) of any contest or trial of skill or endurance of man or beast.

2. The provisions of this section shall not extend to any person by reason of his becoming the custodian or depository of any money, property or valuable thing staked, to be paid to the winner of any lawful race, sport, game, or exercise, or to the owner of any horse engaged in any lawful race, or to bets between individuals or made on the race course of an incorporated association during the actual progress of a race meeting. R.S.C., c. 159, s. 9.

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

(a.) makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of any property, by lots, cards, tickets, or any mode of chance whatsoever; or

(b.) sells, barter, exchanges or otherwise disposes of, or causes or procures, or aids or assists in, the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device for advancing, lending, giving, selling or otherwise disposing of any property, by lots, tickets or any mode of chance whatsoever.

2. Every one is guilty of an offence and liable on summary conviction to a penalty of twenty dollars, who buys, takes or receives any such lot, ticket or other device as aforesaid.

3. Every sale, loan, gift, barter or exchange of any property, by any lottery, ticket, card or other mode of chance depending upon or to be determined by chance or lot, is void, and all such property so sold, lent, given, bartered or exchanged, is liable to be forfeited to any person who sues for the same by action or information in any court of competent jurisdiction.

4. No such forfeiture shall affect any right or title to such property acquired by any *bonâ fide* purchaser for valuable consideration, without notice.

5. This section includes the printing or publishing, or causing to be printed or published, of any advertisement, scheme, proposal or plan of any foreign lottery, and the sale or offer for sale of any ticket, chance or share, in any such lottery, or the advertisement for sale of such ticket, chance or share.

6. This section does not apply to—

(a.) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(b.) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles raffled for thereat have first been offered for sale and none of them are of a value exceeding fifty dollars ; or

(c.) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other work of art produced by the labour of the members of, or published by or under the direction of, such incorporated society ;

(d.) the *Crédit Foncier du Bas-Canada*, or to the *Crédit Foncier Franco-Canadien*.

Misconduct in respect to human remains.

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

(a.) without lawful excuse, neglects to perform any duty either imposed upon him by law or undertaken by him

with reference to the burial of any dead human body or human remains; or

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

PART XV.

VAGRANCY.

207. Every one is a loose, idle or disorderly person or vagrant who— Vagrant defined.

(a.) not having any visible means of maintaining himself lives without employment;

(b.) being able to work and thereby or by other means to maintain himself and family wilfully refuses or neglects to do so;

(c.) openly exposes or exhibits in any street, road, highway or public place, any indecent exhibition;

(d.) without a certificate signed, within six months, by a priest, clergyman or minister of the Gospel, or two justices of the peace, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wanders about and begs, or goes about from door to door, or places himself or herself in any street, highway, passage or public place to beg or receive alms;

(e.) loiters on any street, road, highway or public place, and obstructs passengers by standing across the footpath, or by using insulting language, or in any other way;

(f.) causes a disturbance in or near any street, road, highway or public place, by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers;

(g.) by discharging firearms, or by riotous or disorderly conduct in any street or highway, wantonly disturbs the peace and quiet of the inmates of any dwelling-house near such street or highway;

(h.) tears down or defaces signs, breaks windows, or doors or door plates, or the walls of houses, roads or gardens, or destroys fences;

(i.) being a common prostitute or night walker, wanders in the fields, public streets or highways, lanes or places of public meeting or gathering of people, and does not give a satisfactory account of herself;

(j.) is a keeper or inmate of a disorderly house, bawdy-house or house of ill-fame, or house for the resort of prostitutes;

(k.) is in the habit of frequenting such houses and does not give a satisfactory account of himself or herself; or

(l.) having no peaceable profession or calling to maintain himself by, for the most part supports himself by gaming

gaming or crime, or by the avails of prostitution. R.S.C., c. 157, s. 8.

Penalty for vagrancy.

208. Every loose, idle or disorderly person or vagrant is liable, on summary conviction before two justices of the peace, to a fine not exceeding fifty dollars or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both. R.S.C., c. 157, s. 8.

TITLE V.

OFFENCES AGAINST THE PERSON AND REPUTATION.

PART XVI.

DUTIES TENDING TO THE PRESERVATION OF LIFE.

Duty to provide the necessaries of life.

209. Every one who has charge of any other person unable, by reason either of detention, age, sickness, insanity or any other cause, to withdraw himself from such charge, and unable to provide himself with the necessaries of life, is, whether such charge is undertaken by him under any contract, or is imposed upon him by law, or by reason of his unlawful act, under a legal duty to supply that person with the necessaries of life, and is criminally responsible for omitting, without lawful excuse, to perform such duty if the death of such person is caused, or if his life is endangered, or his health has been or is likely to be permanently injured, by such omission.

Duty of head of family to provide necessaries.

210. Every one who as parent, guardian or head of a family is under a legal duty to provide necessaries for any child under the age of sixteen years is criminally responsible for omitting, without lawful excuse, to do so while such child remains a member of his or her household, whether such child is helpless or not, if the death of such child is caused, or if his life is endangered or his health is or is likely to be permanently injured, by such omission.

2. Every one who is under a legal duty to provide necessaries for his wife, is criminally responsible for omitting, without lawful excuse so to do, if the death of his wife is caused, or if her life is endangered, or her health is or is likely to be permanently injured by such omission.

Duty of masters to provide necessaries.

211. Every one who, as master or mistress, has contracted to provide necessary food, clothing or lodging for any servant or apprentice under the age of sixteen years is under a legal duty to provide the same, and is criminally responsible for omitting, without lawful excuse, to perform such duty, if

the death of such servant or apprentice is caused, or if his life is endangered, or his health has been or is likely to be permanently injured, by such omission.

212. Every one who undertakes (except in case of necessity) to administer surgical or medical treatment, or to do any other lawful act the doing of which is or may be dangerous to life, is under a legal duty to have and to use reasonable knowledge, skill and care in doing any such act, and is criminally responsible for omitting, without lawful excuse, to discharge that duty if death is caused by such omission.

Duty of persons doing dangerous acts.

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

Duty of persons in charge of dangerous things.

214. Every one who undertakes to do any act, the omission to do which is or may be dangerous to life, is under a legal duty to do that act, and is criminally responsible for the consequences of omitting, without lawful excuse, to perform that duty.

Duty to avoid omissions dangerous to life.

215. Every one is guilty of an indictable offence and liable to three years' imprisonment who, being bound to perform any duty specified in sections two hundred and nine, two hundred and ten and two hundred and eleven without lawful excuse neglects or refuses to do so.

Neglecting duty to provide necessaries.

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

Abandoning children under two years of age.

2. The words "abandon" and "expose" include a wilful omission to take charge of the child on the part of a person legally bound to do so, and any mode of dealing with it calculated to leave it exposed to risk without protection. R.S.C., c. 162, s. 20.

217. Every one is guilty of an indictable offence and liable to three years' imprisonment who, being legally liable as master or mistress to provide for any apprentice or servant, unlawfully does, or causes to be done, any bodily harm to any such apprentice or servant so that the life of such apprentice or servant is endangered or the health of such apprentice or servant has been, or is likely to be, permanently injured. R.S.C., c. 62, s. 19.

Causing bodily harm to apprentices or servants.

PART XVII.

HOMICIDE.

Homicide defined.

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

When a child becomes a human being.

219. A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother, whether it has breathed or not, whether it has an independent circulation or not, and whether the navel string is severed or not. The killing of such child is homicide when it dies in consequence of injuries received before, during or after birth.

Culpable homicide.

220. Homicide may be either culpable or not culpable. Homicide is culpable when it consists in the killing of any person, either by an unlawful act or by an omission, without lawful excuse, to perform or observe any legal duty, or by both combined, or by causing a person, by threats or fear of violence, or by deception, to do an act which causes that person's death, or by wilfully frightening a child or sick person.

2. Culpable homicide is either murder or manslaughter.

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

Procuring death by false evidence.

221. Procuring by false evidence the conviction and death of any person by the sentence of the law shall not be deemed to be homicide.

Death must be within a year and a day.

222. No one is criminally responsible for the killing of another unless the death take place within a year and a day of the cause of death. The period of a year and a day shall be reckoned inclusive of the day on which the last unlawful act contributing to the cause of death took place. Where the cause of death is an omission to fulfil a legal duty the period shall be reckoned inclusive of the day on which such omission ceased. Where death is in part caused by an unlawful act and in part by an omission, the period shall be reckoned inclusive of the day on which the last unlawful act took place or the omission ceased, whichever happened last.

Killing by influence on the mind.

223. No one is criminally responsible for the killing of another by any influence on the mind alone, nor for the killing of another by any disorder or disease arising from such influence, save in either case by wilfully frightening a child or sick person.

Acceleration of death.

224. Every one who, by any act or omission, causes the death of another kills that person, although the effect of

the bodily injury caused to such other person be merely to accelerate his death while labouring under some disorder or disease arising from some other cause.

225. Every one who, by any act or omission, causes the death of another kills that person, although death from that cause might have been prevented by resorting to proper means. Causing death which might have been prevented.

226. Every one who causes a bodily injury, which is of itself of a dangerous nature to any person, from which death results kills that person, although the immediate cause of death be treatment proper or improper applied in good faith. Causing injury the treatment of which causes death.

PART XVIII.

MURDER, MANSLAUGHTER, &c.

227. Culpable homicide is murder in each of the following cases : Definition of murder.

(a.) If the offender means to cause the death of the person killed ;

(b.) If the offender means to cause to the person killed any bodily injury which is known to the offender to be likely to cause death, and is reckless whether death ensues or not ;

(c.) If the offender means to cause death or, being so reckless as aforesaid, means to cause such bodily injury as aforesaid to one person, and by accident or mistake kills another person, though he does not mean to hurt the person killed ;

(d.) If the offender, for any unlawful object, does an act which he knows or ought to have known to be likely to cause death, and thereby kills any person, though he may have desired that his object should be effected without hurting any one.

228. Culpable homicide is also murder in each of the following cases, whether the offender means or not death to ensue, or knows or not that death is likely to ensue : Further definition of murder.

(a.) If he means to inflict grievous bodily injury for the purpose of facilitating the commission of any of the offences in this section mentioned, or the flight of the offender upon the commission or attempted commission thereof, and death ensues from such injury ; or

(b.) If he administers any stupefying or overpowering thing for either of the purposes aforesaid, and death ensues from the effects thereof ; or

(c.) If he by any means wilfully stops the breath of any person for either of the purposes aforesaid, and death ensues from such stopping of the breath.

2. The following are the offences in this section referred to:—Treason and the other offences mentioned in Part IV. of this Act, piracy and offences deemed to be piracy, escape or rescue from prison or lawful custody, resisting lawful apprehension, murder, rape, forcible abduction, robbery, burglary, arson.

Provocation.

229. Culpable homicide, which would otherwise be murder, may be reduced to manslaughter if the person who causes death does so in the heat of passion caused by sudden provocation.

2. Any wrongful act or insult, of such a nature as to be sufficient to deprive an ordinary person of the power of self-control, may be provocation if the offender acts upon it on the sudden, and before there has been time for his passion to cool.

3. Whether or not any particular wrongful act or insult amounts to provocation, and whether or not the person provoked was actually deprived of the power of self-control by the provocation which he received, shall be questions of fact. No one shall be held to give provocation to another by doing that which he had a legal right to do, or by doing anything which the offender incited him to do in order to provide the offender with an 'excuse for killing or doing bodily harm to any person.

4. An arrest shall not necessarily reduce the offence from murder to manslaughter because the arrest was illegal, but if the illegality was known to the offender it may be evidence of provocation.

Manslaughter.

230. Culpable homicide, not amounting to murder, is manslaughter.

Punishment of murder.

231. Every one who commits murder is guilty of an indictable offence and shall, on conviction thereof, be sentenced to death. R.S.C., c. 162, s. 2.

Attempts to commit murder.

232. Every one is guilty of an indictable offence and liable to imprisonment for life, who does any of the following things with intent to commit murder; that is to say—

(a.) administers any poison or other destructive thing to any person, or causes any such poison or destructive thing to be so administered or taken, or attempts to administer it, or attempts to cause it to be so administered or taken; or

(b.) by any means whatever wounds or causes any grievous bodily harm to any person; or

(c.) shoots at any person, or, by drawing a trigger or in any other manner, attempts to discharge at any person any kind of loaded arms; or

- (d.) attempts to drown, suffocate, or strangle any person ;
or
(e.) destroys or damages any building by the explosion of any explosive substance ; or
(f.) sets fire to any ship or vessel or any part thereof, or any part of the tackle, apparel or furniture thereof, or to any goods or chattels being therein ; or
(g.) casts away or destroys any vessel ; or
(h.) by any other means attempts to commit murder.
R.S.C., c. 162, s. 12.

233. Every one is guilty of an indictable offence and liable to ten years' imprisonment who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person. R.S.C., c. 173, s. 7. Threats to murder.

234. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment, who— Conspiracy to murder.
(a.) conspires or agrees with any person to murder or to cause to be murdered any other person, whether the person intended to be murdered is a subject of Her Majesty or not, or is within Her Majesty's dominions or not ; or
(b.) counsels or attempts to procure any person to murder such other person anywhere, although such person is not murdered in consequence of such counselling or attempted procurement. R.S.C., c. 162, s. 3.

235. Every one is guilty of an indictable offence, and liable to imprisonment for life, who is an accessory after the fact to murder. R.S.C., c. 162, s. 4. Accessory after the fact to murder.

236. Every one who commits manslaughter is guilty of an indictable offence, and liable to imprisonment for life. R.S.C., c. 162, s. 5. Punishment of manslaughter.

237. Every one is guilty of an indictable offence and liable to imprisonment for life who counsels or procures any person to commit suicide, actually committed in consequence of such counselling or procurement, or who aids or abets any person in the commission of suicide. Aiding and abetting suicide.

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

239. Every woman is guilty of an indictable offence who, with either of the intents hereinafter mentioned, being with child and being about to be delivered, neglects to provide reasonable assistance in her delivery, if the child is permanently injured thereby, or dies, either just before, or during, or shortly after birth, unless she proves that such death or permanent injury was not caused by such neglect, Neglecting to obtain assistance in child birth.

or by any wrongful act to which she was a party, and is liable to the following punishment :

(a.) If the intent of such neglect be that the child shall not live, to imprisonment for life ;

(b.) If the intent of such neglect be to conceal the fact of her having had a child, to imprisonment for seven years.

Concealing
dead body
of child.

240. Every one is guilty of an indictable offence, and liable to two years' imprisonment, who disposes of the dead body of any child in any manner, with intent to conceal the fact that its mother was delivered of it, whether the child died before, or during, or after birth. R.S.C., c. 162, s. 49.

PART XIX.

BODILY INJURIES, AND ACTS AND OMISSIONS CAUSING DANGER TO THE PERSON.

Wounding
with intent.

241. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, unlawfully by any means wounds or causes any grievous bodily harm to any person, or shoots at any person, or, by drawing a trigger, or in any other manner, attempts to discharge any kind of loaded arms at any person. R.S.C., c. 162, s. 13.

Wounding.

242. Every one is guilty of an indictable offence and liable to three years' imprisonment who unlawfully wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument. R.S.C., c. 162, s. 14.

Shooting at
Her Majesty's
vessels ;
wounding
customs or
inland revenue
officers.

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

(a.) shoots at any vessel belonging to Her Majesty or in the service of Canada ; or

(b.) maims or wounds any public officer engaged in the execution of his duty or any person acting in aid of such officer. R.S.C., c. 32, s. 213 ; c. 34, s. 99.

Disabling or
administering
drugs with
intent to com-
mit an indict-
able offence.

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

(a.) by any means whatsoever, attempts to choke, suffocate or strangle any other person, or by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious or incapable of resistance ; or

(b.) unlawfully applies or administers to, or causes to be taken by, or attempts to apply or administer to, or attempts or causes to be administered to or taken by, any person, any chloroform, laudanum or other stupefying or overpowering drug, matter or thing. R.S.C., c. 162, ss. 15 and 16.

245. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who unlawfully administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm. R.S.C., c. 162, s. 17. Administering poison so as to endanger life.

246. Every one is guilty of an indictable offence and liable to three years' imprisonment who unlawfully administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve or annoy such person. R.S.C., c. 162, s. 18. Administering poison with intent to injure.

247. Every one is guilty of an indictable offence and liable to imprisonment for life who unlawfully and by the explosion of any explosive substance burns, maims, disfigures, disables or does any grievous bodily harm to any person. R.S.C., c. 162, s. 21. Causing bodily injuries by explosives.

248. Every one is guilty of an indictable offence and liable, in case (a.) to imprisonment for life and in case (b.) to fourteen years' imprisonment, who unlawfully — Attempting to cause bodily injuries by explosives.

(a.) with intent to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, whether any bodily harm is effected or not—

(i.) causes any explosive substance to explode;

(ii.) sends or delivers to, or causes to be taken or received by, any person any explosive substance, or any other dangerous or noxious thing;

(iii.) puts or lays at any place, or casts or throws at or upon, or otherwise applies to, any person any corrosive fluid, or any destructive or explosive substance; or

(b.) places or throws in, into, upon, against or near any building, ship or vessel any explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place and whether or not any bodily injury is effected. R.S.C., c. 162, ss. 22 and 23.

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

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

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

3. This section does not extend to any gin or trap usually set or placed with the intent of destroying vermin or noxious animals. R.S.C., c. 162, s. 24.

Intentionally endangering the safety of persons on railways.

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

(a.) with intent to injure or to endanger the safety of any person travelling or being upon any railway,

(i.) puts or throws upon or across such railway any wood, stone, or other matter or thing ;

(ii.) takes up, removes or displaces any rail, railway switch, sleeper or other matter or thing belonging to such railway, or injures or destroys any track, bridge or fence of such railway, or any portion thereof ;

(iii.) turns, moves or diverts any point or other machinery belonging to such railway ;

(iv.) makes or shows, hides or removes any signal or light upon or near to such railway ;

(v.) does or causes to be done any other matter or thing with such intent ; or

(b.) throws, or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck used and in motion upon any railway any wood, stone or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train of which such first mentioned engine, tender, carriage or truck forms part. R.S.C., c. 162, ss. 25 and 26.

Negligently endangering the safety of persons on railways.

251. Every one is guilty of an indictable offence and liable to two years' imprisonment who, by any unlawful act, or by any wilful omission or neglect of duty, endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein. R.S.C., c. 162, s. 27.

Negligently causing bodily injury to any person.

252. Every one is guilty of an indictable offence and liable to two years' imprisonment who, by any unlawful act, or by doing negligently or omitting to do any act which it is his duty to do, causes grievous bodily injury to any other person. R.S.C., c. 162, s. 33.

Injuring persons by furious driving.

253. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge

of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person. R.S.C., c. 162, s. 28.

254. Every one is guilty of an indictable offence and liable to seven years' imprisonment who prevents or impedes, or endeavours to prevent or impede—

Preventing the saving of the life of any person shipwrecked.

(a.) any shipwrecked person in his endeavour to save his life; or

(b.) who without reasonable cause prevents or impedes, or endeavours to prevent or impede, any person in his endeavour to save the life of any shipwrecked person. R.S.C., c. 81, s. 36.

255. Every one is guilty of an offence and liable, on summary conviction, to a fine or imprisonment with or without hard labour (or both) who—

Leaving holes in the ice and excavations unguarded.

(a.) cuts or makes, or causes to be cut or made, any hole, opening, aperture or place, of sufficient size or area to endanger human life, through the ice on any navigable or other water open to or frequented by the public, and leaves such hole, opening, aperture or place, while it is in a state dangerous to human life, whether the same is frozen over or not, uninclosed by bushes or trees or unguarded by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating or falling therein; or

(b.) being the owner, manager or superintendent of any abandoned or unused mine or quarry or property upon or in which any excavation has been or is hereafter made, of a sufficient area and depth to endanger human life, leaves the same unguarded and uninclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking or falling thereinto; or

(c.) omits within five days after conviction of any such offence to make the inclosure aforesaid or to construct around or over such exposed opening or excavation a guard or fence of such height and strength.

2. Every one whose duty it is to guard such hole, opening, aperture or place is guilty of manslaughter if any person loses his life by accidentally falling therein while the same is unguarded. R.S.C., c. 162, ss. 29, 30, 31 and 32.

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

Sending unseaworthy ships to sea

(a.) sends, or attempts to send, or is a party to sending, a ship registered in Canada to sea, or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place on the inland waters of the United

States to any port or place on the inland waters of Canada, in such unseaworthy state, by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned, or from any other cause that the life of any person is likely to be endangered thereby, unless he proves that he used all reasonable means to insure her being sent to sea or on such voyage in a seaworthy state, or that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable. 52 Vic., c. 22, s. 3.

Taking unseaworthy ships to sea.

257. Every one is guilty of an indictable offence and liable to five years' imprisonment who, being the master of a ship registered in Canada knowingly takes such ship to sea, or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place in the United States to any port or place on the inland waters of Canada, in such unseaworthy state, by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned, or from any other cause, that the life of any person is likely to be endangered thereby, unless he proves that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable. 52 V., c. 22, s. 3.

PART XX.

ASSAULTS.

Assault defined.

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

Indecent assaults on females.

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

(a.) indecently assaults any female; or

(b.) does anything to any female by her consent which but for such consent would be an indecent assault, such consent being obtained by false and fraudulent representations as to the nature and quality of the act. 53 V., c. 37, s. 12.

Indecent assaults on males.

260. Every one is guilty of an indictable offence and liable to seven years' imprisonment and to be whipped who

assaults any person with attempt to commit sodomy, or who, being a male, indecently assaults any other male person. R.S.C., c. 157, s. 2.

261. It is no defence to a charge or indictment for any indecent assault on a young person under the age of fourteen years to prove that he or she consented to the act of indecency. 53 V., c. 37, s. 7. Consent of child under fourteen no defence.

262. Every one who commits any assault which occasions actual bodily harm is guilty of an indictable offence and liable to three years' imprisonment. R.S.C., c. 162, s. 35. Assaults causing actual bodily harm.

263. Every one is guilty of an indictable offence and liable to two years' imprisonment who— Aggravated assault.

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

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

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

(d.) assaults any person in the lawful execution of any process against any lands or goods, or in making any lawful distress or seizure, or with intent to rescue any goods taken under such process, distress or seizure; R.S.C., c. 162, s. 34.

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

264. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority, forcibly seizes and confines or imprisons any other person within Canada, or kidnaps any other person with intent— Kidnapping.

(a.) to cause such other person to be secretly confined or imprisoned in Canada against his will; or

(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 slave, or in any way held to service against his will.

2. Upon the trial of any offence under this section the non-resistance of the person so kidnapped or unlawfully confined thereto shall not be a defence, unless it appears that it was not caused by threats, duress or force or exhibition of force. R.S.C., c. 162, s. 46.

265. Every one who commits a common assault is guilty of an indictable offence and liable, if convicted upon an indictment, to one year's imprisonment, or to a fine not exceeding Common assaults.

exceeding one hundred dollars, and on summary conviction to a fine not exceeding twenty dollars and costs, or to two months' imprisonment with or without hard labour. R.S.C., c. 162, s. 36.

PART XXI.

RAPE AND PROCURING ABORTION.

Rape defined. **266.** Rape is the act of a man having carnal knowledge of a woman who is not his wife without her consent, or with consent which has been extorted by threats or fear of bodily harm, or obtained by personating the woman's husband, or by false and fraudulent representations as to the nature and quality of the act.

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

Carnal knowledge.

3. Carnal knowledge is complete upon penetration to any, even the slightest degree, and even without the emission of seed. R.S.C., c. 174, s. 226.

Punishment for rape.

267. Every one who commits rape is guilty of an indictable offence and liable to suffer death, or to imprisonment for life. R.S.C., c. 162, s. 37.

Attempt to commit rape.

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

Defiling children under fourteen.

269. Every one is guilty of an indictable offence and liable to imprisonment for life, and to be whipped, who carnally knows any girl under the age of fourteen years, not being his wife, whether he believes her to be of or above that age or not. 53 V., c. 37, s. 12.

Attempt to commit such offence.

270. Every one who attempts to have unlawful carnal knowledge of any girl under the age of fourteen years is guilty of an indictable offence and liable to two years' imprisonment, and to be whipped. 53 V., c. 37, s. 12.

Killing unborn child.

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

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

Procuring abortion.

272. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to procure the

the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any drug or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent. R.S.C., c. 162, s. 47.

273. Every woman is guilty of an indictable offence and liable to seven years' imprisonment who, whether with child or not, unlawfully administers to herself or permits to be administered to her any drug or other noxious thing, or unlawfully uses on herself or permits to be used on her any instrument or other means whatsoever with intent to procure miscarriage. R.S.C., c. 162, s. 47.

Woman procuring her own miscarriage.

274. Every one is guilty of an indictable offence and liable to two years' imprisonment who unlawfully supplies or procures any drug or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child. R.S.C., c. 162, s. 48.

Supplying means of procuring abortion.

PART XXII.

OFFENCES AGAINST CONJUGAL AND PARENTAL RIGHTS—BIGAMY—ABDUCTION.

275. Bigamy is—

Bigamy defined.

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

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

(c.) the act of a person who goes through a form of marriage with more than one person simultaneously or on the same day. R.S.C., c. 37, s. 10.

2. A "form of marriage" is any form either recognized as a valid form by the law of the place where it is gone through, or, though not so recognized, is such that a marriage celebrated there in that form is recognized as binding by the law of the place where the offender is tried. Every form shall for the purpose of this section be valid, notwithstanding any act or default of the person charged with bigamy, if it is otherwise a valid form. The fact that the parties would, if unmarried, have been incompetent to contract marriage shall be no defence upon a prosecution for bigamy.

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

(a.) if he or she in good faith and on reasonable grounds believes his wife or her husband to be dead ; or

(b.) if his wife or her husband has been continually absent for seven years then last past and he or she is not proved to have known that his wife or her husband was alive at any time during those seven years ; or

(c.) if he or she has been divorced from the bond of the first marriage ; or

(d.) if the former marriage has been declared void by a court of competent jurisdiction. R.S.C., c. 161, s. 4.

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

Punishment
of bigamy.

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

2. Every one who commits this offence after a previous conviction for a like offence shall be liable to fourteen years' imprisonment. R.S.C., c. 161, s. 4.

Feigned mar-
riages.

277. Every one is guilty of an indictable offence and liable to seven years' imprisonment who procures a feigned or pretended marriage between himself and any woman, or who knowingly aids and assists in procuring such feigned or pretended marriage. R.S.C., c. 161, s. 2.

Punishment
of polygamy.

278. Every one is guilty of an indictable offence and liable to imprisonment for five years, and to a fine of five hundred dollars, who—

(a.) practises, or, by the rites, ceremonies, forms, rules or customs of any denomination, sect or society, religious or secular, or by any form of contract, or by mere mutual consent, or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into

(i.) any form of polygamy ;

(ii.) any kind of conjugal union with more than one person at the same time ;

(iii.) what among the persons commonly called Mormons is known as spiritual or plural marriage ;

(iv.) who lives, cohabits, or agrees or consents to live or cohabit, in any kind of conjugal union with a person who is married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union ;
or

(b.) celebrates, is a party to, or assists in any such rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in paragraph (a) of this section ; or

(c.) procures, enforces, enables, is a party to, or assists in the compliance with, or carrying out of, any such form, rule or custom which so purports; or

(d.) procures, enforces, enables, is a party to, or assists in the execution of, any such form of contract which so purports, or the giving of any such consent which so purports. 53 V., c. 37, s. 11.

279. Every one is guilty of an indictable offence and liable to a fine, or to two years' imprisonment, or to both who—

(a.) without lawful authority, the proof of which shall lie on him, solemnizes or pretends to solemnize any marriage; or

(b.) procures any person to solemnize any marriage knowing that such person is not lawfully authorized to solemnize such marriage, or knowingly aids or abets such person in performing such ceremony. R.S.C., c. 161, s. 1.

280. Every one is guilty of an indictable offence and liable to a fine, or to one year's imprisonment, who, being lawfully authorized, knowingly and wilfully solemnizes any marriage in violation of the laws of the province in which the marriage is solemnized. R.S.C., c. 161, s. 3.

281. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to marry or carnally know any woman, whether married or not, or with intent to cause any woman to be married to or carnally known by any other person, takes away or detains any woman of any age against her will. R.S.C., c. 162, s. 43.

282. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to marry or carnally know any woman, or with intent to cause any woman to be married or carnally known by any person—

(a.) from motives of lucre takes away or detains against her will any such woman of any age who has any interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or who is a presumptive heiress or co-heiress or presumptive next of kin to any one having such interest; or

(b.) fraudulently allures, takes away or detains any such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her.

2. Every one convicted of any offence defined in this section is incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any interest, or which comes to her as such heiress, co-heiress or next of kin; and if any such marriage takes place such property shall, upon such con-

viction, be settled in such manner as any court of competent jurisdiction, upon any information at the instance of the Attorney General appoints. R.S.C., c. 162, s. 42.

Abduction of girl under sixteen.

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

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

3. It is immaterial whether or not the offender believed the girl to be of or above the age of sixteen. R.S.C., c. 162, s. 44.

Stealing children under fourteen.

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

(a.) takes or entices away or detains any such child; or

(b.) receives or harbours any such child knowing it to have been dealt with as aforesaid.

2. Nothing in this section shall extend to any one who gets possession of any child, claiming in good faith a right to the possession of the child. R.S.C., c. 162, s. 45.

PART XXIII.

DEFAMATORY LIBEL.

Defamatory libel defined.

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

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

Publishing defined.

286. Publishing a libel is exhibiting it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with a view to its being read or seen by the person defamed or by any other person.

Publishing upon invitation.

287. No one commits an offence by publishing defamatory matter on the invitation or challenge of the person defamed thereby, nor if it is necessary to publish such defamatory matter in order to refute some other defamatory statement published by that person concerning the alleged

offender, if such defamatory matter is believed to be true, and is relevant to the invitation, challenge or the required refutation, and the publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

288. No one commits an offence by publishing any defamatory matter, in any proceeding held before or under the authority of any court exercising judicial authority, or in any inquiry made under the authority of any statute or by order of Her Majesty, or of any of the departments of Government, Dominion or provincial.

Publishing in courts of justice.

289. No one commits an offence by publishing to either the Senate, or House of Commons, or to any Legislative Council, Legislative Assembly or House of Assembly, defamatory matter contained in a petition to the Senate, or House of Commons, or to any such Council or Assembly, or by publishing by order or under the authority of the Senate or House of Commons, or of any such Council or Assembly, any paper containing defamatory matter or by publishing, in good faith and without ill-will to the person defamed, any extract from or abstract of any such paper.

Publishing parliamentary papers.

290. No one commits an offence by publishing in good faith, for the information of the public, a fair report of the proceedings of the Senate or House of Commons, or any committee thereof, or of any such Council or Assembly, or any committee thereof, or of the public proceedings preliminary or final heard before any court exercising judicial authority, nor by publishing, in good faith, any fair comment upon any such proceedings.

Fair reports of proceedings of parliament and courts.

291. No one commits an offence by publishing in good faith, in a newspaper, a fair report of the proceedings of any public meeting if the meeting is lawfully convened for a lawful purpose and open to the public, and if such report is fair and accurate, and if the publication of the matter complained of is for the public benefit, and if the defendant does not refuse to insert in a conspicuous place in the newspaper in which the report appeared a reasonable letter or document of explanation or contradiction by or on behalf of the prosecutor.

Fair reports of proceedings of public meetings.

292. No one commits an offence by publishing any defamatory matter which he, on reasonable grounds, believes to be true, and which is relevant to any subject of public interest, the public discussion of which is for the public benefit.

Fair discussion.

293. No one commits an offence by publishing fair comments upon the public conduct of a person who takes part in public affairs.

Fair comment.

2. No one commits an offence by publishing fair comments on any published book or other literary production, or any composition or work of art or performance publicly exhibited, or any other communication made to the public on any subject, if such comments are confined to criticism on such book or literary production, composition, work of art, performance or communication.

Seeking remedy for grievance.

294. No one commits an offence by publishing defamatory matter for the purpose, in good faith, of seeking remedy or redress for any private or public wrong or grievance from a person who has, or is reasonably believed by the person publishing to have, the right or be under obligation to remedy or redress such wrong or grievance, if the defamatory matter is believed by him to be true, and is relevant to the remedy or redress sought, and such publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

Answer to inquiries.

295. No one commits an offence by publishing, in answer to inquiries made of him, defamatory matter relating to some subject as to which the person by whom, or on whose behalf, the inquiry is made has, or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth, if such matter is published for the purpose, in good faith, of giving information in respect thereof to that person, and if such defamatory matter is believed to be true, and is relevant to the inquiries made, and also if such publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

Giving information.

296. No one commits an offence by publishing to another person defamatory matter for the purpose of giving information to that person with respect to some subject as to which he has, or is, on reasonable grounds, believed to have, such an interest in knowing the truth as to make the conduct of the person giving the information reasonable under the circumstances: Provided, that such defamatory matter is relevant to such subject, and that it is either true, or is made without ill-will to the person defamed, and in the belief, on reasonable grounds, that it is true.

Selling periodicals containing defamatory libel.

297. Every proprietor of any newspaper is presumed to be criminally responsible for defamatory matter inserted and published therein, but such presumption may be rebutted by proof that the particular defamatory matter was inserted in such newspaper without such proprietor's cognizance, and without negligence on his part.

2. General authority given to the person actually inserting such defamatory matter to manage or conduct, as editor or otherwise, such newspaper, and to insert therein what he in his discretion thinks fit, shall not be negligence within this section unless it be proved that the proprietor, when

originally giving such general authority, meant that it should extend to inserting and publishing defamatory matter, or continued such general authority knowing that it had been exercised by inserting defamatory matter in any number or part of such newspaper.

3. No one is guilty of an offence by selling any number or part of such newspaper, unless he knew either that such number or part contained defamatory matter, or that defamatory matter was habitually contained in such newspaper.

298. No one commits an offence by selling any book, magazine, pamphlet or other thing whether forming part of any periodical or not, although the same contains defamatory matter, if, at the time of such sale, he did not know that such defamatory matter was contained in such book, magazine, pamphlet or other thing. Selling books containing defamatory matter.

2. The sale by a servant of any book, magazine, pamphlet or other thing, whether periodical or not, shall not make his employer criminally responsible in respect of defamatory matter contained therein unless it be proved that such employer authorized such sale knowing that such book, magazine, pamphlet or other thing contained defamatory matter, or, in case of a number or part of a periodical, that defamatory matter was habitually contained in such periodical.

299. It shall be a defence to an indictment or information for a defamatory libel that the publishing of the defamatory matter in the manner in which it was published was for the public benefit at the time when it was published, and that the matter itself was true. R.S.C., c. 163, s. 4. When truth is a defence.

300. Every one is guilty of an indictable offence and liable to two years' imprisonment, or to a fine not exceeding six hundred dollars, or to both, who publishes or threatens to publish, or offers to abstain from publishing, or offers to prevent the publishing of, a defamatory libel with intent to extort any money, or to induce any person to confer upon or procure for any person any appointment or office of profit or trust, or in consequence of any person having been refused any such money, appointment or office. R.S.C., c. 163, s. 1. Extortion by defamatory libel.

301. Every one is guilty of an indictable offence and liable to two years' imprisonment or to a fine not exceeding four hundred dollars, or to both, who publishes any defamatory libel knowing the same to be false. R.S.C., 163, s. 2. Punishment of defamatory libel known to be false.

302. Every one is guilty of an indictable offence and liable to one year's imprisonment, or to a fine not exceeding two hundred dollars, or to both, who publishes any defamatory libel. R.S.C., c. 163, s. 3. Punishment of defamatory libel.

TITLE VI.**OFFENCES AGAINST RIGHTS OF PROPERTY AND RIGHTS ARISING OUT OF CONTRACTS, AND OFFENCES CONNECTED WITH TRADE.**

PART XXIV.

THEFT DEFINED.

Things capable of being stolen.

303. Every inanimate thing whatever which is the property of any person, and which either is or may be made movable, shall henceforth be capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it: Provided, that nothing growing out of the earth of a value not exceeding twenty-five cents shall (except in the cases hereinafter provided) be deemed capable of being stolen.

Animals capable of being stolen

304. All tame living creatures, whether tame by nature or wild by nature and tamed, shall be capable of being stolen; but tame pigeons shall be capable of being stolen so long only as they are in a dovecote or on their owner's land.

2. All living creatures wild by nature, such as are not commonly found in a condition of natural liberty in Canada, shall, if kept in a state of confinement, be capable of being stolen, not only while they are so confined but after they have escaped from confinement.

3. All other living creatures wild by nature shall, if kept in a state of confinement, be capable of being stolen so long as they remain in confinement or are being actually pursued after escaping therefrom, but no longer.

4. A wild living creature shall be deemed to be in a state of confinement so long as it is in a den, cage or small enclosure, sty or tank, or is otherwise so situated that it cannot escape and that its owner can take possession of it at pleasure.

5. Oysters and oyster brood shall be capable of being stolen when in oyster beds, layings, and fisheries which are the property of any person, and sufficiently marked out or known as such property

6. Wild creatures in the enjoyment of their natural liberty shall not be capable of being stolen, nor shall the taking of their dead bodies by, or by the orders of, the person who killed them before they are reduced into actual possession by the owner of the land on which they died, be deemed to be theft.

7. Every thing produced by or forming part of any living creature capable of being stolen, shall be capable of being stolen.

305. Theft or stealing is the act of fraudulently and without colour of right taking, or fraudulently and without colour of right converting to the use of any person, anything capable of being stolen, with intent— Theft defined.

(a.) to deprive the owner, or any person having any special property or interest therein, temporarily or absolutely of such thing or of such property or interest ; or

(b.) to pledge the same or deposit it as security ; or

(c.) to part with it under a condition as to its return which the person parting with it may be unable to perform ; or

(d.) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion.

2. The taking or conversion may be fraudulent, although effected without secrecy or attempt at concealment.

3. It is immaterial whether the thing converted was taken for the purpose of conversion, or whether it was, at the time of the conversion, in the lawful possession of the person converting.

4. Theft is committed when the offender moves the thing or causes it to move or to be moved, or begins to cause it to become movable, with intent to steal it.

5. Provided, that no factor or agent shall be guilty of theft by pledging or giving a lien on any goods or document of title to goods intrusted to him for the purpose of sale or otherwise, for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving a lien on the same, together with the amount of any bill of exchange accepted by him for or on account of his principal.

6. Provided, that if any servant, contrary to the orders of his master, takes from his possession any food for the purpose of giving the same or having the same given to any horse or other animal belonging to or in the possession of his master, the servant so offending shall not, by reason thereof, be guilty of theft. R.S.C., c. 164, s. 66.

306. Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention. R.S.C., c. 164, s. 50. Theft of things under seizure.

307. Every one commits theft, and steals the creature killed who kills any living creature capable of being stolen with intent to steal the carcass, skin, plumage or any part of such creature. Theft of animals.

308. Every one commits theft who, having received any money or valuable security or other thing whatsoever, on terms requiring him to account for or pay the same, or Theft by agent.
the

the proceeds thereof, or any part of such proceeds, to any other person, though not requiring him to deliver over in specie the identical money, valuable security or other thing received, fraudulently converts the same to his own use, or fraudulently omits to account for or pay the same or any part thereof, or to account for or pay such proceeds or any part thereof, which he was required to account for or pay as aforesaid.

2. Provided, that if it be part of the said terms that the money or other thing received, or the proceeds thereof, shall form an item in a debtor and creditor account between the person receiving the same and the person to whom he is to account for or pay the same, and that such last mentioned person shall rely only on the personal liability of the other as his debtor in respect thereof, the proper entry of such money or proceeds, or any part thereof, in such account, shall be a sufficient accounting for the money, or proceeds, or part thereof so entered, and in such case no fraudulent conversion of the amount accounted for shall be deemed to have taken place.

Theft by person holding a power of attorney.

309. Every one commits theft who, being entrusted, either solely or jointly with any other person, with any power of attorney for the sale, mortgage, pledge or other disposition of any property, real or personal, whether capable of being stolen or not, fraudulently sells, mortgages, pledges or otherwise disposes of the same or any part thereof, or fraudulently converts the proceeds of any sale, mortgage, pledge or other disposition of such property, or any part of such proceeds, to some purpose other than that for which he was intrusted with such power of attorney. R.S.C., c. 164, s. 62.

Theft by misappropriating proceeds held under direction.

310. Every one commits theft who, having received, either solely or jointly with any other person, any money or valuable security or any power of attorney for the sale of any property, real or personal, with a direction that such money, or any part thereof, or the proceeds, or any part of the proceeds of such security, or such property, shall be applied to any purpose or paid to any person specified in such direction, in violation of good faith and contrary to such direction, fraudulently applies to any other purpose or pays to any other person such money or proceeds, or any part thereof.

2. Provided, that where the person receiving such money, security or power of attorney, and the person from whom he receives it, deal with each other on such terms that all money paid to the former would, in the absence of any such direction, be properly treated as an item in a debtor and creditor account between them, this section shall not apply unless such direction is in writing.

311. Theft may be committed by the owner of anything capable of being stolen against a person having a special property or interest therein, or by a person having a special property or interest therein against the owner thereof, or by a lessee against his reversioner, or by one of several joint owners, tenants in common, or partners of or in any such thing against the other persons interested therein, or by the directors, public officers or members of a public company, or body corporate, or of an unincorporated body or society associated together for any lawful purpose, against such public company or body corporate or unincorporated body or society. R.S.C., c. 164, s. 58.

Theft by co-owner.

312. Every one commits theft who, with intent to defraud his co-partner, co-adventurer, joint tenant or tenant in common, in any mining claim, or in any share or interest in any such claim, secretly keeps back or conceals any gold or silver found in or upon or taken from such claim. R.S.C., c. 164, s. 31.

Concealing gold or silver with intent to defraud partner in claim.

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

Husband and wife.

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

(a.) assists either of them in dealing with anything which is the property of the other in a manner which would amount to theft if they were not married; or

(b.) receives from either of them anything, the property of the other, obtained from that other by such dealing as aforesaid.

PART XXV.

RECEIVING STOLEN GOODS.

314. Every one is guilty of an indictable offence, and liable to fourteen years' imprisonment, who receives or retains in his possession anything obtained by any offence punishable on indictment, or by any acts wheresoever committed, which, if committed in Canada after the commencement of this Act, would have constituted an offence punishable upon indictment, knowing such thing to have been so obtained. R.S.C., c. 164, s. 82.

Receiving property dishonestly obtained.

315. Every one is guilty of an indictable offence and liable to five years' imprisonment who receives or retains in his possession, Receiving stolen post letter or post letter bag.

possession, any post letter, post letter bag, or any chattel, money or valuable security, parcel or other thing, the stealing whereof is hereby declared to be an indictable offence, knowing the same to have been stolen. R.S.C., c. 85, s. 84.

Receiving property obtained by offence punishable on summary conviction.

316. Every one who receives or retains in his possession anything, knowing the same to be unlawfully obtained, the stealing of which is punishable, on summary conviction, either for every offence, or for the first and second offence only, is guilty of an offence and liable, on summary conviction, for every first, second or subsequent offence of receiving, to the same punishment as if he were guilty of a first, second or subsequent offence of stealing the same. R.S.C., c. 164, s. 84.

When receiving is complete.

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

Receiving after restoration to owner.

318. When the thing unlawfully obtained has been restored to the owner, or when a legal title to the thing so obtained has been acquired by any person, a subsequent receiving thereof shall not be an offence although the receiver may know that the thing had previously been dishonestly obtained.

PART XXVI.

PUNISHMENT OF THEFT AND OFFENCES RESEMBLING THEFT COMMITTED BY PARTICULAR PERSONS IN RESPECT OF PARTICULAR THINGS IN PARTICULAR PLACES.

Clerks and servants.

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

(a) being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals anything belonging to or in the possession of his master or employer; or

(b.) being a cashier, assistant cashier, manager, officer, clerk or servant of any bank, or savings bank, steals any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any money or effects of such bank or lodged or deposited with any such bank;

(c.) being employed in the service of Her Majesty, or of the Government of Canada or the Government of any province of Canada, or of any municipality, steals anything in his possession by virtue of his employment. R.S.C., c. 164, ss. 51, 52, 53, 54 and 59.

320. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who steals anything by any act or omission amounting to theft under the provisions of sections three hundred and eight, three hundred and nine and three hundred and ten. Agents and attorneys.

321. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, being employed in the service of Her Majesty or of the Government of Canada or the Government of any province of Canada, or of any municipality, and intrusted by virtue of such employment with the keeping, receipt, custody, management or control of any chattel, money, valuable security, book, paper, account or document, refuses or fails to deliver up the same to any one authorized to demand it. R.S.C., c. 164, s. 55. Public servants refusing to deliver up chattels, moneys, or books, &c., lawfully demanded of them.

322. Every one who steals any chattel or fixture let to be used by him or her in or with any house or lodging is guilty of an indictable offence and liable to two years' imprisonment, and if the value of such chattel or fixture exceeds the sum of twenty-five dollars to four years' imprisonment. R.S.C., c. 164, s. 57. Tenants and lodgers.

323. Every one is guilty of an indictable offence and liable to imprisonment for life who, either during the life of the testator or after his death, steals the whole or any part of a testamentary instrument, whether the same relates to real or personal property, or to both. R.S.C., c. 164, s. 14. Testamentary instruments.

324. Every one is guilty of an indictable offence and liable to three years' imprisonment who steals the whole or any part of any document of title to lands or goods. R.S.C., c. 164, s. 13. Document of title to lands.

325. Every one is guilty of an indictable offence and liable to three years' imprisonment who steals the whole or any part of any record, writ, return, affirmation, recognition, *cognovit actionem*, bill, petition, answer, decree, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or of any original document whatsoever of or belonging to any court of justice, or relating to any cause or matter begun, depending or terminated in any such court, or of any original document in any wise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice, or in any government or public office. R.S.C., c. 164, s. 15. Judicial or official documents.

326. Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than three years, who steals— Stealing, post letter bags, &c.

(a.) a post letter bag ; or

(b.) a post letter from a post letter bag, or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail ; or

(c.) a post letter containing any chattel, money or valuable security ; or

(d.) any chattel, money or valuable security from or out of a post letter. R.S.C., c. 35, ss. 79, 80 and 81.

Stealing post letters, packets and keys.

327. Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding seven years, and not less than three years, who steals—

(a.) any post letter, except as mentioned in paragraph (b) of section three hundred and twenty-six ;

(b.) any parcel sent by parcel post, or any article contained in any such parcel ; or

(c.) any key suited to any lock adopted for use by the Post Office Department, and in use on any Canada mail or mail bag. R.S.C., c. 35, ss. 79, 83 and 88.

Stealing mail-able matter other than post letters.

328. Every one is guilty of an indictable offence and liable to five years' imprisonment who steals any printed vote or proceeding, newspaper, printed paper or book, packet or package of patterns or samples of merchandise or goods, or of seeds, cuttings, bulbs, roots, scions or grafts, or any post card or other mailable matter (not being a post letter) sent by mail. R.S.C., c. 35, s. 90.

Election documents.

329. Every one is guilty of an indictable offence and liable to a fine in the discretion of the court, or to seven years' imprisonment, or to both fine and imprisonment who steals, or unlawfully takes from any person having the lawful custody thereof, or from its lawful place of deposit for the time being, any writ of election, or any return to a writ of election, or any indenture, poll-book, voters' list, certificate, affidavit or report, ballot or any document or paper made, prepared or drawn out according to or for the requirements of any law in regard to Dominion, provincial, municipal or civic elections. R.S.C., c. 8, s. 102 ; c. 164, s. 56.

Railway tickets.

330. Every one is guilty of an indictable offence and liable to two years' imprisonment who steals any tramway, railway or steamboat ticket, or any order or receipt for a passage on any railway or in any steamboat or other vessel. R.S.C., c. 164, s. 16.

Cattle.

331. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who steals any cattle. R.S.C., c. 164, ss. 7 and 8.

Dogs, birds, beasts and other animals.

332. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the property stolen, or

to one month's imprisonment with hard labour, who steals any dog, or any bird, beast or other animal ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable to three months' imprisonment with hard labour. R.S.C., c. 164, s. 9.

333. Every one who unlawfully and wilfully kills, wounds or takes any house-dove or pigeon, under such circumstances as do not amount to theft, is guilty of an offence and liable, upon complaint of the owner thereof, on summary conviction, to a penalty not exceeding ten dollars over and above the value of the bird. R.S.C., c. 164, s. 10. Pigeons.

334. Every one is guilty of an indictable offence and liable to seven years' imprisonment who steals oysters or oyster brood. Oysters.

2. Every one is guilty of an indictable offence and liable to three months' imprisonment who unlawfully and wilfully uses any dredge or net, instrument or engine whatsoever, within the limits of any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, for the purpose of taking oysters or oyster brood, although none are actually taken, or unlawfully and wilfully with any net, instrument or engine, drags upon the ground of any such fishery.

3. Nothing herein applies to any person fishing for or catching any swimming fish within the limits of any oyster fishery with any net, instrument or engine adapted for taking swimming fish only. R.S.C., c. 164, s. 11.

335. Every one is guilty of an indictable offence and liable to seven years' imprisonment who steals any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land, being private property, or for a fence to any dwelling-house, garden or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground. R.S.C., c. 164, s. 17. Things fixed to buildings or in land.

336. Every one is guilty of an indictable offence and liable to two years' imprisonment who steals the whole or any part of any tree, sapling or shrub, or any underwood, the thing stolen being of the value of twenty-five dollars, or of the value of five dollars if the thing stolen grows in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house. R.S.C., c. 164, s. 18. Trees in pleasure grounds, &c., of five dollars' value; trees elsewhere of twenty-five dollars' value.

Trees of the value of twenty-five cents.

337. Every one who steals the whole or any part of any tree, sapling or shrub, or any underwood, the value of the article stolen, or the amount of the damage done, being twenty-five cents at the least, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty-five dollars over and above the value of the article stolen or the amount of the injury done.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable, on summary conviction, to three months' imprisonment with hard labour.

3. Every one who, having been twice convicted of any such offence, afterwards commits any such offence is guilty of an indictable offence and liable to five years' imprisonment. R.S.C., c. 164, s. 19.

Timber found adrift.

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

(a.) without the consent of the owner thereof:

(i.) fraudulently takes, holds, keeps in his possession, collects, conceals, receives, appropriates, purchases, sells or causes or procures or assists to be taken possession of, collected, concealed, received, appropriated, purchased or sold, any timber, mast, spar, saw-log or other description of lumber which is found adrift in, or cast ashore on the bank or beach of, any river, stream or lake ;

(ii.) wholly or partially defaces or adds, or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or makes or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber ; or

(b.) refuses to deliver up to the proper owner thereof, or to the person in charge thereof, on behalf of such owner, or authorized by such owner to receive the same, any such timber, mast, spar, saw-log or other description of lumber. R.S.C., c. 164, s. 87.

Fences, stiles and gates.

339. Every one who steals any part of any live or dead fence, or any wooden post, pale, wire or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the article or articles so stolen or the amount of the injury done.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable, on summary conviction, to three months' imprisonment with hard labour. R.S.C., c. 164, s. 21.

Failing to satisfy justice that posses-

340. Every one who, having in his possession, or on his premises with his knowledge, the whole or any part of any tree,

tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof, of the value of twenty-five cents at the least, is taken or summoned before a justice of the peace, and does not satisfy such justice that he came lawfully by the same, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding ten dollars, over and above the value of the article so in his possession or on his premises. R.S.C., c. 164, s. 22.

sion of tree, &c., is lawful.

341. Every one who steals any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory is guilty of an offence and liable, on summary conviction, 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's imprisonment with or without hard labour.

Roots, plants, &c., growing in gardens, &c.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is guilty of an indictable offence and liable to three years' imprisonment. R.S.C., c. 164, s. 23.

342. Every one who steals any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, pleasure ground, or nursery ground, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five dollars over and above the value of the article so stolen or the amount of the injury done, or to one month's imprisonment with hard labour.

Roots, plants, &c., growing elsewhere than in gardens, &c.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable to three months' imprisonment with hard labour. R.S.C., c. 164, s. 24.

343. Every one is guilty of an indictable offence and liable to two years' imprisonment who steals the ore of any metal, or any quartz, lapis calaminaris, manganese, or mundic, or any piece of gold, silver or other metal, or any wad, black cawk, or black lead, or any coal, or cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof respectively.

Ores of metals.

2. It is not an offence to take, for the purposes of exploration or scientific investigation, any specimen or specimens of any ore or mineral from any piece of ground uninclosed and not occupied or worked as a mine, quarry or digging. R.S.C., c. 164, s. 25.

S.S. 343

344. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who steals any chattel, money

Stealing from the person.

money or valuable security from the person of another. R.S.C., c. 164, s. 32.

Stealing in dwelling-houses.

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

(a.) steals in any dwelling-house any chattel, money or valuable security to the value in the whole of twenty-five dollars or more; or,

(b.) steals any chattel, money or valuable security in any dwelling-house, and by any menace or threat puts any one therein in bodily fear. R.S.C., c. 164, ss. 45 and 46.

Stealing by picklocks, &c.

346. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, by means of any picklock, false key or other instrument steals anything from any receptacle for property locked or otherwise secured.

Stealing in manufactories, &c.

347. Every one is guilty of an indictable offence and liable to five years' imprisonment who steals, to the value of two dollars, any woollen, linen, hempen or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of such materials mixed with each other or mixed with any other material, while laid, placed or exposed, during any stage, process or progress of manufacture, in any building, field or other place. R.S.C., c. 164, s. 47.

Fraudulently disposing of goods intrusted for manufacture.

348. Every one is guilty of an indictable offence and liable to two years' imprisonment, when the offence is not within the next preceding section, who, having been intrusted with, for the purpose of manufacture or for a special purpose connected with manufacture, or employed to make, any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax or silk, or any such materials mixed with one another, or having been so intrusted, as aforesaid, with any other article, materials, fabric or thing, or with any tools or apparatus for manufacturing the same, fraudulently disposes of the same or any part thereof. R.S.C., c. 164, s. 48.

Stealing from ships, wharfs, &c.

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

(a.) steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, in any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal; or

(b.) steals any goods or merchandise from any dock, wharf or quay adjacent to any such haven, port, river, canal, creek or basin. R.S.C., c. 164, s. 49.

350. Every one is guilty of an indictable offence and liable to seven years' imprisonment who steals any wreck. Stealing wreck.
R.S.C., c. 81, s. 36 (c).

351. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who steals anything in or from any railway station or building, or from any engine, tender or vehicle of any kind on any railway. Stealing on railways.

352. Every one who steals, or unlawfully injures or removes, any image, bones, article or thing deposited in or near any Indian grave is guilty of an offence and liable, on summary conviction, for a first offence to a penalty not exceeding one hundred dollars or to three months' imprisonment, and for a subsequent offence to the same penalty and to six months' imprisonment with hard labour. R.S.C., c. 164, s. 98. Stealing things deposited in Indian graves.

353. Every one who destroys, cancels, conceals or obliterates any document of title to goods or lands, or any valuable security, testamentary instrument, or judicial, official or other document, for any fraudulent purpose, is guilty of an indictable offence and liable to the same punishment as if he had stolen such document, security or instrument. R.S.C., c. 164, s. 12. Destroying, &c., documents.

354. Every one is guilty of an indictable offence and liable to two years' imprisonment who, for any fraudulent purpose, takes, obtains, removes or conceals anything capable of being stolen. Concealing.

355. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, having obtained elsewhere than in Canada any property by any act which if done in Canada would have amounted to theft, brings such property into or has the same in Canada. R.S.C., c. 164, s. 88. Bringing stolen property into Canada.

356. Every one is guilty of an indictable offence and liable to seven years' imprisonment who steals anything for the stealing of which no punishment is otherwise provided or commits in respect thereof any offence for which he is liable to the same punishment as if he had stolen the same. Stealing things not otherwise provided for.

2. The offender is liable to ten years' imprisonment if he has been previously convicted of theft. R.S.C., c. 164, ss. 5, 6 and 85.

357. If the value of anything stolen, or in respect of which any offence is committed for which the offender is liable to the same punishment as if he had stolen it, exceeds the sum of two hundred dollars the offender is liable to Additional punishment when value of property exceeds two hundred dollars.
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two years' imprisonment, in addition to any punishment to which he is otherwise liable for such offence. R.S.C., c. 164, s. 86.

PART XXVII.

OBTAINING PROPERTY BY FALSE PRETENSES AND OTHER CRIMINAL FRAUDS AND DEALINGS WITH PROPERTY.

Definition of false pretense.

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

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

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

Punishment of false pretense.

359. Every one is guilty of an indictable offence and liable to three years' imprisonment who, with intent to defraud, by any false pretense, either directly or through the medium of any contract obtained by such false pretense, obtains anything capable of being stolen, or procures anything capable of being stolen to be delivered to any other person than himself. R.S.C., c. 164, s. 77.

Obtaining execution of valuable security by false pretense.

360. Every one is guilty of an indictable offence and liable to three years' imprisonment who, with intent to defraud or injure any person by any false pretense, causes or induces any person to execute, make, accept, endorse or destroy the whole or any part of any valuable security, or to write, impress or affix any name or seal on any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security. R.S.C., c. 164, s. 78.

Falsely pretending to inclose money, &c., in a letter.

361. Every one is guilty of an indictable offence and liable to three years' imprisonment who, wrongfully and with wilful falsehood, pretends or alleges that he inclosed and sent, or caused to be inclosed and sent, in any post letter any money, valuable security or chattel, which in fact he did not so inclose and send or cause to be inclosed and sent therein. R.S.C., c. 164, s. 79.

Obtaining passage by false tickets.

362. Every one is guilty of an indictable offence and liable to six months' imprisonment who, by means of any false

false ticket or order, or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain any passage on any carriage, tramway or railway, or in any steam or other vessel. R.S.C., c. 164, s. 81.

363. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, being a trustee of any property for the use or benefit, either in whole or in part, of some other person, or for any public or charitable purpose, with intent to defraud, and in violation of his trust, converts anything of which he is trustee to any use not authorized by the trust. Criminal breach of trust.

PART XXVIII.

FRAUD.

364. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, being a director, manager, public officer or member of any body corporate or public company, with intent to defraud— False accounting by official.

(a.) destroys, alters, mutilates or falsifies any book, paper, writing or valuable security belonging to the body corporate or public company ; or

(b.) makes, or concurs in making, any false entry, or omits or concurs in omitting to enter any material particular, in any book of account or other document. R.S.C., c. 164, s. 68.

365. Every one is guilty of an indictable offence and liable to five years' imprisonment who, being a promoter, director, public officer or manager of any body corporate or public company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any prospectus, statement or account which he knows to be false in any material particular, with intent to induce persons (whether ascertained or not) to become shareholders or partners, or with intent to deceive or defraud the members, shareholders or creditors, or any of them (whether ascertained or not), of such body corporate or public company, or with intent to induce any person to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof. R.S.C., c. 164, s. 69. False statement by official.

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

(a.) destroys, alters, mutilates or falsifies any book, paper writing, valuable security or document which belongs to or is in the possession of his employer, or has been received

by him for or on behalf of his employer, or concurs in so doing; or

(b.) makes, or concurs in making, any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from, any such book, paper writing, valuable security or document.

False statement by public officer.

367. Every one is guilty of an indictable offence and liable to five years' imprisonment, and to a fine not exceeding five hundred dollars, who, being an officer, collector or receiver, intrusted with the receipt, custody or management of any part of the public revenues, knowingly furnishes any false statement or return of any sum of money collected by him or intrusted to his care, or of any balance of money in his hands or under his control.

Assigning property with intent to defraud creditors.

368. Every one is guilty of an indictable offence and liable to a fine of eight hundred dollars and to one year's imprisonment who—

- (a.) with intent to defraud his creditors, or any of them,
 (i.) makes, or causes to be made, any gift, conveyance, assignment, sale, transfer or delivery of his property;
 (ii.) removes, conceals or disposes of any of his property;
 or

(b.) with the intent that any one shall so defraud his creditors, or any one of them, receives any such property.
 R.S.C., c. 173, s. 28.

Destroying or falsifying books with intent to defraud creditors.

369. Every one is guilty of an indictable offence and liable to ten years' imprisonment who, with intent to defraud his creditors or any of them, destroys, alters, mutilates or falsifies any of his books, papers, writings or securities, or makes, or is privy to the making of, any false or fraudulent entry in any book of account or other document. R.S.C., c. 173, s. 27.

Concealing deeds or encumbrances or falsifying pedigrees.

370. Every one is guilty of an indictable offence and liable to a fine, or to two years' imprisonment, or to both, who, being a seller or mortgagor of land, or of any chattel, real or personal, or chose in action, or the solicitor or agent of any such seller or mortgagor (and having been served with a written demand of an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage) conceals any settlement, deed, will or other instrument material to the title, or any encumbrance, from such purchaser or mortgagee, or falsifies any pedigree upon which the title depends, with intent to defraud and in order to induce such purchaser or mortgagee to accept the title offered or produced to him. R.S.C., c. 164, s. 91.

Frauds in respect to the registration of titles to land.

371. Every one is guilty of an indictable offence and liable to three years' imprisonment who, acting either as

principal or agent, in any proceeding to obtain the registration of any title to land or otherwise, or in any transaction relating to land which is, or is proposed to be, put on the register, knowingly and with intent to deceive makes or assists or joins in, or is privy to the making of, any material false statement or representation, or suppresses, conceals, assists or joins in, or is privy to the suppression, withholding or concealing from, any judge or registrar, or any person employed by or assisting the registrar, any material document, fact or matter of information. R.S.C., c. 164, ss. 96 and 97.

372. Every one is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding two thousand dollars, who, knowing the existence of any unregistered prior sale, grant, mortgage, hypothec, privilege or encumbrance of or upon any real property, fraudulently makes any subsequent sale of the same, or of any part thereof. R.S.C., c. 164, ss. 92 and 93.

Fraudulent sales of property.

373. Every one who pretends to hypothecate, mortgage, or otherwise charge any real property to which he knows he has no legal or equitable title is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding one hundred dollars.

Fraudulent hypothecation of real property.

2. The proof of the ownership of the real estate rests with the person so pretending to deal with the same. R.S.C., c. 164, ss. 92 and 94.

374. Every one is guilty of an indictable offence and liable to one year's imprisonment who, in the province of Quebec, wilfully causes or procures to be seized and taken in execution any lands and tenements, or other real property, not being, at the time of such seizure, to the knowledge of the person causing the same to be taken in execution, the *bond fide* property of the person or persons against whom, or whose estate, the execution is issued. R.S.C., c. 164, ss. 92 and 95.

Fraudulent seizures of land.

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

Unlawful dealings with gold and silver.

(a.) being the holder of any lease or license issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud Her Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or, with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him; or

(b.) not being the owner or agent of the owners of mining claims then being worked, and not being thereunto authorized in writing by the proper officer in that behalf named in

any Act relating to mines in force in any province of Canada, sells or purchases (except to or from such owner or authorized person) any quartz containing gold, or any smelted gold or silver, at or within three miles of any gold district or mining district, or gold mining division ; or

(c.) purchases any gold in quartz, or any unsmelted or smelted gold or silver, or otherwise unmanufactured gold or silver, of the value of one dollar or upwards (except from such owner or authorized person), and does not, at the same time, execute in triplicate an instrument in writing, stating the place and time of purchase, and the quantity, quality and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, and file the same with such proper officer within twenty days next after the date of such purchase. R.S.C., c. 164, ss. 27, 28 and 29.

Warehousemen, &c., giving false receipts ; knowingly using the same.

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

(a.) being the keeper of any warehouse, or a forwarder, miller, master of a vessel, wharfinger, keeper of a cove, yard, harbour or other place for storing timber, deals, staves, boards, or lumber, curer or packer of pork, or dealer in wool, carrier, factor, agent or other person, or a clerk or other person in his employ, knowingly and wilfully gives to any person a writing purporting to be a receipt for, or an acknowledgment of, any goods or other property as having been received into his warehouse, vessel, cove, wharf, or other place, or in any such place about which he is employed, or in any other manner received by him, or by the person in or about whose business he is employed before the goods or other property named in such receipt, acknowledgment or writing have been actually delivered to or received by him as aforesaid, with intent to mislead, deceive, injure or defraud any person, although such person is then unknown to him ; or

(b.) knowingly and wilfully accepts, transmits or uses any such false receipt or acknowledgment or writing. R.S.C., c. 164, s. 73.

Owners of merchandise disposing thereof contrary to agreements with consignees who have made advances thereon.

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

(a.) having, in his name, shipped or delivered to the keeper of any warehouse, or to any other factor, agent or carrier, to be shipped or carried, any merchandise upon which the consignee has advanced any money or given any valuable security afterwards, with intent to deceive, defraud or injure such consignee, in violation of good faith, and without the consent of such consignee, makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between him and such consignee at the time of or before such money was so advanced or such negotiable security so given ; or

(b.) knowingly and wilfully aids and assists in making such disposition for the purpose of deceiving, defrauding or injuring such consignee.

2. No person commits an offence under this section who, before making such disposition of such merchandise, pays or tenders to the consignee the full amount of any advance made thereon. R.S.C., c. 164, s. 74.

378. Every person is guilty of an indictable offence and liable to three years' imprisonment who—

(a.) wilfully makes any false statement in any receipt, certificate or acknowledgment for grain, timber or other goods or property which can be used for any of the purposes mentioned in *The Bank Act*; or

(b.) having given, or after any clerk or person in his employ has, to his knowledge, given, as having been received by him in any mill, warehouse, vessel, cove or other place, any such receipt, certificate or acknowledgment for any such grain, timber or other goods or property,—or having obtained any such receipt, certificate or acknowledgment, and after having endorsed or assigned it to any bank or person, afterwards, and without the consent of the holder or endorsee in writing, or the production and delivery of the receipt, certificate or acknowledgment, wilfully alienates or parts with, or does not deliver to such holder or owner of such receipt, certificate or acknowledgment, the grain, timber, goods or other property therein mentioned. R.S.C., c. 164, s. 75.

Making false statements in receipts for property that can be used under "The Bank Act;" fraudulently dealing with property to which such receipts refer.

379. If any offence mentioned in any of the three sections next preceding is committed by the doing of anything in the name of any firm, company or copartnership of persons the person by whom such thing is actually done, or who conives at the doing thereof, is guilty of the offence, and not any other person. R.S.C., c. 164, s. 76.

Innocent partners.

380. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, not having lawful title thereto, sells any vessel or wreck found within the limits of Canada. R.S.C., c. 81, s. 36 (d).

Selling vessel or wreck not having title thereto.

381. Every one is guilty of an indictable offence and liable, on conviction on indictment to two years' imprisonment, and on summary conviction before two justices of the peace to a penalty of four hundred dollars or six months' imprisonment, with or without hard labour, who—

(a.) secretes any wreck, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck, or in any manner conceals the character thereof, or the fact that the same is such wreck, from any person entitled to inquire into the same; or

Other offences respecting wrecks.

(b.) receives any wreck, knowing the same to be wreck, from any person, other than the owner thereof or the receiver of wrecks, and does not within forty-eight hours inform the receiver thereof ;

(c.) offers for sale or otherwise deals with any wreck, knowing it to be wreck, not having a lawful title to sell or deal with the same ; or

(d.) keeps in his possession any wreck, knowing it to be wreck, without a lawful title so to keep the same, for any time longer than the time reasonably necessary for the delivery of the same to the receiver ; or

(e.) boards any vessel which is wrecked, stranded or in distress against the will of the master, unless the person so boarding is, or acts by command of, the receiver. R.S.C., c. 81, s. 37.

Offences re-
specting old
marine stores.

382. Every person who deals in the purchase of old marine stores of any description, including anchors, cables, sails, junk, iron, copper, brass, lead and other marine stores, and who, by himself or his agent, purchases any old marine stores from any person under the age of sixteen years, is guilty of an offence and liable, on summary conviction, to a penalty of four dollars for the first offence and of six dollars for every subsequent offence.

2. Every such person who, by himself or his agent, purchases or receives any old marine stores into his shop, premises or places of deposit, except in the daytime between sunrise and sunset, is guilty of an offence and liable, on summary conviction, to a penalty of five dollars for the first offence and of seven dollars for every subsequent offence.

3. Every person, purporting to be a dealer in old marine stores, on whose premises any such stores which were stolen are found secreted is guilty of an indictable offence and liable to five years' imprisonment. R.S.C., c. 81, s. 35.

Definitions.

383. In the next six sections, the following expressions have the meaning assigned to them herein :

(a.) The expression "public department" includes the Admiralty and the War Department, and also any public department or office of the Government of Canada, or of the public or civil service thereof, or any branch of such department or office ;

(b.) The expression "public stores" includes all stores under the care, superintendence or control of any public department as herein defined, or of any person in the service of such department ;

(c.) The expression "stores" includes all goods and chattels, and any single store or article. 50-51 V., c. 45, s. 2.

Marks to be
used on public
stores.

384. The following marks may be applied in or on any public stores to denote Her Majesty's property in such stores, and it shall be lawful for any public department, and the

contractors, officers and workmen of such department, to apply such marks, or any of them, in or on any such stores:—

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling Stores.

STORES.	MARKS.
Hempen cordage and wire rope.	White, black or coloured threads laid up with the yarns and the wire, respectively.
Canvas, fearnought, hammocks and seamen's bags.	A blue line in a serpentine form.
Bunting.	A double tape in the warp.
Candles.	Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, metal and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

Marks appropriated for use on stores, the property of Her Majesty in the right of her Government of Canada.

STORES.	MARKS.
Public stores.	The name of any public department, or the word "Canada," either alone or in combination with a Crown or the Royal Arms.

50-51 V., c. 45, s. 3 ; 53 V., c. 38.

385. Every one is guilty of an indictable offence and liable to two years' imprisonment who, without lawful authority the proof of which shall lie on him, applies any of the said marks in or on any public stores. 50-51 V., c. 45, s. 4. Unlawfully applying marks to public stores.

386. Every one is guilty of an indictable offence and liable to two years' imprisonment who, with intent to conceal Her Majesty's property in any public stores, takes out, destroys or obliterates, wholly or in part, any of the said marks. 50-51 V., c. 45, s. 5. Taking marks from public stores.

387. Every one who, without lawful authority the proof of which lies on him, receives, possesses, keeps, sells or delivers any public stores bearing any such mark as aforesaid, knowing them to bear such mark, is guilty of an indictable offence and liable on conviction on indictment to one year's imprisonment and, if the value thereof does not exceed twenty-five dollars, on summary conviction, before two justices of the peace, to a fine of one hundred dollars or to six months' imprisonment with or without hard labour. 50-51 V., c. 45, ss. 6 and 8. Unlawful possession, sale, &c., of public stores.

388. Every one, not being in Her Majesty's service, or a dealer in marine stores or a dealer in old metals, in whose possession any public stores bearing any such mark are found who, when taken or summoned before two justices of the peace, does not satisfy such justices that he came lawfully Not satisfying justices that possession of public stores is lawful.

fully by such stores so found, is guilty of an offence and liable, on summary conviction, to a fine of twenty-five dollars; and

2. If any such person satisfies such justices that he came lawfully by the stores so found, the justices, in their discretion, as the evidence given or the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and

3. Every one who has had possession thereof, who does not satisfy such justices that he came lawfully by the same, is liable, on summary conviction of having had possession thereof, to a fine of twenty-five dollars, and in default of payment to three months' imprisonment with or without hard labour. 50-51 V., c. 45, s. 9.

Searching for stores near Her Majesty's vessels.

389. Every one who, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, creeps, sweeps, dredges, or otherwise searches for stores in the sea, or any tidal or inland water, within one hundred yards from any vessel belonging to Her Majesty, or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any mooring belonging to Her Majesty, or from any of Her Majesty's wharfs or docks, victualling or steam factory yards, is guilty of an offence and liable, on summary conviction before two justices of the peace, to a fine of twenty-five dollars, or to three months' imprisonment, with or without hard labour. 50-51 V., c. 45, ss. 11 and 12.

Receiving regimental necessaries, &c., from soldiers or deserters.

390. Every one is guilty of an indictable offence and liable on conviction on indictment to five years' imprisonment and on summary conviction before two justices of the peace to a penalty not exceeding forty dollars, and not less than twenty dollars and costs, and, in default of payment, to six months' imprisonment with or without hard labour who—

(a.) buys, exchanges or detains, or otherwise receives from any soldier, militiaman or deserter any arms, clothing or furniture belonging to Her Majesty, or any such articles belonging to any soldier, militiaman or deserter as are generally deemed regimental necessaries according to the custom of the army; or

(b.) causes the colour of such clothing or articles to be changed; or

(c.) exchanges, buys or receives from any soldier or militiaman any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs. R.S.C., c. 169, ss. 2 and 4.

Receiving, &c., necessaries from mariners or deserters.

391. Every one is guilty of an indictable offence, and liable, on conviction on indictment to five years' imprisonment, and on summary conviction before two justices of the peace

peace to a penalty not exceeding one hundred and twenty dollars, and not less than twenty dollars and costs, and in default of payment to six months' imprisonment, who buys, exchanges or detains, or otherwise receives, from any seaman or marine, upon any account whatsoever, or has in his possession, any arms or clothing, or any such articles, belonging to any seaman, marine or deserter, as are generally deemed necessaries according to the custom of the navy. R.S.C., c. 169, ss. 3 and 4.

392. Every one is guilty of an indictable offence who detains, buys, exchanges, takes on pawn or receives, from any seaman or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman to sell, exchange or pawn any seaman's property, unless he acts in ignorance of the same being seaman's property, or of the person with whom he deals being or acting for a seaman, or unless the same was sold by the order of the Admiralty or Commander-in-Chief.

Receiving, &c., a seaman's property.

2. The offender is liable, on conviction on indictment to five years' imprisonment, and on summary conviction to a penalty not exceeding one hundred dollars; and for a second offence, to the same penalty, or, in the discretion of the justice, to six months' imprisonment, with or without hard labour.

3. The expression "seaman" means every person, not being a commissioned, warrant or subordinate officer, who is in or belongs to Her Majesty's Navy, and is borne on the books of any one of Her Majesty's ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessel in Her Majesty's service, is, by virtue of any Act of Parliament of the United Kingdom for the time being in force for the discipline of the Navy, subject to the provisions of such Act.

4. The expression "seaman's property" means any clothes, slops, medals, necessaries or articles usually deemed to be necessaries for sailors on board ship, which belong to any seaman.

5. The expression "Admiralty," means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral. R.S.C., c. 171, ss. 1 and 2.

393. Every one in whose possession any seaman's property is found who does not satisfy the justice of the peace before whom he is taken or summoned that he came by such property lawfully is liable, on summary conviction, to a fine of twenty-five dollars. R.S.C., c. 171, s. 3.

Not satisfying justice that possession of seaman's property is lawful.

394. Every one is guilty of an indictable offence and liable to seven years' imprisonment who conspires with any other person, by deceit or falsehood or other fraudulent

Conspiracy to defraud.

means, to defraud the public or any person, ascertained or unascertained, or to affect the public market price of stocks, shares, merchandise or anything else publicly sold, whether such deceit or falsehood or other fraudulent means would or would not amount to a false pretense as hereinbefore defined.

Cheating at play.

395. Every one is guilty of an indictable offence and liable to three years' imprisonment who, with intent to defraud any person, cheats in playing at any game, or in holding the stakes, or in betting on any event. R.S.C., c. 164, s. 80.

Pretending to practise witchcraft.

396. Every one is guilty of an indictable offence and liable to one year's imprisonment who pretends to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult or crafty science, to discover where or in what manner any goods or chattels supposed to have been stolen or lost may be found.

PART XXIX.

ROBBERY AND EXTORTION.

Robbery defined.

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

Punishment of aggravated robbery.

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

(a.) robs any person and at the time of, or immediately before or immediately after, such robbery wounds, beats, strikes, or uses any personal violence to, such person; or

(b.) being together with any other person or persons robs, or assaults with intent to rob, any person; or

(c.) being armed with an offensive weapon or instrument robs, or assaults with intent to rob, any person. R.S.C., c. 164, s. 34.

Punishment of robbery.

399. Every one who commits robbery is guilty of an indictable offence and liable to fourteen years' imprisonment. R.S.C., c. 164, s. 32.

Assault with intent to rob.

400. Every one who assaults any person with intent to rob him is guilty of an indictable offence and liable to three years' imprisonment R.S.C., c. 164, s. 33.

Stopping the mail.

401. Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than

five years, who stops a mail with intent to rob or search the same. R.S.C., c. 35, s. 81.

402. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to defraud, or injure, by unlawful violence to, or restraint of the person of another, or by the threat that either the offender or any other person will employ such violence or restraint, unlawfully compels any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix any name or seal upon any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security. R.S.C., c. 173, s. 5.

Compelling execution of documents by force.

403. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security or other valuable thing. R.S.C., c. 173, s. 1.

Sending letter demanding property with menaces.

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

Demanding with intent to steal.

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

Extortion by certain threats.

(a.) accuses or threatens to accuse either that person or any other person, whether the person accused or threatened with accusation is guilty or not, of

(i.) any offence punishable by law with death or imprisonment for seven years or more ;

(ii.) any assault with intent to commit a rape, or any attempt or endeavour to commit a rape, or any indecent assault ;

(iii.) carnally knowing or attempting to know any child so as to be punishable under this Act ;

(iv.) any infamous offence, that is to say, buggery, an attempt or assault with intent to commit buggery, or any unnatural practice, or incest ;

(v.) counselling or procuring any person to commit any such infamous offence ; or

(b.) threatens that any person shall be so accused by any other person ; or

(c.) causes any person to receive a document containing such accusation or threat, knowing the contents thereof;

(d.) by any of the means aforesaid compels or attempts to compel any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security. R.S.C., c. 173, ss. 3, 4, 1 and 5.

Extortion by
other threats.

406. Every one is guilty of an indictable offence, and liable to imprisonment for seven years who—

(a.) with intent to extort or gain anything from any person accuses or threatens to accuse either that person or any other person of any offence other than those specified in the last section, whether the person accused or threatened with accusation is guilty or not of that offence ; or

(b.) with such intent as aforesaid, threatens that any person shall be so accused by any person ; or

(c.) causes any person to receive a document containing such accusation or threat knowing the contents thereof ; or

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

PART XXX.

BURGLARY AND HOUSEBREAKING.

Definition of
dwelling-
house, &c.

407. In this part the following words are used in the following senses :

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

(i.) A building occupied with, and within the same curtilage with, any dwelling-house shall be deemed to be part of the said dwelling-house if there is between such building and dwelling-house a communication, either immediate or by means of a covered and inclosed passage, leading from the one to the other, but not otherwise ;

(b.) To " break " means to break any part, internal or external, of a building, or to open by any means whatever (including lifting, in the case of things kept in their places by their own weight), any door, window, shutter, cellar-flap or other thing intended to cover openings to the building, or to give passage from one part of it to another ;

(i.) An entrance into a building is made as soon as any part of the body of the person making the entrance, or any part of any instrument used by him, is within the building ;

(ii.) Every one who obtains entrance into any building by any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, shall be deemed to have broken and entered that building. R.S.C., c. 164, s. 2.

408. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who breaks and enters any place of public worship and commits any indictable offence therein, or who, having committed any indictable offence therein, breaks out of such place. R.S.C., c. 164, s. 35.

Breaking place of worship and committing offence.

409. Every one is guilty of an indictable offence and liable to seven years' imprisonment who breaks and enters any place of public worship with intent to commit any indictable offence therein. R.S.C., c. 164, s. 42.

Breaking place of worship with intent to commit offence.

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

Burglary defined.

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

(b.) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein. R.S.C., c. 164, s. 37.

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

Housebreaking and committing an indictable offence.

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

(b.) breaks out of any dwelling-house by day after having committed any indictable offence therein. R.S.C., c. 164, s. 40.

412. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, by day, breaks and enters any dwelling-house with intent to commit any indictable offence therein. R.S.C., c. 164, s. 42.

Housebreaking with intent to commit an indictable offence.

413. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, either by day or night, breaks and enters and commits any indictable offence in a school-house, shop, warehouse or counting-house, or any building within the curtilage of a dwelling-house, but not so connected therewith as to form part of it under the provisions hereinbefore contained. R.S.C., c. 164, s. 41.

Breaking shop and committing an indictable offence.

414. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, either by day or night, breaks and enters any of the buildings mentioned in

Breaking shop with intent to commit an indictable offence.

the last preceding section with intent to commit any indictable offence therein. R.S.C., c. 164, s. 42.

Being found in dwelling-house by night.

415. Every one is guilty of an indictable offence and liable to seven years' imprisonment who unlawfully enters, or is in, any dwelling-house by night with intent to commit any indictable offence therein. R.S.C., c. 164, s. 39.

Being found armed with intent to break a dwelling-house.

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

(a.) armed with any dangerous or offensive weapon or instrument by day, with intent to break or enter into any dwelling-house, and to commit any indictable offence therein ; or

(b.) armed as aforesaid by night, with intent to break into any building and to commit any indictable offence therein. R.S.C., c. 164, s. 43.

Being disguised or in possession of housebreaking instruments.

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

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

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

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

(d.) having his face masked or blackened, or being otherwise disguised, by day with intent to commit any indictable offence. R.S.C., c. 164, s. 43.

Punishment after previous conviction.

418. Every one who, after a previous conviction for any indictable offence, is convicted of an indictable offence specified in this part for which the punishment on a first conviction is less than fourteen years' imprisonment is liable to fourteen years' imprisonment. R.S.C., c. 164, s. 44.

PART XXXI.

FORGERY.

Document defined.

419. A document means in this part any paper, parchment, or other material used for writing or printing, marked with matter capable of being read, but does not include trade marks on articles of commerce, or inscriptions on stone or metal or other like material.

" Bank note " and " exchequer bill " defined.

420. " Bank note " includes all negotiable instruments issued by or on behalf of any person, body corporate, or company carrying on the business of banking in any part of

the world, or issued by the authority of the Parliament of Canada or of any foreign prince, or state, or government, or any governor or other authority lawfully authorized thereto in any of Her Majesty's dominions, and intended to be used as equivalent to money, either immediately upon their issue or at some time subsequent thereto, and all bank bills and bank post bills;

(a.) "Exchequer bill" includes exchequer bonds, notes, debentures and other securities issued under the authority of the Parliament of Canada, or under the authority of any legislature of any province forming part of Canada, whether before or after such province so became a part of Canada.

421. The expression "false document" means—

False document defined.

(a.) a document the whole or some material part of which purports to be made by or on behalf of any person who did not make or authorize the making thereof, or which, though made by, or by the authority of, the person who purports to make it is falsely dated as to time or place of making, where either is material; or

(b.) a document the whole or some material part of which purports to be made by or on behalf of some person who did not in fact exist; or

(c.) a document which is made in the name of an existing person, either by that person or by his authority, with the fraudulent intention that the document should pass as being made by some person, real or fictitious, other than the person who makes or authorizes it.

2. It is not necessary that the fraudulent intention should appear on the face of the document, but it may be proved by external evidence.

422. Forgery is the making of a false document, knowing it to be false, with the intention that it shall in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or that some person should be induced, by the belief that it is genuine, to do or refrain from doing anything, whether within Canada or not.

Forgery defined.

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

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

4. Forgery is complete although the false document may be incomplete, or may not purport to be such a document as

would be binding in law, if it be so made as, and is such as to indicate that it was intended, to be acted on as genuine.

Punishment
of forgery.

423. Every one who commits forgery of the documents hereinafter mentioned is guilty of an indictable offence and liable to the following punishment:—

(A.) To imprisonment for life if the document forged purports to be, or was intended by the offender to be understood to be or to be used as —

(a.) any document having impressed thereon or affixed thereto any public seal of the United Kingdom or any part thereof, or of Canada or any part thereof, or of any dominion, possession or colony of Her Majesty; R.S.C., c. 165, s. 4; or

(b.) any document bearing the signature of the Governor General, or of any administrator, or of any deputy of the Governor, or of any Lieutenant-Governor or any one at any time administering the government of any province of Canada; R.S.C., c. 165, s. 5; or

(c.) any document containing evidence of, or forming the title or any part of the title to, any land or hereditament, or to any interest in or to any charge upon any land or hereditament, or evidence of the creation, transfer or extinction of any such interest or charge; or

(d.) any entry in any register or book, or any memorial or other document made, issued, kept or lodged under any Act for or relating to the registering of deeds or other instruments respecting or concerning the title to or any claim upon any land or the recording or declaring of titles to land; R.S.C., c. 165, s. 33; or

(e.) any document required for the purpose of procuring the registering of any such deed or instrument or the recording or declaring of any such title; R.S.C., c. 165, s. 38; or

(f.) any document which is made, under any Act, evidence of the registering or recording or declaring of any such deed, instrument or title; R.S.C., c. 165, s. 38; or

(g.) any document which is made by any Act evidence affecting the title to land; or

(h.) any notarial act or document or authenticated copy, or any *procès-verbal* of a surveyor or authenticated copy thereof; R.S.C., c. 165, s. 38; or

(i.) any register of births, baptisms, marriages, deaths or burials authorized or required by law to be kept, or any certified copy of any entry in or extract from any such register; R.S.C., c. 165, s. 43; or

(j.) any copy of any such register required by law to be transmitted by or to any registrar or other officer; R.S.C., c. 165, s. 44; or

(k.) any will, codicil or other testamentary document, either of a dead or living person, or any probate or letters of administration, whether with or without the will annexed; R.S.C., c. 165, s. 27; or

(*l.*) any transfer or assignment of any share or interest in any stock, annuity or public fund of the United Kingdom or any part thereof, or of Canada or any part thereof, or of any dominion, possession or colony of Her Majesty, or of any foreign state or country, or receipt or certificate for interest accruing thereon ; R.S.C., c. 165, ss. 8 and 25 ; or

(*m.*) any transfer or assignment of any share or interest in the debt of any public body, company or society, British, Canadian or foreign, or of any share or interest in the capital stock of any such company or society, or receipt or certificate for interest accruing thereon ; R.S.C., c. 165, s. 8 ; or

(*n.*) any transfer or assignment of any share or interest in any claim to a grant of land from the Crown, or to any scrip or other payment or allowance in lieu of any such grant of land ; R.S.C., c. 165, s. 8 ; or

(*o.*) any power of attorney or other authority to transfer any interest or share hereinbefore mentioned, or to receive any dividend or money payable in respect of any such share or interest ; R.S.C., c. 165, s. 8 ; or

(*p.*) any entry in any book or register, or any certificate, coupon, share, warrant or other document which by any law or any recognized practice is evidence of the title of any person to any such stock, interest or share, or to any dividend or interest payable in respect thereof ; R.S.C., c. 165, s. 11 ; or

(*q.*) any exchequer bill or endorsement thereof, or receipt or certificate for interest accruing thereon ; R.S.C., c. 165, s. 13 ; or

(*r.*) any bank note or bill of exchange, promissory note or cheque, or any acceptance, endorsement or assignment thereof ; R.S.C., c. 165, ss. 18, 25 and 28 ; or

(*s.*) any scrip in lieu of land ; R.S.C., c. 165, s. 13 ; or

(*t.*) any document which is evidence of title to any portion of the debt of any dominion, colony, or possession of Her Majesty, or of any foreign state, or any transfer or assignment thereof ; or

(*u.*) any deed, bond, debenture, or writing obligatory, or any warrant, order, or other security for money or payment of money, whether negotiable or not, or endorsement or assignment thereof ; R.S.C., c. 165, ss. 26 and 32 ; or

(*v.*) any accountable receipt or acknowledgment of the deposit, receipt, or delivery of money or goods, or endorsement or assignment thereof ; R.S.C., c. 165, s. 29 ; or

(*w.*) any bill of lading, charter-party, policy of insurance, or any shipping document accompanying a bill of lading, or any endorsement or assignment thereof ; or

(*x.*) any warehouse receipt, dock warrant, dock-keeper's certificate, delivery order, or warrant for the delivery of goods, or of any valuable thing, or any endorsement or assignment thereof ; or

(*y.*) any other document used in the ordinary course of business as proof of the possession or control of goods, or as authorizing,

authorizing, either on endorsement or delivery, the possessor of such document to transfer or receive any goods.

(B.) To fourteen years' imprisonment if the document forged purports to be, or was intended by the offender to be understood to be, or to be used as—

(a.) any entry or document made, issued, kept or lodged under any Act for or relating to the registry of any instrument respecting or concerning the title to, or any claim upon, any personal property ; R.S.C., c. 165, s. 38.

(b.) any public register or book not hereinbefore mentioned appointed by law to be made or kept, or any entry therein. R.S.C., s. 165, s. 7.

(C.) To seven years' imprisonment if the document forged purports to be, or was intended by the offender to be understood to be, or to be used as—

(a.) any record of any court of justice, or any document whatever belonging to or issuing from any court of justice, or being or forming part of any proceeding therein ; or

(b.) any certificate, office copy, or certified copy or other document which, by any statute in force for the time being, is admissible in evidence ; or

(c.) any document made or issued by any judge, officer or clerk of any court of justice, or any document upon which, by the law or usage at the time in force, any court of justice or any officer might act ; or

(d.) any document which any magistrate is authorized or required by law to make or issue ; or

(e.) any entry in any register or book kept, under the provisions of any law, in or under the authority of any court of justice or magistrate acting as such ; or

(f.) any copy of any letters patent, or of the enrolment or enregistration of letters patent, or of any certificates thereof ; R.S.C., c. 165, s. 6 ; or

(g.) any license or certificate for or of marriage ; R.S.C., c. 165, s. 42 ; or

(h.) any contract or document which, either by itself or with others, amounts to a contract, or is evidence of a contract ; or

(i.) any power or letter of attorney or mandate ; or

(j.) any authority or request for the payment of money, or for the delivery of goods, or of any note, bill, or valuable security ; R.S.C., c. 165, s. 29 ; or

(k.) any acquittance or discharge, or any voucher of having received any goods, money, note, bill or valuable security, or any instrument which is evidence of any such receipt ; R.S.C., c. 165, s. 29 ; or

(l.) any document to be given in evidence as a genuine document in any judicial proceeding ; or

(m.) any ticket or order for a free or paid passage on any carriage, tramway or railway, or on any steam or other vessel ; R.S.C., c. 165, s. 33 ; or

(n.) any document other than those above mentioned.
R.S.C., c. 165, s. 76.

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

Uttering forged documents.

2. It is immaterial where the document was forged.

425. Every one is guilty of an indictable offence and liable to imprisonment for life who unlawfully makes or counterfeits any public seal of the United Kingdom or any part thereof, or of Canada or any part thereof, or of any dominion, possession or colony of Her Majesty, or the impression of any such seal, or uses any such seal or impression, knowing the same to be so counterfeited. R.S.C., c. 165, s. 4.

Counterfeiting seals.

426. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who unlawfully makes or counterfeits any seal of a court of justice, or any seal of or belonging to any registry office or burial board, or the impression of any such seal, or uses any such seal or impression knowing the same to be counterfeited. R.S.C., c. 165, ss. 35, 38 and 43.

Counterfeiting seals of courts, registry offices, &c.

427. Every one is guilty of an indictable offence and liable to seven years' imprisonment who prints any proclamation, order, regulation or appointment, or notice thereof, and causes the same falsely to purport to have been printed by the Queen's Printer for Canada, or the Government Printer for any province of Canada, as the case may be, or tenders in evidence any copy of any proclamation, order, regulation or appointment which falsely purports to have been printed as aforesaid, knowing that the same was not so printed. R.S.C., c. 165, s. 37.

Unlawfully printing proclamation, &c.

428. Every one is guilty of an indictable offence who, with intent to defraud, causes or procures any telegram to be sent or delivered as being sent by the authority of any person, knowing that it is not sent by such authority, with intent that such telegram should be acted on as being sent by that person's authority, and is liable, upon conviction thereof, to the same punishment as if he had forged a document to the same effect as that of the telegram.

Sending telegrams in false names.

429. Every one is guilty of an indictable offence and liable to two years' imprisonment who, with intent to injure or alarm any person, sends, causes, or procures to be sent any telegram or letter or other message containing matter which he knows to be false.

Sending false telegrams.

Possessing
forged bank
notes.

430. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, without lawful authority or excuse (the proof whereof shall lie on him), purchases or receives from any person, or has in his custody or possession, any forged bank note, or forged blank bank note, whether complete or not, knowing it to be forged. R.S.C., c. 165, s. 19.

Drawing docu-
ment
without au-
thority.

431. Every one is guilty of an indictable offence who, with intent to defraud and without lawful authority or excuse, makes or executes, draws, signs, accepts or endorses, in the name or on the account of another person, by procuration or otherwise, any document, or makes use of or utters any such document knowing it to be so made, executed, signed, accepted or endorsed, and is liable to the same punishment as if he had forged such document. R.S.C., c. 165, s. 30.

Using probate
obtained by
forgery or
perjury.

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

(a.) demands, receives, obtains or causes, or procures to be delivered or paid to any person, anything under, upon, or by virtue of any forged instrument knowing the same to be forged, or under, upon, or by virtue of any probate or letters of administration, knowing the will, codicil, or testamentary writing on which such probate or letters of administration were obtained to be forged, or knowing the probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit; or

(b.) attempts to do any such thing as aforesaid. R.S.C., c. 165, s. 45.

PART XXXII.

PREPARATION FOR FORGERY AND OFFENCES RESEMBLING FORGERY.

Interpretation
of terms.

433. In this part the following expressions are used in the following senses:

(a.) "Exchequer bill paper" means any paper provided by the proper authority for the purpose of being used as exchequer bills, exchequer bonds, notes, debentures, or other securities mentioned in section four hundred and twenty;

(b.) "Revenue paper" means any paper provided by the proper authority for the purpose of being used for stamps, licenses, or permits, or for any other purpose connected with the public revenue.

Instruments
of forgery.

434. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, without lawful authority or excuse (the proof whereof shall lie on him)—

(a.) makes, begins to make, uses or knowingly has in his possession, any machinery or instrument or material for making exchequer bill paper, revenue paper or paper intended to resemble the bill paper of any firm or body corporate, or person carrying on the business of banking; R.S.C., c. 165, ss. 14, 16, 20 and 24; or

(b.) engraves or makes upon any plate or material anything purporting to be, or apparently intended to resemble, the whole or any part of any exchequer bill or bank note; R.S.C., c. 165, ss. 20, 22 and 24; or

(c.) uses any such plate or material for printing any part of any such exchequer bill or bank note; R.S.C., c. 165, ss. 22 and 23; or

(d.) knowingly has in his possession any such plate or material as aforesaid; R.S.C., c. 165, ss. 22 and 23; or

(e.) makes, uses or knowingly has in his possession any exchequer bill paper, revenue paper, or any paper intended to resemble any bill paper of any firm, body corporate, company, or person, carrying on the business of banking, or any paper upon which is written or printed the whole or any part of any exchequer bill, or of any bank note; R.S.C., c. 165, ss. 15, 16, 20 and 24.

(f.) engraves or makes upon any plate or material anything intended to resemble the whole or any distinguishing part of any bond or undertaking for the payment of money used by any dominion, colony or possession of Her Majesty, or by any foreign prince or state, or by any body corporate, or other body of the like nature, whether within Her Majesty's dominions or without; R.S.C., c. 165, s. 25; or

(g.) uses any such plate or other material for printing the whole or any part of such bond or undertaking; R.S.C., c. 165, s. 25; or

(h.) knowingly offers, disposes of or has in his possession any paper upon which such bond or undertaking, or any part thereof, has been printed; R.S.C., c. 165, s. 25.

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

Counterfeiting stamps.

(a.) fraudulently counterfeits any stamp, whether impressed or adhesive, used for the purposes of revenue by the Government of the United Kingdom or of Canada, or by the Government of any province of Canada, or of any possession or colony of Her Majesty, or by any foreign prince or state; or

(b.) knowingly sells or exposes for sale, or utters or uses any such counterfeit stamp; or

(c.) without lawful excuse (the proof whereof shall lie on him) makes, or has knowingly in his possession, any die or instrument capable of making the impression of any such stamp as aforesaid, or any part thereof; or

(d.) fraudulently cuts, tears or in any way removes from any material any such stamp, with intent that any use should be made of such stamp or of any part thereof; or

(e.) fraudulently mutilates any such stamp with intent that any use would be made of any part of such stamp; or

(f.) fraudulently fixes or places upon any material, or upon any such stamp, as aforesaid, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any other way removed from any other material or out of or from any other stamp; or

(g.) fraudulently erases, or otherwise, either really or apparently, removes, from any stamped material any name, sum, date, or other matter or thing thereon written, with the intent that any use should be made of the stamp upon such material; or

(h.) knowingly and without lawful excuse (the proof whereof shall lie upon him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise, either really or apparently, removed; R.S.C., c. 165, s. 17; or

(i.) without lawful authority makes or counterfeits any mark or brand used by the Government of the United Kingdom of Great Britain and Ireland, the Government of Canada, or the Government of any province of Canada, or by any department or officer of any such Government for any purpose in connection with the service or business of such Government, or the impression of any such mark or brand, or sells or exposes for sale or has in his possession any goods having thereon a counterfeit of any such mark or brand knowing the same to be a counterfeit, or affixes any such mark or brand to any goods required by law to be marked or branded other than those to which such mark or brand was originally affixed.

Falsifying registers.

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

(a.) unlawfully destroys, defaces or injures any register of births, baptisms, marriages, deaths or burials required or authorized by law to be kept in Canada, or any part thereof, or any copy of such register, or any part thereof required by law to be transmitted to any registrar or other officer; or

(b.) unlawfully inserts in any such register, or any such copy thereof, any entry, known by him to be false, of any matter relating to any birth, baptism, marriage, death or burial, or erases from any such register or document any material part thereof. R.S.C., c. 165, ss. 43 and 44.

Falsifying extracts from registers.

437. Every one is guilty of an indictable offence and liable to ten years' imprisonment, who—

(a.) being a person authorized or required by law to give any certified copy of any entry in any such register as in the last preceding section mentioned, certifies any writing to be a true copy or extract, knowing it to be false, or knowingly utters any such certificate ;

(b.) unlawfully and for any fraudulent purpose takes any such register or certified copy from its place of deposit or conceals it ;

(c.) being a person having the custody of any such register or certified copy, permits it to be so taken or concealed as aforesaid. R.S.C., c. 165, s. 44.

438. Every one is guilty of an indictable offence and liable to seven years' imprisonment, who— Uttering false certificates.

(a.) being by law required to certify that any entry has been made in any such register as in the two last preceding sections mentioned makes such certificate knowing that such entry has not been made ; or

(b.) being by law required to make a certificate or declaration concerning any particular required for the purpose of making entries in such register knowingly makes such certificate or declaration containing a falsehood ; or

(c.) being an officer having custody of the records of any court, or being the deputy of any such officer, wilfully utters a false copy or certificate of any record ; or

(d.) not being such officer or deputy fraudulently signs or certifies any copy or certificate of any record, or any copy of any certificate, as if he were such officer or deputy. R.S.C., c. 165, ss. 35 and 43.

439. Every one is guilty of an indictable offence and liable to two years' imprisonment, who— Forging certificates.

(a.) being an officer required or authorized by law to make or issue any certified copy of any document or of any extract from any document wilfully certifies, as a true copy of any document or of any extract from any such document, any writing which he knows to be untrue in any material particular ; or

(b.) not being such officer as aforesaid fraudulently signs or certifies any copy of any document, or of any extract from any document, as if he were such officer.

440. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to defraud— Making false entries in books relating to public funds.

(a.) makes any untrue entry or any alteration in any book of account kept by the Government of Canada, or of any province of Canada, or by any bank for any such Government, in which books are kept the accounts of the owners of any stock, annuity or other public fund transferable for the time being in any such books, or who, in any manner, wilfully falsifies any of the said books ; or

(b.) makes any transfer of any share or interest of or in any stock, annuity or public fund, transferable for the time being at any of the said banks, in the name of any person other than the owner of such share or interest. R.S.C., c. 165, s. 11.

Clerks issuing false dividend warrants.

441. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, being in the employment of the Government of Canada, or of any province of Canada, or of any bank in which any books of account mentioned in the last preceding section are kept, with intent to defraud, makes out or delivers any dividend warrant, or any warrant for the payment of any annuity, interest or money payable at any of the said banks, for an amount greater or less than that to which the person on whose account such warrant is made out is entitled. R.S.C., c. 165, s. 12.

Printing particulars, &c., in likeness of notes.

442. Every one is guilty of an offence and liable, on summary conviction before two justices of the peace, to a fine of one hundred dollars or three months' imprisonment, or both, who designs, engraves, prints or in any manner makes, executes, utters, issues, distributes, circulates or uses any business or professional card, notice, placard; circular, hand-bill or advertisement in the likeness or similitude of any bank note, or any obligation or security of any Government or any bank. 50-51 V., c. 47, s. 2; 53 V., c. 31, s. 3.

PART XXXIII.

FORGERY OF TRADE MARKS—FRAUDULENT MARKING OF MERCHANDISE.

Definitions.

443. In this part—

(a.) the expression "trade mark" means a trade mark or industrial design registered in accordance with *The Trade Mark and Design Act* and the registration whereof is in force under the provisions of the said Act, and includes any trade mark which, either with or without registration, is protected by law in any British possession or foreign state to which the provisions of section one hundred and three of the Act of the United Kingdom, known as the *The Patents, Designs, and Trade Marks Act, 1883*, are, in accordance with the provisions of the said Act, for the time being applicable;

(b.) the expression "trade description" means any description, statement, or other indication, direct or indirect—

(i.) as to the number, quantity, measure, gauge or weight of any goods;

(ii.) as to the place or country in which any goods are made or produced;

(iii.) as to the mode of manufacturing or producing any goods;

(iv.) as to the material of which any goods are composed ;

(v.) as to any goods being the subject of an existing patent, privilege or copyright ;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, is a trade description within the meaning of this part ;

(c.) the expression " false trade description " means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect ; and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this part ;

(d.) the expression " goods " means anything which is merchandise or the subject of trade or manufacture ;

(e.) the expression " covering " includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper ; and the expression " label " includes any band or ticket ;

(f.) the expressions " person, manufacturer, dealer, or trader," and " proprietor " include any body of persons corporate or unincorporate ;

(g.) the expression " name " includes any abbreviation of a name.

2. The provisions of this part respecting the application of a false trade description to goods extend to the application to goods of any such figures, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

3. The provisions of this part respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and the expression " false name or initials " means, as applied to any goods, any name or initials of a person which—

(a.) are not a trade mark, or part of a trade mark ;

(b.) are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials ;

(c.) are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods. 51 V., c. 41, s. 2.

Words or
marks on
watch cases.

444. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no such description, those words or marks shall *primâ facie* be deemed to be a description of that country within the meaning of this part, and the provision of this part with respect to goods to which a false description has been applied, and with respect to selling or exposing, or having in possession, for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly; and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case. 51 V., c. 41, s. 11.

Definition of
forgery of a
trade mark.

445. Every one is deemed to forge a trade mark who either—

(a.) without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling it as to be calculated to deceive; or

(b.) falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise.

2. And any trade mark or mark so made or falsified is, in this part, referred to as a forged trade mark. 51 V., c. 41, s. 3.

Applying
trade marks
to goods.

446. Every one is deemed to apply a trade mark, or mark, or trade description to goods who—

(a.) applies it to the goods themselves; or

(b.) applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade or manufacture; or

(c.) places, incloses or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade or manufacture in, with or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied; or

(d.) uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description.

2. A trade mark or mark or trade description is deemed to be applied whether it is woven, impressed or otherwise worked into, or annexed or affixed to, the goods, or to any covering, label, reel or other thing.

3. Every one is deemed to falsely apply to goods a trade mark or mark who, without the assent of the proprietor of the trade mark, applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive. 51 V., c. 41, s. 4.

Forgery of
trade marks,
&c.

447. Every one is guilty of an indictable offence who, with intent to defraud—

(a.) forges any trade mark; or

(b.)

(b.) falsely applies to any goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive ; or

(c.) makes any die, block, machine or other instrument, for the purpose of forging, or being used for forging, a trade mark ; or

(d.) applies any false trade description to goods ; or

(e.) disposes of, or has in his possession, any die, block, machine or other instrument, for the purpose of forging a trade mark ; or

(f.) causes any of such things to be done. 51 V., c. 41, s. 6.

448. Every one is guilty of an indictable offence who sells or exposes, or has in his possession, for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive, is falsely applied, as the case may be, unless he proves—

Selling goods falsely marked ; defence.

(a.) that having taken all reasonable precaution against committing such an offence he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description ; and

(b.) that on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; and

(c.) that otherwise he had acted innocently. 51 V., c. 41, s. 6.

449. Every one is guilty of an indictable offence who sells, or exposes or offers for sale, or traffics in, bottles marked with a trade mark, blown or stamped or otherwise permanently affixed thereon, without the assent of the proprietor of such trade mark. 51 V., c. 41, s. 7.

Selling bottles marked with trade mark without consent of owner.

450. Every one guilty of any offence defined in this part is liable—

Punishment of offences defined in this part.

(a.) on conviction on indictment to two years' imprisonment, with or without hard labour, or to fine, or to both imprisonment and fine ; and

(b.) on summary conviction, to four months' imprisonment, with or without hard labour, or to a fine not exceeding one hundred dollars ; and in case of a second or subsequent conviction to six months' imprisonment, with or without hard labour, or to a fine not exceeding two hundred and fifty dollars.

2. In any case every chattel, article, instrument or thing, by means of, or in relation to which, the offence has been committed shall be forfeited. 51 V., c. 41, s. 8.

Falsely representing that goods are manufactured for Her Majesty, &c.

451. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars who falsely represents that any goods are made by a person holding a royal warrant, or for the service of Her Majesty or any of the royal family, or any Government department of the United Kingdom or of Canada. 51 Vic., c. 41, s. 21.

Unlawful importation of goods liable to forfeiture under this part.

452. Every one is guilty of an offence and liable, on summary conviction, to a penalty of not more than five hundred dollars nor less than two hundred dollars who imports or attempts to import any goods which, if sold, would be forfeited under the provisions of this part, or any goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced; and such goods shall be forfeited. 51 V., c. 41, s. 22.

Defence where person charged innocently in the ordinary course of business makes instruments for forging trade marks.

453. Any one who is charged with making any die, block, machine or other instrument for the purpose of forging, or being used for forging, a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(a.) that in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines or other instruments for making or being used in making trade marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in Canada, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b.) that he took reasonable precaution against committing the offence charged; and

(c.) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and

(d.) that he gave to the prosecutor all the information in his power with respect to the person by or on whose behalf the trade mark, mark or description was applied;—

shall be discharged from the prosecution but is liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence. 51 V., c. 41, s. 5.

Defence where offender is a servant.

454. No servant of a master, resident in Canada, who *bona fide* acts in obedience to the instructions of such master, and,

on demand made by or on behalf of the prosecutor, gives full information as to his master, is liable to any prosecution or punishment for any offence defined in this part. 51 V., c. 41, s. 20.

455. The provisions of this part with respect to false trade descriptions do not apply to any trade description which, on the 22nd day of May, 1888, was lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods: Provided, that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, such provisions shall apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there. 51 V., c. 41, s. 19.

Exception respecting trade description lawfully applied to goods on 22nd May, 1888, &c.

PART XXXIV.

PERSONATION.

456. Every one is guilty of an indictable offence, and liable to fourteen years' imprisonment, who with intent fraudulently to obtain any property, personates any person, living or dead, or administrator, wife, widow, next of kin or relation of any person. Personation.

457. Every one is guilty of an indictable offence, and liable on indictment or summary conviction to one year's imprisonment, or to a fine of one hundred dollars, who falsely, with intent to gain some advantage for himself or some other person, personates a candidate at any competitive or qualifying examination, held under the authority of any law or statute or in connection with any university or college, or who procures himself or any other person to be personated at any such examination, or who knowingly avails himself of the results of such personation. Personation at examinations.

458. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who falsely and deceitfully personates— Personation of certain persons.

(a.) any owner of any share or interest of or in any stock, annuity, or other public fund transferable in any book of account kept by the Government of Canada or of any province thereof, or by any bank for any such Government; or

(b.) any owner of any share or interest of or in the debt of any public body, or of or in the debt or capital stock of any body corporate, company, or society ; or

(c.) any owner of any dividend, coupon, certificate or money payable in respect of any such share or interest as aforesaid ; or

(d.) any owner of any share or interest in any claim for a grant of land from the Crown, or for any scrip or other payment or allowance in lieu of such grant of land ; or

(e.) any person duly authorized by any power of attorney to transfer any such share, or interest, or to receive any dividend, coupon, certificate or money, on behalf of the person entitled thereto—

and thereby transfers or endeavours to transfer any share or interest belonging to such owner, or thereby obtains or endeavours to obtain, as if he were the true and lawful owner or were the person so authorized by such power of attorney, any money due to any such owner or payable to the person so authorized, or any certificate, coupon, or share warrant, grant of land, or scrip, or allowance in lieu thereof, or other document which, by any law in force, or any usage existing at the time, is deliverable to the owner of any such stock or fund, or to the person authorized by any such power of attorney. R.S.C., c. 165, s. 9.

Acknowledging instrument in false name.

459. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority or excuse (the proof of which shall lie on him) acknowledges, in the name of any other person, before any court, judge or other person lawfully authorized in that behalf, any recognizance of bail, or any *cognovit actionem*, or consent for judgment, or judgment, or any deed or other instrument. R.S.C., c. 165, s. 41.

PART XXXV.

OFFENCES RELATING TO THE COIN.

Interpretation of terms.

460. In this part, unless the context otherwise requires, the following words and expressions are used in the following senses :—

(a.) "Current gold or silver coin," includes any gold or silver coin coined in any of Her Majesty's mints, or gold or silver coin of any foreign prince or state or country, or other coin lawfully current, by virtue of any proclamation or otherwise, in any part of Her Majesty's dominions.

(b.) "Current copper coin," includes copper coin coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of Her Majesty's dominions.

(c.) "Copper coin," includes any coin of bronze or mixed metal and every other kind of coin other than gold or silver.

(d.) "Counterfeit" means false, not genuine.

(i.) Any genuine coin prepared or altered so as to resemble or pass for any current coin of a higher denomination is a counterfeit coin.

(ii.) A coin fraudulently filed or cut at the edges so as to remove the milling, and on which a new milling has been added to restore the appearance of the coin, is a counterfeit coin.

(e.) "Gild" and "silver," as applied to coin, include casing with gold or silver respectively, and washing and colouring by any means whatsoever with any wash or materials capable of producing the appearance of gold or silver respectively.

(f.) "Utter" includes "tender" and "put off." R.S.C., c. 167, s. 1.

461. Every offence of making any counterfeit coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter or put off, any counterfeit coin is deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, tendered, uttered or put off, was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected. R.S.C., c. 167, s. 27. When offence completed.

462. Every one is guilty of an indictable offence and liable to imprisonment for life who— Counterfeiting coins, &c.

(a.) makes or begins to make any counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or

(b.) gilds or silvers any coin resembling or apparently intended to resemble or pass for, any current gold or silver coin; or

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

(d.) gilds any current silver coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin; or

(e.) gilds or silvers any current copper coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold or silver coin. R.S.C., c. 167, ss. 3 and 4.

463. Every one is guilty of an indictable offence and liable to imprisonment for life who, without lawful authority or excuse the proof whereof shall lie on him— Dealing in and importing counterfeit coin.

(a.) buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, at or for a lower rate or value than the same imports, or was apparently intended to import, any counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin ; or

(b.) imports or receives into Canada any counterfeit coin resembling or apparently intended to resemble or pass for, any current gold or silver coin knowing the same to be counterfeit. R.S.C., c. 167, ss. 7 and 8.

Manufacture of copper coin and importation of uncurrent copper coin.

464. Every one who manufactures in Canada any copper coin, or imports into Canada any copper coin, other than current copper coin, with the intention of putting the same into circulation as current copper coin, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars for every pound Troy of the weight thereof ; and all such copper coin so manufactured or imported shall be forfeited to Her Majesty. R.S.C., c. 167, s. 28.

Exportation of counterfeit coin.

465. Every one is guilty of an indictable offence and liable to two years' imprisonment who, without lawful authority or excuse the proof whereof shall lie on him, exports or puts on board any ship, vessel or boat, or on any railway or carriage or vehicle of any description whatsoever, for the purpose of being exported from Canada, any counterfeit coin resembling or apparently intended to resemble or pass for any current coin or for any foreign coin of any prince, country or state, knowing the same to be counterfeit. R.S.C., c. 167, s. 9.

Making instruments for coining.

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

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

(b.) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures apparently resembling those on the edges of any such coin, knowing the same to be so adapted and intended ; or

(c.) any press for coinage, or any cutting engine for cutting, by force of a screw or of any other contrivance, round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been

used or to be intended to be used for or in order to the false making or counterfeiting of any such coin. R.S.C., c. 167, s. 24.

467. Every one is guilty of an indictable offence and liable to imprisonment for life who, without lawful authority or excuse the proof whereof shall lie on him, knowingly conveys out of any of Her Majesty's mints into Canada, any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or any useful part of any of the several articles aforesaid, or any coin, bullion, metal or mixture of metals. R.S.C., c. 167, s. 25.

Bringing instruments for coining from mints into Canada.

468. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who impairs, diminishes or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin. R.S.C., c. 167, s. 5.

Clipping current gold or silver coin.

469. Every one is guilty of an indictable offence and liable to one year's imprisonment who defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, and afterwards tenders the same. R.S.C., c. 167, s. 17.

Defacing current coins.

470. Every one is guilty of an indictable offence and liable to seven years' imprisonment who unlawfully has in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which have been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing the same to have been so produced or obtained. R.S.C., c. 167, s. 6.

Possessing clippings of current coin.

471. Every one is guilty of an indictable offence and liable to three years' imprisonment who has in his custody or possession, knowing the same to be counterfeit, and with intent to utter the same or any of them—

Possessing counterfeit coins.

(a.) any counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or

(b.) three or more pieces of counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin. R.S.C., c. 167, ss. 12 and 16.

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

Offences respecting copper coin.

(a.) makes, or begins to make, any counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin; or

(b.) without lawful authority or excuse, the proof of which shall lie on him, knowingly—

(i.) makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any instrument, tool or engine adapted and intended for counterfeiting any current copper coin ;

(ii.) buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any counterfeit coin resembling, or apparently intended to resemble or pass for any current copper coin, at or for a lower rate of value than the same imports or was apparently intended to import. R.S.C., c. 167, s. 15.

Offences re-
specting
foreign coins.

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

(a.) makes, or begins to make, any counterfeit coin or silver coin resembling, or apparently intended to resemble or pass for, any gold or silver coin of any foreign prince, state or country, not being current coin ;

(b.) without lawful authority or excuse, the proof of which shall lie on him—

(i.) brings into or receives in Canada any such counterfeit coin, knowing the same to be counterfeit ;

(ii.) has in his custody or possession any such counterfeit coin knowing the same to be counterfeit, and with intent to put off the same ; or

(c.) utters any such counterfeit coin ; or

(d.) makes any counterfeit coin resembling, or apparently intended to resemble or pass for, any copper coin of any foreign prince, state or country, not being current coin. R.S.C., c. 167, ss. 19, 20, 21, 22 and 23.

Uttering
counterfeit
gold or silver
coins.

474. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who utters any counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to be counterfeit. R.S.C., c. 167, s. 10.

Uttering light
coins, medals,
counterfeit
copper coins,
&c.

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

(a.) utters, as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired, diminished or lightened, otherwise than by lawful wear ; or

(b.) with intent to defraud utters, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal, or piece of metal or mixed metals, resembling, in size, figure and colour, the current coin as or for which the same is so uttered, such coin, medal or piece of metal or mixed metals so uttered being of less value than the current coin as or for which the same is so uttered ; or

(c.) utters any counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be counterfeit. R.S.C., c. 167, ss. 11, 14 and 16.

476. Every one who utters any coin defaced by having stamped thereon any names or words, is guilty of an offence and liable, on summary conviction before two justices of the peace, to a penalty not exceeding ten dollars. R.S.C., c. 167, s. 18. Uttering defaced coin.

477. Every one who utters, or offers in payment, any copper coin, other than current copper coin, is guilty of an offence and liable on summary conviction, to a penalty of double the nominal value thereof, and in default of payment of such penalty to eight days' imprisonment. R.S.C., c. 167, s. 33. Uttering uncurrent copper coins.

478. Every one who, after a previous conviction of any offence relating to the coin under this or any other Act, is convicted of any offence specified in this part is liable to the following punishment :— Punishment after previous conviction.

(a.) to imprisonment for life if otherwise fourteen years would have been the longest term of imprisonment to which he would have been liable ;

(b.) to fourteen years' imprisonment, if otherwise seven years would have been the longest term of imprisonment to which he would have been liable ;

(c.) to seven years' imprisonment, if otherwise he would not have been liable to seven years' imprisonment. R.S.C., c. 167, s. 13.

PART XXXVI.

ADVERTISING COUNTERFEIT MONEY.

479. In this part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described. 51 V., c. 40, s. 1. Definition.

480. Every one is guilty of an indictable offence and liable to five years' imprisonment who— Advertising counterfeit money, and other offences connected therewith.

(a.) prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet, handbill or any written or printed matter advertising, or offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute, any counterfeit token of value, or what purports to be a counterfeit token of value, or giving or purporting to give, either directly or indirectly, information where,

where, how, of whom, or by what means any counterfeit token of value, or what purports to be a counterfeit token of value, may be procured or had ; or

(b.) purchases, exchanges, accepts, takes possession of or in any way uses, or offers to purchase, exchange, accept, take possession of or in any way use, or negotiates or offers to negotiate with a view of purchasing or obtaining or using any such counterfeit token of value, or what purports so to be ; or

(c.) in executing, operating, promoting or carrying on any scheme or device to defraud, by the use or by means of any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution or exchange of counterfeit tokens of value, uses any fictitious, false or assumed name or address, or any name or address other than his own right, proper and lawful name ; or

(d.) in the execution, operating, promoting or carrying on, of any scheme or device offering for sale, loan, gift or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, knowingly receives or takes from the mails, or from the post office, any letter or package addressed to any such fictitious, false or assumed name or address, or name other than his own right, proper or lawful name. 51 V., c. 40, ss. 2 and 3.

PART XXXVII.

MISCHIEF.

Preliminary.

481. Every one who causes any event by an act which he knew would probably cause it, being reckless whether such event happens or not, is deemed to have caused it wilfully for the purposes of this part.

2. Nothing shall be an offence under any provision contained in this part unless it is done without legal justification or excuse, and without colour of right.

3. Where the offence consists in an injury to anything in which the offender has an interest, the existence of such interest, if partial, shall not prevent his act being an offence, and if total, shall not prevent his act being an offence, if done with intent to defraud. R.S.C., c. 168, ss. 60 and 61.

Arson.

482. Every one is guilty of the indictable offence of arson and liable to imprisonment for life who wilfully sets fire to any building or structure whether such building, erection or structure is completed or not, or to any stack of vegetable produce or of mineral or vegetable fuel, or to any mine or any well of oil or other combustible substance, or to any

ship or vessel, whether completed or not, or to any timber or materials placed in any shipyard for building or repairing or fitting out any ship, or to any of Her Majesty's stores or munitions of war. R.S.C., c. 168, ss. 2 to 5, 7, 8, 19, 28, 46 and 47.

483. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom. R.S.C., c. 168, ss. 9, 10, 20, 29 and 48. Attempt to commit arson.

484. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who wilfully sets fire to— Setting fire to crops.

(a.) any crop, whether standing or cut down, or any wood, forest, coppice or plantation, or any heath, gorse, furze or fern ; or

(b.) any tree, lumber, timber, logs, or floats, boom, dam or slide, and thereby injures or destroys the same. R.S.C., c. 168, ss. 18 and 12.

485. Every one is guilty of an indictable offence and liable to seven years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom. R.S.C., c. 168, s. 20. Attempt to set fire to crops.

486. Every one is guilty of an indictable offence and liable to two years' imprisonment, who, by such negligence as shows him to be reckless or wantonly regardless of consequences, or in violation of a provincial or municipal law of the locality, sets fire to any forest, tree, manufactured lumber, square timber, logs or floats, boom, dam or slide on the Crown domain, or land leased or lawfully held for the purpose of cutting timber, or on private property, on any creek or river, or rollway, beach or wharf, so that the same is injured or destroyed. Recklessly setting fire to forest, &c.

2. The magistrate investigating any such charge may, in his discretion, if the consequences have not been serious, dispose of the matter summarily, without sending the offender for trial, by imposing a fine not exceeding fifty dollars, and in default of payment by the committal of the offender to prison for any term not exceeding six months, with or without hard labour. R.S.C., c. 168, s. 11.

487. Every one is guilty of an indictable offence and liable to ten years' imprisonment who sends, delivers or utters, Threats to burn, &c.

utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any building, or any rick or stack of grain, hay or straw or other agricultural produce, or any grain, hay or straw or other agricultural produce in or under any building, or any ship or vessel. R.S.C., c. 173, s. 8.

Attempt to
damage by
gunpowder.

488. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who wilfully places or throws any explosive substance into or near any building or ship with intent to destroy or damage the same or any machinery, working tools, or chattels whatever, whether or not any explosion takes place. R.S.C., c. 168, ss. 14 and 49.

Mischief on
railways.

489. Every one is guilty of an indictable offence and liable to five years' imprisonment who, in manner likely to cause danger to valuable property, without endangering life or person—

(a.) places any obstruction upon any railway, or takes up, removes, displaces, breaks or injures any rail, sleeper or other matter or thing belonging to any railway; or

(b.) shoots or throws anything at an engine or other railway vehicle; or

(c.) interferes without authority with the points, signals or other appliances upon any railway; or

(d.) makes any false signal on or near any railway; or

(e.) wilfully omits to do any act which it is his duty to do; or

(f.) does any other unlawful act.

2. Every one who does any of the acts above mentioned with intent to cause such danger is liable to imprisonment for life. R.S.C., c. 168, ss. 37 and 38.

Obstructing
railways.

490. Every one is guilty of an indictable offence and liable to two years' imprisonment who, by any act or wilful omission obstructs or interrupts, or causes to be obstructed or interrupted, the construction, maintenance or free use of any railway or any part thereof, or any matter or thing appertaining thereto or connected therewith. R.S.C., c. 168, ss. 38 and 39.

Injuries to
packages in
the custody of
railways.

491. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so destroyed or damaged or to one month's imprisonment with or without hard labour, or to both, who—

(a.) wilfully destroys or damages anything containing any goods or liquors in or about any railway station or building or any vehicle of any kind on any railway, or in any warehouse, ship or vessel, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or

(b.) unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof. R.S.C., c. 38, s. 62; 51 V., c. 29, s. 297.

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

Injuries to electric telegraphs, &c.

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

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

2. Every one who wilfully, by any overt act, attempts to commit any such offence is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars, or to three months' imprisonment with or without hard labour. R.S.C., c. 168, ss. 40 and 41.

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

Wrecking.

(a.) casts away or destroys any ship, whether complete or unfinished; or

(b.) does any act tending to the immediate loss or destruction of any ship in distress; or

(c.) interferes with any marine signal, or exhibits any false signal, with intent to bring a ship or boat into danger. R.S.C., c. 168, ss. 46 and 51.

494. Every one is guilty of an indictable offence, and liable to fourteen years' imprisonment, who attempts to cast away or destroy any ship, whether complete or unfinished. R.S.C., c. 168, s. 48.

Attempting to wreck.

495. Every one is guilty of an indictable offence and liable to seven years' imprisonment who wilfully alters, removes or conceals, or attempts to alter, remove or conceal, any signal, buoy or other sea mark used for the purposes of navigation.

Interfering with marine signals.

2. Every one who makes fast any vessel or boat to any such signal, buoy, or sea mark is liable, on summary conviction, to a penalty not exceeding ten dollars, and in default of payment to one month's imprisonment. R.S.C., c. 168, ss. 52 and 53.

496. Every one is guilty of an indictable offence and liable to seven years' imprisonment who wilfully prevents or impedes, or endeavours to prevent or impede—

Preventing the saving of wrecked vessels or wreck.

(a.) the saving of any vessel that is wrecked, stranded, abandoned or in distress; or

(b.) any person in his endeavour to save such vessel.

2. Every one who wilfully prevents or impedes, or endeavours to prevent or impede, the saving of any wreck is guilty of an indictable offence and liable, on conviction on indictment, to two years' imprisonment, and on summary conviction before two justices of the peace, to a fine of four hundred dollars or six months' imprisonment with or without hard labour. R.S.C., c. 81, ss. 36 (b.) and 37 (c.)

Injuries to rafts of timber and works used for the transmission thereof.

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

(a.) breaks, injures, cuts, loosens, removes or destroys, in whole or in part, any dam, pier, slide, boom or other such work, or any chain or other fastening attached thereto, or any raft, crib of timber or saw-logs ; or

(b.) impedes or blocks up any channel or passage intended for the transmission of timber. R.S.C., c. 168, s. 54.

Mischief to mines.

498. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, with intent to injure a mine or oil well, or obstruct the working thereof—

(a.) causes any water, earth, rubbish or other substance to be conveyed into the mine or oil well or any subterranean channel communicating with such mine or well ; or

(b.) damages any shaft or any passage of the mine or well ; or

(c.) damages, with intent to render useless, any apparatus, building, erection, bridge or road belonging to the mine or well, whether the object damaged be complete or not ; or

(d.) hinders the working of any such apparatus ; or

(e.) damages or unfastens, with intent to render useless, any rope, chain or tackle used in any mine or well or upon any way or work connected therewith. R.S.C., c. 168, ss. 30 and 31.

Mischief.

499. Every one is guilty of the indictable offence of mischief who wilfully destroys or damages any of the property hereinafter mentioned, and is liable to the punishments hereinafter specified :—

(A.) To imprisonment for life if the object damaged be—

(a.) a dwelling-house, ship or boat, and the damage be caused by an explosion, and any person be in such dwelling-house, ship or boat ; and the damage causes actual danger to life ; or

(b.) a bank, dyke or wall of the sea, or of any inland water, natural or artificial, or any work in, on, or belonging to any port, harbour, dock or inland water, natural or artificial, and the damage causes actual danger of inundation ; or

(c.) any bridge (whether over any stream of water or not) or any viaduct, or aqueduct, over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, and the damage is done with intent and so as to render

such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable ; or

(*d.*) a railway damaged with the intent of rendering and so as to render such railway dangerous or impassable. R.S.C., c. 168, ss. 13, 32 and 49 ; c. 32, s. 213.

(*B.*) To fourteen years' imprisonment if the object damaged be—

(*a.*) a ship in distress or wrecked, or any goods, merchandise or articles belonging thereto ; or

(*b.*) any cattle or the young thereof, and the damage be caused by killing, maiming, poisoning or wounding.

(*C.*) To seven years' imprisonment if the object damaged be—

(*a.*) a ship damaged with intent to destroy or render useless such ship ; or

(*b.*) a signal or mark used for purposes of navigation ; or

(*c.*) a bank, dyke or wall of the sea or of any inland water or canal, or any materials fixed in the ground for securing the same, or any work belonging to any port, harbour, dock, or inland water or canal ; or

(*d.*) a navigable river or canal damaged by interference with the flood gates or sluices thereof or otherwise, with intent and so as to obstruct the navigation thereof ; or

(*e.*) the flood gate or sluice of any private water with intent to take or destroy, or so as to cause the loss or destruction of, the fish therein ; or

(*f.*) a private fishery or salmon river damaged by lime or other noxious material put into the water with intent to destroy fish then being or to be put therein ; or

(*g.*) the flood gate of any mill-pond, reservoir or pool cut through or destroyed ; or

(*h.*) goods in process of manufacture damaged with intent to render them useless ; or

(*i.*) agricultural or manufacturing machines, or manufacturing implements, damaged with intent to render them useless ; or

(*j.*) a hop bind growing in a plantation of hops, or a grape vine growing in a vineyard. R.S.C., c. 168, ss. 16, 17, 21, 33, 34, 50 and 52.

(*D.*) To five years' imprisonment if the object damaged be—

(*a.*) a tree, shrub or underwood growing in a park, pleasure ground or garden, or in any land adjoining or belonging to a dwelling-house, injured to an extent exceeding in value five dollars ; or

(*b.*) a post letter bag or post letter ; or

(*c.*) any street letter box, pillar box or other receptacle established by authority of the Postmaster-General for the deposit of letters or other mailable matter ; or

(*d.*) any parcel sent by parcel post, any packet or package of patterns or samples of merchandise or goods, or of seeds,

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

(e.) any property, real or personal, corporeal or incorporeal, for damage to which no special punishment is by law prescribed, damaged by night to the value of twenty dollars. R.S.C., c. 168, ss. 22, 23, 38 and 58; c. 35, ss. 79, 91, 96 and 107; 53 V., c. 37, s. 17.

(E.) To two years' imprisonment if the object damaged be—

(a.) any property, real or personal, corporeal or incorporeal, for damage to which no special punishment is by law prescribed, damaged to the value of twenty dollars. R.S.C., c. 168, ss. 36, 42 and 58; 53 V., c. 37, s. 17.

Attempting to injure or poison cattle.

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

(a.) attempts to kill, maim, wound, poison or injure any cattle, or the young thereof; or

(b.) places poison in such a position as to be easily partaken of by any such animal. R.S.C., c. 168, s. 44.

Injuries to other animals.

501. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars over and above the amount of injury done, or to three months' imprisonment with or without hard labour, who wilfully kills, maims, wounds, poisons or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any lawful purpose.

2. Every one who, having been convicted of any such offence, afterwards commits any offence under this section, is guilty of an indictable offence, and liable to a fine or imprisonment, or both, in the discretion of the court. R.S.C., c. 168, s. 45; 53 V., c. 37, s. 16.

Threats to injure cattle.

502. Every one is guilty of an indictable offence and liable to two years' imprisonment who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill, maim, wound, poison, or injure any cattle. R.S.C., c. 173, s. 8.

Injuries to poll-books, &c.

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

(a.) destroys, injures or obliterates, or causes to be destroyed, injured or obliterated; or

(b.) makes or causes to be made any erasure, addition of names or interlineation of names in or upon—

any writ of election, or any return to a writ of election, or any indenture, poll-book, voters' list, certificate, affidavit or

report, or any document, ballot or paper made, prepared or drawn out according to any law in regard to Dominion, provincial, municipal or civic elections. R.S.C., c. 168, s. 55.

504. Every one is guilty of an indictable offence and liable to five years' imprisonment who, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building which is built on lands subject to a mortgage or which is held for any term of years or other less term, or at will, or held over after the termination of any tenancy, wilfully and to the prejudice of the mortgagee or owner—

Injuries to buildings by tenants.

(a.) pulls down or demolishes, or begins to pull down or demolish the same or any part thereof, or removes or begins to remove the same or any part thereof from the premises on which it is erected; or

(b.) pulls down or severs from the freehold any fixture fixed in or to such dwelling-house or building, or part of such dwelling-house or building.

505. Every one is guilty of an indictable offence and liable to seven years' imprisonment who wilfully pulls down, defaces, alters or removes any mound, land mark, post or monument lawfully erected, planted or placed to mark or determine the boundaries of any province, county, city, town, township, parish or other municipal division. R.S.C., c. 168, s. 56.

Injuries to land marks indicating municipal divisions.

506. Every one is guilty of an indictable offence and liable to five years' imprisonment, who wilfully defaces, alters or removes any mound, land mark, post or monument lawfully placed by any land surveyor to mark any limit, boundary or angle of any concession, range, lot or parcel of land.

Injuries to other land marks.

2. It is not an offence for any land surveyor in his operations to take up such posts or other boundary marks when necessary, if he carefully replaces them as they were before. R.S.C., c. 168, s. 57.

507. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the amount of the injury done, who wilfully destroys or damages any fence, or any wall, stile or gate, or any part thereof respectively, or any post or stake planted or set up on any land, marsh, swamp or land covered by water, on or as the boundary or part of the boundary line thereof, or in lieu of a fence thereto.

Injuries to fences, &c.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable, on summary conviction, to three months' imprisonment with hard labour. R.S.C., c. 168, s. 27; 58 V., c. 88, s. 15.

Injuries to trees, &c., wheresoever growing.

508. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty-five dollars over and above the amount of the injury done, or to two months' imprisonment with or without hard labour, who wilfully destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same is growing, the injury done being to the amount of twenty-five cents, at the least.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the amount of the injury done, or to four months' imprisonment with hard labour.

3. Every one who, having been twice convicted of any such offence, afterwards commits any such offence, is guilty of an indictable offence and liable to two years' imprisonment. R.S.C., c. 168, s. 24.

Injuries to vegetable productions growing in gardens, &c.

509. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the amount of the injury done, or to three months' imprisonment with or without hard labour, who wilfully destroys, or damages with intent to destroy, any vegetable production growing in any garden, orchard, nursery ground, house, hot-house, green-house or conservatory.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is guilty of an indictable offence, and liable to two years' imprisonment. R.S.C., c. 168, s. 25.

Injuries to cultivated roots and plants growing elsewhere.

510. Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five dollars over and above the amount of the injury done, or to one month's imprisonment with or without hard labour, who wilfully destroys, or damages with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground.

2. Every one who, having been convicted of any such offence, afterwards commits any such offence is liable, on summary conviction, to three months' imprisonment with hard labour. R.S.C., c. 168, s. 26.

Injuries not otherwise provided for.

511. Every one who wilfully commits any damage, injury or spoil to or upon any real or personal property either corporeal or incorporeal, and either of a public or private nature, for which no punishment is hereinbefore provided, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars, and such further sum, not exceeding twenty dollars, as appears to the justice to be a

reasonable compensation for the damage, injury or spoil so committed,—which last mentioned sum of money shall, in the case of private property, be paid to the person aggrieved; and if such sums of money, together with the costs, if ordered, are not paid, either immediately after the conviction, or within such period as the justice, at the time of the conviction appoints, the justice may cause the offender to be imprisoned for any term not exceeding two months, with or without hard labour.

2. Nothing herein extends to—

(a.) any case where the person acted under a fair and reasonable supposition that he had a right to do the act complained of; or

(b.) any trespass, not being wilful and malicious, committed in hunting or fishing, or in the pursuit of game. R.S.C., c. 168, s. 59; 53 V., c. 37, s. 18.

PART XXXVIII.

CRUELTY TO ANIMALS.

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

Cruelty to animals.

(a.) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird; or

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

(c.) in any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature. R.S.C., c. 172, s. 2.

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

Keeping cock pit.

2. All cocks found in any such cock-pit, or on the premises wherein such cock-pit is, shall be confiscated and sold for the benefit of the municipality in which such cock-pit is situated. R.S.C., c. 172, s. 3.

The conveyance of cattle.

514. 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, and no owner or master of any vessel carrying or transporting cattle from one province to another province, or within any province, or from the United States through or to any province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight hours without unloading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains.

2. In reckoning the period of confinement, the time during which the cattle have been confined without such rest, and without the furnishing of food and water, on any connecting 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 shall not apply when cattle are carried in any car or vessel in which they have proper space and opportunity for rest, and proper food and water.

4. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof or, in case of his default in so doing, by the railway company, or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and such company, owner or master shall in such case have a lien upon such cattle for food, care and custody furnished and shall not be liable for any detention of such cattle.

5. Where cattle are unladen from cars for the purpose of receiving food, water and rest the railway company then having charge of the cars in which they have been transported shall, except during a period of frost, clear the floors of such cars, and litter the same properly with clean sawdust or sand before reloading them with live stock.

6. Every railway company, or owner or master of a vessel, having cattle in transit, or the owner or person having the custody of such cattle, as aforesaid, who knowingly and wilfully fails to comply with the foregoing provisions of this section, is liable for every such failure on summary conviction to a penalty not exceeding one hundred dollars. R.S.C., c. 172, ss. 8, 9, 10 and 11.

Search of premises; penalty for refusing admission to peace officer.

515. Any peace officer or constable may, at all times, enter any premises where he has reasonable grounds for supposing that any car, truck or vehicle, in respect whereof any company or person has failed to comply with the provisions of the next preceding section, is to be found, or

enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has, on any occasion, so failed.

2. Every one who refuses admission to such peace officer or constable is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars and not less than five dollars, and costs, and in default of payment, to thirty days' imprisonment. R.S.C., c. 171, s. 12.

PART XXXIX.

OFFENCES CONNECTED WITH TRADE AND BREACHES OF CONTRACT.

516. A conspiracy in restraint of trade is an agreement between two or more persons to do or procure to be done any unlawful act in restraint of trade. Conspiracies in restraint of trade.

517. The purposes of a trade union are not, by reason merely that they are in restraint of trade, unlawful within the meaning of the next preceding section. R.S.C., c. 181, s. 22. What acts done in restraint of trade are not unlawful.

518. No prosecution shall be maintainable against any person for conspiracy in refusing to work with or for any employer or workman, or for doing any act or causing any act to be done for the purpose of a trade combination, unless such act is an offence punishable by statute. 53 V., c. 37, s. 19. Prosecution for conspiracy.

519. The expression "trade combination" means any combination between masters or workmen or other persons for regulating or altering the relations between any persons being masters or workmen, or the conduct of any master or workman in or in respect of his business or employment, or contract of employment or service; and the expression "act" includes a default, breach or omission. R.S.C., c. 173, s. 13. Interpretation.

520. Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, and if a corporation is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully—

(a.) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(b.) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c.) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d.) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property. 52 V., c. 41, s. 1.

Criminal
breaches of
contract.

521. Every one is guilty of an indictable offence and liable on indictment or on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars or to three months' imprisonment, with or without hard labour, who—

(a.) wilfully breaks any contract made by him knowing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury; or

(b.) being, under any contract made by him with any municipal corporation or authority, or with any company, bound, agreeing or assuming to supply any city or any other place, or any part thereof, with electric light or power, gas or water, wilfully breaks such contract knowing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly or to a great extent, of their supply of power, light, gas or water; or

(c.) being under any contract made by him with a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight, or with Her Majesty, or any one on behalf of Her Majesty, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried, wilfully breaks such contract knowing, or having reason to believe 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 locomotive engine, or tender, or freight or passenger train or car, on the railway.

2. Every municipal corporation or authority or company which, being bound, agreeing or assuming to supply any city, or any other place, or any part thereof, with electric light or power, gas or water, wilfully breaks any contract made by such municipal corporation, authority, or company, knowing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place or part thereof wholly, or to a great extent, of their supply of electric light or power, gas or water, is liable to a penalty not exceeding one thousand dollars.

3. Every railway company which, being bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight, wilfully breaks any contract made by such railway company, knowing or having reason to believe that the probable consequences of its so doing will be to delay or prevent the running of any locomotive engine or tender, or freight or passenger train or car on the railway is liable to a penalty not exceeding one hundred dollars

4. It is not material whether any offence defined in this section is committed from malice conceived against the person, corporation, authority or company with which the contract is made or otherwise. R.S.C., c. 173, ss. 15 and 17.

522. Every such municipal corporation, authority, or company, shall cause to be posted up at the electrical works, gas works, or water-works, or railway stations, as the case may be, belonging to such corporation, authority or company, a printed copy of this and the preceding section in some conspicuous place, where the same may be conveniently read by the public; and as often as such copy becomes defaced, obliterated or destroyed shall cause it to be renewed with all reasonable despatch.

Posting up copies of provisions respecting criminal breaches of contract; defacing same.

2. Every such municipal corporation, authority or company which makes default in complying with such duty is liable to a penalty not exceeding twenty dollars for every day during which such default continues.

3. Every person unlawfully injuring, defacing or covering up any such copy so posted up is liable, on summary conviction, to a penalty not exceeding ten dollars. R.S.C., c. 173, s. 19.

523. Every one is guilty of an indictable offence and liable, on indictment or on summary conviction before two justices of the peace, to a fine not exceeding one hundred dollars or to three months' imprisonment with or without hard labour who, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain—

Intimidation;

(a.) uses violence to such other person, or his wife or children, or injures his property; or

(b.) intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property; or

(c.) persistently follows such other person about from place to place; or

(d.) hides any tools, clothes or other property owned or used by such other person, or deprives him of, or hinders him in, the use thereof; or

(e.) with one or more other persons, follows such other person, in a disorderly manner, in or through any street or road; or

(*f.*) besets or watches the house or other place where such other person resides or works, or carries on business or happens to be. R.S.C., c. 173, s. 12.

Intimidation of any person to prevent him from working at any trade.

524. Every one is guilty of an indictable offence and liable to two years' imprisonment who, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, or, in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture. R.S.C., c. 173, s. 9.

Intimidation of any person to prevent him dealing in wheat, &c. ; unlawfully preventing seamen from working.

525. Every one is guilty of an indictable offence and liable, on indictment or on summary conviction before two justices of the peace, to a fine not exceeding one hundred dollars, or to three months' imprisonment with or without hard labour, who—

(*a.*) beats or uses any violence or threat of violence to any person with intent to deter or hinder him from buying, selling or otherwise disposing of any wheat or other grain, flour, meal, malt or potatoes or other produce or goods, in any market or other place ; or

(*b.*) beats or uses any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, while on the way to or from any city, market, town or other place, with intent to stop the conveyance of the same ; or

(*c.*) by force or threats of violence, or by any form of intimidation whatsoever, hinders or prevents or attempts to hinder or prevent any seaman, stevedore, ship carpenter, ship labourer or other person employed to work at or on board any ship or vessel, or to do any work connected with the loading or unloading thereof, from working at or exercising any lawful trade, business, calling or occupation in or for which he is so employed ; or with intent so to hinder or prevent, besets or watches such ship, vessel or employee ; or

(*d.*) beats or uses any violence to, or makes any threat of violence against, any such person with intent to hinder or prevent him from working at or exercising the same, or on account of his having worked at or exercised the same. R.S.C., c. 173, s. 10 ; 50-51 V., c. 49.

Intimidation of any person to prevent him bidding for public lands.

526. Every person is guilty of an indictable offence and liable to a fine not exceeding four hundred dollars, or to two years' imprisonment, or to both, who, before or at the time of the public sale of any Indian lands, or public lands of Canada, or of any province of Canada, by intimidation, or illegal combination, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale. R.S.C., c. 173, s. 14.

PART XL.

ATTEMPTS—CONSPIRACIES—ACCESSORIES.

527. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, in any case not hereinbefore provided for, conspires with any person to commit any indictable offence.

Conspiring to commit an indictable offence.

528. Every one is guilty of an indictable offence and liable to seven years' imprisonment who attempts, in any case not hereinbefore provided for, to commit any indictable offence for which the punishment is imprisonment for life, or for fourteen years, or for any term longer than fourteen years.

Attempting to commit certain indictable offences.

529. Every one who attempts to commit any indictable offence for committing which the longest term to which the offender can be sentenced is less than fourteen years, and no express provision is made by law for the punishment of such attempt, is guilty of an indictable offence and liable to imprisonment for a term equal to one-half of the longest term to which a person committing the indictable offence attempted to be committed may be sentenced.

Attempting to commit other indictable offences.

530. Every one is guilty of an indictable offence and liable to one year's imprisonment who attempts to commit any offence under any statute for the time being in force and not inconsistent with this Act, or incites or attempts to incite any person to commit any such offence, and for the punishment of which no express provision is made by such statute.

Attempting to commit statutory offences.

531. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, in any case where no express provision is made by this Act for the punishment of an accessory, is accessory after the fact to any indictable offence for which the punishment is, on a first conviction, imprisonment for life, or for fourteen years, or for any term longer than fourteen years.

Accessories after the fact to certain indictable offences.

532. Every one who is accessory after the fact to any indictable offence for committing which the longest term to which the offender can be sentenced is less than fourteen years, and no express provision is made for the punishment of such accessory, is guilty of an indictable offence and liable to imprisonment for a term equal to one-half of the longest term to which a person committing the indictable offence to which he is accessory may be sentenced.

Accessories after the fact to other indictable offences.

TITLE VII.

PROCEDURE.

PART XLI.

GENERAL PROVISIONS.

Power to make rules.

533. Every superior court of criminal jurisdiction may at any time, with the concurrence of a majority of the judges thereof present at any meeting held for the purpose, make rules of court, not inconsistent with any statute of Canada, which shall apply to all proceedings relating to any prosecution, proceeding or action instituted in relation to any matter of a criminal nature, or resulting from or incidental to any such matter, and in particular for all or any of the purposes following:—

(a.) For regulating the sittings of the court or of any division thereof, or of any judge of the court sitting in chambers, except in so far as the same are already regulated by law.

(b.) For regulating in criminal matters the pleading, practice and procedure in the court, including the subjects of *mandamus*, *certiorari*, *habeas corpus*, prohibition, *quo warranto*, bail and costs, and the proceedings under section nine hundred of this Act.

(c.) Generally for regulating the duties of the officers of the court and every other matter deemed expedient for better attaining the ends of justice and carrying the provisions of the law into effect.

2. Copies of all rules made under the authority of this section shall be laid before both Houses of Parliament at the session next after the making thereof, and shall also be published in the *Canada Gazette*. 52 V., c. 40.

Civil remedy not suspended though act is a criminal offence.

534. After the commencement of this Act no civil remedy for any act or omission shall be suspended or affected by reason that such act or omission amounts to a criminal offence.

Abolition of distinction between felony and misdemeanour.

535. After the commencement of this Act the distinction between felony and misdemeanour shall be abolished, and proceedings in respect of all indictable offences (except so far as they are herein varied) shall be conducted in the same manner.

Construction of Acts.

536. Every Act shall be hereafter read and construed as if any offence for which the offender may be prosecuted by indictment (howsoever such offence may be therein described or referred to), were described or referred to as an "indictable offence";

offence"; and as if any offence punishable on summary conviction were described or referred to as an "offence"; and all provisions of this Act relating to "indictable offences" or "offences" (as the case may be) shall apply to every such offence.

2. Every commission, proclamation, warrant or other document relating to criminal procedure, in which offences which are indictable offences or offences (as the case may be) as defined by this Act are described or referred to by any names whatsoever, shall be hereafter read and construed as if such offences were therein described and referred to as indictable offences or offences (as the case may be).

537. In any Act in which reference is made to *The Speedy Trials Act* the same shall be construed, unless the context requires otherwise, as if such reference were to Part LIV. of this Act; any Act referring to *The Summary Trials Act* shall be construed, unless the context forbids it, as if such reference were to Part LV. of this Act; and every Act referring to *The Summary Convictions Act* shall be construed, unless the context forbids it, as if such reference were to Part LVIII. of this Act.

Construction of reference to certain Acts.

PART XLII.

JURISDICTION.

538. Every Superior Court of criminal jurisdiction and every judge of such court sitting as a court for the trial of criminal causes, and every Court of Oyer and Terminer and General Gaol Delivery has power to try any indictable offence.

Superior court.

539. Every Court of General Quarter Sessions of the Peace, when presided over by a Superior Court judge, or a County or District Court judge, or in the cities of Montreal and Quebec by a recorder or judge of the Sessions of the Peace; and in the province of New Brunswick every County Court judge has power to try any indictable offence except as hereinafter provided.

Other courts.

540. No such court as mentioned in the next preceding section has power to try any offence under the following sections, that is to say:

Jurisdiction in certain cases.

Part IV.—Sections sixty-five, treason; sixty-seven, accessories after the fact to treason; sixty-eight, sixty-nine and seventy, treasonable offences; seventy-one, assault on the Queen; seventy-two, inciting to mutiny; seventy-seven, unlawfully obtaining and communicating official information; seventy-eight, communicating information acquired by holding office.

Part VII.—Sections one hundred and twenty, administering, taking or procuring the taking of oaths to commit certain crimes ; one hundred and twenty-one, administering, taking or procuring the taking of other unlawful oaths ; one hundred and twenty-four, seditious offences ; one hundred and twenty-five, libels on foreign sovereigns ; one hundred and twenty-six, spreading false news.

Part VIII.—Piracy ; any of the sections in this part.

Part IX.—Sections one hundred and thirty-one, judicial corruption ; one hundred and thirty-two, corruption of officers employed in prosecuting offenders ; one hundred and thirty-three, frauds upon the Government ; one hundred and thirty-five, breach of trust by a public officer ; one hundred and thirty-six, corrupt practices in municipal affairs ; one hundred and thirty-seven (*a.*), selling and purchasing offices.

Part XI.—Escapes and rescues ; any of the sections in this part.

Part XVIII.—Sections two hundred and thirty-one, murder ; two hundred and thirty-two, attempts to murder ; two hundred and thirty-three, threats to murder ; two hundred and thirty-four, conspiracy to murder ; two hundred and thirty-five, accessory after the fact to murder.

Part XXI.—Sections two hundred and sixty-seven, rape ; two hundred and sixty-eight, attempt to commit rape.

Part XXIII.—Defamatory libel ; any of the sections in this part.

Part XXXIX.—Section five hundred and twenty, combinations in restraint of trade.

Part XL.—Conspiring or attempting to commit, or being accessory after the fact to any of the foregoing offences.

Exercising
powers of two
justices.

541. The judge of the Sessions of the Peace for the city of Quebec, the judge of the Sessions of the Peace for the city of Montreal, and every recorder, police magistrate, district magistrate or stipendiary magistrate appointed for any territorial division, and every magistrate authorized by the law of the province in which he acts to perform acts usually required to be done by two or more justices of the peace, 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 Act contained may be varied so far as necessary to render them applicable to such case. R.S.C., c. 174, s. 7.

PART XLIII.

PROCEDURE IN PARTICULAR CASES.

Offences
within the ju-
risdiction of
the admiralty
of England.

542. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any offence committed within the jurisdiction of the

Admiralty of England shall not be instituted in any court in Canada except with the leave of the Governor General and on his certificate that it is expedient that such proceedings should be instituted.

543. No person shall be prosecuted for the offence of unlawfully obtaining and communicating official information, as defined in sections seventy-seven and seventy-eight, without the consent of the Attorney-General or of the Attorney-General of Canada. 53 V., c. 10, s. 4. Disclosing official secrets.

544. No one holding any judicial office shall be prosecuted for the offence of judicial corruption, as defined in section one hundred and thirty-one, without the leave of the Attorney-General of Canada. Judicial corruption.

545. If any person is charged before a justice of the peace with the offence of making or having explosive substances, as defined in section one hundred, no further proceeding shall be taken against such person without the consent of the Attorney-General except such as the justice of the peace thinks necessary, by remand or otherwise, to secure the safe custody of such person. R.S.C., c. 150, s. 5. Making explosive substances.

546. No person shall be prosecuted for the offence of sending an unseaworthy ship to sea, as defined in section two hundred and fifty-six, without the consent of the Minister of Marine and Fisheries. Sending unseaworthy ships to sea.

547. No proceeding or prosecution against a trustee for a criminal breach of trust, as defined in section three hundred and sixty-three, shall be commenced without the sanction of the Attorney-General. R.S.C., c. 164, s. 65. Trustee fraudulently disposing of money.

548. No prosecution for concealing deeds and encumbrances, as defined in section three hundred and seventy, shall be commenced without the consent of the Attorney-General, given after previous notice to the person intended to be prosecuted of the application to the Attorney-General for leave to prosecute. R.S.C., c. 164, s. 91. Fraudulent acts of vendor or mortgagor.

549. No proceeding or prosecution for the offence of uttering defaced coin, as defined in section four hundred and seventy-six, shall be taken without the consent of the Attorney-General. Uttering defaced coin.

550. The trials of all persons apparently under the age of sixteen years shall, so far as it appears expedient and practicable, take place without publicity, and separately and apart from that of other accused persons and at suitable times to be designated and appointed for that purpose. Trial of minors.

Time within which proceedings shall be commenced in certain cases.

551. No prosecution for an offence against this Act, or action for penalties or forfeiture, shall be commenced—

(a.) after the expiration of three years from the time of its commission if such offence be—

(i.) treason, except treason by killing Her Majesty or where the overt act alleged is an attempt to injure the person of Her Majesty (Part IV., section sixty-five);

(ii.) treasonable offences (Part IV., section sixty-nine);

(iii.) any offence against Part XXXIII., relating to the fraudulent marking of merchandise; nor

(b.) after the expiration of two years from its commission if such offence be—

(i.) a fraud upon the Government (Part IX., section, one hundred and thirty-three);

(ii.) a corrupt practice in municipal affairs (Part IX., section one hundred and thirty-six);

(iii.) unlawfully solemnizing marriage (Part XXII., section two hundred and seventy-nine); nor

(c.) after the expiration of one year from its commission if such offence be—

(i.) opposing reading of Riot Act and assembling after proclamation (Part V., section eighty-three);

(ii.) refusing to deliver weapon to justice (Part VI., section one hundred and thirteen);

(iii.) coming armed near public meeting (section one hundred and fourteen);

(iv.) lying in wait near public meeting (section one hundred and fifteen);

(v.) seduction of girl under sixteen (Part XIII., section one hundred and eighty-one);

(vi.) seduction under promise of marriage (section one hundred and eighty-two);

(vii.) seduction of a ward, &c. (section one hundred and eighty-three);

(viii.) unlawfully defiling women (section one hundred and eighty-five);

(ix.) parent or guardian procuring defilement of girl (section one hundred and eighty-six);

(x.) householders permitting defilement of girls on their premises (section one hundred and eighty-seven); nor

(d.) after the expiration of six months from its commission, if the offence be—

(i.) unlawful drilling (Part V., section eighty-seven);

(ii.) being unlawfully drilled (section eighty-eight);

(iii.) having possession of arms for purposes dangerous to the public peace (Part VI., section one hundred and two);

(iv.) proprietor of newspaper publishing advertisement offering reward for recovery of stolen property (Part X., section one hundred and fifty-seven, paragraph *d*); nor

(e.) after the expiration of three months from its commission if the offence be cruelty to animals under sections five

hundred and twelve and five hundred and thirteen, Part XXXVIII; nor

(ii.) railways violating provisions relating to conveyance of cattle (Part XXXIX., section five hundred and fourteen);

(iii.) refusing peace officer admission to car, &c. (section five hundred and fifteen);

(f.) after the expiration of one month from its commission, if the offence be

(i.) improper use of offensive weapons (Part VI., sections one hundred and three, and one hundred and five to one hundred and eleven inclusive).

2. No person shall be prosecuted, under the provisions of section sixty-five or section sixty-nine of this Act, for any overt act of treason expressed or declared by open and advised speaking unless information of such overt act, and of the words by which the same was expressed or declared, is given upon oath to a justice within six days after the words are spoken and a warrant for the apprehension of the offender is issued within ten days after such information is given.

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

Arrest
without war-
rant.

Part IV.—Sections sixty-five, treason; sixty-seven, accessories after the fact to treason; sixty-eight, sixty-nine and seventy, treasonable offences; seventy-one, assaults on the Queen; seventy-two, inciting to mutiny.

Part V.—Sections eighty-three, offences respecting the reading of the Riot Act; eighty-five, riotous destruction of buildings; eighty-six, riotous damage to buildings.

Part VII.—Sections one hundred and twenty, administering, taking or procuring the taking of oaths to commit certain crimes; one hundred and twenty-one, administering, taking or procuring the taking of other unlawful oaths.

Part VIII.—Sections one hundred and twenty-seven, piracy; one hundred and twenty-eight, piratical acts; one hundred and twenty-nine, piracy with violence.

Part XI.—Sections one hundred and fifty-nine, being at large while under sentence of imprisonment; one hundred and sixty-one, breaking prison; one hundred and sixty-three, escape from custody or from prison; one hundred and sixty-four, escape from lawful custody.

Part XIII.—Section one hundred and seventy-four, unnatural offence.

Part XVIII.—Sections two hundred and thirty-one, murder; two hundred and thirty-two, attempt to murder; two hundred and thirty-five, being accessory after the fact to murder; two hundred and thirty-six, manslaughter; two hundred and thirty-eight, attempt to commit suicide.

Part XIX.—Sections two hundred and forty-one, wounding with intent to do bodily harm; two hundred and forty-

two, wounding; two hundred and forty-four, stupefying in order to commit an indictable offence; two hundred and forty-seven and two hundred and forty-eight, injuring or attempting to injure by explosive substances; two hundred and fifty, intentionally endangering persons on railways; two hundred and fifty-one, wantonly endangering persons on railways; two hundred and fifty-four, preventing escape from wreck.

Part XXI.—Sections two hundred and sixty-seven, rape; two hundred and sixty-eight, attempt to commit rape; two hundred and sixty-nine, defiling children under fourteen.

Part XXII.—Section two hundred and eighty-one, abduction of a woman.

Part XXV.—Section three hundred and fourteen, receiving property dishonestly obtained.

Part XXVI.—Sections three hundred and twenty, theft by agent, &c.; three hundred and fifty-five, bringing into Canada things stolen.

Part XXIX.—Sections three hundred and ninety-eight, aggravated robbery; three hundred and ninety-nine, robbery; four hundred, assault with intent to rob; four hundred and one, stopping the mail; four hundred and two, compelling execution of documents by force; four hundred and three, sending letter demanding with menaces; four hundred and four, demanding with intent to steal; four hundred and five, extortion by certain threats.

Part XXX.—Sections four hundred and eight, breaking place of worship and committing an indictable offence; four hundred and nine, breaking place of worship with intent to commit an indictable offence; four hundred and ten, burglary; four hundred and eleven, housebreaking and committing an indictable offence; four hundred and twelve, housebreaking with intent to commit an indictable offence; four hundred and thirteen, breaking shop and committing an indictable offence; four hundred and fourteen, breaking shop with intent to commit an indictable offence; four hundred and fifteen, being found in a dwelling-house by night; four hundred and sixteen, being armed, with intent to break a dwelling-house; four hundred and seventeen, being disguised or in possession of housebreaking instruments.

Part XXXI.—Sections four hundred and twenty-three, forgery; four hundred and twenty-four, uttering forged documents; four hundred and twenty-five, counterfeiting seals; four hundred and thirty, possessing forged bank notes; four hundred and thirty-two, using probate obtained by forgery or perjury.

Part XXXII.—Sections four hundred and thirty-four, making, having or using instrument for forgery or uttering forged bond or undertaking; four hundred and thirty-five, counterfeiting stamps; four hundred and thirty-six, falsifying registers.

Part XXXIV.—Section four hundred and fifty-eight, personation of certain persons.

Part XXXV.—Sections four hundred and sixty-two, counterfeiting gold and silver coin; four hundred and sixty-six, making instruments for coining; four hundred and sixty-eight, clipping current coin; four hundred and seventy, possessing clipping of current coin; four hundred and seventy-two, counterfeiting copper coin; four hundred and seventy-three, counterfeiting foreign gold and silver coin; four hundred and seventy-seven, uttering counterfeit current coin.

Part XXXVII.—Sections four hundred and eighty-two, arson; four hundred and eighty-three, attempt to commit arson; four hundred and eighty-four, setting fire to crops; four hundred and eighty-five, attempting to set fire to crops; four hundred and eighty-eight, attempt to damage by explosives; four hundred and eighty-nine, mischief on railways; four hundred and ninety-two, injuries to electric telegraphs, &c.; four hundred and ninety-three, wrecking; four hundred and ninety-four, attempting to wreck; four hundred and ninety-five, interfering with marine signals; four hundred and ninety-eight, mischief to mines; four hundred and ninety-nine, mischief.

2. Any one found committing any of the offences mentioned in the following sections, may be arrested without warrant by a peace officer:

Part XXVII.—Sections three hundred and fifty-nine, obtaining by false pretense; three hundred and sixty, obtaining execution of valuable securities by false pretense.

Part XXXV.—Sections four hundred and sixty-five, exporting counterfeit coin; four hundred and seventy-one, possessing counterfeit current coin; four hundred and seventy-three, paragraph (b), possessing counterfeit foreign gold or silver coin; four hundred and seventy-three, paragraph (d), counterfeiting foreign copper coin.

Part XXXVII.—Sections four hundred and ninety-seven, cutting booms, or breaking loose rafts or cribs of timber or saw-logs; five hundred, attempting to injure or poison cattle.

Part XXXVIII.—Sections five hundred and twelve, cruelty to animals; five hundred and thirteen, keeping cock-pit.

3. A peace officer may arrest, without warrant, any one whom he finds committing any offence against this Act, and any person may arrest, without warrant, any one whom he finds by night committing any offence against this Act.

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

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

6. Any officer in Her Majesty's service, any warrant or petty officer in the navy, and any non-commissioned officer of marines may arrest without warrant any person found committing any of the offences mentioned in section one hundred and nineteen of this Act.

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

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

PART XLIV.

COMPELLING APPEARANCE OF ACCUSED BEFORE JUSTICE.

Magisterial jurisdiction.

553. For the purposes of this Act, the following provisions shall have effect with respect to the jurisdiction of justices:

(a.) Where the offence is committed in any water, tidal or other, between two or more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions;

(b.) Where the offence is committed on the boundary of two or more magisterial jurisdictions, or within the distance of five hundred yards from any such boundary, or is begun within one magisterial jurisdiction and completed within another, such offence may be considered as having been committed in any one of such jurisdictions;

(c.) Where the offence is committed on or in respect to a mail, or a person conveying a post letter bag, post letter or anything sent by post, or on any person, or in respect of any property, in or upon any vehicle employed in a journey, or on board any vessel employed on any navigable river, canal or other inland navigation, the person accused shall be considered as having committed such offence in any magisterial jurisdiction through which such vehicle or vessel passed in the course of the journey or voyage during which the offence was committed: and where the centre or other part of the road, or any navigable river, canal or other inland

navigation along which the vehicle or vessel passed in the course of such journey or voyage, is the boundary of two or more magisterial jurisdictions, the person accused of having committed the offence may be considered as having committed it in any one of such jurisdictions.

554. Every justice may issue a warrant or summons as hereinafter mentioned to compel the attendance of an accused person before him, for the purpose of preliminary inquiry in any of the following cases :

When justice may compel appearance.

(a.) If such person is accused of having committed in any place whatever an indictable offence triable in the province in which such justice resides, and is, or is suspected to be, within the limits over which such justice has jurisdiction, or resides or is suspected to reside within such limits ;

(b.) If such person, wherever he may be, is accused of having committed an indictable offence within such limits ;

(c.) If such person is alleged to have anywhere unlawfully received property which was unlawfully obtained within such limits ;

(d.) If such person has in his possession, within such limits, any stolen property.

555. All offences committed in any of the unorganized tracts of country in the province of Ontario, including lakes, rivers and other waters therein, not embraced within the limits of any organized county, or within any provisional judicial district, may be laid and charged to have been committed and may be inquired of, tried and punished within any county of such province ; and such offences shall be within the jurisdiction of any court having jurisdiction over offences of the like nature committed within the limits of such county, before which court such offences may be prosecuted ; and such court shall proceed therein to trial, judgment and execution or other punishment for such offence, in the same manner as if such offence had been committed within the county where such trial is had.

Offences committed in certain parts of Ontario.

2. When any provisional judicial district or new county is formed and established in any of such unorganized tracts, all offences committed within the limits of such provisional judicial district or new county, shall be inquired of, tried and punished within the same, in like manner as such offences would have been inquired of, tried and punished if this section had not been passed.

3. Any person accused or convicted of any offence in any such provisional district may be committed to any common gaol in the province of Ontario ; and the constable or other officer having charge of such person and intrusted with his conveyance to any such common gaol, may pass through any county in such province with such person in his custody ; and the keeper of the common gaol of any county in such province in which it is found necessary to lodge for safe

safe keeping any such person so being conveyed through such county in custody, shall receive such person and safely keep and detain him in such common gaol for such period as is reasonable or necessary; and the keeper of any common gaol in such province, to which any such person is committed as aforesaid, shall receive such person and safely 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 may by law be taken. R.S.C., c. 174, s. 14.

Offences committed in the district of Gaspé.

556. Whenever any offence is committed in the district of Gaspé, the offender, if committed to gaol before trial, may be committed to the common gaol of the county in which the offence was committed, or may, in law, be deemed to have been committed, and if tried before the Court of Queen's Bench, he shall be so tried at the sitting of such court held in the county to the gaol of which he has been committed, and if imprisoned in the common gaol after trial he shall be so imprisoned in the common gaol of the county in which he has been tried. R.S.C., c. 174, s. 15.

Offence committed out of jurisdiction.

557. The preliminary inquiry may be held either by one justice or by more justices than one: Provided that if the accused person is brought before any justice charged with an offence committed out of the limits of the jurisdiction of such justice, such justice may, after hearing both sides, order the accused at any stage of the inquiry to be taken by a constable before some justice having jurisdiction in the place where the offence was committed. The justice so ordering shall give a warrant for that purpose to a constable, which may be in the form A in schedule one hereto, or to the like effect, and shall deliver to such constable the information, depositions and recognizances if any taken under the provisions of this Act, to be delivered to the justice before whom the accused person is to be taken, and such depositions and recognizances shall be treated to all intents as if they had been taken by the last-mentioned justice.

2. Upon the constable delivering to the justice the warrant, information, if any, depositions and recognizances, and proving on oath or affirmation, the handwriting of the justice who has subscribed the same, such justice, before whom the accused is produced, shall thereupon furnish such constable with a receipt or certificate in the form B in schedule one hereto, of his having received from him 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 affirmation, the handwriting of the justice who issued the warrant.

4. If such justice does not commit the accused for trial, or hold him to bail, the recognizances taken before the first mentioned justice shall be void.

558. Any one who, upon reasonable or probable grounds, believes that any person has committed an indictable offence against this Act may make a complaint or lay an information in writing and under oath before any magistrate or justice of the peace having jurisdiction to issue a warrant or summons against such accused person in respect of such offence. Information.

2. Such complaint or information may be in the form C in schedule one hereto, or to the like effect.

559. Upon receiving any such complaint or information the justice shall hear and consider the allegations of the complainant, and if of opinion that a case for so doing is made out he shall issue a summons, or warrant, as the case may be, in manner hereinafter mentioned; and such justice shall not refuse to issue such summons or warrant only because the alleged offence is one for which an offender may be arrested without warrant. R.S.C., c. 174, s. 30. Hearing on information.

560. Whenever any indictable offence is committed on the high seas, or in any creek, harbour, haven or other place in which the Admiralty of England have or claim to have jurisdiction, and whenever any offence is committed on land beyond the seas for which an indictment may be preferred or the offender may be arrested in Canada, any justice for any territorial division in which any person charged with, or suspected of, having committed any such offence is or is suspected to be, may issue his warrant, in the form D in schedule one hereto, or to the like effect, to apprehend such person, to be dealt with as herein and hereby directed. R.S.C., c. 174, s. 32. Warrant in cases of offence committed on the seas, &c.

561. Every one who is reasonably suspected of being a deserter from Her Majesty's service may be apprehended and brought for examination before any justice of the peace, and if it appears that he is a deserter he shall be confined in gaol until claimed by the military or naval authorities, or proceeded against according to law. R.S.C., c. 169, s. 6. Arrest of suspected deserter.

2. No one shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a justice of the peace,—such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and every one who resists the execution of any such warrant shall incur a penalty of eighty dollars, recoverable on summary conviction in like manner as other penalties under this Act. R.S.C., c. 169, s. 7.

562. Every summons issued by a justice under this Act shall be directed to the accused, and shall require him to appear at a time and place to be therein mentioned. Such summons may be in the form E in schedule one hereto, or to the like effect. No summons shall be signed in blank. Contents of summons. Service of summons.

2. Every such summons shall be served by a constable or other peace officer upon the person to whom it is directed, either by delivering it to him personally or, if such person cannot conveniently be met with, by leaving it for him at his last or most usual place of abode with some inmate thereof apparently not under sixteen years of age.

3. The service of any such summons may be proved by the oral testimony of the person effecting the same or by the affidavit of such person purporting to be made before a justice.

Warrant for
apprehension
in first
instance.

563. The warrant issued by a justice for the apprehension of the person against whom an information or complaint has been laid as provided in section five hundred and fifty-eight may be in the form F in schedule one hereto, or to the like effect. No such warrant shall be signed in blank.

2. Every such warrant shall be under the hand and seal of the justice issuing the same, and may be directed, either to any constable by name, or to such constable and all other constables within the territorial jurisdiction of the justice issuing it, or generally to all constables within such jurisdiction.

3. The warrant shall state shortly the offence for which it is issued, and shall name or otherwise describe the offender, and it shall order the officer or officers to whom it is directed to apprehend the offender and bring him before the justice or justices issuing the warrant, or before some other justice or justices, to answer to the charge contained in the said information or complaint, and to be further dealt with according to law. It shall not be necessary to make such warrant returnable at any particular time, but the same shall remain in force until it is executed.

4. The fact that a summons has been issued shall not prevent any justice from issuing such warrant at any time before or after the time mentioned in the summons for the appearance of the accused; and where the service of the summons has been proved and the accused does not appear, or when it appears that the summons cannot be served, the warrant (form G) may issue. R.S.C., c. 174, ss. 43, 44 and 46.

Execution of
warrant.

564. Every such warrant may be executed by arresting the accused wherever he is found in the territorial jurisdiction of the justice by whom it is issued, or, in the case of fresh pursuit, at any place in an adjoining territorial division within seven miles of the border of the first-mentioned division. R.S.C., 174, ss. 47 and 48.

2. Every such warrant may be executed by any constable named therein, or by any one of the constables to whom it is directed, whether or not the place in which it is to be executed is within the place for which he is a constable.

3. Every warrant authorized by this Act may be issued and executed on a Sunday or statutory holiday. R. S. C., c. 174, ss. 47 and 48.

565. If the person against whom any warrant has been issued cannot be found within the jurisdiction of the justice by whom the same was issued, but is or is suspected to be in any other part of Canada, any justice within whose jurisdiction he is or is suspected to be, upon proof being made on oath or affirmation of the handwriting of the justice who issued the same, shall make an endorsement on the warrant, signed with his name, authorizing the execution thereof within his jurisdiction; and such endorsement shall be sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed, and also to all constables of the territorial division where the warrant has been so endorsed, to execute the same therein and to carry the person against whom the warrant issued, when apprehended, before the justice who issued the warrant, or before some other justice for the same territorial division. Such endorsement may be in the form H in schedule one hereto. R.S.C., c. 174, s. 49.

Proceeding when offender is not within the jurisdiction of the justice issuing the warrant.

566. If the prosecutor or any of the witnesses for the prosecution are in the territorial division where such person has been apprehended upon a warrant endorsed as provided in the last preceding section the constable or other person or persons who have apprehended him may, if so directed by the justice endorsing the warrant, take him before such justice, or before some other justice for the same territorial division; and the said justice may thereupon take the examination of such prosecutor or witnesses, and proceed in every respect as if he had himself issued the warrant. R.S.C., c. 174, s. 50.

Disposal of person arrested on endorsed warrant.

567. When any person is arrested upon a warrant he shall, except in the case provided for in the next preceding section, be brought as soon as is practicable before the justice who issued it or some other justice for the same territorial division, and such justice shall either proceed with the inquiry or postpone it to a future time, in which latter case he shall either commit the accused person to proper custody or admit him to bail or permit him to be at large on his own recognizance according to the provisions hereinafter contained.

Disposal of person apprehended on warrant.

568. Every coroner, upon any inquisition taken before him whereby any person is charged with manslaughter or murder, shall (if the person or persons, or either of them, affected by such verdict or finding be not already charged with the said offence before a magistrate or justice), by warrant under his hand, direct that such person be taken into custody and be conveyed,

Coroner's inquisition.

conveyed, with all convenient speed, before a magistrate or justice; or such coroner may direct such person to enter into a recognizance before him, with or without a surety or sureties, to appear before a magistrate or justice. In either case, it shall be the duty of the coroner to transmit to such magistrate or justice the depositions taken before him in the matter. Upon any such person being brought or appearing before any such magistrate or justice, he shall proceed in all respects as though such person had been brought or had appeared before him upon a warrant or summons.

Search
warrant.

569. Any justice who is satisfied by information upon oath in the form J in schedule one hereto, that there is reasonable ground for believing that there is in any building, receptacle, or place—

(a.) anything upon or in respect of which any offence against this Act has been or is suspected to have been committed; or

(b.) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence; or

(c.) anything which there is reasonable ground to believe is intended to be used for the purpose of committing any offence against the person for which the offender may be arrested without warrant—

may at any time issue a warrant under his hand authorizing some constable or other person named therein to search such building, receptacle or place, for any such thing, and to seize and carry it before the justice issuing the warrant, or some other justice for the same territorial division to be by him dealt with according to law. R.S.C., c. 174, ss. 51 and 52.

2. Every search warrant shall be executed by day, unless the justice shall by the warrant authorize the constable or other person to execute it at night.

3. Every search warrant may be in the form I in schedule one hereto, or to the like effect.

4. When any such thing is seized and brought before such justice he may detain it, taking reasonable care to preserve it till the conclusion of the investigation; and, if any one is committed for trial, he may order it further to be detained for the purpose of evidence on the trial. If no one is committed, the justice shall direct such thing to be restored to the person from whom it was taken, except in the cases next hereinafter mentioned, unless he is authorized or required by law to dispose of it otherwise. In case any improved arm or ammunition in respect to which any offence under section one hundred and sixteen has been committed has been seized, it shall be forfeited to the Crown. R.S.C., c. 50, s. 101.

5. If under any such warrant there is brought before any justice any forged bank note, bank note-paper, instrument or other thing, the possession whereof in the absence of

lawful excuse is an offence under any provision of this, or any other Act, the court to which any such person is committed for trial or, if there is no commitment for trial, such justice may cause such thing to be defaced or destroyed. R.S.C., c. 174, s. 55.

6. If under any such warrant there is brought before any justice, any counterfeit coin or other thing the possession of which with knowledge of its nature and without lawful excuse is an indictable offence under any provision of Part XXXV. of this Act, every such thing as soon as it has been produced in evidence, or as soon as it appears that it will not be required to be so produced, shall forthwith be defaced or otherwise disposed of as the justice or the court directs. R.S.C., c. 174, s. 56.

7. Every person acting in the execution of any such warrant may seize any explosive substance which he has good cause to suspect is intended to be used for any unlawful object,—and shall, with all convenient speed, after the seizure, remove the same to such proper place as he thinks fit, and detain the same until ordered by a judge of a superior court to restore it to the person who claims the same. R.S.C., c. 150, s. 11.

8. Any explosive substance so seized shall, in the event of the person in whose possession the same is found, or of the owner thereof, being convicted of any offence under Part VI. of this Act, be forfeited; and the same shall be destroyed or sold under the direction of the court before which such person is convicted, and, in the case of sale, the proceeds arising therefrom shall be paid to the Minister of Finance and Receiver General, for the public uses of Canada. R.S.C., c. 150, s. 12.

9. If offensive weapons believed to be dangerous to the public peace are seized under a search warrant the same shall be kept in safe custody in such place as the justice directs, unless the owner thereof proves, to the satisfaction of such justice, that such offensive weapons were not kept for any purpose dangerous to the public peace; and any person from whom any such offensive weapons are so taken may, if the justice of the peace upon whose warrant the same are taken, upon application made for that purpose, refuses to restore the same, apply to a judge of a superior or county court for the restitution of such offensive weapons, upon giving ten days' previous notice of such application to such justice: and such judge shall make such order for the restitution or safe custody of such offensive weapons as upon such application appears to him to be proper. R.S.C., c. 149, ss. 2 and 3.

10. If goods or things by means of which it is suspected that an offence has been committed under Part XXXIII. are seized under a search warrant, and brought before a justice, such justice and one or more other justice or justices shall determine summarily whether the same are or are not forfeited under the said Part XXXIII.; and if the owner of any

goods or things which, if the owner thereof had been convicted, would be forfeited under this Act, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and the said justice may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be declared forfeited; and at such time and place the justice, unless the owner, or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may declare such goods or things, or any of them, forfeited. 51 V., c. 41, s. 14.

Search for
public stores.

570. Any constable or other peace officer, if deputed by any public department, may, within the limits for which he is such constable or peace officer, stop, detain and search any person reasonably suspected of having or conveying in any manner any public stores defined in section three hundred and eighty-three, stolen or unlawfully obtained, or any vessel, boat or vehicle in or on which there is reason to suspect that any public stores stolen or unlawfully obtained may be found.

2. A constable or other peace officer shall be deemed to be deputed within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorized to sign documents on behalf of such department.

Search war-
rant for gold,
silver, &c.

571. On complaint in writing made to any justice of the county, district or place, by any person interested in any mining claim, that mined gold or gold-bearing quartz, or mined or unmanufactured silver or silver ore, is unlawfully deposited in any place, or held by any person contrary to law, a general search warrant may be issued by such justice, as in the case of stolen goods, including any number of places or persons named in such complaint; and if, upon such search, any such gold or gold-bearing quartz, or silver or silver ore is found to be unlawfully deposited or held, the justice shall make such order for the restoration thereof to the lawful owner as he considers right.

2. The decision of the justice in such case is subject to appeal as in ordinary cases coming within the provisions of Part LVIII. R.S.C., c. 174, s. 53.

Search for
timber, &c.,
unlawfully
detained.

572. If any constable or other peace officer has reasonable cause to suspect that any timber, mast, spar, saw-log or other description of lumber, belonging to any lumberman or owner of lumber, and bearing the registered trade mark of such lumberman or owner of lumber, is kept or detained in any saw-mill, mill-yard, boom or raft, without the knowledge or consent of the owner, such constable or other peace officer may enter into or upon the same, and search or examine,

for the purpose of ascertaining whether such timber, mast, spar, saw-log or other description of lumber is detained therein without such knowledge and consent. R.S.C., c. 174, s. 54.

573. Any officer in Her Majesty's service, any warrant or petty officer of the navy, or any non-commissioned officer of marines, with or without seamen or persons under his command, may search any boat or vessel which hovers about or approaches, or which has hovered about or approached, any of Her Majesty's ships or vessels mentioned in section one hundred and nineteen, Part VI. of this Act, and may seize any intoxicating liquor found on board such boat or vessel; and the liquor so found shall be forfeited to the Crown. 50-51 V., c. 46, s. 3.

Search for liquors near Her Majesty's vessels.

574. Whenever there is reason to believe that any woman or girl mentioned in section one hundred and eighty-five, Part XIII., has been inveigled or enticed to a house of ill-fame or assignation, then upon complaint thereof being made under oath by the parent, husband, master or guardian of such woman or girl, or in the event of such woman or girl having no known parent, husband, master nor guardian in the place in which the offence is alleged to have been committed, by any other person, to any justice of the peace, or to a judge of any court authorized to issue warrants in cases of alleged offences against the criminal law, such justice of the peace or judge of the court may issue a warrant to enter, by day or night, such house of ill-fame or assignation, and if necessary use force for the purpose of effecting such entry whether by breaking open doors or otherwise, and to search for such woman or girl, and bring her, and the person or persons in whose keeping and possession she is, before such justice of the peace or judge of the court, who may, on examination, order her to be delivered to her parent, husband, master or guardian, or to be discharged, as law and justice require. R.S.C., c. 157, s. 7.

Search for women in house of ill-fame.

575. If the chief constable or deputy chief constable of any city or town, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or mayor of such city or town, or to the police magistrate of any town, that there are good grounds for believing, and that he does believe, that any house, room or place within the said city or town is kept or used as a common gaming or betting-house as defined in Part XIV., sections one hundred and ninety-six and one hundred and ninety-seven, or is used for the purpose of carrying on a lottery, or for the sale of lottery tickets, contrary to the provisions of Part XV., section two hundred and five, whether admission thereto is limited to those possessed of entrance keys or otherwise, the said commissioners or commissioner, or mayor, or the said police magistrate, may, by order in writing, authorize the

Search in gaming-house

chief constable, deputy chief constable, or other officer as aforesaid, to enter any such house, room or place, with such constables as are deemed requisite by the chief constable, deputy chief constable or other officer,—and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise,—and to take into custody all persons who are found therein, and to seize, as the case may be (1) all tables and instruments of gaming, and all moneys and securities for money, or (2) all instruments or devices for the carrying on of such lottery, and all lottery tickets found in such house or premises. R.S.C., c. 158, s. 2.

2. The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming or betting, or any instruments or devices for the carrying on of such lottery or any lottery tickets, are concealed, and all persons whom he finds in such house or premises, and seize all tables and instruments of gaming, or any such instruments or devices or lottery tickets as aforesaid, which he so finds. R.S.C., c. 158, s. 3.

3. The police magistrate or other justice of the peace before whom any person is taken by virtue of an order or warrant under this section, may direct any cards, dice, balls, counters, tables or other instruments of gaming, used in playing any game, and seized under this Act in any place used as a common gaming-house, or any such instruments or devices for the carrying on of a lottery, or any such lottery tickets as aforesaid, to be forthwith destroyed, and any money or securities seized under this section shall be forfeited to the Crown for the public uses of Canada. R.S.C., c. 158, s. 5.

4. The expression "chief constable" includes chief of police, city marshal or other head of the police force of any city, town or place. R.S.C., c. 158, s. 1.

5. The expression "deputy chief constable" includes deputy chief of police, deputy or assistant city marshal or other deputy head of the police force of any city, town or place, and the expression "police magistrate" includes stipendiary magistrates.

Search for
vagrant.

576. Any stipendiary or police magistrate, mayor or warden, or any two justices of the peace, upon information before them made, that any person described in Part XV. as a loose, idle or disorderly person, or vagrant, is or is reasonably suspected to be harboured or concealed in any disorderly house, bawdy-house, house of ill-fame, tavern or boarding-house, may, by warrant, authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring before them or any other justices of the peace, every person found therein so suspected as aforesaid. R.S.C., c. 157, s. 8.

PART XLV.

PROCEDURE ON APPEARANCE OF ACCUSED.

577. When any person accused of an indictable offence is before a justice, whether voluntarily or upon summons, or after being apprehended with or without warrant, or while in custody for the same or any other offence, the justice shall proceed to inquire into the matters charged against such person in the manner hereinafter defined. Inquiry by justice.

578. No irregularity or defect in the substance or form of the summons or warrant, and no variance between the charge contained in the summons or warrant and the charge contained in the information, or between either and the evidence adduced on the part of the prosecution at the inquiry, shall affect the validity of any proceeding at or subsequent to the hearing. R.S.C., c. 174, s. 58. Irregularity in procuring appearance.

579. If it appears to the justice that the person charged has been deceived or misled by any such variance in any summons or warrant, he may adjourn the hearing of the case to some future day, and in the meantime may remand such person, or admit him to bail as hereinafter mentioned. R.S.C., c. 174, s. 59. Adjournment in case of variance.

580. If it appears to the justice that any person being or residing within the province is likely to give material evidence either for the prosecution or for the accused on such inquiry he may issue a summons under his hand, requiring such person to appear before him at a time and place mentioned therein to give evidence respecting the charge, and to bring with him any documents in his possession or under his control relating thereto. Procuring attendance of witnesses.

2. Such summons may be in the form K in schedule one hereto, or to the like effect. R.S.C., c. 174, s. 60.

581. Every such summons shall be served by a constable or other peace officer upon the person to whom it is directed either personally, or, if such person cannot conveniently be met with, by leaving it for him at his last or most usual place of abode with some inmate thereof apparently not under sixteen years of age. Service of summons for witness.

582. If any one to whom such last-mentioned summons is directed does not appear at the time and place appointed thereby, and no just excuse is offered for such non-appearance, then (after proof upon oath that such summons has been served as aforesaid, or that the person to whom the summons is directed is keeping out of the way to avoid service) the justice before whom such person ought to have appeared, Warrant for witness after summons.

appeared, being satisfied by proof on oath that he is likely to give material evidence, may issue a warrant under his hand to bring such person at a time and place to be therein mentioned before him or any other justice in order to testify as aforesaid.

2. The warrant may be in the form L in schedule one hereto, or to the like effect. Such warrant may be executed anywhere within the territorial jurisdiction of the justice by whom it is issued, or, if necessary, endorsed as provided in section five hundred and sixty-five and executed anywhere in the province but out of such jurisdiction. R.S.C., c. 174, s. 61.

3. If a person summoned as a witness under the provisions of this part is brought before a justice on a warrant issued in consequence of refusal to obey the summons such person may be detained on such warrant before the justice who issued the summons, or before any other justice in and for the same territorial division who shall then be there, or in the common gaol, or any other place of confinement, or in the custody of the person having him in charge, with a view to secure his presence as a witness on the day fixed for the trial; or in the discretion of the justice such person may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his default in not attending upon the said summons as for contempt; and the justice may, in a summary manner, examine into and dispose of the charge of contempt against such person, who, if found guilty thereof, may be fined or imprisoned, or both, such fine not to exceed twenty dollars, and such imprisonment to be in the common gaol, without hard labour, and not to exceed the term of one month, and may also be ordered to pay the costs incident to the service and execution of the said summons and warrant and of his detention in custody. 51 V., c. 45, s. 1.

(The conviction under this section may be in the form PP in schedule one hereto.)

Warrant for
witness in
first instance.

583. If the justice is satisfied by evidence upon oath that any person within the province, likely to give material evidence either for the prosecution or for the accused, will not attend to give evidence without being compelled so to do, then instead of issuing a summons, he may issue a warrant in the first instance. Such warrant may be in the form M in schedule one hereto, or to the like effect, and may be executed anywhere within the jurisdiction of such justice, or, if necessary, endorsed as provided in section five hundred and sixty-five and executed anywhere in the province but out of such jurisdiction. R.S.C., c. 174, s. 62.

Procuring at-
tendance of
witnesses

584. If there is reason to believe that any person residing anywhere in Canada out of the province and not being

within the province, is likely to give material evidence either for the prosecution or for the accused, any judge of a Superior Court or a County Court, on application therefor by the informant or complainant, or the Attorney-General, or by the accused person or his solicitor or some person authorized by the accused, may cause a writ of subpœna to be issued under the seal of the court of which he is a judge, requiring such person to appear before the justice before whom the inquiry is being held or is intended to be held at a time and place mentioned therein to give evidence respecting the charge and to bring with him any documents in his possession or under his control relating thereto.

beyond jurisdiction of justice.

2. Such subpœna shall be served personally upon the person to whom it is directed and an affidavit of such service by a person effecting the same purporting to be made before a justice of the peace, shall be sufficient proof thereof.

3. If the person served with a subpœna as provided by this section, does not appear at the time and place specified therein, and no just excuse is offered for his non-appearance, the justice holding the inquiry, after proof upon oath that the subpœna has been served, may issue a warrant under his hand directed to any constable or peace officer of the district, county or place where such person is, or to all constables or peace officers in such district, county or place, directing them or any of them to arrest such person and bring him before the said justice or any other justice at a time and place mentioned in such warrant in order to testify as aforesaid.

4. The warrant may be in the form N in schedule one hereto or to the like effect. If necessary, it may be endorsed in the manner provided by section five hundred and sixty-five, and executed in a district, county or place other than the one therein mentioned.

585. Whenever any person appearing, either in obedience to a summons or subpœna, or by virtue of a warrant, or being present and being verbally required by the justice to give evidence, refuses to be sworn, or having been sworn, refuses to answer such questions as are put to him, or refuses or neglects to produce any documents which he is required to produce, or refuses to sign his depositions without in any such case offering any just excuse for such refusal, such justice may adjourn the proceedings for any period not exceeding eight clear days, and may in the meantime by warrant in form O in schedule one hereto, or to the like effect, commit the person so refusing to gaol, unless he sooner consents to do what is required of him. If such person, upon being brought up upon such adjourned hearing, again refuses to do what is so required of him, the justice, if he sees fit, may again adjourn the proceedings, and commit him for the like period, and so again from time to time until such person consents to do what is required of him.

Witness refusing to be examined.

2. Nothing in this section shall prevent such justice from sending any such case for trial, or otherwise disposing of the same in the meantime, according to any other sufficient evidence taken by him. R.S.C., c. 174, s. 63.

Discretionary powers of the justice.

586. A justice holding the preliminary inquiry may in his discretion—

(a.) permit or refuse permission to the prosecutor, his counsel or attorney to address him in support of the charge, either by way of opening or summing up the case, or by way of reply upon any evidence which may be produced by the person accused;

(b.) receive further evidence on the part of the prosecutor after hearing any evidence given on behalf of the accused;

(c.) adjourn the hearing of the matter from time to time, and change the place of hearing, if from the absence of witnesses, the inability of a witness who is ill to attend at the place where the justice usually sits, or from any other reasonable cause, it appears desirable to do so, and may remand the accused if required by warrant in the form P in schedule one hereto: Provided that no such remand shall be for more than eight clear days, the day following that on which the remand is made being counted as the first day; and further provided, that if the remand is for a time not exceeding three clear days, the justice may verbally order the constable or other person in whose custody the accused then is, or any other constable or person named by the justice in that behalf, to keep the accused person in his custody and to bring him before the same or such other justice as shall be there acting at the time appointed for continuing the examination; R.S.C., c. 174, s. 65.

(d.) order that no person other than the prosecutor and accused, their counsel and solicitor shall have access to or remain in the room or building in which the inquiry is held (which shall not be an open court), if it appears to him that the ends of justice will be best answered by so doing;

(e.) regulate the course of the inquiry in any way which may appear to him desirable, and which is not inconsistent with the provisions of this Act.

Bail on remand.

587. If the accused is remanded under the next preceding section the justice may discharge him, upon his entering into a recognizance in the form Q in schedule one hereto, with or without sureties in the discretion of the justice, conditioned for his appearance at the time and place appointed for the continuance of the examination. R.S.C., c. 174, s. 67.

Hearing may proceed during time of remand.

588. The justice may order the accused person to be brought before him, or before any other justice for the same territorial division, at any time before the expiration of the time for which such person has been remanded, and the gaoler or officer in whose custody he then is shall duly obey such order. R.S.C., c. 174, s. 66.

589. If the accused person does not afterwards appear at the time and place mentioned in the recognizance the said justice, or any other justice who is then and there present, having certified upon the back of the recognizance the non-appearance of such accused person, in the form R in schedule one hereto, may transmit the recognizance to the clerk of the court where the accused person is to be tried, or other proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *prima facie* evidence of the non-appearance of the accused person. R.S.C., c. 174, s. 68.

Breach of
recognizance
on remand.

590. When the accused is before a justice holding an inquiry, such justice shall take the evidence of the witnesses called on the part of the prosecution.

Evidence for
the prose-
cution.

2. The evidence of the said witnesses shall be given upon oath and in the presence of the accused; and the accused, his counsel or solicitor, shall be entitled to cross-examine them.

3. The evidence of each witness shall be taken down in writing in the form of a deposition, which may be in the form S in schedule one hereto, or to the like effect.

4. Such deposition shall, at some time before the accused is called on for his defence, be read over to and signed by the witness and the justice, the accused, the witness and justice being all present together at the time of such reading and signing.

5. The signature of the justice may either be at the end of the deposition of each witness, or at the end of several or of all the depositions in such a form as to show that the signature is meant to authenticate each separate deposition.

6. Every justice holding a preliminary inquiry is hereby required to cause the depositions to be written in a legible hand and on one side only of each sheet of paper on which they are written. R.S.C., c. 174, s. 69.

7. Provided that the evidence upon such inquiry or any part of the same may be taken in shorthand by a stenographer who may be appointed by the justice and who before acting shall make oath that he shall truly and faithfully report the evidence; and where evidence is so taken, it shall not be necessary that such evidence be read over to or signed by the witness, but it shall be sufficient if the transcript be signed by the justice and be accompanied by an affidavit of the stenographer that it is a true report of the evidence.

591. After the examination of the witnesses produced on the part of the prosecution has been completed, and after the depositions have been signed as aforesaid, the justice unless he discharges the accused person, shall ask him whether he wishes the depositions to be read again, and unless the accused dispenses therewith shall read or cause them to be read again. When the depositions have been again read, or

Evidence to
be read to the
accused.

the reading dispensed with, the accused shall be addressed by the justice in these words, or to the like effect :

“ Having heard the evidence, do you wish to say anything in answer to the charge ? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat.”

2. Whatever the accused then says in answer thereto shall be taken down in writing in the form T in schedule one hereto, or to the like effect, and shall be signed by the justice and kept with the depositions of the witnesses and dealt with as hereinafter mentioned. R.S.C., c. 174, ss. 70 and 71.

Confession or admission of accused.

592. Nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession, or other statement, made at any time by the person accused or charged, which by law would be admissible as evidence against him. R.S.C., c. 174, s. 72.

Evidence for the defence.

593. After the proceedings required by section five hundred and ninety-one are completed the accused shall be asked if he wishes to call any witnesses.

2. Every witness called by the accused who testifies to any fact relevant to the case shall be heard, and his deposition shall be taken in the same manner as the depositions of the witnesses for the prosecution.

Discharge of accused.

594. When all the witnesses on the part of the prosecution and the accused have been heard the justice shall, if upon the whole of the evidence he is of opinion that no sufficient case is made out to put the accused upon his trial, discharge him ; and in such case any recognizances taken in respect of the charge shall become void, unless some person is bound over to prosecute under the provisions next hereinafter contained R.S.C., c. 174, s. 73.

Copy of depositions.

595. If the justice discharges the accused, and the person preferring the charge desires to prefer an indictment respecting the said charge, he may require the justice to bind him over to prefer and prosecute such an indictment and thereupon the justice shall take his recognizance to prefer and prosecute an indictment against the accused before the court by which such accused would be tried if such justice had committed him, and the justice shall deal with the recognizance, information and depositions in the same way as if he had committed the accused for trial.

2. Such recognizance may be in the form U in schedule one hereto, or to the like effect.

3. If the prosecutor so bound over at his own request does not prefer and prosecute such an indictment, or if the grand jury do not find a true bill, or if the accused is not convicted upon the indictment so preferred, the prosecutor shall, if the court so direct, pay to the accused person his costs, including the costs of his appearance on the preliminary inquiry.

4. The court before which the indictment is to be tried or a judge thereof may in its or his discretion order that the prosecutor shall not be permitted to prefer any such indictment until he has given security for such costs to the satisfaction of such court or judge. R.S.C., c. 174, s. 80.

596. If a justice holding a preliminary inquiry thinks that the evidence is sufficient, to put the accused on his trial, he shall commit him for trial by a warrant of commitment, which may be in the form V in schedule one hereto, or to the like effect. R.S.C., c. 174, s. 73.

Committal of accused for trial.

597. Every one who has been committed for trial, whether he is bailed or not, may be entitled at any time before the trial to have copies of the depositions, and of his own statement, if any, from the officer who has custody thereof, on payment of a reasonable sum not exceeding five cents for each folio of one hundred words. R.S.C., c. 174, s. 74.

Copy of depositions.

598. When any one is committed for trial the justice holding the preliminary inquiry may bind over to prosecute some person willing to be so bound, and bind over every witness whose deposition has been taken, and whose evidence in his opinion is material, to give evidence at the court before which the accused is to be indicted.

Recognizances to prosecute or give evidence.

2. Every recognizance so entered into shall specify the name and surname of the person entering into it, his occupation or profession if any, the place of his residence and the name and number if any of any street in which it may be, and whether he is owner or tenant thereof or a lodger therein.

3. Such recognizance may be either at the foot of the deposition or separate therefrom, and may be in the form W, X or Y in schedule one hereto, or to the like effect, and shall be acknowledged by the person entering into the same, and be subscribed by the justice or one of the justices before whom it is acknowledged.

4. Every such recognizance shall bind the person entering into it to prosecute or give evidence (both or either as the case may be), before the court by which the accused shall be tried.

5. All such recognizances and all other recognizances taken under this Act shall be liable to be estreated in the same manner as any forfeited recognizance to appear in the

law liable to be estreated by the court before which the principal party thereto was bound to appear. R.S.C., c. 174, ss. 75 and 76.

6. Whenever any person is bound by recognizance to give evidence before a justice of the peace, or any criminal court, in respect of any offence under this Act, any justice of the peace, if he sees fit, upon information being made in writing and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person ; and if such person is arrested any justice of the peace, 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 recognizance to give evidence, unless in the meantime he produces sufficient sureties ; but any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued. 48-49 V., c. 7, s. 9.

Witness refusing to be bound over.

599. Any witness who refuses to enter into or acknowledge any such recognizance as aforesaid may be committed by the justice holding the inquiry by a warrant in the form Z in schedule one hereto, or to the like effect, to the prison for the place where the trial is to be had, there to be kept until after the trial, or until the witness enters into such a recognizance as aforesaid before a justice of the peace having jurisdiction in the place where the prison is situated : Provided that if the accused is afterwards discharged any justice having such jurisdiction may order any such witness to be discharged by an order which may be in the form AA in the said schedule, or to the like effect. R.S.C., c. 174, ss. 78 and 79.

Transmission of documents.

600. The following documents shall, as soon as may be after the committal of the accused, be transmitted to the clerk or other proper officer of the court by which the accused is to be tried, that is to say, the information if any, the depositions of the witnesses, the exhibits thereto, the statement of the accused, and all recognizances entered into, and also any depositions taken before a coroner if any such have been sent to the justice.

2. When any order changing the place of trial is made the person obtaining it shall serve it, or an office copy of it, upon the person then in possession of the said documents, who shall thereupon transmit them and the indictment, if found, to the officer of the court before which the trial is to take place. R.S.C., c. 174, s. 77.

Rule as to bail.

601. When any person appears before any justice charged with an indictable offence punishable by imprisonment for more than five years other than treason or an offence punishable with death, or an offence under Part IV. of this Act, and the evidence adduced is, in the opinion of such justice, sufficient

cient to put the accused on his trial, but does not furnish such a strong presumption of guilt as to warrant his committal for trial, the justice, jointly with some other justice, may admit the accused to bail upon his procuring and producing such surety or sureties as, in the opinion of the two justices, will be sufficient to ensure his appearance at the time and place when and where he ought to be tried for the offence; and thereupon the two justices shall take the recognizances of the accused and his sureties, conditioned for his appearance at the time and place of trial, and that he will then surrender and take his trial and not depart the court without leave; and in any case in which the offence committed or suspected to have been committed is an offence punishable by imprisonment for a term less than five years any one justice before whom the accused appears may admit to bail in manner aforesaid, and such justice or justices may, in his or their discretion, require such bail to justify upon oath as to their sufficiency, which oath the said justice or justices may administer; and in default of such person procuring sufficient bail, such justice or justices may commit him to prison, there to be kept until delivered according to law.

2. The recognizance mentioned in this section shall be in the form BB in schedule one to this Act. R.S.C., c. 174, s. 81.

602. In case of any offence other than treason or an offence punishable with death, or an offence under Part IV. of this Act, where the accused has been finally committed as herein provided, any judge of any superior or county court, having jurisdiction 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 to bail on entering into recognizance with sufficient sureties before two justices, in such amount as the judge directs, and thereupon the justices shall issue a warrant of deliverance as hereinafter provided, and shall attach thereto the order of the judge directing the admitting of the accused to bail.

Bail after committal.

2. Such warrant of deliverance shall be in the form CC in schedule one to this Act. R.S.C., c. 174, s. 82.

603. No judge of a county court or justices shall admit any person to bail accused of treason or an offence punishable with death, or an offence under Part IV. of this Act, nor shall any such person be admitted to bail, except by order of a superior court of criminal jurisdiction for the province in which the accused stands committed, or of one of the judges thereof, or, in the province of Quebec, by order of a judge of the Court of Queen's Bench or Superior Court. R.S.C., c. 174, s. 83.

Bail by superior court.

604. When any person has been committed for trial by any justice the prisoner, his counsel, solicitor or agent may

Application for bail after committal.

notify the committing justice, that he will, as soon as counsel can be heard, move before a superior court of the province in which such person stands committed, or one of the judges thereof, or the judge of the county court, if it is intended to apply to such judge, under section six hundred and two, for an order to the justice to admit such prisoner to bail,—whereupon such committing justice shall, as soon as may be, transmit to the clerk of the Crown, or the chief clerk of the court, or the clerk of the county court or other proper officer, as the case may be, endorsed under his hand and seal, a certified copy of all informations, examinations and other evidence, touching the offence wherewith the prisoner has been charged, together with a copy of the warrant of commitment, and the packet containing the same shall be handed to the person applying therefor, for transmission, and it shall be certified on the outside thereof to contain the information concerning the case in question. R.S.C., c. 174, s. 93.

2. Upon such application to any such court or judge the same order concerning the prisoner being bailed or continued in custody, shall be made as if the prisoner was brought up upon a *habeas corpus*. R.S.C., c. 174, s. 94.

3. If any justice neglects or offends in anything contrary to the true intent and meaning of any of the provisions of this section, the court to whose officer any such examination, information, evidence, bailment or recognizance ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, impose such fine upon every such justice as the court thinks fit. R.S.C., c. 174, s. 95.

Warrant of deliverance.

605. Whenever any justice or justices admit to bail any person who is then in any prison charged with the offence for which he is so admitted to bail, such justice or justices shall send to or cause to be lodged with the keeper of such prison, a warrant of deliverance under his or their hands and seals, requiring the said keeper to discharge the person so admitted to bail if he is detained for no other offence, and upon such warrant of deliverance being delivered to or lodged with such keeper, he shall forthwith obey the same. R.S.C., c. 174, s. 84.

Warrant for the arrest of a person about to abscond.

606. Whenever a person charged with any offence has been bailed in manner aforesaid, it shall be lawful for any justice, if he sees fit, upon the application of the surety or of either of the sureties of such person and upon information being made in writing and on oath by such surety, or by some person on his behalf, that there is reason to believe that the person so bailed is about to abscond for the purpose of evading justice, to issue his warrant for the arrest of the person so bailed, and afterwards, upon being satisfied that the ends of justice would otherwise be defeated, to commit such

such person when so arrested to gaol until his trial or until he produces another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

607. The constable or any of the constables, or other person to whom any warrant of commitment authorized by this or any other Act or law is directed, shall convey the accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with the warrant, to the keeper of such gaol or prison, who shall thereupon give the constable or other person delivering the prisoner into his custody, a receipt for the prisoner, setting forth the state and condition of the prisoner when delivered into his custody.

Delivery of accused to prison.

2. Such receipt shall be in the form DD in schedule one hereto. R.S.C., c. 174, s. 85.

PART XLVI.

INDICTMENTS.

608. It shall not be necessary for any indictment or any record or document relative to any criminal case to be written on parchment. R.S.C., c. 174, s. 103.

Indictments need not be on parchment.

609. It shall not be necessary to state any venue in the body of any indictment, and the district, county or place named in the margin thereof, shall be the venue for all the facts stated in the body of the indictment; but if local description is required such local description shall be given in the body thereof. R.S.C., c. 174, s. 104.

Statement of venue.

610. It shall not be necessary to state in any indictment that the jurors present upon oath or affirmation.

Heading of indictment.

2. It shall be sufficient if an indictment begins in one of the forms EE in schedule one hereto, or to the like effect.

3 Any mistake in the heading shall upon being discovered be forthwith amended, and whether amended or not shall be immaterial.

611. Every count of an indictment shall contain, and shall be sufficient if it contains, in substance a statement that the accused has committed some indictable offence therein specified.

Form and contents of counts.

2. Such statement may be made in popular language without any technical averments or any allegations of matter not essential to be proved.

3. Such statement may be in the words of the enactment describing the offence or declaring the matter charged to be an indictable offence or in any words sufficient to give the accused notice of the offence with which he is charged.

4.

4. Every count shall contain so much detail of the circumstances of the alleged offence as is sufficient to give the accused reasonable information as to the act or omission to be proved against him, and to identify the transaction referred to : Provided that the absence or insufficiency of such details shall not vitiate the count.

5. A count may refer to any section or subsection of any statute creating the offence charged therein, and in estimating the sufficiency of such count the court shall have regard to such reference.

6. Every count shall in general apply only to a single transaction.

Offences may be charged in the alternative.

612. A count shall not be deemed objectionable on the ground that it charges in the alternative several different matters, acts or omissions which are stated in the alternative in the enactment describing any indictable offence or declaring the matters, acts or omissions charged to be an indictable offence, or on the ground that it is double or multifarious : Provided that the accused may at any stage of the trial apply to the court to amend or divide any such count on the ground that it is so framed as to embarrass him in his defence.

2. The court, if satisfied that the ends of justice require it, may order any count to be amended or divided into two or more counts, and on such order being made such count shall be so divided or amended, and thereupon a formal commencement may be inserted before each of the counts into which it is divided.

Certain objections not to vitiate counts.

613. No count shall be deemed objectionable or insufficient on any of the following grounds ; that is to say :

(a.) that it does not contain the name of the person injured, or intended, or attempted to be injured ; or

(b.) that it does not state who is the owner of any property therein mentioned ; or

(c.) that it charges an intent to defraud without naming or describing the person whom it was intended to defraud ; or

(d.) that it does not set out any document which may be the subject of the charge ; or

(e.) that it does not set out the words used where words used are the subject of the charge ; or

(f.) that it does not specify the means by which the offence was committed ; or

(g.) that it does not name or describe with precision any person, place or thing :

Provided that the court may, if satisfied that it is necessary for a fair trial, order that a particular further describing such document, words, means, person, place or thing be furnished by the prosecutor.

Indictment for high treason or

614. Every indictment for treason or for any offence against Part IV. of this Act must state overt acts, and no

evidence shall be admitted of any overt act not stated unless it is otherwise relevant as tending to prove some overt act stated. treasonable offence.

2. The power of amending indictments herein contained shall not extend to authorize the court to add to the overt acts stated in the indictment.

615. No count for publishing a blasphemous, seditious, obscene or defamatory libel, or for selling or exhibiting an obscene book, pamphlet, newspaper or other printed or written matter, shall be deemed insufficient on the ground that it does not set out the words thereof: Provided that the court may order that a particular shall be furnished by the prosecutor stating what passages in such book, pamphlet, newspaper, printing or writing are relied on in support of the charge. Indictments for libel.

2. A count for libel may charge that the matter published was written in a sense which would make the publishing criminal, specifying that sense without any prefatory averment showing how that matter was written in that sense. And on the trial it shall be sufficient to prove that the matter published was criminal either with or without such innuendo.

616. No count charging perjury, the making of a false oath or of a false statement, fabricating evidence or subornation, or procuring the commission of any of these offences, shall be deemed insufficient on the ground that it does not state the nature of the authority of the tribunal before which the oath or statement was taken or made, or the subject of the inquiry, or the words used or the evidence fabricated, or on the ground that it does not expressly negative the truth of the words used: Provided that the court may, if satisfied that it is necessary for a fair trial, order that the prosecutor shall furnish a particular of what is relied on in support of the charge. Indictments for perjury and certain other offences.

2. No count which charges any false pretense, or any fraud, or any attempt or conspiracy by fraudulent means, shall be deemed insufficient because it does not set out in detail in what the false pretenses or the fraud or fraudulent means consisted: Provided that the court may, if satisfied as aforesaid, order that the prosecutor shall furnish a particular of the above matters or any of them.

3. No provision hereinbefore contained in this part as to matters which are not to render any count objectionable or insufficient shall be construed as restricting or limiting in any way the general provisions of section six hundred and eleven. R.S.C., c. 174, s. 107.

617. When any such particular as aforesaid is delivered a copy shall be given without charge to the accused or his solicitor, and it shall be entered in the record and the trial shall Particulars.

shall proceed in all respects as if the indictment had been amended in conformity with such particular.

2. In determining whether a particular is required or not, and whether a defect in the indictment is material to the substantial justice of the case or not, the court may have regard to the depositions.

Indictment for pretending to send money, &c., in letter.

618. It shall not be necessary to allege, in any indictment against any person for wrongfully and wilfully pretending or alleging that he inclosed and sent, or caused to be inclosed and sent, in any post letter, any money, valuable security or chattel, or to prove on the trial, that the act was done with intent to defraud. R.S.C., c. 174, s. 113.

Indictments in certain cases.

619. An indictment shall be deemed sufficient in the cases following:

(a.) If it be necessary to name the joint owners of any real or personal property, whether the same be partners, joint tenants, parceners, tenants in common, joint stock companies or trustees, and it is alleged that the property belongs to one who is named, and another or others as the case may be;

(b.) If it is necessary for any purpose to mention such persons and one only is named;

(c.) If the property in a turnpike road is laid in the trustees or commissioners thereof without specifying the names of such trustees or commissioners;

(d.) If the offence is committed in respect to any property in the occupation or under the management of any public officer or commissioner, and the property is alleged to belong to such officer or commissioner without naming him;

(e.) If, for an offence under section three hundred and thirty-four, the oyster bed, laying or fishery is described by name or otherwise, without stating the same to be in any particular county or place. R.S.C., c. 174, ss. 118, 119, 120, 121 and 123.

Property of body corporate.

620. All property, real and personal, whereof any body corporate has, by law, the management, control or custody, shall, for the purpose of any indictment or proceeding against any other person for any offence committed on or in respect thereof, be deemed to be the property of such body corporate. R.S.C., c. 174, s. 122.

Indictment for stealing ores or minerals.

621. In any indictment for any offence mentioned in sections three hundred and forty-three or three hundred and seventy-five of this Act, it shall be sufficient to lay the property in Her Majesty, or in any person or corporation, in different counts in such indictment; and any variance in the latter case, between the statement in the indictment and the evidence adduced, may be amended at the trial; and if no owner is proved the indictment may be amended by laying the property in Her Majesty. R.S.C., c. 174, s. 124.

622. In any indictment for any offence committed in respect of any postal card, postage stamp or other stamp issued or prepared for issue by the authority of the Parliament of Canada, or of the legislature of any province of Canada, or by, or by the authority of, any corporate body for the payment of any fee, rate or duty whatsoever, the property therein may be laid in the person in whose possession, as the owner thereof, it was when the offence was committed, or in Her Majesty if it was then unissued or in the possession of any officer or agent of the Government of Canada or of the province by authority of the legislature whereof it was issued or prepared for issue. R.S.C., c. 174, s. 125.

Indictment for offences in respect to postal cards, &c.

623. In every case of theft or fraudulent application or disposition of any chattel, money or valuable security under sections three hundred and nineteen (*c.*) and three hundred and twenty-one of this Act, the property in any such chattel, money or valuable security may, in any warrant by the justice of the peace before whom the offender is charged, and in the indictment preferred against such offender, be laid in Her Majesty, or in the municipality, as the case may be. R.S.C., c. 174, s. 126.

Indictments against public servants.

624. When an offence is committed in respect of a post letter bag, or a post letter, or other mailable matter, chattel, money or valuable security sent by post, the property of such post letter bag, post letter, or other mailable matter, chattel, money or valuable security may, in the indictment preferred against the offender, be laid in the Postmaster-General; and it shall not be necessary to allege in the indictment, or to prove upon the trial or otherwise, that the post letter bag, post letter or other mailable matter, chattel or valuable security was of any value.

Indictments for offences respecting letter bags, &c.

2. The property of any chattel or thing used or employed in the service of the post office, or of moneys arising from duties of postage, shall, except in the cases aforesaid, be laid in Her Majesty, if the same is the property of Her Majesty, or if the loss thereof would be borne by Her Majesty, and not by any person in his private capacity.

3. In any indictment against any person employed in the post office of Canada for any offence against this Act, or against any person for an offence committed in respect of any person so employed, it shall be sufficient to allege that such offender or such other person was employed in the post office of Canada at the time of the commission of such offence, without stating further the nature or particulars of his employment. R.S.C., c. 35, s. 111.

625. An indictment may be preferred against any person who steals any chattel let to be used by him in or with any house or lodging, or who steals any fixture so let to be used,

Indictment for stealing by tenant or lodger.

used, in the same form as if the offender was not a tenant or lodger, and in either case the property may be laid in the owner or person letting to hire. R.S.C., c. 174, s. 127.

Joinder of counts and proceedings thereon.

626. Any number of counts for any offences whatever may be joined in the same indictment, and shall be distinguished in the manner shown in the form EE in schedule one hereto, or to the like effect: Provided that to a count charging murder no count charging any offence other than murder shall be joined.

2. When there are more counts than one in an indictment each count may be treated as a separate indictment.

3. If the court thinks it conducive to the ends of justice to do so, it may direct that the accused shall be tried upon any one or more of such counts separately. Such order may be made either before or in the course of the trial, and if it is made in the course of the trial the jury shall be discharged from giving a verdict on the counts on which the trial is not to proceed. The counts in the indictment which are not then tried shall be proceeded upon in all respects as if they had been found in a separate indictment.

4. Provided that, unless there be special reasons, no order shall be made preventing the trial at the same time of any number of distinct charges of theft not exceeding three, alleged to have been committed within six months from the first to the last of such offences, whether against the same person or not.

5. If one sentence is passed upon any verdict of guilty on more counts than one, the sentence shall be good if any of such counts would have justified it.

Accessories after the fact, and receivers.

627. Every one charged with being an accessory after the fact to any offence, or with receiving any property knowing it to have been stolen, may be indicted, whether the principal offender or other party to the offence or person by whom such property was so obtained has or has not been indicted or convicted, or is or is not amenable to justice, and such accessory may be indicted either alone as for a substantive offence or jointly with such principal or other offender or person.

2. When any property has been stolen any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive offences in the same indictment, and may be tried together, whether the person by whom the property was so obtained is or is not indicted with them, or is or is not in custody or amenable to justice. R.S.C., c. 174, ss. 133, 136 and 138.

Indictment charging previous conviction.

628. In any indictment for any indictable offence, committed after a previous conviction or convictions for any indictable offence or offences or for any offence or offences (and for which a greater punishment may be inflicted on that

account), it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places, convicted of an indictable offence, or of an offence or offences, as the case may be, and to state the substance and effect only, omitting the formal part of the indictment and conviction, or of the summary conviction, as the case may be, for the previous offence, without otherwise describing the previous offence or offences. R.S.C., c. 174, s. 139.

629. Every objection to any indictment for any defect apparent on the face thereof shall be taken by demurrer, or motion to quash the indictment, before the defendant has pleaded, and not afterwards, except by leave of the court or judge before whom the trial takes place, and every court before which any such objection is taken may, if it is thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the court or other person, and thereupon the trial shall proceed as if no such defect had 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 authority of this Act. Objections to an indictment.

630. No person prosecuted shall be entitled as of right to traverse or postpone the trial of any indictment preferred against him in any court, or to imparl, or to have time allowed him to plead or demur to any such indictment: Provided always, that if the court before which any person is so indicted, upon the application of such person or otherwise, is of opinion that he ought to be allowed a further time to plead or demur or to prepare for his defence, or otherwise, such court may grant such further time and may adjourn the trial of such person to a future time of the sittings of the court or to the next or any subsequent session or sittings of the court, and upon such terms, as to bail or otherwise, as to the court seem meet, and may, in the case of adjournment to another session or sitting, respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session or sittings without entering into any fresh recognizances for that purpose. R.S.C., c. 174, s. 141. Time to plead to indictment.

631. The following special pleas and no others may be pleaded according to the provisions hereinafter contained, that is to say, a plea of *autrefois acquit*, a plea of *autrefois convict*, a plea of pardon, and such pleas in cases of defamatory libel as are hereinafter mentioned. Special pleas.

2. All other grounds of defence may be relied on under the plea of not guilty.

3. The pleas of *autrefois acquit*, *autrefois convict*, and pardon may be pleaded together, and if pleaded shall be disposed of before the accused is called on to plead further; and if every such plea is disposed of against the accused he shall be allowed to plead not guilty.

4. In any plea of *autrefois acquit* or *autrefois convict* it shall be sufficient for the accused to state that he has been lawfully acquitted or convicted, as the case may be, of the offence charged in the count or counts to which such plea is pleaded, indicating the time and place of such acquittal, or conviction. R.S.C., c. 174, s. 146.

5. On the trial of an issue on a plea of *autrefois acquit* or *autrefois convict* to any count or counts, if it appear that the matter on which the accused was given in charge on the former trial is the same in whole or in part as that on which it is proposed to give him in charge, and that he might on the former trial, if all proper amendments had been made which might then have been made, have been convicted of all the offences of which he may be convicted on the count or counts to which such plea is pleaded, the court shall give judgment that he be discharged from such count or counts.

6. If it appear that the accused might on the former trial have been convicted of any offence of which he might be convicted on the count or counts to which such plea is pleaded, but that he may be convicted on any such count or counts of some offence or offences of which he could not have been convicted on the former trial, the court shall direct that he shall not be convicted on any such count or counts of any offence of which he might have been convicted on the former trial, but that he shall plead over as to the other offence or offences charged.

Depositions
and judge's
notes on for-
mer trial.

632. On the trial of an issue on a plea of *autrefois acquit* or *convict* the depositions transmitted to the court on the former trial, together with the judge's and official stenographer's notes if available, and the depositions transmitted to the court on the subsequent charge, shall be admissible in evidence to prove or disprove the identity of the charges.

Second accu-
sation.

633. When an indictment charges substantially the same offence as that charged in the indictment on which the accused was given in charge on a former trial, but adds a statement of intention or circumstances of aggravation tending if proved to increase the punishment, the previous acquittal or conviction shall be a bar to such subsequent indictment.

2. A previous conviction or acquittal on an indictment for murder shall be a bar to a second indictment for the same homicide charging it as manslaughter; and a previous conviction or acquittal on an indictment for manslaughter shall

be a bar to a second indictment for the same homicide charging it as murder.

634. Every one accused of publishing a defamatory libel may plead that the defamatory matter published by him was true, and that it was for the public benefit that the matters charged should be published in the manner and at the time when they were published. Such plea may justify the defamatory matter in the sense specified, if any, in the count, or in the sense which the defamatory matter appears without any such specification; or separate pleas justifying the defamatory matter in each sense may be pleaded separately to each as if two libels had been charged in separate counts.

Plea of justification in case of libel.

2. Every such plea must be in writing, and must set forth the particular fact or facts by reason of which it was for the public good that such matters should be so published. The prosecutor may reply generally denying the truth thereof.

3. The truth of the matters charged in an alleged libel shall in no case be inquired into without such plea of justification unless the accused is put upon his trial upon any indictment or information charging him with publishing the libel knowing the same to be false, in which case evidence of the truth may be given in order to negative the allegation that the accused knew the libel to be false.

4. The accused may, in addition to such plea, plead not guilty and such pleas shall be inquired of together.

5. If, when such plea of justification is pleaded, the accused is convicted, the court may, in pronouncing sentence, consider whether his guilt is aggravated or mitigated by the plea. R.S.C., c. 174, ss. 148, 149, 150 and 151.

PART XLVII.

CORPORATIONS.

635. Every corporation against which a bill of indictment is found at any court having criminal jurisdiction shall appear by attorney in the court in which such indictment is found and plead or demur thereto. R.S.C., c. 174, s. 155.

Corporations' may appear by attorney.

636. No writ of *certiorari* shall be necessary to remove any such indictment into any superior court with the view of compelling the defendant to plead thereto; nor shall it be necessary to issue any writ of *distringas*, or other process, to compel the defendant to appear and plead to such indictment. R.S.C., c. 174, s. 156.

Certiorari, &c., not required.

Notice to be served on corporation.

637. The prosecutor, when any such indictment is found against a corporation, or the clerk of the court, when such indictment is founded on a presentment of the grand jury, may 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 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 court, and that the trial thereof will be proceeded with in like manner as if the said corporation had appeared and pleaded thereto. R.S.C., c. 174, s. 157.

Proceedings on default.

638. If such corporation does not appear in the court in which the indictment has been found, and plead or demur thereto within the time specified in the said notice, the judge presiding at such court may, on proof to him by affidavit of the due service of such notice, order the clerk or proper officer of the court to enter a plea of "not guilty" on behalf of such corporation, and such plea shall have the same force and effect as if such corporation had appeared by its attorney and pleaded such plea. R.S.C., c. 174, s. 158.

Trial may proceed in absence of defendant.

639. The court may—whether such corporation appears and pleads to the indictment, or whether a plea of "not guilty" is entered by order of the court—proceed with the trial of the indictment in the absence of the defendant in the same manner as if the corporation had appeared at the trial and defended the same; and in case of conviction, may award such judgment and take such other and subsequent proceedings to enforce the same as are applicable to convictions against corporations. R.S.C., c. 174, s. 159.

PART XLVIII.

PREFERRING INDICTMENT.

Jurisdiction of courts.

640. Every court of criminal jurisdiction in Canada is, subject to the provisions of Part XLII., competent to try all offences wherever committed, if the accused is found or apprehended or is in custody within the jurisdiction of such court, or if he has been committed for trial to such court or ordered to be tried before such court, or before any other court the jurisdiction of which has by lawful authority been transferred to such first mentioned court under any Act for the time being in force: Provided that nothing in this Act authorizes any court in one province of Canada to try any person for any offence committed entirely in another province, except in the following case:

2. Every proprietor, publisher, editor or other person charged with the publication in a newspaper of any defamatory

atory libel, shall be dealt with, indicted, tried and punished in the province in which he resides, or in which such newspaper is printed.

641. Any one who is bound over to prosecute any person, whether committed for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed, or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the depositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it. Sending bill before grand jury.

2. The Attorney-General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney-General, may prefer a bill of indictment for any offence before the grand jury of any court specified in such consent; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

3. It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

4. Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada.

642. After the commencement of this Act no one shall be tried upon any coroner's inquisition. Coroner's inquisition.

643. It shall not be necessary for any person to take an oath in open court in order to qualify him to give evidence before any grand jury. R.S.C., c. 174, s. 173. Oath in open court not required.

644. The foreman of the grand jury or any member of the grand jury who may, for the time being, act on behalf of the foreman in the examination of witnesses, may administer an oath to every person who appears before such grand jury to give evidence in support of any bill of indictment; and every such person may be sworn and examined upon oath by such grand jury touching the matters in question. R.S.C., c. 174, s. 174. Oath may be administered by foreman.

Names of witnesses to be endorsed on bill of indictment.

645. The name of every witness examined, or intended to be examined, shall be endorsed on the bill of indictment; and the foreman of the grand jury, or any member of the grand jury so acting for him, shall write his initials against the name of each witness sworn by him and examined touching such bill of indictment. R.S.C., c. 174, s. 175.

Names of witnesses to be submitted to grand jury.

646. The name of every witness intended to be examined on any bill of indictment shall be submitted to the grand jury by the officer prosecuting on behalf of the Crown, and no others shall be examined by or before such grand jury unless upon the written order of the presiding judge. R.S.C., c. 174, s. 176.

Fees for swearing witnesses.

647. Nothing in this Act shall affect any fees by law payable to any officer of any court for swearing witnesses, but such fees shall be payable as if the witnesses had been sworn in open court. R.S.C., c. 174, s. 177.

Bench warrant and certificate.

648. When any one against whom an indictment has been duly preferred and has been found, and who is then at large, does not appear to plead to such indictment, whether he is under recognizances to appear or not—

(a.) the court before which the accused ought to have been tried may issue a warrant for his apprehension, which may be executed in any part of Canada;

(b.) the officer of the court at which the said indictment is found or (if the place or trial has been changed) the officer of the court before which the trial is to take place, shall, at any time after the time at which the accused ought to have appeared and pleaded, grant to the prosecutor, upon application made on his behalf and upon payment of twenty cents, a certificate of such indictment having been found. The certificate may be in the form GG in schedule one hereto, or to the like effect. Upon production of such certificate to any justice for the county or place in which the indictment was found, or in which the accused is or resides or is suspected to be or reside, such justice shall issue his warrant to apprehend him, and to cause him to be brought before such justice, or before any other justice for the same county or place, to be dealt with according to law. The warrant may be in the form HH in schedule one hereto, or to the like effect.

2. If it is proved upon oath before such justice that any one apprehended and brought before him on such warrant is the person charged and named in such indictment, such justice shall, without further inquiry or examination, either commit him to prison by a warrant which may be in the form II in schedule one hereto, or to the like effect, or admit him to bail as in other cases provided; but if it appears that the accused has without reasonable excuse broken his recognizance to appear he shall not in any case be bailable as of right.

3. If it is proved before the justice upon oath that any such accused person is at the time of such application and production of the said certificate as aforesaid confined in any prison for any other offence than that charged in the said indictment, such justice shall issue his warrant directed to the warden or gaoler of the prison in which such person is then confined as aforesaid, commanding him to detain him in his custody until by lawful authority he is removed therefrom. Such warrant may be in the form JJ in schedule one hereto, or to the like effect. R.S.C., c. 174, ss. 33, 34 and 35.

PART XLIX.

REMOVAL OF PRISONERS—CHANGE OF VENUE.

649. The Governor in Council or the Lieutenant-Governor Removal of prisoners. in Council of any province may, if, from the insecurity or unfitness of any gaol of any county or district for the safe custody of prisoners, or for any other cause, he deems it expedient so to do, order any person charged with an indictable offence confined in such gaol or for whose arrest a warrant has been issued, to be removed to any other place for safe keeping or to any gaol, which place or gaol shall be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county or district in which the trial is to take place; and a copy of such order, certified by the clerk of the Queen's Privy Council for Canada, or the clerk of the Executive Council, or by any person acting as such clerk of the Privy Council or Executive Council, shall be sufficient authority to the sheriffs and gaolers of the counties or districts respectively named in such order, to deliver over and to receive the body of any person named in such order. R.S.C., c. 174, s. 97.

2. The Governor in Council or a Lieutenant-Governor in Council may, in any such order, direct the sheriff in whose custody the person to be removed then is, to convey the said person to the place or gaol in which he is to be confined, and in case of removal to another county or district shall direct the sheriff or gaoler of such county or district to receive the said person, and to detain him until he is discharged in due course of law, or is removed for the purpose of trial to any other county or district. R.S.C., c. 174, s. 98.

3. The Governor in Council or a Lieutenant-Governor in Council may make an order as hereinbefore provided in respect of any person under sentence of imprisonment or under sentence of death,—and, in the latter case, the sheriff to whose gaol the prisoner is removed shall obey any direc-
tion

tion given by the said order or by any subsequent order in council, for the return of such prisoner to the custody of the sheriff by whom the sentence is to be executed. R.S.C., c. 174, s. 100.

Indictment
after removal.

650. If after such removal a true bill for any indictable offence is returned by any grand jury of the county or district from which any such person is removed, against any such person, the court into which such true bill is returned, may make an order for the removal of such person, from the gaol in which he is then confined, to the gaol of the county or district in which such court is sitting, for the purpose of his being tried in such county or district. R.S.C., c. 174, s. 99.

Change of
venue.

651. Whenever it appears to the satisfaction of the court or judge hereinafter mentioned, that it is expedient to the ends of justice that the trial of any person charged with an indictable offence should be held in some district, county or place other than that in which the offence is supposed to have been committed, or would otherwise be triable, the court before which such person is or is liable to be indicted may, at any term or sitting thereof, and any judge who might hold or sit in such court may, at any other time, either before or after the presentation of a bill of indictment, order that the trial shall be proceeded with in some other district, county or place within the same province, named by the court or judge in such order; but such order shall be made upon such conditions as to the payment of any additional expense thereby caused to the accused, as the court or judge thinks proper to prescribe.

2. Forthwith upon the order of removal being made by the court or judge, the indictment, if any has been found against the prisoner, and all inquisitions, informations, depositions, recognizances and other documents relating to the prosecution against him, shall be transmitted by the officer having the custody thereof to the proper officer of the court at the place where the trial is to be had, and all proceedings in the case shall be had, or, if previously commenced, shall be continued in such district, county or place, as if the case had arisen or the offence had been committed therein.

3. The order of the court, or of the judge, made under this section, shall be a sufficient warrant, justification and authority, to all sheriffs, gaolers and peace officers, for the removal, disposal and reception of the prisoner, in conformity with the terms of such order; and the sheriff may appoint and empower any constable to convey the prisoner to the gaol in the district, county or place in which the trial is ordered to be had.

4. Every recognizance entered into for the prosecution of any person, and every recognizance, as well of any witness to give evidence, as of any person for any offence, shall, in case any such order, as provided by this section, is made, be obli-

gatory on each of the persons bound by such recognizance as to all things therein mentioned with reference to the said trial, at the place where such trial is so ordered to be had, in like manner as if such recognizance had been originally entered into for the doing of such things at such last mentioned place: Provided that notice in writing shall be given either personally or by leaving the same at the place of residence of the persons bound by such recognizance, as therein described, to appear before the court, at the place where such trial is ordered to be had. R.S.C., c. 174, s. 102.

PART L.

ARRAIGNMENT.

652. If any person against whom any indictment is found is at the time confined for some other cause in the prison belonging to the jurisdiction of the court by which he is to be tried, the court may by order in writing, without a writ of *habeas corpus*, direct the warden or gaoler of the prison or sheriff or other person having the custody of the prisoner to bring up the body of such person as often as may be required for the purposes of the trial, and such warden, gaoler, sheriff or other person shall obey such order. R.S.C., c. 174, s. 101. Bringing prisoner up for arraignment.

653. Every accused person shall be entitled at the time of his trial to inspect, without fee or reward, all depositions, or copies thereof, taken against him and returned into the court before which such trial is had, and to have the indictment on which he is to be tried read over to him if he so requires. R.S.C., c. 174, s. 180. Right of accused to inspect deposition and hear indictment.

654. Every person indicted for any offence shall, before being arraigned on the indictment, be entitled to a copy thereof on paying the clerk five cents per folio of one hundred words for the same, if the court is of opinion that the same can be made without delay to the trial, but not otherwise. R. S. C., c. 174, s. 181. Copy of indictment.

655. Every person indicted shall be entitled to a copy of the depositions returned into court on payment of five cents per folio of one hundred words for the same, provided, if the same are not demanded before the opening of the assizes, term, sittings or sessions, the court is of opinion that the same can be made without delay to the trial, but not otherwise; but the court may, if it sees fit, postpone the trial on account of such copy of the depositions not having been previously had by the person charged. R.S.C., c. 174, s. 182. Copy of deposition.

Pleas in abatement abolished.

656. No plea in abatement shall be allowed after the commencement of this Act. Any objection to the constitution of the grand jury may be taken by motion to the court, and the indictment shall be quashed if the court is of opinion both that such objection is well founded and that the accused has suffered or may suffer prejudice thereby, but not otherwise.

Plea; refusal to plead

657. When the accused is called upon to plead he may plead either guilty or not guilty, or such special plea as is hereinbefore provided for.

2. If the accused wilfully refuses to plead, or will not answer directly, the court may order the proper officer to enter a plea of not guilty. R.S.C., c. 174, s. 145.

Special provisions in the case of treason.

658. When any one is indicted for treason, or for being accessory after the fact to treason, the following documents shall be delivered to him after the indictment has been found, and at least ten days before his arraignment; that is to say:

(a.) a copy of the indictment;

(b.) a list of the witnesses to be produced on the trial to prove the indictment; and

(c.) a copy of the panel of the jurors who are to try him returned by the sheriff.

2. The list of the witnesses and the copy of the panel of the jurors must mention the names, occupations, and places of abode of the said witnesses and jurors.

3. The documents aforesaid must all be given to the accused at the same time and in the presence of two witnesses.

4. This section shall not apply to cases of treason by killing Her Majesty, or to cases where the overt act alleged is any attempt to injure her person in any manner whatever, or to the offence of being accessory after the fact to any such treason.

PART LI.

TRIAL.

Right to full defence.

659. Every person tried for any indictable offence shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by counsel learned in the law. R.S.C., c. 174, s. 178.

Presence of the accused at the trial.

660. Every accused person shall be entitled to be present in court during the whole of his trial unless he misconducts himself by so interrupting the proceedings as to render their continuance in his presence impracticable.

2. The court may permit the accused to be out of court during the whole or any part of any trial on such terms as it thinks proper.

661. If an accused person, or any one of several accused persons being tried together, is defended by counsel, such counsel shall, at the end of the case for the prosecution, declare whether he intends to adduce evidence or not on behalf of the accused person for whom he appears; and if he does not thereupon announce his intention to adduce evidence, the counsel for the prosecution may address the jury by way of summing up. Prosecutor's right to sum up.

2. Upon every trial for an indictable offence, whether the accused person is defended by counsel or not, he or his counsel shall be allowed, if he thinks fit, to open his case, and after the conclusion of such opening to examine such witnesses as he thinks fit, and when all the evidence is concluded to sum up the evidence. If no witnesses are examined for the defence the counsel for the accused shall have the privilege of addressing the jury last, otherwise such right shall belong to the counsel for the prosecution: Provided, that the right of reply shall be always allowed to the Attorney-General or Solicitor-General, or to any counsel acting on behalf of either of them. R.S.C., c. 174, s. 179.

662. Every person qualified and summoned as a grand or petit juror, according to the laws in force for the time being in any province of Canada, shall be duly qualified to serve as such juror in criminal cases in that province. R. S. C., c. 174, s. 160. Qualification of juror.

663. No alien shall be entitled to be tried by a jury *de medietate linguæ*, but shall be tried as if he was a natural born subject. R.S.C., c. 174, s. 161. Jury de medietate lingue abolished.

664. In those districts in the province of Quebec in which the sheriff is required by law to return a panel of petit jurors composed one half of persons speaking the English language, and one half of persons speaking the French language, he shall in his return specify separately those jurors whom he returns as speaking the English language, and those whom he returns as speaking the French language respectively; and the names of the jurors so summoned shall be called alternately from such lists. R.S.C., c. 174, s. 166. Mixed juries in the province of Quebec.

665. Whenever any person who is arraigned before the Court of Queen's Bench for Manitoba demands a jury composed, for the one half at least, of persons skilled in the language of the defence, if such language is either English or French, he shall be tried by a jury composed for the one half at least of the persons whose names stand first in succession upon the general panel and who, on appearing and not being lawfully challenged, are found, in the judgment of the court, to be skilled in the language of the defence. Mixed juries in Manitoba.

2. Whenever, from the number of challenges or any other cause, there is in any such case a deficiency of persons skilled in the language of the defence the court shall fix another day for the trial of such case, and the sheriff shall supply the deficiency by summoning, for the day so fixed, such additional number of jurors skilled in the language of the defence as the court orders, and as are found inscribed next in succession on the list of petit jurors. R.S.C., c. 174, s. 167.

Challenging
the array.

666. Either the accused or the prosecutor may challenge the array on the ground of partiality, fraud, or wilful misconduct on the part of the sheriff or his deputies by whom the panel was returned, but on no other ground. The objection shall be made in writing, and shall state that the person returning the panel was partial, or was fraudulent, or wilfully misconducted himself, as the case may be. Such objection may be in the form KK in schedule one hereto, or to the like effect.

2. If partiality, fraud or wilful misconduct, as the case may be, is denied the court shall appoint any two indifferent persons to try whether the alleged ground of challenge is true or not. If the triers find that the alleged ground of challenge is true in fact, or if the party who has not challenged the array admits that the ground of challenge is true in fact, the court shall direct a new panel to be returned.

Calling the
panel.

667. If the array is not challenged, or if the triers find against the challenge, the officer of the court shall proceed to call the names of the jurors in the following manner: The name of each juror on the panel returned, with his number on the panel and the place of his abode, shall be written on a distinct piece of card, such cards being all as nearly as may be of an equal size. The cards shall be delivered to the officer of the court by the sheriff or other officer returning the panel, and shall, under the direction and care of the officer of the court, be put together in a box to be provided for that purpose, and shall be shaken together.

2. The officer of the court shall in open court draw out the said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number of persons have answered to their names as in the opinion of the court will probably be sufficient to provide a full jury after allowing for challenges of jurors and directions to stand by.

3. The officer of the court shall then proceed to swear the jury, each juror being called to swear in the order in which his name is so drawn, until, after subtracting all challenges allowed and jurors directed to stand by, twelve jurors are sworn. If the number so answering is not sufficient to provide a full jury such officer shall proceed to draw further names from the box, and call the same in manner aforesaid,

until, after challenges allowed and directions to stand by, twelve jurors are sworn.

4. If by challenges and directions to stand by the panel is exhausted without leaving a sufficient number to form a jury those who have been directed to stand by shall be again called in the order in which they were drawn, and shall be sworn, unless challenged by the accused, or unless the prosecutor challenges them and shows cause why they should not be sworn: Provided that if before any such juror is sworn other jurymen in the panel become available the prosecutor may require the names of such jurymen to be put into and drawn from the box in the manner hereinbefore prescribed, and such jurors shall be sworn, challenged, or ordered to stand by, as the case may be, before the jurors originally ordered to stand by are again called.

5. The twelve men who in manner aforesaid are ultimately sworn shall be the jury to try the issues on the indictment, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged; and then the names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried.

6. Provided that when the prosecutor and accused do not object thereto the court may try any issue with the same jury that has previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or if the parties or either of them object to some one or more of the jurors forming such jury, or the court excuses any one or more of them, then the court may order such persons to withdraw, and may direct the requisite number of names to make up a complete jury to be drawn, and the persons whose names are so drawn shall be sworn.

7. Provided also, that an omission to follow the directions in this section shall not affect the validity of the proceedings.

668. Every one indicted for treason or any offence punishable with death is entitled to challenge twenty jurors peremptorily. Challenges
and directions
to stand by.

2. Every one indicted for any offence other than treason, or an offence punishable with death, for which he may be sentenced to imprisonment for more than five years, is entitled to challenge twelve jurors peremptorily.

3. Every one indicted for any other offence is entitled to challenge four jurors peremptorily.

4. Every prosecutor and every accused person is entitled to any number of challenges on any of the following grounds; that is to say:

(a.) that any juror's name does not appear in the panel: Provided that no misnomer or misdescription shall be a ground of challenge if it appears to the court that the description

scription given in the panel sufficiently designates the persons referred to; or

(b.) that any juror is not indifferent between the Queen and the accused; or

(c.) that any juror has been convicted of any offence for which he was sentenced to death or to any term of imprisonment with hard labour or exceeding twelve months; or

(d.) that any juror is an alien.

5. No other ground of challenge than those above-mentioned shall be allowed.

6. If any such challenge is made the court may in its discretion require the party challenging to put his challenge in writing. The challenge may be in the form LL in schedule one hereto, or to the like effect. The other party may deny that the ground of challenge is true.

7. If the ground of challenge is that the jurors' names do not appear in the panel, the issue shall be tried by the court on the *voir dire* by the inspection of the panel, and such other evidence as the court thinks fit to receive.

8. If the ground of challenge be other than as last aforesaid the two jurors last sworn, or if no jurors have then been sworn then two persons present whom the court may appoint for that purpose shall be sworn to try whether the juror objected to stands indifferent between the Queen and the accused, or has been convicted, or is an alien, as aforesaid, as the case may be. If the court or the triers find against the challenge the juror shall be sworn. If they find for the challenge he shall not be sworn. If after what the court considers a reasonable time the triers are unable to agree the court may discharge them from giving a verdict, and may direct other persons to be sworn in their place.

9. The Crown shall have power to challenge four jurors peremptorily, and may direct any number of jurors not peremptorily challenged by the accused to stand by until all the jurors have been called who are available for the purpose of trying that indictment.

10. The accused may be called upon to declare whether he challenges any jurors peremptorily or otherwise, before the prosecutor is called upon to declare whether he requires such juror to stand by, or challenges him either for cause or peremptorily. R.S.C., c. 174, ss. 163 and 164.

Right to cause jurors to stand aside in case of libel.

669. The right of the Crown to cause any juror to stand aside until the panel has been gone through shall not be exercised on the trial of any indictment or information by a private prosecutor for the publication of a defamatory libel. R.S.C., c. 174, s. 165.

Peremptory challenges in case of mixed jury.

670. Whenever a person accused of an offence for which he would be entitled to twenty or twelve peremptory challenges as hereinbefore provided elects to be tried by a jury composed one half of persons skilled in the language of the

defence under sections six hundred and sixty-four or six hundred and sixty-five, the number of peremptory challenges to which he is entitled shall be divided, so that 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 French speaking jurors. R.S.C. c. 174, ss. 166 and 167.

671. If several accused persons are jointly indicted and it is proposed to try them together, they or any of them may either join in their challenges, in which case the persons who so join shall have only as many challenges as a single person would be entitled to, or each may make his challenges in the same manner as if he were intended to be tried alone.

Accused persons joining and severing in their challenges.

672. Whenever after the proceedings hereinbefore provided the panel has been exhausted, and a complete jury cannot be had by reason thereof, then, upon request made on behalf of the Crown, the court may order the sheriff or other proper officer forthwith to summon such number of persons whether qualified jurors or not as the court deems necessary and directs in order to make a full jury; and such jurors may, if necessary, be summoned by word of mouth.

Ordering a tales.

2. The names of the persons so summoned shall be added to the general panel, for the purposes of the trial, and the same proceedings shall be taken as to calling and challenging such persons and as to directing them to stand by as are hereinbefore provided for with respect to the persons named in the original panel. R.S.C., c. 174, s. 168.

673. The trial shall proceed continuously, subject to the power of the court to adjourn it. Upon every such adjournment the court may in all cases, if it thinks fit, direct that during the adjournment the jury shall be kept together, and proper provision made for preventing the jury from holding communication with any one on the subject of the trial. Such direction shall be given in all cases in which the accused may upon conviction be sentenced to death. In other cases, if no such direction is given, the jury shall be permitted to separate.

Jurors shall not be allowed to separate.

2. No formal adjournment of the court shall hereafter be required, and no entry thereof in the Crown book shall be necessary.

674. Jurors, after having been sworn, shall be allowed at any time before giving their verdict the use of fire and light when out of court, and shall also be allowed reasonable refreshment. 53 V., c. 57, s. 21.

Jurors may have fire and refreshments.

675. Nothing in this Act shall alter, abridge or affect any power or authority which any court or judge has when this

Saving of power of court.

Act takes effect, or any practice or form in regard to trials by jury, jury process, juries or jurors, except in cases where such power or authority is expressly altered by or is inconsistent with the provisions of this Act. R.S.C., c. 174, s. 170.

Proceedings
when previous
offence
charged.

676. The proceedings upon any indictment for committing any offence after a previous conviction or convictions, shall be as follows, that is to say : the offender shall, 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 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, 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, 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 subsequent offence, such person gives evidence of his good character, the prosecutor may, in answer thereto, give evidence of the conviction of such person for the previous offence or offences, before such verdict of guilty is returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

Attendance of
witnesses.

677. Every witness duly subpoenaed to attend and give evidence at any criminal trial before any court of criminal jurisdiction shall be bound to attend and remain in attendance throughout the trial. R.S.C., c. 174, s. 210.

Compelling
attendance of
witness.

678. Upon proof to the satisfaction of the judge of the service of the subpoena upon any witness who fails to attend or remain in attendance, or upon its appearing that any witness at the preliminary examination has entered into a recognizance to appear at the trial, and has failed so to appear, and that the presence of such witness is material to the ends of justice, the judge may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the subpoena ; and such witness may be detained on such warrant before the judge or in the common gaol with a view to secure his presence as a witness, or, in the discretion of the judge, he may be released on a recognizance, with or without sureties,

sureties, conditioned for his appearance to give evidence and to answer for his default in not attending or not remaining in attendance; and the judge may, in a summary manner, examine into and dispose of the charge against such witness, who, if he is found guilty thereof, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding ninety days, or to both. R.S.C., c. 174, s. 211.

679. If any witness in any criminal case, cognizable by indictment in any court of criminal jurisdiction at any term, sessions or sittings of any court in any part of Canada, resides in any part thereof, not within the ordinary jurisdiction of the court before which such criminal case is cognizable, such court may issue a writ of subpœna, directed to such witness, in like manner as if such witness was resident within the jurisdiction of the court; and if such witness does not obey such writ of subpœna the court issuing the same may proceed against such witness for contempt or otherwise, or bind over such witness to appear at such days and times as are necessary, and upon default being made in such appearance may cause the recognizances of such witness to be estreated, and the amount thereof to be sued for and recovered by process of law, in like manner as if such witness was resident within the jurisdiction of the court. R.S.C., c. 174, s. 212.

Witness in Canada but beyond jurisdiction of court.

680. When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court, or of any superior court or county court may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden or gaoler of the prison, or upon the sheriff or other person having the custody of such prisoner, to deliver such prisoner to the person named in such order to receive him; and such person shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet. R.S.C., c. 174, s. 213.

Procuring attendance of prisoner as witness.

681. Whenever it is made to appear at the instance of the Crown, or of the prisoner or defendant, to the satisfaction of a judge of a superior court, or a judge of a county court having criminal jurisdiction, that any person who is dangerously ill, and who, in the opinion of some licensed medical practitioner, is not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, such judge may, by order under his hand,

Evidence of person dangerously ill may be taken under commission.

appoint a commissioner to take in writing the statement on oath or affirmation of such person.

2. Such commissioner shall take such statement and shall subscribe the same and add thereto the names of the persons, if any, present at the taking thereof, and if the deposition relates to any indictable offence for which any accused person is already committed or bailed to appear for trial shall transmit the same, with the said addition, to the proper officer of the court at which such accused person is to be tried; 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, or to such other officer as has charge of the records and proceedings of a superior court of criminal jurisdiction in such county, division or city, and such clerk of the peace or other officer 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. R.S.C., c. 174, s. 220.

Presence of prisoner when such evidence is taken.

682. Whenever a prisoner in actual custody is served with, or receives, notice of an intention to take the statement mentioned in the last preceding section the judge who has appointed the commissioner may, by an order in writing, direct the officer or other person 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 officer or other person shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner has been conveyed. R.S.C., c. 174, s. 221.

Evidence may be taken out of Canada under commission.

683. Whenever it is made to appear, at the instance of the Crown, or of the prisoner or defendant, to the satisfaction of the judge of any superior court, or the judge of a county court having criminal jurisdiction, that any person who resides out of Canada is able to give material information relating to any indictable offence for which a prosecution is pending, or relating to any person accused of such offence, such judge may, by order under his hand, appoint a commissioner or commissioners to take the evidence, upon oath, of such person.

2. Until otherwise provided by rules of court the practice and procedure in connection with the appointment of commissioners under this section, the taking of depositions by such commissioners, and the certifying and return thereof, and the use of such depositions as evidence at the trial, shall be, as nearly as practicable, the same as those which prevail in the respective courts in connection with the like matters in civil causes. 53 V., c. 37, s. 23.

684. No person accused of an offence under any of the hereunder mentioned sections shall be convicted upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused :

When evidence of one witness must be corroborated.

- (a.) Treason, Part IV., section sixty-five ;
- (b.) Perjury, Part X., section one hundred and forty-six ;
- (c.) Offences under Part XII., sections one hundred and eighty-one to one hundred and ninety inclusive ;
- (d.) Procuring feigned marriage, Part XXII., section two hundred and seventy-seven ;
- (e.) Forgery, Part XXXI., section four hundred and twenty-three.

XIII

685. Where, upon the hearing or trial of any charge for carnally knowing or attempting to carnally know a girl under fourteen or of any charge under section two hundred and fifty-nine for indecent assault, the girl in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the court or justices, understand the nature of an oath, the evidence of such girl or other child of tender years may be received though not given upon oath if, in the opinion of the court or justices, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Evidence not under oath of child in certain cases.

2. But no person shall be liable to be convicted of the offence, unless the testimony admitted by virtue of this section, and given on behalf of the prosecution, is corroborated by some other material evidence in support thereof implicating the accused.

3. Any witness whose evidence is admitted under this section is liable to indictment and punishment for perjury in all respects as if he or she had been sworn. 53 V., c. 37, s. 13.

686. If the evidence of a sick person has been taken under commission as provided in section six hundred and eighty-one, and upon the trial of any offender for any offence to which the same relates, the person who made the statement is proved to be dead, or if it is proved that there is no reasonable probability that such person will ever be able to attend at the trial to give evidence, such statement may, 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 satisfaction 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

Deposition of sick witness may be read in evidence.

posed to be read in evidence, and that such person or his counsel or solicitor had, or might have had, if he had chosen to be present, full opportunity of cross-examining the person who made the same. R.S.C., c. 174, s. 220.

Depositions on preliminary inquiry may be read in evidence.

687. If upon the trial of any accused person it is proved upon the oath or affirmation of any credible witness that any person whose deposition has been taken by a justice in the preliminary or other investigation of any charge is dead, or 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 solicitor, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the justice by or before whom the same purports to 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 purporting to have signed the same. R.S.C., c. 174, s. 222.

Depositions may be used on trial for other offences.

688. Depositions taken in the preliminary or other investigation of any charge against any person may be read as evidence in the prosecution of such person for any other offence, upon the like proof and in the same manner, in all respects, as they may, according to law, be read in the prosecution of the offence with which such person was charged when such depositions were taken. R.S.C., c. 174, s. 224.

Evidence of statement by accused.

689. The statement made by the accused person before the justice may, if necessary, upon the trial of such person, be given in evidence against him without further proof thereof, unless it is proved that the justice purporting to have signed the same did not in fact sign the same. R.S.C., c. 174, s. 223.

Admission may be taken on trial.

690. Any accused person on his trial for any indictable offence, or his counsel or solicitor, may admit any fact alleged against the accused so as to dispense with proof thereof.

Certificate of trial at which perjury was committed.

691. A certificate containing the substance and effect only, omitting the formal part, of the indictment and trial for any offence, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court whereat the indictment was tried, or among which such indictment has been filed, or by the deputy of such clerk or other officer, shall, upon the trial of an indictment for perjury or subornation of perjury, be sufficient evidence of the trial of such indictment without proof of the signature or official character of the person appearing to have signed the same. R.S.C., c. 174, s. 225.

Evidence of coin being false or counterfeit.

692. When, upon the trial of any person, it becomes necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary

to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of Her Majesty's mint, or other person employed in producing the lawful coin in Her Majesty's dominions or elsewhere, whether the coin counterfeited is current coin, or the coin of any foreign prince, state or country, not current in Canada, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness. R.S.C., c. 174, s. 229.

693. On the trial of any person charged with the offences mentioned in section four hundred and eighty, any letter, circular, writing or paper offering or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, or concerning any similar scheme or device to defraud the public, shall be *prima facie* evidence of the fraudulent character of such scheme or device.

Evidence on proceedings for advertising counterfeit money.

694. A certificate containing the substance and effect only, omitting the formal part, of any previous indictment and conviction for any indictable offence, or a copy of any summary conviction, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court before which the offender was first convicted, or to which such summary conviction was returned, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction without proof of the signature or official character of the person appearing to have signed the same. R.S.C., c. 174, s. 230.

Proof of previous conviction.

695. A witness may be questioned as to whether he has been convicted of any offence, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction; and a certificate, as provided in the next preceding section, shall, upon proof of the identity of the witness as such convict, be sufficient evidence of his conviction, without proof of the signature or the official character of the person appearing to have signed the certificate. R.S.C., c. 174, s. 231.

Proof of previous conviction of witness.

696. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise as if there had been no attesting witness thereto. R.S.C., c. 174, s. 232.

Proof of attested instrument.

697. The trial of any woman charged with the murder 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 the like rules of evidence and presumption as are

Evidence at trial for child murder.

by law used and allowed to take place in respect to other trials for murder. R.S.C., c. 174, s. 227.

Comparison of
disputed
writing with
genuine.

698. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by witnesses ; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute. R.S.C., c. 174, s. 233.

Party dis-
crediting his
own witness.

699. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but if the witness, in the opinion of the court, proves adverse, such party may contradict him by other evidence, or, by leave of the court, may prove that the witness made at other times a statement inconsistent with his present testimony ; but before such last mentioned proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he did make such statement. R.S.C., c. 174, s. 234.

Evidence of
former written
statements by
witness.

700. Upon any trial a witness may be cross-examined as to previous statements made by him in writing, or reduced to writing, relative to the subject-matter of the case, without such writing being shown to him ; but if it is intended to contradict the witness by the writing his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him ; and the judge, at any time during the trial, may require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he thinks fit : Provided that a deposition of the witness, purporting to have been taken before a justice on the investigation of the charge and to be signed by the witness and the justice, returned to and produced from the custody of the proper officer, shall be presumed *prima facie* to have been signed by the witness. R.S.C., c. 174, s. 235.

Proof of con-
tradictory
statements by
witness.

701. If a witness, upon cross-examination as to a former statement made by him relative to the subject-matter of the case and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it ; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness and he shall be asked whether or not he did make such statement. R.S.C., c. 174, s. 236.

Evidence of
place being a
common
gaming-house.

702. When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used

as a common gaming-house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section one hundred and ninety-eight, that such house, room or place is used as a common gaming-house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid. R.S.C., c. 158, s. 4.

703. It shall be *primâ facie* evidence in any prosecution for keeping a common gaming-house under section one hundred and ninety-eight of this Act that a house, room or place is used as a common gaming-house, and that the persons found therein were unlawfully playing therein—

Other evidence that place is a common gaming-house.

(a.) if any constable or officer authorized to enter any house room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(b.) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming. R.S.C., c. 158, s. 8.

704. Whenever, on the trial of a person charged with making an agreement for the sale or purchase of shares, goods, wares or merchandise in the manner set forth in section two hundred and one, it is established that the person so charged has made or signed any such contract or agreement of sale or purchase, or has acted, aided or abetted in the making or signing thereof, the burden of proof of the *bonâ fide* intention to acquire or to sell such goods, wares or merchandise, or to deliver or to receive delivery thereof, as the case may be, shall rest upon the person so charged.

Evidence in case of gaming in stocks, &c.

705. In any criminal proceeding commenced or prosecuted under section two hundred and eighty-nine for printing any extract from, or abstract of, any report published by, or under the authority of, the Senate, House of Commons, or any Legislative Council, Legislative Assembly or House of Assembly, or any paper, votes or proceedings, such report, paper, votes or proceedings may be given in evidence, and it may be shown that such extract or abstract was published *bonâ fide* and without malice, and if such is the opinion of the jury a verdict of not guilty shall be entered for the defendant. R.S.C., c. 163, s. 8.

Evidence in certain cases of libel.

706. In the case of any indictment under section two hundred and seventy-eight (b), (c) and (d), no averment or proof

Evidence in case of polygamy, &c.

of the method in which the sexual relationship charged was entered into, agreed to, or consented to, shall be necessary in any such indictment, or upon the trial of the person thereby charged; nor shall it be necessary upon such trial to prove carnal connection had or intended to be had between the persons implicated. 53 V., c. 37, s. 11.

Evidence of stealing ores or minerals.

707. In any prosecution, proceeding or trial for stealing ores or minerals the possession, contrary to the provisions of any law in that behalf, or any smelted gold or silver, or any gold-bearing quartz, or any unsmelted or otherwise unmanufactured gold or silver, by any operative, workman or labourer actively engaged in or on any mine, shall be *primâ facie* evidence that the same has been stolen by him. R.S.C., c. 164, s. 30.

Evidence of stealing timber.

708. In any prosecution, proceeding or trial for any offence under section three hundred and thirty-eight a timber mark, duly registered under the provisions of the *Act respecting the Marking of Timber*, on any timber, mast, spar, saw-log or other description of lumber, shall be *primâ facie* evidence that the same is the property of the registered owner of such timber mark; and possession by the offender, or by others in his employ or on his behalf, of any such timber, mast, spar, saw-log or other description of lumber so marked, shall, in all cases, throw upon the offender the burden of proving that such timber, mast, spar, saw-log or other description of lumber came lawfully into his possession, or into the possession of such others in his employ or on his behalf. R.S.C., c. 174, s. 228.

Evidence in cases relating to public stores.

709. In any prosecution, proceeding or trial under sections three hundred and eighty-five to three hundred and eighty-nine inclusive for offences relating to public stores proof that any soldier, seaman or marine was actually doing duty in Her Majesty's service shall be *primâ facie* evidence that his enlistment, entry or enrolment has been regular.

2. If the person charged with the offence relating to public stores mentioned in article three hundred and eighty-seven was, at the time at which the offence is charged to have been committed, in Her Majesty's service or employment, or a dealer in marine stores, or a dealer in old metals, knowledge on his part that the stores to which the charge relates bore the marks described in section three hundred and eighty-four shall be presumed until the contrary is shown. 50-51 V., c. 45, s. 13.

Evidence in case of fraudulent marks on merchandise.

710. In any prosecution, proceeding or trial for any offence under Part XXXIII. relating to fraudulent marks on merchandise, if the offence relates to imported goods evidence of the port of shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced. 51 V., c. 41, s. 13.

2. Provided that in any prosecution for forging a trade mark the burden of proof of the assent of the proprietor shall lie on the defendant.

711. When the complete commission of the offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of such attempt and punished accordingly. R.S.C., c. 174, s. 183. Full offence charged, attempt proved.

712. When an attempt to commit an offence is charged but the evidence establishes the commission of the full offence, the accused shall not be entitled to be acquitted, but the jury may convict him of the attempt, unless the court before which such trial is had thinks fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for the complete offence: Attempt charged, full offence proved.

2. Provided that after a conviction for such attempt the accused shall not be liable to be tried again for the offence which he was charged with attempting to commit. R.S.C., c. 174, s. 184.

713. Every count shall be deemed divisible; and if the commission of the offence charged, as described in the enactment creating the offence or as charged in the count, includes the commission of any other offence the person accused may be convicted of any offence so included which is proved, although the whole offence charged is not proved; or he may be convicted of an attempt to commit any offence so included: Offence charged, part only proved.

2. Provided, that on a count charging murder, if the evidence proves manslaughter but does not prove murder the jury may find the accused not guilty of murder but guilty of manslaughter, but shall not on that count find the accused guilty of any other offence.

714. If any person tried for the murder of any child is acquitted thereof the jury by whose verdict such person is acquitted may find, in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child or of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of birth. R.S.C., c. 174, s. 188. On indictment for murder conviction may be of concealment of birth.

715. If, upon the trial of two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons separately received any part or parts of such property, the jury may convict, upon such indictment. Trial of joint receivers.

ment, such of the said persons as are proved to have received any part or parts of such property. R.S.C., c. 174, s. 200.

Proceedings
against re-
ceivers.

716. When proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be given, at any stage of the proceedings, that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property which forms the subject of the proceedings taken against him to be stolen: Provided, that not less than three days' notice in writing has been given to the person accused that proof is intended to be given of such other property, stolen within the preceding period of twelve months, having been found in his possession; and such notice shall specify the nature or description of such other property, and the person from whom the same was stolen. R.S.C., c. 174, s. 203.

The same
after previous
conviction.

717. When proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen: Provided, that not less than three days' notice in writing has been given to the person accused that proof is intended to be given of such previous conviction; and it shall not be necessary, for the purposes of this section, to charge in the indictment the previous conviction of the person so accused. R.S.C., c. 174, s. 204.

Trial for
coinage of-
fences.

718. Upon the trial of any person accused of any offence respecting the currency or coin, or against the provisions of Part XXXV., no difference in the date or year, or in any legend marked upon the lawful coin described in the indictment, and the date or year or legend marked upon the false coin counterfeited to resemble or pass for such lawful coin, or upon any die, plate, press, tool or instrument used, constructed, devised, adapted or designed for the purpose of counterfeiting or imitating any such lawful coin, shall be considered a just or lawful cause or reason for acquitting any such person of such offence; and it shall, in any case, be sufficient to prove such general resemblance to the lawful coin as will show an intention that the counterfeit should pass for it. R.S.C., c. 174, s. 205.

719. On the trial of any indictment or information for the making or publishing of any defamatory libel, on the plea of not guilty pleaded, the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed, by the court or judge before whom such indictment or information is tried, to find the defendant guilty merely on the proof of publication by such defendant of the paper charged to be a defamatory libel, and of the sense ascribed to the same in such indictment or information; but the court or judge before whom such trial is had shall, according to the discretion of such court or judge, give the opinion and direction of such court or judge to the jury on the matter in issue as in other criminal cases; and the jury may, on such issue, find a special verdict if they think fit so to do; and the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act. R.S.C., c. 174; s. 152. Verdict in case of libel.

720. Whenever any instrument which has been forged or fraudulently altered is admitted in evidence the court or the judge or person who admits the same may, at the request of any person against whom the same is admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the court or other proper person for such period and subject to such conditions, as to the court, judge or person admitting the same seems meet. R.S.C., c. 174, s. 208. Impounding documents.

721. If any false or counterfeit coin is produced on any trial for an offence against Part XXXV., the court shall order the same to be cut in pieces in open court, or in the presence of a justice of the peace, and then delivered to or for the lawful owner thereof, if such owner claims the same. R.S.C., c. 174, s. 209. Destroying counterfeit coin.

722. On the trial of any person for an offence against this Act, the court may, if it appears expedient for the ends of justice, at any time after the jurors have been sworn to try the case and before they give their verdict, direct that the jury shall have a view of any place, thing or person, and shall give directions as to the manner in which, and the persons by whom, the place, thing or person shall be shown to such jurors, and may for that purpose adjourn the trial and the costs occasioned thereby shall be in the discretion of the court. R. S. C., c. 174, s. 171. View.

2. When such view is ordered, the court shall give such directions as seem requisite for the purpose of preventing undue communication with such jurors: Provided that no breach of any such directions shall affect the validity of the proceedings. R.S.C. c 174, s. 171.

Variance and amendment.

723. If on the trial of any indictment there appears to be a variance between the evidence given and the charge in any count in the indictment, either as found or as amended, or as it would have been if amended in conformity with any particular supplied as provided in sections six hundred and fifteen and six hundred and seventeen, the court before which the case is tried may, if of opinion that the accused has not been misled or prejudiced in his defence by such variance, amend the indictment or any count in it or any such particular so as to make it conformable with the proof.

2. If it appears that the indictment has been preferred under some other Act of Parliament instead of under this Act, or under this instead of under some other Act, or that there is in the indictment, or in any count in it, an omission to state or a defective statement of anything requisite to constitute the offence, or an omission to negative any exception which ought to have been negatived, but that the matter omitted is proved by the evidence, the court before which the trial takes place, if of opinion that the accused has not been misled or prejudiced in his defence by such error or omission, shall amend the indictment or count as may be necessary.

3. The trial in either of these cases may then proceed in all respects as if the indictment or count had been originally framed as amended: Provided that if the court is of opinion that the accused has been misled or prejudiced in his defence by any such variance, error, omission or defective statement, but that the effect of such misleading or prejudice might be removed by adjourning or postponing the trial, the court may in its discretion make the amendment and adjourn the trial to a future day in the same sittings, or discharge the jury and postpone the trial to the next sittings of the court, on such terms as it thinks just.

4. In determining whether the accused has been misled or prejudiced in his defence the court which has to determine the question shall consider the contents of the depositions, as well as the other circumstances of the case.

5. Provided that the propriety of making or refusing to make any such amendment shall be deemed a question for the court, and that the decision of the court upon it may be reserved for the Court of Appeal, or may be brought before the Court of Appeal like any other decision on a point of law. R.S.C., c. 174, ss. 237, 238, 239.

Amendment to be endorsed on the record.

724. In case an order for amendment as provided for in the next preceding section is made it shall be endorsed on the record; and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer and filed with the indictment, among the proper records of the court. R.S.C., c. 174, s. 240.

Form of formal record in such case.

725. If it becomes necessary to draw up a formal record in any case in which an amendment has been made as aforesaid,

said, such record shall be drawn up in the form in which the indictment remained after the amendment was made, without taking any notice of the fact of such amendment having been made. R.S.C., c. 174, s. 243.

726. In making up the record of any conviction or acquittal on any indictment it shall be sufficient to copy the indictment with the plea pleaded thereto, without any formal caption or heading; and the statement of the arraignment and the proceedings subsequent thereto shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry as are, from time to time, prescribed by any rule or rules of the superior courts of criminal jurisdiction respectively,—which rules shall also apply to such inferior courts of criminal jurisdiction as are therein designated. R.S.C., c. 174, s. 244.

Form of record of conviction or acquittal.

727. If the jury retire to consider their verdict they shall be kept under the charge of an officer of the court in some private place, and no person other than the officer of the court who has charge of them shall be permitted to speak or to communicate in any way with any of the jury without the leave of the court.

Jury retiring to consider verdict.

2. Disobedience to the directions of this section shall not affect the validity of the proceedings: Provided that if such disobedience is discovered before the verdict of the jury is returned the court, if it is of opinion that such disobedience has produced substantial mischief, may discharge the jury and direct a new jury to be sworn or empanelled during the sitting of the court, or postpone the trial on such terms as justice may require.

728. If the court is satisfied that the jury are unable to agree upon their verdict, and that further detention would be useless, it may in its discretion discharge them and direct a new jury to be empanelled during the sittings of the court, or may postpone the trial on such terms as justice may require.

Jury unable to agree.

2. It shall not be lawful for any court to review the exercise of this discretion.

729. The taking of the verdict of the jury or other proceeding of the court shall not be invalid by reason of its happening on Sunday.

Proceedings on Sunday.

730. If sentence of death is passed upon any woman she may move in arrest of execution on the ground that she is pregnant. If such a motion is made the court shall direct one or more registered medical practitioners to be sworn to examine the woman in some private place, either together or successively, and to inquire whether she is with child of a quick child or not. If upon the report of any of them it

Woman sentenced to death while pregnant.

appears to the court that she is so with child execution shall be arrested till she is delivered of a child, or until it is no longer possible in the course of nature that she should be so delivered.

Jury *de ventre inspiciendo* abolished.

731. After the commencement of this Act no jury *de ventre inspiciendo* shall be empanelled or sworn.

Stay of proceedings.

732. The Attorney-General may, at any time after an indictment has been found against any person for any offence, and before judgment is given thereon, direct the officer of the court to make on the record an entry that the proceedings are stayed by his direction, and on such entry being made all such proceedings shall be stayed accordingly.

2. The Attorney-General may delegate such power in any particular court to any counsel nominated by him.

Motion in arrest of judgment on verdict of guilty.

733. If the jury find the accused guilty, or if the accused pleads guilty, the judge presiding at the trial shall ask him whether he has anything to say why sentence should not be passed upon him according to law: but the omission so to ask shall have no effect on the validity of the proceedings.

2. The accused may at any time before sentence move in arrest of judgment on the ground that the indictment does not (after any amendment which the court is willing to and has power to make) state any indictable offence.

3. The court may in its discretion either hear and determine the matter during the same sittings or reserve the matter for the Court of Appeal as herein provided. If the court decides in favour of the accused, he shall be discharged from that indictment. If no such motion is made, or if the court decides against the accused upon such motion, the court may sentence the accused during the sittings of the court, or the court may in its discretion discharge him on his own recognizance, or on that of such sureties as the court thinks fit, or both, to appear and receive judgment at some future court or when called upon. If sentence is not passed during the sitting, the judge of any superior court before which the person so convicted afterwards appears or is brought, or if he was convicted before a court of general or quarter sessions, the court of general or quarter sessions at a subsequent sitting may pass sentence upon him or direct him to be discharged.

4. When any sentence is passed upon any person after a trial had under an order for changing the place of trial, the court may in its discretion, either direct the sentence to be carried out at the place where the trial was had or order the person sentenced to be removed to the place where his trial would have been had but for such order, so that the sentence may be there carried out.

Judgment not to be arrested for formal defects.

734. Judgment, after verdict upon an indictment for any offence against this Act, shall not be stayed or reversed for

want of a *similiter*,—nor by reason that the jury process has been awarded to a wrong officer, upon an insufficient suggestion,—nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors,—nor 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 statute, or subjected to a greater degree of punishment by any statute, the indictment shall, after verdict, be held sufficient, if it describes the offence in the words of the statute creating the offence, or prescribing the punishment, although they are disjunctively stated or appear to include more than one offence, or otherwise. R.S.C., c. 174, s. 246.

735. No omission to observe the directions contained in any Act as respects the qualification, selection, balloting or distribution of jurors, the preparation of the jurors' book, the selecting of jury lists, the drafting panels from the jury lists or the striking of special juries, shall be a ground for impeaching any verdict, or shall be allowed for error upon any writ of error or appeal to be brought upon any judgment rendered in any criminal case. R.S.C., c. 174, s. 247.

Verdict not to be impeached for certain omissions as to jurors.

736. Whenever it is given in evidence upon the trial of any person charged with any indictable offence, that such person was insane at the time of the commission of such offence, and such person is acquitted, the jury shall be required to find, specially, whether such person was insane at the time of the commission of such offence, and to declare whether he is acquitted by it on account of such insanity; and if it finds that such person was insane at the time of committing such offence, the court before which such trial is had, shall order such person to be kept in strict custody in such place and in such manner as to the court seems fit, until the pleasure of the Lieutenant-Governor is known.

Insanity of accused at time of offence.

737. If at any time after the indictment is found, and before the verdict is given, it appears to the court that there is sufficient reason to doubt whether the accused is then, on account of insanity, capable of conducting his defence, the court may direct that an issue shall be tried whether the accused is or is not then on account of insanity unfit to take his trial.

Insanity of accused on arraignment or trial.

2. If such issue is directed before the accused is given in charge to a jury for trial on the indictment such issue shall be tried by any twelve jurors. If such issue is directed after the accused has been given in charge to a jury for trial on the indictment such jury shall be sworn to try this issue in addition to that on which they are already sworn

3. If the verdict on this issue is that the accused is not then unfit to take his trial the arraignment or the trial shall proceed

ceed as if no such issue had been directed. If the verdict is that he is unfit on account of insanity the court shall order the accused to be kept in custody till the pleasure of the Lieutenant-Governor of the province shall be known, and any plea pleaded shall be set aside and the jury shall be discharged.

4. No such proceeding shall prevent the accused being afterwards tried on such indictment. R.S.C., c. 174, ss. 252 and 255.

Custody of persons formerly acquitted for insanity.

738. If any person before the passing of this Act, whether before or after the first day of July, one thousand eight hundred and sixty-seven, was acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the court before which such person was tried, and still remains in custody, the Lieutenant-Governor may make a like order for the safe custody of such person during pleasure. R.S.C., c. 174, s. 254.

Insanity of person to be discharged for want of prosecution.

739. If any person charged with an offence is brought before any court to be discharged for want of prosecution, and such person appears to be insane, the court shall order a jury to be empanelled to try the sanity of such person, and if the jury so empanelled finds him insane, the court shall order such person to be kept in strict custody, in such place and in such manner as to the court seems fit, until the pleasure of the Lieutenant-Governor is known. R.S.C., c. 174, s. 256.

Custody of insane person.

740. In all cases of insanity so found, the Lieutenant-Governor may make an order for the safe custody of the person so found to be insane, in such place and in such manner as to him seems fit. R.S.C., c. 174, ss. 253 and 257.

Insanity of person imprisoned.

741. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned in any prison other than a penitentiary for an offence, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, as the Lieutenant-Governor considers sufficient, may order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping, as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. R.S.C., c. 174, s. 258.

PART LII.

APPEAL.

742. An appeal from the verdict or judgment of any court or judge having jurisdiction in criminal cases, or of a magistrate proceeding under section seven hundred and eighty-five, on the trial of any person for an indictable offence, shall lie upon the application of such person if convicted, to the Court of Appeal in the cases hereinafter provided for, and in no others. Appeal in criminal cases.

2. Whenever the judges of the Court of Appeal are unanimous in deciding an appeal brought before the said court their decision shall be final. If any of the judges dissent from the opinion of the majority, an appeal shall lie from such decision to the Supreme Court of Canada as hereinafter provided.

743. No proceeding in error shall be taken in any criminal case begun after the commencement of this Act : Reserving questions of law.

2. The court before which any accused person is tried may, either during or after the trial, reserve any question of law arising either on the trial or on any of the proceedings preliminary, subsequent, or incidental thereto, or arising out of the direction of the judge, for the opinion of the Court of Appeal in manner hereinafter provided.

3. Either the prosecutor or the accused may during the trial either orally or in writing apply to the court to reserve any such question as aforesaid, and the court, if it refuses so to reserve it, shall nevertheless take a note of such objection.

4. After a question is reserved the trial shall proceed as in other cases.

5. If the result is a conviction, the court may in its discretion respite the execution of the sentence or postpone sentence till the question reserved has been decided, and shall in its discretion commit the person convicted to prison or admit him to bail with one or two sufficient sureties, in such sums as the court thinks fit, to surrender at such time as the court directs.

6. If the question is reserved, a case shall be stated for the opinion of the Court of Appeal.

744. If the court refuses to reserve the question, the party applying may, with the leave in writing of the Attorney-General, move the Court of Appeal as hereinafter provided. The Attorney-General may in his discretion give or refuse such leave. Appeal when no question reserved.

2. The Attorney-General, or any person to whom such leave as aforesaid is given, may on notice of motion to be given to the accused or prosecutor, as the case may be, move the

Court of Appeal for leave to appeal. The Court of Appeal may upon the motion and upon considering such evidence (if any) as they think fit to require, grant or refuse such leave.

3. If leave to appeal is granted, a case shall be stated for the opinion of the Court of Appeal as if the question had been reserved.

4. If the sentence is alleged to be one which could not by law be passed, either party may without leave, upon giving notice of motion to the other side, move the Court of Appeal to pass a proper sentence.

5. If the court has arrested judgment, and refused to pass any sentence, the prosecutor may without leave make such a motion.

Evidence for
Court of
Appeal.

745. On any appeal or application for a new trial, the court before which the trial was had shall, if it thinks necessary, or if the Court of Appeal so desires, send to the Court of Appeal a copy of the whole or of such part as may be material of the evidence or the notes taken by the judge or presiding justice at the trial. The Court of Appeal may, if only the judge's notes are sent and it considers such notes defective, refer to such other evidence of what took place at the trial as it may think fit. The Court of Appeal may in its discretion send back any case to the court by which it was stated to be amended or restated. R.S.C., c. 174, s. 264.

Powers of
Court of
Appeal.

746. Upon the hearing of any appeal under the powers hereinbefore contained, the Court of Appeal may—

(a.) confirm the ruling appealed from; or

(b.) if of opinion that the ruling was erroneous, and that there has been a mis-trial in consequence, direct a new trial; or

(c.) if it considers the sentence erroneous or the arrest of judgment erroneous, pass such a sentence as ought to have been passed or set aside any sentence passed by the court below, and remit the case to the court below with a direction to pass the proper sentence; or

(d.) if of opinion in a case in which the accused has been convicted that the ruling was erroneous, and that the accused ought to have been acquitted, direct that the accused shall be discharged, which order shall have all the effects of an acquittal; or

(e.) direct a new trial; or

(f.) make such other order as justice requires: Provided that no conviction shall be set aside nor any new trial directed, although it appears that some evidence was improperly admitted or rejected, or that something not according to law was done at the trial or some misdirection given, unless in the opinion of the Court of Appeal some substantial wrong or miscarriage was thereby occasioned on the trial: Provided

that if the Court of Appeal is of opinion that any challenge for the defence was improperly disallowed a new trial shall be granted.

2. If it appears to the Court of Appeal that such wrong or miscarriage affected some count only of the indictment the court may give separate directions as to each count and may pass sentence on any count unaffected by such wrong or miscarriage which stands good, or may remit the case to the court below with directions to pass such sentence as justice may require.

3. The order or direction of the Court of Appeal shall be certified under the hand of the presiding chief justice or senior puisne judge to the proper officer of the court before which the case was tried, and such order or direction shall be carried into effect. R.S.C., c. 174, s. 263.

747. After the conviction of any person for any indictable offence the court before which the trial takes place may, either during the sitting or afterwards, give leave to the person convicted to apply to the Court of Appeal for a new trial on the ground that the verdict was against the weight of evidence. The Court of Appeal may, upon hearing such motion, direct a new trial if it thinks fit.

Application for a new trial.

2. In the case of a trial before a Court of General or Quarter Sessions such leave may be given, during or at the end of the session, by the judge or other person who presided at the trial.

748. If upon any application for the mercy of the Crown on behalf of any person convicted of an indictable offence, the Minister of Justice entertains a doubt whether such person ought to have been convicted, he may, instead of advising Her Majesty to remit or commute the sentence, after such inquiry as he thinks proper, by an order in writing direct a new trial at such time and before such court as he may think proper.

New trial by order of Minister of Justice.

749. The sentence of a court shall not be suspended by reason of any appeal, unless the court expressly so directs, except where the sentence is that the accused suffer death, or whipping. The production of a certificate from the officer of the court that a question has been reserved, or that leave has been given to apply for a new trial, or of a certificate from the Attorney-General that he has given leave to move the Court of Appeal, or of a certificate from the Minister of Justice that he has directed a new trial, shall be a sufficient warrant to suspend the execution of any sentence of death or whipping.

Intermediate effects of appeal.

2. In all cases it shall be in the discretion of the Court of Appeal in directing a new trial to order the accused to be admitted to bail.

Appeal to
Supreme
Court of
Canada.

750. Any person convicted of any indictable offence, whose conviction has been affirmed on an appeal taken under section seven hundred and forty-two may appeal to the Supreme Court of Canada against the affirmation of such conviction; and the Supreme Court of Canada shall make such rule or order thereon, either in affirmance of the conviction or for granting a new trial, or otherwise, or for granting or refusing such application, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect: Provided that no such appeal can be taken if the Court of Appeal is unanimous in affirming the conviction, nor unless notice of appeal in writing has been served on the Attorney-General within fifteen days after such affirmance or such further time as may be allowed by the Supreme Court of Canada or a judge thereof.

2. Unless such appeal is brought on for hearing by the appellant at the session of the Supreme Court during which such affirmance takes place, or the session next thereafter if the said court is not then in session, the appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court or a judge thereof.

3. The judgment of the Supreme Court shall, in all cases, be final and conclusive. 50-51 V., c. 50, s. 1.

Appeals to
Privy Council
abolished.

751. Notwithstanding any royal prerogative, or anything contained in *The Interpretation Act* or in *The Supreme and Exchequer Courts Act*, no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of appeal or authority, by which in the United Kingdom appeals or petitions to Her Majesty in Council may be heard. 51 V., c. 43, s. 1.

PART LIII.

SPECIAL PROVISIONS.

Further
detention
of person
accused.

752. Whenever any person in custody charged with an indictable offence has taken proceedings before a judge or criminal court having jurisdiction in the premises by way of *certiorari*, *habeas corpus* or otherwise, to have the legality of his imprisonment inquired into, such judge or court may, with or without determining the question, make an order for the further detention of the person accused, and direct the judge or justice under whose warrant he is in custody, or any other judge or justice to take any proceedings, hear such evidence, or do such further act as in the opinion of the court or judge may best further the ends of justice.

Question
raised at trial
may be re-
served for
decision.

753. Any judge or other person presiding at the sittings of a court at which any person is tried for an indictable offence under this Act, whether he is the judge of such
580
court

court or is appointed by commission or otherwise to hold such sittings, may reserve the giving of his final decision on questions raised at the trial; and his decision, whenever given, shall be considered as if given at the time of the trial. R.S.C., c. 174, s. 269.

754. The practice and procedure in all criminal cases and matters in the High Court of Justice of Ontario which are not provided for in this Act, shall be the same as the practice and procedure in similar cases and matters heretofore. R.S.C., c. 174, s. 270.

Practice in High Court of Justice of Ontario.

755. If any general commission for the holding of a court of assize and *nisi prius*, oyer and terminer or general gaol delivery is issued by the Governor-General for any county or district in the province of Ontario, such commission shall contain the names of the justices of the Supreme Court of Judicature for Ontario, and may also contain 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 duly 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 judge of the district court of the said district.

Commission of court of assize, &c.

2. The said courts shall be presided over by one of the justices of the said Supreme Court, or in their absence by one of such county court judges or by one of such counsel, or in the case of any such district by the judge of such district court. R.S.C., c. 174, s. 271.

756. It shall not be necessary for any court of General Sessions in the province of Ontario to deliver the gaol of all prisoners who are confined upon charges of theft, but the court may leave any such cases to be tried at the next court of oyer 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. R.S.C., c. 174, s. 272.

Court of general sessions.

757. If any person is prosecuted in any division of the High Court of Justice for Ontario for any indictable offence, by information there filed, or by indictment there found or removed into such court, and appears therein in term time in person, or, in case of a corporation, by attorney, to answer to such information or indictment, such defendant, upon being charged therewith, shall not imparl to a following term, but shall plead or demur thereto within four days from the time of his appearance; and in default of his pleading or demurring within four days as aforesaid judgment may be entered against such defendant for want of a plea. R.S.C., c. 174, s. 273.

Time for pleading to indictment in Ontario.

Rule to plead. **758.** If such defendant appears to such information or indictment by attorney, he shall not imparl to a following term, but a rule, requiring him to plead, may forthwith be given and served, and a plea to such information or indictment may be enforced, or judgment in default may be entered in the same manner as might have been done formerly in cases in which the defendant had appeared to such information or indictment by attorney in a previous term; but the court, or any judge thereof, upon sufficient cause shown for that purpose, may allow further time for such defendant to plead or demur to such information or indictment. R.S.C., c. 174, s. 274.

Delay in prosecution.

759. If any prosecution for an indictable offence, instituted by the Attorney-General for Ontario in the said court, is not brought to trial within twelve months next after the plea of not guilty has been pleaded thereto, the court in which such prosecution is depending, upon application made on behalf of any defendant in such prosecution of which application twenty days' previous notice shall be given to such Attorney-General, may make an order authorizing such defendant to bring on the trial of such prosecution; and thereupon such defendant may bring on such trial accordingly unless a *nolle prosequi* is entered to such prosecution. R.S.C., c. 174, s. 275.

Calendar of criminal cases in Nova Scotia.

760. In the province of Nova Scotia a calendar of the criminal cases shall be sent by the clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses, and the indictments shall not be made out, except in Halifax, until the grand jury so directs. R.S.C., c. 174, s. 276.

Criminal sentence in Nova Scotia.

761. A judge of the Supreme Court of Nova Scotia may sentence convicted criminals on any day of the sittings at Halifax, as well as in term time. R.S.C., c. 174, s. 277.

PART LIV.

SPEEDY TRIALS OF INDICTABLE OFFENCES.

Application.

762. The provisions of this part do not apply to the North-west Territories or the district of Keewatin. 52 V., c. 47, s. 3.

Definitions.

763. In this part, unless the context otherwise requires,—
(a.) the expression "judge" means and includes,—

(i.) in the province of Ontario, any judge of a county court, junior judge or deputy judge authorized to act as chairman of the General Sessions of the Peace, and also the judges of the provisional districts of Algoma and Thunder

Bay, and the judge of the district court of Muskoka and Parry Sound, authorized respectively to act as chairman of the General Sessions of the Peace;

(ii.) in the province of Quebec, in any district wherein there is a judge of the sessions, such judge of sessions, and in any district wherein there is no judge of sessions but wherein there is a district magistrate, such district magistrate, and in any district wherein there is neither a judge of sessions nor a district magistrate, the sheriff of such district;

(iii.) in each of the provinces of Nova Scotia, New Brunswick and Prince Edward Island, any judge of a county court;

(iv.) in the province of Manitoba the chief justice, or a puisne judge of the Court of Queen's Bench, or any judge of a county court;

(v.) in the province of British Columbia the chief justice or a puisne judge of the Supreme Court, or any judge of a county court;

(b.) the expression "county attorney" or "clerk of the peace" includes in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, any clerk of a county court, and in the province of Manitoba, any Crown attorney, the prothonotary of the Court of Queen's Bench, and any deputy prothonotary thereof, any deputy clerk of the peace, and the deputy clerk of the Crown and pleas for any district in the said province. 52 V., c. 47, s. 2.

764. The judge sitting on any trial under this part, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in every province of Canada, except the province of Quebec, such court shall be called "The County Court Judge's Criminal Court" of the county or union of counties or judicial district in which the same is held.

Judge to be a court of record.

2. The record in any such case shall be filed among the records of the court over which the judge presides, and as part of such records. 52 V., c. 47, s. 4.

765. Every person committed to gaol for trial on a charge of being guilty of any of the offences which are mentioned in section five hundred and thirty-nine as being within the jurisdiction of the General or Quarter Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried in any province under the following provisions out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, is or is not then in session, and if such person is convicted, he may be sentenced by the judge. 52 V., c. 47, s. 5.

Offences triable under this part.

Duty of sheriff after committal of accused.

766. Every sheriff shall, within twenty-four hours after any prisoner charged as aforesaid is committed to gaol for trial, notify the judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him, whereupon, with as little delay as possible, such judge shall cause the prisoner to be brought before him. 52 V., c. 47, s. 6.

Arraignment of accused before judge.

767. The judge, upon having obtained the depositions on which the prisoner was so committed, shall state to him,
 (a.) that he is charged with the offence, describing it ;
 (b.) that he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

2. If the prisoner demands a trial by jury the judge shall remand him to gaol ; but if he consents to be tried by the judge without a jury the county solicitor, clerk of the peace or other prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way. 52 V., c. 47, s. 7.

Persons jointly accused.

768. If one of two or more prisoners charged with the same offence demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge, in his discretion, may remand all the said prisoners to gaol to await trial by a jury. 52 V., c. 47, s. 8.

Election after refusal to be tried by judge.

769. If under Part LV. or Part LVI., any person has been asked to elect whether he would be tried by the magistrate or justices of the peace, as the case may be, or before a jury, and he has elected to be tried before a jury, and if such election is stated in the warrant of committal for trial, the sheriff and judge shall not be required to take the proceedings directed by this part. 52 V., c. 47, s. 9.

2. But if such person, after his said election to be tried by a jury, has been committed for trial he may, at any time before the regular term or sittings of the court at which such trial by jury would take place, notify the sheriff that he desires to re-elect ; whereupon it shall be the duty of the sheriff to proceed as directed by section seven hundred and sixty-six, and thereafter the person so committed shall be proceeded against as if his said election in the first instance had not been made. 53 V., c. 37, s. 30.

770. Proceedings under this part commenced before any judge may, where such judge is for any reason unable to act, be continued before any other judge competent to try prisoners under this part in the same judicial district, and such last mentioned judge shall have the same powers with respect to such proceedings as if such proceedings had been commenced before him, and may cause such portion of the proceedings to be repeated before him as he shall deem necessary. 53 V., c. 37, s. 30.

Continuance] of proceedings before another judge.

771. If, on the trial under Part LV. or Part LVI. of this Act of any person charged with any offence triable under the provisions of this part, the magistrate or justices of the peace decide not to try the same summarily, but commit such person for trial, such person may afterwards, with his own consent, be tried under the provisions of this part. 52 V., c. 47, s. 10.

Election after committal under Part LV. or LVI.

772. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty the judge shall appoint an early day, or the same day, for his trial, and the county attorney or clerk of the peace shall subpoena the witnesses named in the depositions, or such of them and such other witnesses as he thinks requisite to prove the charge, to attend at the time appointed for such trial, and the judge may proceed to try such prisoner, and if he be found guilty sentence shall be passed as hereinbefore mentioned; but if he be found not guilty the judge shall immediately discharge him from custody, so far as respects the charge in question. 52 V., c. 47, s. 11.

Trial of accused.

773. The county attorney or clerk of the peace or other prosecuting officer may, with the consent of the judge, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried under the provisions of this part other than the charge or charges for which he has been committed to gaol for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed. 52 V., c. 47, s. 12.

Trial for offences other than those for which accused is committed.

774. The judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would have in case the prisoner were tried at a sitting of any court mentioned in this part, and may render any verdict which may be rendered by a jury upon a trial at a sitting of any such court. 52 V., c. 47, s. 13.

Powers of judge.

775. If a prisoner elects to be tried by the judge without the intervention of a jury the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail,

Admission to bail.

bail, from time to time, in case the court be adjourned or there is any other reason therefor; and such bail may be entered into and perfected before the clerk. 52 V., c. 47, s. 14.

Bail in case of election of trial by jury.

776. If a prisoner elects to be tried by a jury the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk. 52 V., c. 47, s. 15.

Adjournment.

777. The judge may adjourn any trial from time to time until finally terminated. 52 V., c. 47, s. 16.

Powers of amendment.

778. The judge shall have all powers of amendment which any court mentioned in this part would have if the trial was before such court. 52 V., c. 47, s. 17.

Recognizance to prosecute or give evidence to apply to proceedings under this part.

779. Any recognizance taken under section five hundred and ninety-eight of this Act, for the purpose of binding a prosecutor or a witness, shall, if the person committed for trial elects to be tried under the provisions of this part, be obligatory on each of the persons bound thereby, as to all things therein mentioned with reference to the trial by the judge under this part, as if such recognizance had been originally entered into for the doing of such things with reference to such trial: Provided, that at least forty-eight hours' notice in writing shall be given, either personally or by leaving the same at the place of residence of the persons bound by such recognizance as therein described, to appear before the judge at the place where such trial is to be had. 53 V., c. 37, s. 29.

Witnesses to attend throughout trial.

780. Every witness, whether on behalf of the prisoner or against him, duly summoned or subpoenaed to attend and give evidence before such judge, sitting on any such trial, on the day appointed for the same, shall be bound to attend and remain in attendance throughout the trial; and if he fails so to attend he shall be held guilty of contempt of court, and may be proceeded against therefor accordingly. 52 V., c. 47, s. 18.

Compelling attendance of witness.

781. Upon proof to the satisfaction of the judge of the service of subpoena upon any witness who fails to attend before him, as required by such subpoena, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpoena, and to answer for his disregard of the same; and such witness may be detained on such warrant before the said judge, or in the common gaol, with a view

to secure his presence as a witness; or, in the discretion of the judge, such witness may be released on recognizance with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his default in not attending upon the said subpoena, as for a contempt; and the judge may, in a summary manner, examine into and dispose of the charge of contempt against the said witness who, if found guilty thereof, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be in the common gaol, with or without hard labour, and not to exceed the term of ninety days, and he may also be ordered to pay the costs incident to the execution of such warrant and of his detention in custody.

2. Such warrant may be in the form OO and the conviction for contempt in the form PP in schedule one to this Act, and the same shall be authority to the persons and officers therein required to act to do as therein they are respectively directed. 52 V., c. 47, s. 19.

PART LV.

SUMMARY TRIAL OF INDICTABLE OFFENCES.

782. In this part, unless the context otherwise requires, Definitions.
(a.) the expression "magistrate" means and includes—

(i.) 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 the 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 required to be done by two or more justices of the peace, and acting within the local limits of his or of its jurisdiction;

(ii.) in the provinces of Nova Scotia and New Brunswick, any recorder, judge of a county court, stipendiary magistrate 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 as are usually required to be done by two or more justices of the peace;

(iii.) 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;

(iv.) in the North-west Territories, any judge of the Supreme Court of the said territories, any two justices of

the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace;

(b.) the expression "the common gaol or other place of confinement," in the case of any offender whose age at the time of his conviction does not, in the opinion of the magistrate, exceed sixteen years, includes any reformatory prison provided for the reception of juvenile offenders in the province in which the conviction referred to takes place, and to which by the law of that province the offender may be sent; and

(c.) the expression "property" includes everything included under the same expression or under the expression "valuable security," as defined by this Act, and in the case of any "valuable security," the value thereof shall be reckoned in the manner prescribed in this Act. R.S.C., c. 176, s. 2.

Offences to be dealt with under this part.

783. Whenever any person is charged before a magistrate,

(a.) with having committed theft, or obtained money or property by false pretenses, or unlawfully received stolen property, and the value of the property alleged to have been stolen, obtained or received, does not, in the judgment of the magistrate, exceed ten dollars; or

(b.) with having attempted to commit theft; or

(c.) with having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously wounding any other person; or

(d.) with having committed an assault upon any female whatsoever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault being of a nature which cannot, in the opinion of the magistrate, be sufficiently punished by a summary conviction before him under any other part of this Act, and such assault, if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape; or

(e.) with having assaulted, obstructed, molested or hindered any peace officer or public officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or

(f.) with keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy-house; or

(g.) with using or knowingly allowing any part of any premises under his control to be used—

(i.) for the purpose of recording or registering any bet or wager, or selling any pool; or

(ii.) keeping, exhibiting, or employing, or knowingly allowing to be kept, exhibited or employed, any device or apparatus for the purpose of recording or registering any bet or wager, or selling any pool; or

(h.) becoming the custodian or depositary of any money, property, or valuable thing staked, wagered or pledged ; or
 (i.) recording or registering any bet or wager, or selling any pool, upon the result of any political or municipal election, or of any race, or of any contest or trial of skill or endurance of man or beast,—

the magistrate may, subject to the provisions hereinafter made, hear and determine the charge in a summary way. R.S.C., c. 176, s. 3.

784. The jurisdiction of such magistrate is absolute in the case of any person charged with keeping or being an inmate or habitual frequenter of any disorderly house, house of ill-fame or bawdy-house, and does not depend on the consent of the person charged to be tried by such magistrate, nor shall such person be asked whether he consents to be so tried ; nor do the provisions of this part affect the absolute summary jurisdiction given to any justice or justices of the peace in any case by any other part of this Act. R.S.C., c. 176, s. 4.

When magistrate shall have absolute jurisdiction.

2. The jurisdiction of the magistrate is absolute in the case of any person who, being a seafaring person and only transiently in Canada, and having no permanent domicile therein, is charged, either within the city of Quebec as limited for the purpose of the police ordinance, or within the city of Montreal as so limited, or in any other seaport city or town in Canada where there is such magistrate, with the commission therein of any of the offences hereinbefore mentioned, and also in the case of any other person charged with any such offence on the complaint of any such seafaring person whose testimony is essential to the proof of the offence ; and such jurisdiction does not depend on the consent of any such person to be tried by the magistrate, nor shall such person be asked whether he consents to be so tried. R.S.C., c. 176, s. 5.

3. The jurisdiction of a stipendiary magistrate in the province of Prince Edward Island, and of a magistrate in the district of Keewatin, under this part, is absolute without the consent of the person charged. 52 V., c. 46, s. 1.

785. If any person is charged, in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he 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, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced 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. R.S.C., c. 176, s. 7.

Summary trial in certain other cases.

Proceedings
on arraign-
ment of
accused.

786. Whenever the magistrate, before whom any person is charged as aforesaid, proposes to dispose of the case summarily under the provisions of this part, such magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the person charged for any statement which he wishes to make, shall state to such person the substance of the charge against him, and (if the charge is not one that can be tried summarily without the consent of the accused) shall then say to him these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the court at which it can probably soonest be tried*);" and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if the power of the magistrate to try it does not depend on the consent of the accused, the magistrate shall reduce the charge to writing and read the same to such person, and shall then ask him whether he is guilty or not of such charge. If the person charged confesses the charge the magistrate shall then proceed to pass such sentence upon him as by law may be passed in respect to such offence, subject to the provisions of this Act; but if the person charged says that he is not guilty, the magistrate shall then examine the witnesses for the prosecution, and when the examination has been completed, the magistrate shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence the magistrate shall hear such defence, and shall then proceed to dispose of the case summarily. R.S.C., c. 176, ss. 8 and 9.

Punishment
for certain
offences under
this part.

787. In the case of an offence charged under paragraph (a) or (b) of section seven hundred and eighty-three, 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 gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any term not exceeding six months. R.S.C., c. 176, s. 10.

Punishment
for certain
other offences.

788. In any case summarily tried under paragraph (c), (d), (e), (f), (g), (h) or (i) of section seven hundred and eighty-three, if the magistrate finds the charge proved, he may convict the person charged and commit him to the common gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any term not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment not exceeding the said sum and term; and such fine may be levied by warrant of distress under the hand and seal of the magistrate, or the person convicted may be condemned, in addition to any other imprisonment on the same

conviction, to be committed to the common gaol or other place of confinement for a further term not exceeding six months, unless such fine is sooner paid. R.S.C., c. 176, s. 11.

789. When any person is charged before a magistrate with theft or with having obtained property by false pretenses, or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers conferred by this part, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who can be tried summarily without his consent, shall then put to him the question mentioned in section seven hundred and eighty-six, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course. R.S.C., c. 176, s. 12.

Proceedings for offences in respect of property worth over ten dollars.

790. If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, the magistrate shall proceed as provided in section seven hundred and eighty-six. 52 V., c. 46, s. 2.

Punishment on plea of guilty in such case.

791. If, in any proceeding under this part, it appears to the magistrate that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such magistrate may, before the accused person has made his defence, decide not to adjudicate summarily upon the case; but a previous conviction shall not prevent the magistrate from trying the offender summarily, if he thinks fit so to do. R.S.C., c. 176, s. 14.

Magistrate may decide not to proceed summarily.

792. If, when his consent is necessary, the person charged elects to be tried before a jury, the magistrate shall proceed to hold a preliminary inquiry as provided in Parts XLIV. and XLV., and if the person charged is committed for trial, shall state in the warrant of committal the fact of such election having been made. R.S.C., c. 176, s. 15.

Election of trial by jury to be stated on warrant of committal.

Full defence allowed.

793. In every case of summary proceedings under this part the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or solicitor. R.S.C., c. 176, s. 16.

Proceedings to be in open court.

794. Every court held by a magistrate for the purposes of this part shall be an open public court.

Procuring attendance of witnesses.

795. The magistrate before whom any person is charged under the provisions of this part may, by summons, require the attendance of any person as a witness upon the hearing of the case, at a time and place to be named in such summons, and such magistrate may bind, by recognizance, all persons whom he considers necessary to be examined, touching the matter of such charge, to attend at the time and place appointed by him and then and there to give evidence upon the hearing of such charge; and if any person so summoned, or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, and if proof is made of such person having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the magistrate before whom such person should have attended may issue a warrant to compel his appearance as a witness. R.S.C., c. 176, s. 18.

Service of summons.

796. Every summons issued under the provisions of this part may be served by delivering a copy of the summons to the person summoned, or by delivering a copy of the summons to some inmate of such person's usual place of abode apparently over sixteen years of age; and every person so required by any writing under the hand of any magistrate to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. R.S.C., c. 176, s. 19.

Dismissal of charge.

797. Whenever the magistrate finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal. R.S.C., c. 176, s. 20.

Effect of conviction.

798. Every conviction under this part shall have the same effect as a conviction upon indictment for the same offence. R.S.C., c. 176, s. 22.

Certificate of dismissal a bar to further proceeding.

799. Every person who obtains a certificate of dismissal or is convicted under the provisions of this part, shall be released from all further or other criminal proceedings for the same cause. R.S.C., c. 176, s. 23.

Proceedings not to be void for defect in form.

800. No conviction, sentence or proceeding under the provisions of this part shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein; if it is therein alleged

alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same. R.S.C., c. 176, s. 24.

801. The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next court of General or Quarter Sessions of the Peace or to the court discharging the functions of a court of General or Quarter Sessions of the Peace, for the district, county or place, there to be kept by the proper officer among the records of the court. R.S.C., c. 176, s. 25.

Result of hearing to be filed in court of sessions.

802. A copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings. R.S.C., c. 176, s. 26.

Evidence of conviction or dismissal.

803. The magistrate by whom any person has been convicted under the provisions of this part may order restitution of the property stolen, or taken or obtained by false pretenses, in any case in which the court before whom the person convicted would have been tried but for the provisions of this part, might by law order restitution. R.S.C., c. 176, s. 27.

Restitution of property.

804. Whenever any person is charged before any justice or justices of the peace, with any offence mentioned in section seven hundred and eighty-three, and in the opinion of such justice or justices the case is proper to be disposed of summarily by a magistrate, as herein provided, the justice or justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the nearest magistrate in like manner in all respects as a justice or justices are authorized to remand a person accused for trial at any court, under Part XLV., section five hundred and eighty-six; but no justice or justices of the peace, in any province, shall so remand any person for further examination or trial before any such magistrate in any other province. Any person so remanded for further examination before a magistrate in any city, may be examined and dealt with by any other magistrate in the same city. R.S.C., c. 176, ss. 28, 29 and 30.

Remand for further investigation.

805. If any person suffered to go at large, upon entering into such recognizance as the justice or justices are authorized, under Part XLV., section five hundred and eighty-seven, to take on the remand of a person accused, conditioned for his appearance before a magistrate, does not afterwards

Non appearance of accused under recognizance.

wards appear, pursuant to such recognizance, the magistrate before whom he should have appeared shall certify, under his hand on the back of the recognizance, to the clerk of the peace of the district, county or place, or other proper officer, as the case may be, the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances; and such certificate shall be *prima facie* evidence of such non-appearance without proof of the signature of the magistrate thereto. R.S.C., c. 176, s. 31.

Application
of fines.

306. Every fine and penalty imposed under the authority of this part shall be paid as follows, that is to say:—

(a.) In the province of Ontario, to the magistrate who imposed the same, or to the clerk of the court or clerk of the peace, as the case may be, to be paid over by him to the county treasurer for county purposes;

(b.) In any new district in the province of Quebec, to the sheriff of such district, as treasurer of the building and jury fund for such district, to form part of such fund,—and if in any other district in the said province, to the prothonotary of such district, to be applied by him, under the direction of the Lieutenant-Governor in Council, towards the keeping in repair of the court-house in such district, or to be added by him to the moneys and fees collected by him for the erection of a court-house and gaol in such district, so long as such fees are collected to defray the cost of such erection;

(c.) In the provinces of Nova Scotia and New Brunswick, to the county treasurer for county purposes; and

(d.) In the provinces of Prince Edward Island, Manitoba and British Columbia, to the treasurer of the province. R.S.C., c. 176, s. 32.

Forms to be
used.

307. Every conviction or certificate may be in the form QQ, RR, or SS in schedule one hereto applicable to the case, or to the like effect; and whenever the nature of the case requires it, such forms may be altered by omitting the words stating the consent of the person to be tried before the magistrate, and by adding the requisite words, stating the fine imposed, if any, and the imprisonment, if any, to which the person convicted is to be subjected if the fine is not sooner paid. R.S.C., c. 176, s. 33.

Certain pro-
visions not
applicable to
this part.

308. The provisions of this Act relating to preliminary inquiries before justices, except as mentioned in sections eight hundred and four and eight hundred and five and of Part LVIII., shall not apply to any proceedings under this part. Nothing in this part shall affect the provisions of Part LVI., and this part shall not extend to persons punishable under that part so far as regards offences for which such persons may be punished thereunder. R.S.C., c. 176, ss. 34 and 35.

PART LVI.

TRIAL OF JUVENILE OFFENDERS FOR INDICTABLE OFFENCES.

809. In this part, unless the context otherwise requires,— Definitions.

(a.) The expression “two or more justices,” or “the justices” includes,—

(i.) in the provinces of Ontario and Manitoba any judge of the county court being a justice of the peace, police magistrate or stipendiary magistrate, or any two justices of the peace, acting within their respective jurisdictions;

(ii.) in the province of Quebec any two or more justices of the peace, the sheriff of any district, except Montreal and Quebec, the deputy sheriff of Gaspé, and any recorder, judge of the Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate acting within the limits of their respective jurisdictions;

(iii.) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia, and in the district of Keewatin, any functionary or tribunal invested by the proper legislative authority with power to do acts usually required to be done by two or more justices of the peace;

(iv.) in the North-west Territories, any judge of the Supreme Court of the said territories, any two justices of the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace;

(b.) The expression “the common gaol or other place of confinement” includes any reformatory prison provided for the reception of juvenile offenders in the province in which the conviction referred to takes place, and to which, by the law of that province, the offender may be sent. R.S.C., c. 177, s. 2.

810. Every person charged with having committed, or Punishment for stealing. having attempted to commit any offence which is theft, or punishable as theft, and whose age, at the period of the commission or attempted commission of such offence, does not, in the opinion of the justice before whom he is brought or appears, exceed the age of sixteen years, shall, upon conviction thereof in open court, upon his own confession or upon proof, before any two or more justices, be committed to the common gaol or other place of confinement within the jurisdiction of such justices, there to be imprisoned, with or without hard labour, for any term not exceeding three months, or, in the discretion of such justices, shall forfeit and pay such sum, not exceeding twenty dollars, as such justices adjudge. R.S.C., c. 177, s. 3.

Procuring appearance of accused.

§11. Whenever any person, whose age is alleged not to exceed sixteen years, is charged with any offence mentioned in the next preceding section, on the oath of a credible witness, before any justice of the peace, such justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two justices of the peace, at a time and place to be named in such summons or warrant. R.S.C., c. 177, s. 4.

Remand of accused.

§12. Any justice of the peace, if he thinks fit, may remand for further examination or for trial, or suffer to go at large, upon his finding sufficient sureties, any such person charged before him with any such offence as aforesaid.

2. Every such surety shall be bound by recognizance conditioned for the appearance of such person before the same or some other justice or justices of the peace for further examination, or for trial before two or more justices of the peace as aforesaid, or for trial by indictment at the proper court of criminal jurisdiction, as the case may be.

3. Every such recognizance may be enlarged, from time to time, by any such justice or justices to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward, when the person has appeared according to the condition thereof. R.S.C., c. 177, ss. 5, 6 and 7.

Accused to elect how he shall be tried.

§13. The justices before whom any person is charged and proceeded against under the provision of this part before such person is asked whether he has any cause to show why he should not be convicted, shall say to the person so charged, these words, or words to the like effect:

“ We shall have to hear what you wish to say in answer to the charge against you; but if you wish to be tried by a jury, you must object now to our deciding upon it at once.”

2. And if such person, or a parent or guardian of such person, then objects, no further proceedings shall be had under the provisions of this part; but the justices may deal with the case according to the provision set out in Parts XLIV. and XLV., as if the accused were before them thereunder. R.S.C., c. 177, s. 8.

When accused shall not be tried summarily.

§14. If the justices are of opinion, before the person charged has made his defence, that the charge is, from any circumstance, a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this part, the justices shall not deal with it summarily, but may proceed to hold a preliminary inquiry as provided in Parts XLIV. and XLV.

2. In case the accused has elected to be tried by a jury, the justices shall state in the warrant of commitment the fact of such election having been made. R.S.C., c. 177, s. 9.

§15. Any justice of the peace may, by summons, require the attendance of any person as a witness upon the hearing of any case before two justices, under the authority of this part, at a time and place to be named in such summons. Summons to witness.
R.S.C., c. 177, s. 10.

§16. Any such justice may require and bind by recognizance every person whom he considers necessary to be examined, touching the matter of such charge, to attend at the time and place appointed by him and then and there to give evidence upon the hearing of such charge. Binding over witness. R.S.C., c. 177, s. 11.

§17. If any person so summoned or required or bound, as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, and if proof is given of such person having been duly summoned, as hereinafter mentioned, or bound by recognizance, as aforesaid, either of the justices before whom any such person should have attended, may issue a warrant to compel his appearance as a witness. Warrant against witness.
R.S.C., c. 177, s. 12.

§18. Every summons issued under the authority of this part may be served by delivering a copy thereof to the person, or to some inmate, apparently over sixteen years of age, at such person's usual place of abode, and every person so required by any writing under the hand or hands of any justice or justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. Service of summons. R.S.C., c. 177, s. 13.

§19. If the justices, upon the hearing of any such case deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the person charged,—in the latter case on his finding sureties for his future good behaviour, and in the former case without sureties, and then make out and deliver to the person charged a certificate in the form TT in schedule one to this Act, or to the like effect, under the hands of such justices, stating the fact of such dismissal. Discharge of accused. R.S.C., c. 177, s. 14.

§20. The justices before whom any person is summarily convicted of any offence hereinbefore mentioned, may cause the conviction to be drawn up in the form UU in schedule one hereto, or in any other form to the same effect, and the conviction shall be good and effectual to all intents and purposes. Form of conviction.

2. No such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any court of record; and no warrant of 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. R.S.C., c. 177, ss. 16 and 17.

Further proceeding barred.

S21. Every person who obtains such certificate of dismissal, or is so convicted, shall be released from all further or other criminal proceedings for the same cause. R.S.C., c. 177, s. 15.

Conviction and recognizances to be filed.

S22. The justices before whom any person is convicted under the provisions of this part shall forthwith transmit the conviction and recognizances to the clerk of the peace or other proper officer, for the district, city, county or union of counties wherein the offence was committed, there to be kept by the proper officer among the records of the court of General or Quarter Sessions of the Peace, or of any other court discharging the functions of a court of General or Quarter Sessions of the Peace. R.S.C., c. 177, s. 18.

Quarterly returns.

S23. Every clerk of the peace, or other proper officer, shall transmit to the Minister of Agriculture a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as are, from time to time, required. R.S.C., c. 177, s. 19.

Restitution of property.

S24. No conviction under the authority of this part shall be attended with any forfeiture, except such penalty as is imposed by the sentence ; but whenever any person is adjudged guilty under the provisions of this part, the presiding justice may order restitution of property in respect of which the offence was committed, to the owner thereof or his representatives.

2. If such property is not then forthcoming, the justices, whether they award punishment or not, may inquire into and ascertain the value thereof in 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 as the justices deem reasonable.

3. The person ordered to pay such sum may be sued for the same as a debt in any court in which debts of the like amount are, by law, recoverable, with costs of suit, according to the practice of such court. R.S.C., c. 177, ss. 20, 21 and 22.

Proceedings when penalty imposed on accused is not paid.

S25. Whenever the justices adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this part, and such 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 custody until the day so appointed, unless such offender gives security to the satisfaction of the justices, for his appearance on such day ; and the justice may take such security by way of recognizance or otherwise in their discretion.

2. If at any time so appointed such penalty has not been paid, the same or any other justices of the peace may, by warrant under their hands and seals, commit the offender to the common gaol or other place of confinement within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication. R.S.C., c. 177, ss. 23 and 24.

826. The justices before whom any person is prosecuted or tried for any offence cognizable under this part may, in their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and witnesses for the prosecution, of such sums as to them seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein,—and may order payment to the constables and other peace officers for the apprehension and detention of any person so charged. Costs.

2. The justices may, although no conviction takes place, order all or any of the payments aforesaid to be made, when they are of opinion that the persons, or any of them, have acted in good faith. R.S.C., c. 177, ss. 25 and 26.

827. Every fine imposed under the authority of this part shall be paid and applied as follows, that is to say:— Application of fines.

(a.) In the province of Ontario to the justices who impose the same or the clerk of the county court, or the clerk of the peace, or other proper officer, as the case may be, to be by him or them paid over to the county treasurer for county purposes;

(b.) In any new district in the province of Quebec to the sheriff of such district as treasurer of the building and jury fund for such district to form part of such fund, and in any other district in the province of Quebec to the prothonotary of such district, to be applied by him, under the direction of the Lieutenant-Governor in Council, towards the keeping in repair of the court-house in such district or to be added by him to the moneys or fees collected by him for the erection of a court-house or gaol in such district, so long as such fees are collected to defray the cost of such erection;

(c.) In the provinces of Nova Scotia and New Brunswick to the county treasurer, for county purposes; and

(d.) In the provinces of Prince Edward Island, Manitoba and British Columbia to the treasurer of the province R.S.C., c. 177, s. 27.

828. The amount of expenses of attending before the justices and the compensation for trouble and loss of time therein, and the allowances to the constables and other peace officers Costs to be certified by justices.

officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such justices; but the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars.

2. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper justices of the peace as aforesaid, shall be forthwith made out and delivered by the said justices or one of them, or by the clerk of the peace or other proper officer, as the case may be, to such prosecutor or other person, upon such clerk or officer being paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under the authority of this part are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who, upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any moneys received by him under this part, the money in such order mentioned, and he shall be allowed the same in his accounts of such moneys. R.S.C., c. 177, ss. 28 and 29.

Application of this part.

829. The provisions of this part shall not apply to any offence committed in the provinces of Prince Edward Island or British Columbia, or the district of Keewatin, punishable by imprisonment for two years and upwards; and in such provinces and district it shall not be necessary to transmit any recognizance to the clerk of the peace or other proper officer. R.C.S., c. 177, s. 30.

No imprisonment in reformatory under this part.

830. The provisions of this part shall not authorize two or more justices of the peace to sentence offenders to imprisonment in a reformatory in the province of Ontario. R.S.C., c. 177, s. 31.

Other proceedings against juvenile offenders not affected.

831. Nothing in this part shall prevent the summary conviction of any person who may be tried thereunder before one or more justices of the peace, for any offence for which he is liable to be so convicted under any other part of this Act or under any other Act. R.S.C., c. 177, s. 8, part.

PART LVII.

COSTS AND PECUNIARY COMPENSATION—RESTITUTION OF PROPERTY.

Costs.

832. Any court by which and any judge under Part LIV. or magistrate under LV. by whom judgment is pronounced

or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court it seems fit so to do; and the payment of such costs and expenses, or any part thereof, may be ordered by the court to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed; and any money which is recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed. 33-34 V. (U. K.) c. 23, s. 3.

333. In the case of an indictment or information by a private prosecutor for the publication of a defamatory libel if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs incurred by him by reason of such indictment or information either by warrant of distress issued out of the said court, or by action or suit as for an ordinary debt. R.S.C., c. 174, ss. 153 and 154. Costs in case of libel.

334. If a person convicted on an indictment for assault, whether with or without battery and wounding, is ordered to pay costs as provided in section eight hundred and thirty-two he shall be liable unless the said costs are sooner paid, to three months' imprisonment, in addition to the term of imprisonment, if any, to which he is sentenced for the offence, and the court may, by warrant in writing, order the amount of such costs to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and the surplus, if any, arising from such sale, to the owner; and if such sum is so levied, the offender shall be released from such imprisonment. R.S.C., c. 174, ss. 248 and 249. Costs on conviction for assault.

335. Any costs ordered to be paid by a court pursuant to the foregoing provisions shall, in case there is no tariff of fees provided with respect to criminal proceedings, be taxed by the proper officer of the court according to the lowest scale of fees allowed in such court in a civil suit. Taxation of costs.

2. If such court has no civil jurisdiction, the fees shall be those allowed in civil suits in a superior court of the province according to the lowest scale.

Compensation
for loss of
property.

336. A court on the trial of any person on an indictment may, if it thinks fit, upon the application of any person aggrieved and immediately after the conviction of the offender, award any sum of money, not exceeding one thousand dollars, by way of satisfaction or compensation for any loss of property suffered by the applicant through or by means of the offence of which such person is so convicted; and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs ordered by the court to be paid under section eight hundred and thirty-two. 33-34 V. (U.K.) c. 23, s. 4.

Compensation
to *bona fide*
purchaser of
stolen pro-
perty.

337. When any prisoner has been convicted, either summarily or otherwise, of any theft or other offence, including the stealing or unlawfully obtaining any property, and it appears to the court, by the evidence, that the prisoner sold such property or part of it to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his apprehension, the court may, on application of such purchaser and on restitution of the property to its owner, order that out of the money so taken from the prisoner (if it is his) a sum not exceeding the amount of the proceeds of the sale be delivered to such purchaser. R.S.C., c. 174, s. 251.

Restitution of
stolen pro-
perty.

338. If any person who is guilty of any indictable offence in stealing, or knowingly receiving, any property, is indicted for such offence, by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, or is tried before a judge or justice for such offence under any of the foregoing provisions and convicted thereof, the property shall be restored to the owner or his representative.

2. In every such case, the court or tribunal before which such person is tried for any such offence, shall have power to award, from time to time, writs of restitution for the said property or to order the restitution thereof in a summary manner; and the court or tribunal may also, if it sees fit, award restitution of the property taken from the prosecutor, or any witness for the prosecution, by such offence although the person indicted is not convicted thereof if the jury declares, as it may do, or if, in case the offender is tried without a jury it is proved to the satisfaction of the court or tribunal by whom he is tried, that such property belongs to such prosecutor or witness, and that he was unlawfully deprived of it by such offence.

3. If it appears before any award or order is made, that any valuable security has been *bonâ fide* paid or discharged by any person liable to the payment thereof, or being a negotiable instrument, has been *bonâ fide* taken or received by transfer or delivery, by any person, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had, by any indictable offence, been stolen, or if it appears that the property stolen has been transferred to an innocent purchaser for value who has acquired a lawful title thereto, the court or tribunal shall not award or order the restitution of such security or property.

4. Nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker or other agent intrusted with the possession of goods or documents of title to goods, for any indictable offence under sections three hundred and eighteen or three hundred and sixty-one of this Act. R.S.C., c. 174, s. 250.

PART LVIII.

SUMMARY CONVICTIONS.

§39. In this part, unless the context otherwise requires— Interpre-
tation.

(a.) the expression "justice" means a justice of the peace and includes two or more justices if two or more justices act or have jurisdiction, and also a police magistrate, a stipendiary magistrate and any person having the power or authority of two or more justices of the peace;

(b.) the expression "clerk of the peace" includes the proper officer of the court having jurisdiction in appeal under this part, as provided by section eight hundred and seventy-nine;

(c.) the expression "territorial division" means district, county, union of counties, township, city, town, parish or other judicial division or place;

(d.) the expression "district" or "county" includes any territorial or judicial division or place in and for which there is such judge, justice, justice's court, officer or prison as is mentioned in the context;

(e.) the expression "common gaol" or "prison" means any place other than a penitentiary in which persons charged with offences are usually kept and detained in custody. R.S.C., c. 178, s. 2.

§40. Subject to any special provision otherwise enacted Application.
with respect to such offence, act or matter, this part shall apply to—

(a.) every case in which any person commits, or is suspected of having committed, any offence or act over which the Parliament of Canada has legislative authority, and for
which

which such person is liable, on summary conviction, to imprisonment, fine, penalty or other punishment ;

(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 to which such justice has authority by law to make any order for the payment of money or otherwise. R. S. C., c. 178, s. 3.

Time within which proceedings shall be commenced.

841. In the case of any offence punishable on summary conviction if no time is specially limited for making any complaint, or laying any information in the Act or law relating to the particular case, the complaint shall be made, or the information shall be laid within six months from the time when the matter of complaint or information arose, except in the North-west Territories, where the time within which such complaint may be made, or such information may be laid, shall be extended to twelve months from the time when the matter of the complaint or information arose. 52 V., c. 45, s. 5.

Jurisdiction.

842. Every complaint and information shall be heard, tried, determined and adjudged by one justice or two or more justices as directed by the Act or law upon which the complaint or information is framed or by any other Act or law in that behalf.

2. If there is no such direction in any Act or law 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 : Provided that every one who aids, abets, counsels or procures the commission of any offence punishable on summary conviction, may be proceeded against and convicted either in the territorial division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was committed.

3. Any one justice may receive the information or complaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of any witnesses for either party, and do all other acts and matters necessary preliminary to the hearing, even if by the statute in that behalf it is provided that the information or complaint shall be heard and determined by two or more justices.

4. After a case has been heard and determined one justice may issue all warrants of distress or commitment thereon.

5. It shall not be necessary for the justice who acts before or after the hearing to be the justice or one of the justices by whom the case is to be or was heard and determined.

6. If it is required by any Act or law that an information or complaint shall be heard and determined by two or more justices, or that a conviction or order shall be made by two

or more justices, such justices shall be present and acting together during the whole of the hearing and determination of the case.

8. No justice shall hear and determine any case of assault or battery, in which any question arises as to the title to any lands, tenements, hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice. R.S.C., c. 178, ss. 4, 5, 6, 7, 8, 9, 12 and 73.

S43. The provisions of Parts XLIV. and XLV. of this Act relating to compelling the appearance of the accused before the justice receiving an information under section five hundred and fifty-eight and the provisions respecting the attendance of witnesses on a preliminary inquiry and the taking of evidence thereon, shall, so far as the same are applicable, except as varied by the sections immediately following, apply to any hearing under the provisions of this part: Provided that whenever a warrant is issued in the first instance against a person charged with an offence punishable under the provisions of this part, the justice issuing it shall furnish a copy or copies thereof, and cause a copy to be served on the person arrested at the time of such arrest. Hearing before justices.

2. Nothing herein contained shall oblige any justice to issue any summons to procure the attendance of a person charged with an offence by information laid before such justice whenever the application for any order may, by law, be made *ex parte*. R.S.C., c. 178, ss. 13 to 17 and 21.

S44. The provisions of section five hundred and sixty-five relating to the endorsement of warrants shall apply to the case of any warrant issued under the provisions of this part against the accused, whether before or after conviction, and whether for the apprehension or imprisonment of any such person. R.S.C., c. 178, s. 22; 52 V., c. 45, s. 4. Backing warrants.

S45. It shall not be necessary that any complaint upon which a justice may make an order for the payment of money or otherwise shall be in writing, unless it is so required by some particular Act or law upon which such complaint is founded. Informations and complaints.

2. Every complaint upon which a justice is authorized by law to make an order, and every information for any offence or act punishable on summary conviction, may, unless it is herein or by some particular Act or law otherwise provided, be made or had without any oath or affirmation as to the truth thereof.

3. Every complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every information shall be for one offence only, and not for two or more offences; and every complaint or information may be laid or made by the complainant or informant in

person, or by his counsel or attorney or other person authorized in that behalf. R.S.C., c. 178, ss. 23, 24 and 26.

Certain objections not to vitiate proceedings.

S46. No information, complaint, warrant, conviction or other proceeding under this part shall be deemed objectionable or insufficient on any of the following grounds; that is to say:

(a.) that it does not contain the name of the person injured, or intended or attempted to be injured; or

(b.) that it does not state who is the owner of any property therein mentioned; or

(c.) that it does not specify the means by which the offence was committed; or

(d.) that it does not name or describe with precision any person or thing:

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular further describing such means, person, place or thing be furnished by the prosecutor.

Variance.

S47. No objection shall be allowed to any information, complaint, summons or warrant for any alleged defect therein, in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence 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 or act punishable on summary conviction and the evidence adduced in support thereof as to the time at which such offence or act is alleged to have been committed, shall not be deemed material if it is proved that such information was, in fact, laid within the time limited by law for laying the same.

3. Any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material if the offence or act is proved to have been committed within the jurisdiction of the justice by whom the information is heard and determined.

4. If any such variance, or any other variance between the information, complaint, summons or warrant, and the evidence adduced in support thereof, appears to the justice present and acting at the hearing to be such that the defendant has been thereby deceived or misled, the justice may, upon such terms as he thinks fit, adjourn the hearing of the case to some future day. R.S.C., c. 178, s. 28.

Execution of warrant.

S48. A summons may be issued to procure the attendance, on the hearing of any charge under the provisions of this part, of a witness who resides out of the jurisdiction of the justices before whom such charge is to be heard, and such summons and a warrant issued to procure the attend-

ance of a witness, whether in consequence of refusal by such witness to appear in obedience to a summons or otherwise, may be respectively served and executed by the constable or other peace officer to whom the same is delivered or by any other person, as well beyond as within the territorial division of the justice who issued the same. 51 V., c. 45, ss. 1 and 3.

849. The room or place in which the justice sits to hear and try any complaint or information shall be deemed an open and public court, to which the public generally may have access so far as the same can conveniently contain them. R.S.C., c. 178, s. 33. Hearing to be in open court.

850. The person against whom the complaint is made or information laid shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf. Counsel for parties.

2. Every complainant or informant in any such case shall be at liberty to conduct the complaint or information, and to have the witnesses examined and cross-examined, by counsel or attorney on his behalf. R.S.C., c. 178, ss. 34 and 35.

851. Every witness at any hearing shall be examined upon oath or affirmation, and the justice before whom any witness appears for the purpose of being examined shall have full power and authority to administer to every witness the usual oath or affirmation. R.S.C., c. 178, s. 47. Witnesses to be on oath.

852. If the information or complaint in any case negatives any exemption, exception, proviso or condition in the statute on which the same is founded it shall not be necessary for the prosecutor or complainant to prove such negative, but the defendant may prove the affirmative thereof in his defence if he wishes to avail himself of the same. R. S. C., c. 178, s. 38. Evidence.

853. In case the accused does not appear at the time and place appointed by any summons issued by a justice on information before him of the commission of an offence punishable on summary conviction then, if it appears to the satisfaction of the justice that the summons was duly served a reasonable time before the time appointed for appearance, such justice may proceed *ex parte* to hear and determine the case in the absence of the defendant, as fully and effectually, to all intents and purposes, as if the defendant had personally appeared in obedience to such summons, or the justice, may, if he thinks fit, issue his warrant as provided by section five hundred and sixty of this Act and adjourn the hearing of the complaint or information until the defendant is apprehended. R.S.C., c. 178, s. 39. Non-appearance of accused.

Non-appearance of prosecutor.

854. If, upon the day and at the place so appointed, the defendant appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the justice by virtue of a warrant, then, if the complainant or informant, having had due notice, does not appear by himself, his counsel or attorney, the justice shall dismiss the complaint or information unless he thinks proper to adjourn the hearing of the same until some other day upon such terms as he thinks fit. R.S.C., c. 178, s. 41.

Proceedings when both parties appear

855. If both parties appear, either personally or by their respective counsel or attorneys, before the justice who is to hear and determine the complaint or information such justice shall proceed to hear and determine the same. R.S.C., c. 178, s. 42.

Arraignment of accused.

856. If the defendant is present at the hearing the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be.

2. If the defendant thereupon admits the truth of the information or complaint, and shows no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the justice present at the hearing shall convict him or make an order against him accordingly.

3. If the defendant does not admit the truth of the information or complaint, the justice shall proceed to inquire into the charge and for the purposes of such inquiry shall take the evidence of witnesses both for the complainant and accused in the manner provided by Part XLV. in the case of a preliminary inquiry: Provided that the prosecutor or complainant is not entitled to give evidence in reply if the defendant has not adduced any evidence other than as to his general character; provided further, that in a hearing under this section the witnesses need not sign their depositions. R.S.C., c. 178, ss. 43, 44 and 45.

Adjournment

857. Before or during the hearing of any information or complaint the justice may, in his discretion adjourn the hearing of the same to a certain time or place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective solicitors or agents then present, but no such adjournment shall be for more than eight days.

2. If, at the time and place to which the hearing or further hearing is adjourned, either or both of the parties do not appear, personally or by his or their counsel or solicitors respectively, before the justice or such other justice as shall then be there, the justice who is then there may proceed to the hearing or further hearing as if the party or parties were present.

3. If the prosecutor or complainant does not appear the justice may dismiss the information, with or without costs as to him seems fit.

4. Whenever any justice adjourns the hearing of any case he may suffer the defendant to go at large or may commit him to the common gaol or other prison within the territorial division for which such justice is then acting, or to such other safe custody as such justice thinks fit, or may discharge the defendant upon his recognizance, with or without sureties at the discretion of such justice, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned.

5. Whenever any defendant who is discharged upon recognizance, or allowed to go at large, does not appear at the time mentioned in the recognizance or to which the hearing or further hearing is adjourned the justice may issue his warrant for his apprehension. R.S.C., c. 178, ss. 48, 49, 50 and 51.

858. The justice, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter, and, unless otherwise provided, determine the same and convict or make an order against the defendant, or dismiss the information or complaint, as the case may be. R.S.C., c. 178, s. 52.

Adjudication
by justice.

859. If the justice convicts or makes an order against the defendant a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction or order shall afterwards be drawn up by the justice on parchment or on paper, under his hand and seal, in such one of the forms of conviction or of orders from VV to AAA inclusive in schedule one to this Act as is applicable to the case or to the like effect. R.S.C., c. 178, s. 53.

Form of conviction.

860. When several persons join in the commission of the same offence, and upon conviction thereof each is adjudged to pay a penalty which includes the value of the property, or the amount of the injury done, no further sum shall be paid to the person aggrieved than such amount or value, and costs, if any, and the residue of the penalties imposed shall be applied in the same manner as other penalties imposed by a justice are directed to be applied. R.S.C., c. 178, s. 54.

Disposal of penalties on conviction of joint offenders.

861. Whenever any person is summarily convicted before a justice of any offence against Parts XX. to XXX. inclusive or Part XXXVII. of this Act and it is a first conviction, the justice may, if he thinks fit, discharge the offender from his conviction upon his making such satisfaction to the person aggrieved, for damages and costs, or either of them, as are ascertained by the justice. R.S.C., c. 178, s. 55.

First conviction in certain cases.

Certificate of dismissal.

862. If the justice dismisses the information or complaint he may, when required so to do, make an order of dismissal in the form BBB in schedule one hereto, and he shall give the defendant a certificate in the form CCC in the said schedule, which certificate, upon being afterwards produced, shall, without further proof, be a bar to any subsequent information or complaint for the same matter, against the same defendant. R.S.C., c. 178, s. 56.

Disobedience to order of justice.

863. Whenever, by any Act or law, authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying an order of a justice, the defendant shall be served with a copy of the minute of the order before any warrant of commitment or of distress is issued in that behalf; and the order or minute shall not form any part of the warrant of commitment or of distress. R.S.C., c. 178, s. 57.

Assaults.

864. Whenever any person unlawfully assaults or beats any other person, any justice may summarily hear and determine the charge, unless at the time of entering upon the investigation the person aggrieved or the person accused objects thereto.

2. If such justice is of opinion that the assault or battery complained of is, from any other circumstance, a fit subject for prosecution by indictment, he shall abstain 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. R.S.C., c. 178, s. 73.

Dismissal of complaint for assault.

865. If the justice, upon the hearing of any case of assault or battery upon the merits where the complaint is preferred by or on behalf of the person aggrieved, under the next preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand stating the fact of such dismissal, and shall deliver such certificate to the person against whom the complaint was preferred. R.S.C., c. 178, s. 74.

Release from further proceedings.

866. If the person against whom any such complaint has been preferred, by or on the behalf of the person aggrieved, obtains such certificate, or, having been convicted, pays the whole amount adjudged to be paid or suffers the imprisonment, or imprisonment with hard labour, awarded, he shall be released from all further or other proceedings, civil or criminal, for the same cause. R.S.C., c. 178, s. 75.

Costs on conviction or order.

867. In every case of a summary conviction, or of an order made by a justice, such justice may, in his discretion, award and order in and by the conviction or order that the defend-
ant

ant shall pay to the prosecutor or complainant such costs as to the said justice seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before justices. R.S.C., c. 178, s. 58.

868. Whenever the justice, instead of convicting or making an order, dismisses the information or complaint, he may, in his discretion, in and by his order of dismissal, award and order that the prosecutor or complainant shall pay to the defendant such costs as to the said justice seem reasonable and consistent with law. R.S.C., c. 178, s. 59. Cost on dismissal.

869. The sums so allowed for costs shall, in all cases, be specified in the conviction or order, or order of dismissal, and the same shall be recoverable in the same manner and under the same warrants as any penalty, adjudged to be paid by the conviction or order, is to be recovered. R.S.C., c. 178, s. 60. Recovery of costs when penalty is adjudged.

870. Whenever there is no such penalty to be recovered such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, with or without hard labour, for any term not exceeding one month. R.S.C., c. 178, s. 61. Recovery of costs in other cases.

871. The fees mentioned in the following tariff and no others shall be and constitute the fees to be taken on proceedings before justices in proceedings under this part:— Fees.

Fees to be taken by Justices of the Peace or their Clerks.

	\$	cts.
1. Information or complaint and warrant or summons	0	50
2. Warrant where summons issued in first instance	0	10
3. Each necessary copy of summons or warrant.....	0	10
4. Each summons or warrant to or for a witness or witnesses. (Only one summons on each side to be charged for in each case, which may contain any number of names. If the justice of the case requires it, additional summonses shall be issued without charge).....	0	10
5. Information for warrant for witness and warrant.	0	50
6. Each necessary copy of summons or warrant for witness.....	0	10
7. For every recognizance.....	0	25
8. For hearing and determining case.....	0	50
9. If case lasts over two hours	1	00
10. Where one justice alone cannot lawfully hear and determine the case, the same fee for hearing and determining to be allowed to the associate justice.		
11. For each warrant of distress or commitment.....	0	25

	8 cts.
12. For making up record of conviction or order where the same is ordered to be returned to sessions or on <i>certiorari</i>	1 00
But in all cases which admit of a summary proceeding before a single justice and wherein no higher penalty than \$20 can be imposed, there shall be charged for the record of conviction not more than.....	0 50
13. For copy of any other paper connected with any case, and the minutes of the same if demanded, per folio of 100 words.....	0 05
14. For every bill of costs when demanded to be made out in detail.....	0 10
(Items 13 and 14 to be chargeable only when there has been an adjudication.)	

Constables' Fees.

1. Arrest of each individual upon a warrant.....	1 00
2. Serving summons.....	0 25
3. Mileage to serve summons or warrant, per mile (one way) necessarily travelled.....	0 10
4. Same mileage when service cannot be effected, but only upon proof of due diligence.	
5. Mileage taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance.....	0 10
7. Attending justices on trial in one or more cases, per hour.....	0 25
8. Mileage travelled to attend trial (when public conveyance can be taken only reasonable disbursements to be allowed) one way per mile..	0 10
9. Serving warrant of distress and returning same..	1 00
10. Advertising under warrant of distress.....	1 00
11. Travelling to make distress or to search for goods to make distress, when no goods are found (one way) per mile.....	0 10
12. Appraisements, whether by one appraiser or more, 2 cents in the dollar on the value of the goods.	
13. Commission on sale and delivery of goods, 5 cents in the dollar on the net produce of the goods.	
52 V., c. 45, s. 2 and Sch.	

Witnesses' Fees.

1. Each day attending trial.....	0 75
2. Mileage travelled to attend trial (one way) per mile.....	0 10

Provisions respecting convictions.

872. Whenever a conviction adjudges a pecuniary penalty or compensation to be paid, or an order requires the payment of a sum of money, whether the Act or law authorizing such conviction or order does or does not provide a mode

of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction, or order after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge—

(a.) that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of the defendant, and, if sufficient distress cannot be found, that the defendant be imprisoned in the common gaol or other prison of the territorial division for which the justice is then acting, in the manner and for the time directed by the Act or law authorizing such conviction or order or by this Act, or for any period not exceeding three months, if the Act or law authorizing the conviction or order does not specify imprisonment, or does not specify any term of imprisonment, unless such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, and the expenses of the distress and of conveying the defendant to gaol are sooner paid ; or

(b.) that in default of payment of the said penalty, compensation or sum of money, and costs if any forthwith or within a limited time, the defendant be imprisoned in the common gaol or other prison of the said territorial division in the manner and for the time mentioned in the said Act or law, or for any period not exceeding three months, if the Act or law authorizing the conviction or order does not specify imprisonment, or does not specify any term of imprisonment, unless the said sums with the like costs and expenses are sooner paid.

2. The justice making the conviction or order mentioned in the paragraph lettered (a) of subsection one of this section may issue a warrant of distress in the form DDD or EEE, as the case requires ; and in the case of a conviction or order under the paragraph lettered (b) of the said subsection, a warrant in one of the forms FFF or GGG may issue ;

(a.) If a warrant of distress is issued and the constable or peace officer charged with the execution thereof returns (form III) that he can find no goods or chattels whereon to levy thereunder, the justice may issue a warrant of commitment in the form JJJ.

3. Where by virtue of an Act or law so authorizing the justice by his conviction adjudges against the defendant payment of a penalty or compensation, and also imprisonment, as punishment for an offence, he may, if he thinks fit, order that the imprisonment in default of distress or of payment, as provided for in this section, shall commence at the expiration of the imprisonment awarded as a punishment for the offence.

4. The like proceeding may be had upon any conviction or order made as provided by this section as if the Act or law

authorizing the same had expressly provided for a conviction or order in the above terms. R.S.C., c. 178, ss. 62, 66, 67 and 68.

Order as to collection of costs.

873. When any information or complaint is dismissed with costs the justice may issue a warrant of distress on the goods and chattels of the prosecutor or complainant, in the form KKK, for the amount of such costs; and, in default of distress, a warrant of commitment in the form LLL may issue: Provided that the term of imprisonment in such case shall not exceed one month. R.S.C., c. 178, s. 70.

Endorsement of warrant of distress.

874. If after delivery of any warrant of distress issued under this part to the constable or constables to whom the same has been directed to be executed, sufficient distress cannot be found within the limits of the jurisdiction of the justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the justice granting the warrant, before any justice of any other territorial division, such justice shall thereupon make an endorsement on the warrant, signed with his hand, authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and endorsement the penalty or sum and costs, or so much thereof as has not been before levied or paid, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by any constable or other peace officer of the last mentioned territorial division, by distress and sale of the goods and chattels of the defendant therein.

2. Such endorsement shall be in the form HHH in schedule one to this Act. R.S.C., c. 178, s. 63.

Distress not to issue in certain cases.

875. Whenever it appears to any justice that the issuing of a distress warrant would be ruinous to the defendant and his family, or whenever it appears to the justice, by the confession of the defendant or otherwise, that he has no goods and chattels whereon to levy such distress, then the justice, if he deems it fit, instead of issuing a warrant of distress, may commit the defendant to the common gaol or other prison in the territorial division, there to be imprisoned, with or without hard labour, for the time and in the manner he would have been committed in case such warrant of distress had issued and no sufficient distress had been found. R.S.C., c. 178, s. 64.

Remand of defendant when distress is ordered.

876. Whenever a justice issues a warrant of distress as hereinbefore provided, he may suffer the defendant to go at large, or verbally, or by a written warrant in that behalf, may order the defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the justice, for his appear-

ance, at the time and place appointed for the return of the warrant of distress, before him or before such other justice for the same territorial division as shall then be there. R.S.C., c. 178, s. 65.

877. Whenever a justice, upon any information or complaint, adjudges the defendant to be imprisoned, and the defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other officer to whom it is directed; and the justice who issued the same, if he thinks fit, may award and order therein that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the defendant was previously sentenced. R.S.C., c. 178, s. 69. Cumulative punishment.

878. Whenever a defendant gives security by or is discharged upon recognizance and does not afterwards appear at the time and place mentioned in the recognizance, the justice who took the recognizance, or any justice who is then present, having certified upon the back of the recognizance the non-appearance of the defendant, may transmit such recognizance to the proper officer in the province appointed by law to receive the same, to be proceeded upon in like manner as other recognizances; and such certificate shall be *prima facie* evidence of the non-appearance of the said defendant. Recognizances.

2. Such certificate shall be in the form MMM in schedule one to this Act. The proper officer to whom the recognizance and certificate of default are to be transmitted, in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting, except in the district of Nipissing as to which district the proper officer shall be the clerk of the peace for the county of Renfrew; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court; and in the other provinces of Canada, the proper officer to whom any such recognizance and certificate shall be transmitted, shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected. R.S.C., c. 178, ss. 71 and 72.

879. Unless it is otherwise provided in any special Act Appeal. under which a conviction takes place or an order is made by a justice for the payment of money or dismissing an information

information or complaint, any person who thinks himself aggrieved by any such conviction or order, the prosecutor or complainant, as well as the defendant, may appeal, in the province of Ontario to the Court of General Sessions of the Peace; in the province of Quebec, to the Court of Queen's Bench, Crown side; in the provinces of Nova Scotia, New Brunswick and Manitoba, to the county court of the district or county where the cause of the information or complaint arose; in the province of Prince Edward Island, to the Supreme Court; in the province of British Columbia, to the county or district court, at the sitting thereof which shall be held nearest to the place where the cause of the information or complaint arose; and in the North-west Territories, to a judge of the Supreme Court of the said territories, sitting without a jury, at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held.

2. In the district of Nipissing such person may appeal to the Court of General Sessions of the Peace for the county of Renfrew. 51 V., c. 45, s. 7; 52 V., c. 45, s. 6.

Conditions of
appeal.

880. Every right of appeal shall, unless it is otherwise provided in any special Act, be subject to the conditions following, that is to say:—

(a.) If the conviction or order is made more than fourteen days before the sittings of the court to which the appeal is given, such appeal shall be made to the then next sittings of such court; but if the conviction or order is made within fourteen days of the sittings of such court, then to the second sittings next after such conviction or order;

(b.) The appellant shall give to the respondent, or to the justice who tried the case for him, a notice in writing, in the form NNN in schedule one to this Act, of such appeal, within ten days after such conviction or order;

(c.) The appellant, if the appeal is from a conviction adjudging imprisonment, shall either remain in custody until the holding of the court to which the appeal is given, or shall enter into a recognizance in the form OOO in the said schedule with two sufficient sureties, before a justice, conditioned personally to appear at the said court, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court; or, if the appeal is against any conviction or order, whereby only a penalty or sum of money is adjudged to be paid, the appellant (although the order directs imprisonment in default of payment), instead 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 be paid, together with the costs of the conviction or order, and the costs of the appeal; and upon such recognizance being given, or such deposit being made, the justice

before whom such recognizance is entered into, or deposit made, shall liberate such person, if in custody ;

(*d.*) In case of an appeal from the order of a justice, pursuant to section five hundred and seventy-one, for the restoration of gold or gold-bearing quartz, or silver or silver ore, the appellant shall give security by recognizance to the value of the said property to prosecute his appeal at the next sittings of the court and to pay such costs as are awarded against him ;

(*e.*) The court to which such appeal is made shall thereupon hear and determine the matter of appeal and make such order therein, with or without costs to either party, including costs of the court below, as seems meet to the court,—and, in case of the dismissal of an appeal by the defendant and the affirmation of the conviction or order, shall order and adjudge the appellant to be punished according to the conviction or to pay the amount adjudged by the said order, and to pay such costs as are awarded,—and shall, if necessary issue process for enforcing the judgment of the 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 appeal, to be paid out of the money deposited, and the residue, if any, to be repaid to the appellant ; and whenever, after any such deposit, the conviction or order is quashed, the court shall order the money to be repaid to the appellant ;

(*f.*) The said court shall have power, if necessary, from time to time, by order endorsed on the conviction or order, to adjourn the hearing of the appeal from one sittings to another, or others, of the said court ;

(*g.*) Whenever any conviction or order is quashed on appeal, as aforesaid, the clerk of the peace or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed ; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall, when certified under the hand of the clerk of the peace, or of the proper officer having the custody of the same, be sufficient evidence, in all courts and for all purposes, that the conviction or order has been quashed. 51 V., c. 45, s. 8 ; 53 V., c. 37, s. 24.

§ 81. When an appeal against any summary conviction or decision has been lodged in due form, and in compliance with the requirements of this part the court appealed to shall try, and shall be the absolute judge, as well of the facts as of the law, in respect to such conviction or decision ; and any of the parties to the appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the hearing before the justice or not, either as to the credibility of any witness, or as to any other fact material

Proceedings
on appeal

terial to the inquiry ; but any evidence taken before the justice at the hearing below, signed by the witness giving the same and certified by the justice, may be read on such appeal, and shall have the like force and effect as if the witness was there examined : Provided, that the court appealed to is satisfied by affidavit or otherwise, that the personal presence of the witness cannot be obtained by any reasonable efforts. 53 V., c. 37, s. 25.

Appeal on matters of form.

882. No judgment shall be given in favour of the appellant if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant issued upon any such information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof at the hearing of such information or complaint, unless it is proved before the court hearing the appeal that such objection was made before the justice before whom the case was tried and by whom such conviction, judgment or decision was given, or unless it is proved that notwithstanding it was shown to such justice that by such variance the person summoned and appearing or apprehended had been deceived or misled, such justice refused to adjourn the hearing of the case to some further day, as herein provided. R.S.C., c. 178, s. 79.

Judgment to be upon the merits.

883. In every case of appeal from any summary conviction or order had or made before any justice, the court to which such appeal is made shall, notwithstanding any defect in such conviction or order, and notwithstanding that the punishment imposed or the order made may be in excess of that which might lawfully have been imposed or made, hear and determine the charge or complaint on which such conviction or order has been had or made, upon the merits, and may confirm, reverse or modify the decision of such justice, or may make such other conviction or order in the matter as the court thinks just, and may by such order exercise any power which the justice whose decision is appealed from might have exercised, and such conviction or order shall have the same effect and may be enforced in the same manner as if it had been made by such justice. The court may also make such order as to costs to be paid by either party as it thinks fit.

2. Any conviction or order made by the court on appeal may also be enforced by process of the court itself. 53 V., c. 37, s. 26.

Costs when appeal not prosecuted.

884. The court to which an appeal is made, upon proof of notice of the appeal to such court having been given to the person entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if such ap-

peal has not been abandoned according to law, at the same 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 shall be recoverable in the manner provided by this Act for the recovery of costs upon an appeal against an order or conviction. R.S.C., c. 178, s. 81.

885. If an appeal against a conviction or order is decided in favour of the respondents, the justice who made the conviction or order, or any other justice for the same territorial division, may issue the warrant of distress or commitment for execution of the same, as if no appeal had been brought. R.S.C., c. 178, s. 82.

Proceedings when appeal fails.

886. No conviction or order affirmed, or affirmed and amended, in appeal, shall be quashed for want of form, or be removed by *certiorari* into any superior court, and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. R.S.C., c. 178, s. 83.

Conviction not to be quashed for defects of form

887. No writ of *certiorari* shall be allowed to remove any conviction or order had or made before any justice of the peace if the defendant has appealed from such conviction or order to any court to which an appeal from such conviction or order is authorized by law, or shall be allowed to remove any conviction or order made upon such appeal. R.S.C., c. 178, s. 84.

Certiorari not to lie when appeal is taken.

888. Every justice before whom any person is summarily tried, shall transmit the conviction or order to the court to which the appeal is herein given, in and for the district, county or place wherein the offence is alleged to have been committed, before the time when an appeal from such conviction or order may be heard, there to be kept by the proper officer among the records of the court; and if such conviction or order has been appealed against, and a deposit of money made, such justice shall return the deposit into the said court; and the conviction or order shall be presumed not to have been appealed against, until the contrary is shown.

Conviction to be transmitted to appeal court.

2. Upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence. R.S.C., c. 178, s. 86; 51 V., c. 45, s. 9.

889. No conviction or order made by any justice of the peace and no warrant for enforcing the same, shall, on being

Conviction not to be held invalid for irregularity.

being removed by *certiorari* be held invalid for any irregularity, informality or insufficiency therein, provided that the court or judge before which or whom the question is raised is, upon perusal of the depositions, satisfied that an offence of the nature described in the conviction, order or warrant, has been committed, over which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence; and any statement which, under this Act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in an information, summons, order or warrant: Provided that the court or judge, where so satisfied as aforesaid, shall, even if the punishment imposed or the order made is in excess of that which might lawfully have been imposed or made, have the like powers in all respects to deal with the case as seems just as are by section eight hundred and eighty-three conferred upon the court to which an appeal is taken under the provisions of section eight hundred and seventy-nine R.S.C., c. 178, s. 87; 53 V., c. 37, s. 27.

Irregularities within the preceding section.

§90. The following matters amongst others shall be held to be within the provisions of the next preceding section:—

(a.) The statement of the adjudication, or of any other matter or thing, in the past tense instead of in the present;

(b.) The punishment imposed being less than the punishment by law assigned to the offence stated in the conviction or order, or to the offence which appears by the depositions to have been committed;

(c.) The omission to negative circumstances, the existence of which would make the act complained of lawful, whether such circumstances are stated by way of exception or otherwise in the section under which the offence is laid, or are stated in another section.

2. But nothing in this section contained shall be construed to restrict the generality of the wording of the next preceding section. R.S.C., c. 178, s. 88

Protection of justice whose conviction is quashed.

§91. If an application is made to quash a conviction or order made by a justice, on the ground that such justice has exceeded his jurisdiction, the court or judge to which or whom the application is made, may, as a condition of quashing the same, if the court or judge thinks fit so to do, provide that no action shall be brought against the justice who made the conviction, or against any officer acting under any warrant issued to enforce such conviction or order. R.S.C., c. 178, s. 89.

Condition of hearing motion to quash.

§92. The court having authority to quash any conviction, order or other proceeding by or before a justice may prescribe by general order that no motion to quash any conviction, order or other proceeding by or before a justice and brought before such court by *certiorari*, shall be entertained unless the

defendant is shown to have entered into a recognizance with one or more sufficient sureties, before a justice or justices of the county or place within which such conviction or order has been made, or before a judge or other officer, as may be prescribed by such general order, or to have made a deposit to be prescribed in like manner, with a condition to prosecute such writ of *certiorari* at his own costs and charges, with effect, without any wilful or affected delay, and, if ordered so to do, to pay the person in whose favour the conviction, order or other proceeding is affirmed, his full costs and charges to be taxed according to the course of the court where such conviction, order or proceeding is affirmed. R.S.C., c. 178, s. 90.

893. The second section of the Act of the Parliament of the United Kingdom, passed in the fifth year of the reign of His Majesty King George the Second, and chaptered nineteen, shall no longer apply to any conviction, order or other proceeding by or before a justice in Canada, but the next preceding section of this Act shall be substituted therefor, and the like proceedings may be had for enforcing the condition of a recognizance taken under the said section as might be had for enforcing the condition of a recognizance taken under the said Act of the Parliament of the United Kingdom. R.S.C., c. 178, s. 91. Imperial Act superseded.

894. No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged, by reason of any objection that evidence has not been given of a proclamation or order of the Governor in Council, or of any rules, regulations, or by-laws made by the Governor in Council in pursuance of a statute of Canada, or of the publication of such proclamation, order, rules, regulations or by-laws in the *Canada Gazette*; but such proclamation, order, rules, regulations and by-laws and the publication thereof shall be judicially noticed. 51 V., c. 45, s. 10. Judicial notice of proclamation.

895. If a motion or rule to quash a conviction, order or other proceeding is refused or discharged, it shall not be necessary to issue a writ of *procedendo*, but the order of the court refusing or discharging the application shall be a sufficient authority for the registrar or other officer of the court forthwith to return the conviction, order and proceedings to the court or justice from which or whom they were removed, and for proceedings to be taken thereon for the enforcement thereof, as if a *procedendo* had issued, which shall forthwith be done. R.S.C., c. 178, s. 93. Refusal to quash.

896. Whenever it appears by the conviction that the defendant has appeared and pleaded, and the merits have been tried, and the defendant has not appealed against the conviction, where an appeal is allowed, or if appealed against, the conviction Conviction not to be set aside in certain cases.

conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of 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. R.S.C., c. 178. s. 94.

Order as to costs.

897. If upon any appeal the court trying the appeal orders either party to pay costs, the order shall direct the costs to be paid to the clerk of the peace or other proper officer of the court, to be paid over by him to the person entitled to the same, and shall state within what time the costs shall be paid. R.S.C., c. 178, s. 95.

Recovery of costs.

898. If such costs are not paid within the time so limited, and the person ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the clerk of the peace or his deputy, on application of the person entitled to the costs, or of any person on his behalf, and on payment of any fee to which he is entitled, shall grant to the person so applying, a certificate that the costs have not been paid; and upon production of the certificate to any justice in and for the same territorial division, such justice may enforce the payment of the costs by warrant of distress in manner aforesaid, and in default of distress may commit the person against whom the warrant has issued in manner hereinbefore mentioned, for any term not exceeding one month, unless the amount of the costs and all costs and charges of the distress and also the costs of the commitment and conveying of the party to prison, if the justice thinks fit so to order (the amount thereof being ascertained and stated in the commitment), are sooner paid. The said certificate shall be in the form PPP and the warrants of distress and commitment in the forms QQQ and RRR respectively in schedule one to this Act. R.S.C., c. 178, s. 96.

Abandonment of appeal.

899. An appellant may abandon his appeal by giving to the opposite party notice in writing of his intention six clear days before the sitting of the court appealed to, and thereupon the costs of the appeal shall be added to the sum if any adjudged against the appellant by the conviction or order, and the justice shall proceed on the conviction or order as if there had been no appeal. R.S.O. (1887), c. 74, s. 8.

Statement of case by justices for review.

900. In this section the expression "the court" means and includes any superior court of criminal jurisdiction for the province in which the proceedings herein referred to are carried on.

2. Any person aggrieved, the prosecutor or complainant as well as the defendant, who desires to question a conviction, order, determination or other proceeding of a justice under this part, on the ground that it is erroneous in point of law, or is in excess of jurisdiction, may apply to such justice to

state and sign a case setting forth the facts of the case and the grounds on which the proceeding is questioned, and if the justice declines to state the case, may apply to the court for an order requiring the case to be stated.

3. The application shall be made and the case stated within such time and in such manner as is, from time to time, directed by rules or orders under section five hundred and thirty-three of this Act.

4. The appellant at the time of making such application, and before a case is stated and delivered to him by the justice, shall in every instance, enter into a recognizance before such justice or any other justice exercising the same jurisdiction, with or without surety or sureties, and in such sum as to the justice seems meet, conditioned to prosecute his appeal without delay, and to submit to the judgment of the court and pay such costs as are awarded by the same; and the appellant shall, at the same time, and before he shall be entitled to have the case delivered to him, pay to the justice such fees as he is entitled to; and the appellant, if then in custody, shall be liberated upon the recognizance being further conditioned for his appearance before the same justice, or such other justice as is then sitting, within ten days after the judgment of the court has been given, to abide such judgment, unless the judgment appealed against is reversed.

5. If the justice is of opinion that the application is merely frivolous, but not otherwise, he may refuse to state a case, and shall on the request of the applicant sign and deliver to him a certificate of such refusal; provided that the justice shall not refuse to state a case where the application for that purpose is made to him by or under the direction of Her Majesty's Attorney-General of Canada, or of any province.

6. Where the justice refuses to state a case, it shall be lawful for the appellant to apply to the court, upon an affidavit of the facts, for a rule calling upon the justice, and also upon the respondent, to show cause why such case should not be stated; and such court may make such rule absolute, or discharge the application, with or without payment of costs, as to the court seems meet; and the justice upon being served with such rule absolute, shall state a case accordingly, upon the appellant entering into such recognizance as hereinbefore provided.

7. The court to which a case is transmitted under the foregoing provisions shall hear and determine the question or questions of law arising thereon, and shall thereupon affirm, reverse or modify the conviction, order or determination in respect of which the case has been stated, or remit the matter to the justice with the opinion of the court thereon, and may make such other order in relation to the matter, and such orders as to costs, as to the court seems fit; and all such orders shall be final and conclusive upon all parties: Provided always, that any justice who states and delivers a case in pursuance of this section shall not be liable to any

costs in respect or by reason of such appeal against his determination.

8. The court for the opinion of which a case is stated shall have power, if it thinks fit, to cause the case to be sent back for amendment; and thereupon the same shall be amended accordingly, and judgment shall be delivered after it has been amended.

9. The authority and jurisdiction hereby vested in the court for the opinion of which a case is stated may, subject to any rules and orders of court in relation thereto, be exercised by a judge of such court sitting in chambers, and as well in vacation as in term time.

10. After the decision of the court in relation to any such case stated for their opinion, the justice in relation to whose determination the case has been stated, or any other justice exercising the same jurisdiction, shall have the same authority to enforce any conviction, order or determination which has been affirmed, amended or made by such court as the justice who originally decided the case would have had to enforce his determination if the same had not been appealed against; and no action or proceeding shall be commenced or had against a justice for enforcing such conviction, order or determination by reason of any defect in the same.

11. If the court deems it necessary or expedient any order of the court may be enforced by its own process.

12. No writ of *certiorari* or other writ shall be required for the removal of any conviction, order or other determination in relation to which a case is stated under this section or otherwise, for obtaining the judgment or determination of a superior court on such case under this section.

13. In all cases where the conditions, or any of them, in any recognizance entered into in pursuance of this section have not been complied with, such recognizance shall be dealt with in like manner as is provided by section eight hundred and seventy-eight with respect to recognizances entered into thereunder.

14. Any person who appeals under the provisions of this section against any determination of a justice from which he is entitled to an appeal under section eight hundred and seventy-nine of this Act, shall be taken to have abandoned such last mentioned right of appeal finally and conclusively and to all intents and purposes.

15. Where, by any special Act, it is provided that there shall be no appeal from any conviction or order, no proceedings shall be taken under this section in any case to which such provision in such special Act applies. 53 V., c. 37, s. 28.

Tender and
payment.

301. Whenever a warrant of distress has issued against any person, and such person pays or tenders to the peace officer having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender,

the peace officer shall cease to execute the same. R.S.C., c. 198, s. 97.

2. 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 is imprisoned, the sum in the warrant of commitment mentioned, together with the amount of the costs and charges and expenses therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, if he is in his custody for no other matter. He shall also forthwith pay over any moneys so received by him to the justice who issued the warrant. R.S.C., c. 198, s. 98.

902. Every justice shall, quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, make to the clerk 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 include all convictions and other matters not included in some previous return, and shall be in the form SSS in schedule one to this Act.

Returns respecting convictions and moneys received.

2. If two or more justices are present, and join in the conviction, they shall make a joint return.

3 In the province of Prince Edward Island such return shall be made to the clerk of the court of assize of the county in which the convictions are made, and on or before the fourteenth 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 said district of Nipissing, in the province of Ontario, to the clerk of the peace for the county of Renfrew, in the said province. R.S.C., c. 178, s. 99.

5. Every justice, to whom any such moneys are afterwards paid, shall make a return of the receipts and application thereof, to the court having jurisdiction in appeal as hereinbefore provided,—which return shall be filed by the clerk of the peace or the proper officer of such court with the records of his office. R.S.C., c. 178, s. 100.

6. Every justice, before whom any such conviction takes place or who receives any such moneys, who neglects or refuses to make such return thereof, or wilfully makes a false, partial or incorrect return, or wilfully receives a larger amount of fees than by law he is authorized to receive, shall incur a penalty of eighty dollars, together with costs of suit, in the discretion of the court, which may be recovered by any person who sues for the same by action of debt or information in any court of record in the province in which such return ought to have been or is made. R.S.C., c. 178, s. 101.

7. One moiety of such penalty shall belong to the person suing, and the other moiety to Her Majesty, for the public uses of Canada.

Publication,
&c., of re-
turns.

903. The clerk of the peace of the district or county in which any such returns are made, or the proper officer, other than the clerk of the peace, to whom such returns are made, shall, within seven days after the adjournment of the next ensuing General or Quarter Sessions, or of the term or sitting of such other court as aforesaid, cause the said returns to be posted up in the court-house of the district or county, and also in a conspicuous place in the office of such clerk of the peace, or other proper officer, for public inspection, and the same shall continue to be so posted up and exhibited until the end of the next ensuing General or Quarter Sessions of the Peace, or of the term or sitting of such other court as aforesaid; and for every schedule so made and exhibited by such clerk or officer, he shall be allowed such fee as is fixed by competent authority. R.S.C., c. 178, s. 103.

2. Such clerk of the peace or other officer of each district or county, within twenty days after the end of each General or Quarter Sessions of the Peace, or the sitting of such court as aforesaid, shall transmit to the Minister of Finance and Receiver General a true copy of all such returns made within his district or county. R.S.C., c. 178, s. 104.

Prosecutions
for penalties
under the pre-
ceding section.

904. All actions for penalties arising under the provisions of section nine hundred and two shall be commenced within six months next after the cause of action accrues, and the same shall be tried in the district, county or place wherein such penalties have been incurred; and if a verdict or judgment passes for the defendant, or the plaintiff becomes non-suit, or discontinues the action after issue joined, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall, in the discretion of the court, recover his costs of suit, as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases. R.S.C., c. 178, s. 102.

Remedies
saved.

905. Nothing in the three sections next preceding shall have the effect of preventing any person aggrieved from prosecuting, by indictment, any justice, for any offence, the commission of which would subject him to indictment at the time of the coming into force of this Act. R.S.C., c. 178, s. 105.

Defective re-
turns.

906. 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 him in any matter over which any Provincial Legislature has exclusive jurisdiction, or with respect to which he acted under the authority of any provincial law. R.C.S., c. 178, s. 106.

907. No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively; for example, in charging an offence under section five hundred and eight of this Act it may be alleged that "the defendant unlawfully did cut, break, root up and otherwise destroy or damage a tree, sapling or shrub"; and it shall not be necessary to define more particularly the nature of the act done, or to state whether such act was done in respect of a tree, or a sapling, or a shrub. R.S.C., c. 178, s. 107.

Certain defects not to vitiate proceedings.

908. Every judge of Sessions of the Peace, chairman of the court of General Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate, shall have such 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 and used in like cases and for the like purposes by any court in Canada, or by the judges thereof, during the sittings thereof. R.S.C., c. 178, s. 109.

Preserving order in court.

909. Every judge of the Sessions of the Peace, chairman of the court of General Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate, whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the process of other courts in like cases. R.S.C., c. 178, s. 110.

Resistance to execution of process.

PART LIX.

RECOGNIZANCES.

910. Any surety for any person charged with any indictable offence may, upon affidavit showing the grounds therefor, with a certified copy of the recognizance, obtain from a judge of a superior court or from a judge of a county court having criminal jurisdiction, or in the province of Quebec from a district magistrate, an order in writing under his hand, to render such person to the common gaol of the county where the offence is to be tried.

Render of accused by surety.

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 is discharged by due course of law. R.S.C., c. 179, ss. 1 and 2.

Bail after
render.

911. The person rendered may apply to a judge of a superior court, or in cases in which a judge of a county court may admit to bail, to a judge of a county court, to be again 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 meet,—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. R.S.C., c. 179, s. 3.

Discharge of
recognizance.

912. On due proof of such render, and certificate of the sheriff, proved by the affidavit of a subscribing witness, that 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. R.S.C., c. 179, s. 4.

Render in
court.

913. The sureties may bring the person charged as aforesaid into the court at which he is bound to appear, during the sitting thereof, and then, by leave of the court, render him in discharge of such recognizance at any time before trial, and such person shall be committed to gaol, there to remain until discharged by due course of law; but such court may admit such person to bail for his appearance at any time it deems meet. R.S.C., c. 179, s. 5.

Sureties not
discharged by
arraignment
or conviction.

914. The arraignment or conviction of any person charged and bound as aforesaid, shall not discharge the recognizance, but the same shall be effectual for his appearance for trial or sentence, as the case may be; nevertheless the court may commit such 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 such recognizance; and such commitment shall be a discharge of the sureties. R.S.C., c. 179, s. 6.

Right of su-
rety to render
not affected.

915. Nothing in the foregoing provisions shall limit or restrict any right which a surety now has of taking and rendering to custody any person charged with any such offence, and for whom he is such surety. R.S.C., c. 179, s. 7.

Entry of fines,
&c., on record
and recovery
thereof.

916. Unless otherwise provided, all fines, issues, amercements and forfeited recognizances, the disposal of which is within the legislative authority of the Parliament of Canada, set, imposed, lost or forfeited before any court of criminal jurisdiction shall, within twenty-one days after the adjournment of such court be fairly entered and extracted on a roll by the clerk of the court, or in case of his death or absence, by any other person, under the direction of the judge who presided at such court, which roll shall be made in duplicate

and signed by the clerk of the court, or in case of his death or absence, by such judge.

2. If such court is a superior court of criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer—

(a.) in the province of Ontario, of a division of the High Court of Justice;

(b.) in the provinces of Nova Scotia, New Brunswick and British Columbia, of the Supreme Court of the province;

(c.) in the province of Prince Edward Island, of the Supreme Court of Judicature of that province;

(d.) in the province of Manitoba, of the Court of Queen's Bench of that province; and

(e.) in the North-west Territories, of the Supreme Court of the said territories,—

on or before the first day of the term next succeeding the court by or before which such fines or forfeitures were imposed or forfeited.

3. If such court is a court of General Sessions of the Peace, or a county court, one of such rolls shall remain deposited in the office of the clerk of such court.

4. The other of such rolls shall, as soon as the same is prepared, be sent by the clerk of the court making the same, or in case of his death or absence, by such judge as aforesaid, with a writ of *feri facias* and *capias*, according to the form TTT in schedule one to this Act, to the sheriff of the county in and for which such court was holden; and such writ shall be authority to the sheriff for proceeding to the immediate levying and recovering of such fines, issues, amercements and forfeited recognizances, on the goods and chattels, lands and tenements of the several persons named therein, or for taking into custody the bodies of such persons respectively, in case sufficient goods and chattels, lands or tenements cannot be found, whereof the sums required can be made; and every person so taken shall be lodged in the common gaol of the county, until satisfaction is made, or until the court into which such writ is returnable, upon cause shown by the party, as hereinafter mentioned, makes an order in the case, and until such order has been fully complied with.

5. The clerk of the court shall, at the foot of each roll made out as herein directed, make and take an affidavit in 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 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 knowledge and understanding, inserted in
 “ the said roll; and that in the said roll are also contained
 “ and expressed all such fines as have been paid to or
 “ received by me, either in court or otherwise, without any
 “ wilful

“ wilful discharge, omission, misnomer or defect whatsoever. So help me God ; ”

Which oath any justice of the peace for the county is hereby authorized to administer. R.S.C., c. 179, ss. 8, 9 and 15.

Officer to prepare lists of persons under recognizance making default.

917. If any person bound by recognizance for his appearance (or for whose appearance any other person has become so bound) to prosecute or give evidence on the trial of any indictable offence, or to answer for any common assault, or to articles of the peace, makes default, the officer of the court by whom the estreats are made out, shall prepare a list in writing, specifying the name of every person so making default, and the nature of the offence in respect of which such person, or his surety, was so bound, together with the residence, trade, profession or calling of every such person and surety,—and shall, in such list, distinguish the principals from the sureties, and shall state the cause, if known, why each such person did not appear, and whether, by reason of the non-appearance of such person, the ends of justice have been defeated or delayed. R.S.C., c. 179, s. 10.

Proceeding on forfeited recognizance not to be taken except on order of judge, &c.

918. Every such officer shall, before any such recognizance is estreated, lay such list before the judge or one of the judges who presided at the court, or if such court was not presided over by a judge, before two justices of the peace who attended at such court, and such judge or justices shall examine such list, and make such order touching the estreating or putting in process any such recognizance as appears just, subject, in the province of Quebec, to the provisions hereinafter contained ; and no officer of any such court shall estreat or put in process any such recognizance without the written order of the judge or justices of the peace before whom respectively such list has been laid. R.S.C., c. 179, s. 11.

Recognizance need not be estreated in certain cases.

919. Except in the cases of persons bound by recognizance for their appearance, or for whose appearance any other person has become bound to prosecute or give evidence on the trial of any indictable offence, or to answer for any common assault, or to articles of the peace, in every case of 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 cause, and considering also, whether, by the non-appearance of such person the ends of justice have been defeated or delayed, may forbear to order the recognizance to be estreated ; and, with respect to all recognizances estreated, if it appears to the satisfaction of the judge who presided at such court that the absence of any person for whose appearance any recognizance was entered into, was owing to circumstances which rendered such absence justifiable, such judge may make an order directing that the sum forfeited upon such estreated recognizance shall not be levied.

2. The clerk of the court shall, for such purpose, before sending to the sheriff any roll, with a writ of *feri facias* and *capias*, as directed by section nine hundred and sixteen, submit the same to the judge who presided at the court, and such judge may make a minute on the said roll and writ of any such forfeited recognizances and fines as he thinks fit to direct not to be levied; and the sheriff shall observe the direction in such minute written upon such roll and writ, or endorsed thereon, and shall forbear accordingly to levy any such forfeited recognizance or fine. R.S.C., c. 179, ss. 12 and 13.

920. If upon any writ issued under section nine hundred and sixteen, the sheriff takes lands or tenements in execution, he shall advertise 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 place in less than twelve months from the time the writ came to the hands of the sheriff. R.S.C., c. 179, s. 14.

Sale of lands by sheriff under estreated recognizance.

921. If any person on whose goods and chattels a sheriff, bailiff or other officer is authorized to levy any such forfeited recognizance, gives security to the said sheriff or other officer for his appearance at the return day mentioned in the writ, in the court into which such writ is returnable, then and there to abide the decision of such court, and also to pay such forfeited recognizance, or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as are adjudged and ordered by the court, such sheriff or officer shall discharge such person out of custody, and if such person does not appear in pursuance of his undertaking, the court may forthwith issue a writ of *feri facias* and *capias* against such person and the surety or sureties of the person so bound as aforesaid. R.S.C., c. 179, s. 16.

Discharge from custody on giving security.

922. The court, into which any writ of *feri facias* and *capias* issued under the provisions of this part is returnable, may inquire into the circumstances of the case, and may in its discretion, order the discharge of the whole of the forfeited recognizance, or sum of money paid or to be paid in lieu or satisfaction thereof, and make such order thereon as to such court appears just; and such order shall accordingly be a discharge to the sheriff, or to the party, according to the circumstances of the case. R.S.C., c. 179, s. 17.

Discharge of forfeited recognizance.

923. The sheriff, to whom any writ is directed under this Act, shall return the same on the day on which the same is made returnable, and shall state, on the back of the roll attached to such writ, what has been done in the execution thereof; and such return shall be filed in the court into which such return is made. R.S.C., c. 179, s. 18.

Return of writ by sheriff.

Roll and return to be transmitted to Minister of Finance.

924. A copy of such roll and return, certified by the clerk of the court into which such return is made, shall be forthwith transmitted to the Minister of Finance and Receiver-General, with a minute thereon of any of the sums therein mentioned, which have been remitted by order of the court, in whole or in part, or directed to be forborne, under the authority of section nine hundred and nineteen. R.S.C., c. 179, s. 19.

Appropriation of moneys collected by sheriff.

925. The sheriff or other officer shall, without delay, pay over all moneys collected under the provisions of this part by him, to the Minister of Finance and Receiver-General, or other person entitled to receive the same. R.S.C., c. 179, s. 20.

Quebec.

926. The provisions of sections nine hundred and sixteen and nine hundred and nineteen to nine hundred and twenty-four, both inclusive, shall not apply to the province of Quebec, and the following provisions shall apply to that province only :

2. Whenever default is made in the condition of any recognizance lawfully entered into or taken in any criminal case, proceeding or matter, in the province of Quebec, within the legislative authority of the Parliament of Canada, so that the penal sum therein mentioned becomes forfeited and due to the Crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it then is—or where the recognizance has been entered into orally in open court—a certificate or minute of such recognizance, under the seal of the court, shall be made from the records of such court ;

(a.) Such recognizance, certificate or minute, as the case may be, shall be transmitted by the court, recorder, justice of the peace, magistrate or other functionary before whom the cognizor, or the principal cognizor, where there is a surety or sureties, was bound to appear, or to do that, by his default to do which the condition of the recognizance is broken, to the Superior Court in the district in which the place where such default was made is included for civil purposes, with the certificate of the court, recorder, justice of the peace, magistrate or other functionary as aforesaid, of the breach of the condition of such recognizance, of which and of the forfeiture to the Crown of the penal sum therein mentioned, such certificate shall be conclusive evidence ;

(b.) The date of the receipt of such recognizance or minute and certificate by the prothonotary of the said court, shall be endorsed thereon by him, and he shall enter judgment in favour of the Crown against the cognizor for the penal sum mentioned in such recognizance, and execution may issue therefor after the same delay as in other cases, which shall be reckoned from the time when the judgment is entered by the prothonotary of the said court ;

(c.) Such execution shall issue upon fiat or *præcipe* of the Attorney-General, or of any person thereunto authorized in writing by him; and the Crown shall be entitled to the costs of execution and to costs on all proceedings in the case subsequent to execution, and to such costs, in the discretion of the court, for the entry of the judgment, as are fixed by any tariff.

3. Nothing in this section contained shall prevent the recovery of the sum forfeited by the breach of any recognizance from being recovered by suit in the manner provided by law, whenever the same cannot, for any reason, be recovered in the manner provided in this section;

(a.) In such case the sum forfeited by the non-performance of the conditions of such recognizance shall be recoverable, with costs, by action in any court having jurisdiction in civil cases to the amount, at the suit of the Attorney-General of Canada or of Quebec, or other person or officer authorized to sue for the Crown; and in any such action it shall be held that the person suing for the Crown is duly empowered so to do, and that the conditions of the recognizance were not performed, and that the sum therein mentioned is, therefore, due to the Crown, unless the defendant proves the contrary.

4. In this section, unless the context otherwise requires, the expression "cognizor" includes any number of cognizors in the same recognizance, whether as principals or sureties.

5. When a person has been arrested in any district for an offence committed within the limits of the province of Quebec, and a justice of the peace has taken recognizances from the witnesses heard before him or another justice of the peace, for their appearance at the next session or term of the court of competent criminal jurisdiction, before which such person is to undergo his trial, there to testify and give evidence on such trial, and such recognizances have been transmitted to the office of the clerk of such court, the said court may proceed on the said recognizances in the same manner as if they had been taken in the district in which such court is held. R.S.C., c. 179, ss. 21, 22 and 23.

PART LX.

FINES AND FORFEITURES.

927. Whenever no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law, the same shall belong to the Crown for the public uses of Canada. Appropriation of fines, &c.

2. Any duty, penalty or sum of money, or the proceeds of any forfeiture, which is, by any Act, given to the Crown, shall,

shall, if no other provision is made respecting it, form part of the Consolidated Revenue Fund of Canada, and shall be accounted for and otherwise dealt with accordingly. R.S.C., c. 180, ss. 2 and 4.

Application of
fines, &c., by
Order in
Council.

928. The Governor in Council may from time to time direct that any fine, penalty or forfeiture, or any portion thereof, which would otherwise belong to the Crown for the public uses of Canada, be paid to any provincial, municipal or local authority, which wholly or in part bears the expenses of administering the law under which such fine, penalty or forfeiture is imposed, or that the same be applied in any other manner deemed best adapted to attain the objects of such law and to secure its due administration. R.S.C., c. 180, s. 3.

Recovery of
penalty or
forfeiture.

929. Whenever any pecuniary penalty or any forfeiture is imposed for any violation of any Act, and no other mode is prescribed for the recovery thereof, such penalty or forfeiture shall be recoverable or enforceable, with costs, in the discretion of the court, by civil action or proceeding at the suit of Her Majesty only, or of any private party suing as well for Her Majesty as for himself—in any form allowed in such case by the law of that province in which it is brought—before any court having jurisdiction to the amount of the penalty in cases of simple contract—upon the evidence of any one credible witness other than the plaintiff or party interested; and if no other provision is made for the appropriation of any penalty or forfeiture so recovered or enforced, one moiety shall belong to Her Majesty, and the other moiety shall belong to the private party suing for the same, if any, and if there is none, the whole shall belong to Her Majesty. R.S.C., c. 180, s. 1.

Limitation of
action.

930. No action, suit or information shall be brought or laid for any penalty or forfeiture under any such Act except within two years after the cause of action arises or after the offence is committed, unless the time is otherwise limited by such Act. R.S.C., c. 180, s. 5.

TITLE VIII.

PROCEEDINGS AFTER CONVICTION.

PART LXI.

PUNISHMENTS GENERALLY.

931. Whenever a person doing a certain act is declared to be guilty of any offence, and to be liable to punishment therefor, it shall be understood that such person shall only be deemed guilty of such offence and liable to such punishment after being duly convicted of such act. R.S.C., c. 181, s. 1. Punishment after conviction only.

932. Whenever it is provided that the offender shall be liable to different degrees or kinds of punishment, the punishment to be inflicted shall, subject to the limitations contained in the enactment, be in the discretion of the court or tribunal before which the conviction takes place. R.S.C., c. 181, s. 2. Degrees in punishment.

933. Whenever any offender is punishable under two or more Acts or two or more sections of the same Act, he may be tried and punished under any of such Acts or sections; but no person shall be twice punished for the same offence. R.S.C., c. 181, s. 3. Liability under different provisions.

934. Whenever a fine may be awarded or a penalty imposed for any offence, the amount of such fine or penalty shall, within such limits, if any, as are prescribed in that behalf, be in the discretion of the court or person passing sentence or convicting, as the case may be. R.S.C., c. 181, s. 33. Fine imposed shall be in discretion of court.

PART LXII.

CAPITAL PUNISHMENT.

935. Every one who is indicted as principal or accessory for any offence made capital by any statute, shall be liable to the same punishment, whether he is convicted by verdict or on confession, and this as well in the case of accessories as of principals. R.S.C., c. 181, s. 4. Punishment to be the same on conviction by verdict or by confession.

936. In all cases where an offender is sentenced to death the sentence or judgment to be pronounced against him shall be, that he be hanged by the neck until he is dead. R.S.C., c. 181, s. 5. Form of sentence of death.

Sentence of death to be reported to Secretary of State.

937. In the case of any prisoner sentenced to the punishment of death, the judge before whom such prisoner has been convicted shall forthwith make a report of the case to 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, will allow sufficient time for the signification of the Governor's pleasure before such day, and if the judge thinks such prisoner ought to be recommended for the exercise of the royal mercy, or if, from the non-decision of any point of law reserved in the case, or from any other cause, it becomes necessary to delay the execution, he, or any other judge of the same court, or who might have held or sat in such court, may, from time to time, either in term or in vacation, reprieve such offender for such period or periods beyond the time fixed for the execution of the sentence as are necessary for the consideration of the case by the Crown. R.S.C., c. 181, s. 8.

Prisoner under sentence of death to be confined apart.

938. Every one who is sentenced to suffer death shall, after judgment, be confined in some safe place within the prison, apart from all other prisoners; and no person except the gaoler and his servants, the medical officer or surgeon of the prison and a chaplain or a minister of religion, shall have access to any such convict, without the permission, in writing, of the court or judge before whom such convict has been tried, or of the sheriff. R.S.C., c. 181, s. 9.

Place of execution.

939. Judgment of death to be executed on any prisoner shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution. R.S.C., c. 181, s. 10.

Persons who shall be present at execution.

940. The sheriff charged with the execution, and the gaoler and medical officer or surgeon of the prison, and such other officers of the prison and such persons as the sheriff requires, shall be present at the execution. R.S.C., c. 181, s. 11.

Persons who may be present at execution.

941. Any justice of the peace for the district, county or place to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the sheriff proper to admit within the prison for the purpose, and any minister of religion who desires to attend, may also be present at the execution. R.S.C., c. 181, s. 12.

Certificate of death.

942. As soon as may be after judgment of death has been executed on the offender, the medical officer or surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, in the form UUU in schedule one hereto, and deliver the same to the sheriff.

2. The sheriff and the gaoler of the prison, and such justices and other persons present, if any, as the sheriff requires or allows, shall also sign a declaration in the form VVV in the said schedule to the effect that judgment of death has been executed on the offender. R.S.C., c. 181, ss. 13 and 14.

943. The duties imposed upon the sheriff, gaoler, medical officer or surgeon by the two sections next preceding, may be and, in his absence, shall be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, or discharging the duties of any such officer. R.S.C., c. 181, s. 15. When de-
puties may
act.

944. A coroner of a district, county or place to which the prison belongs, wherein judgment of death is executed on any offender, shall, within twenty-four hours after the execution, hold an inquest on the body of the offender; and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff. Inquest to be
held.

2. No officer of the prison and no prisoner confined therein shall, in any case, be a juror on the inquest. R.S.C., c. 181, ss. 16 and 17.

945. The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him, unless the Lieutenant Governor in Council orders otherwise. R.S.C., c. 181, s. 18. Place of
burial.

946. Every certificate and declaration, and a duplicate of the inquest required by this Act, shall in every case be sent with all convenient speed by the sheriff to the Secretary of State, or to such other officer as is, from time to time, appointed for the purpose by the Governor in Council; and printed copies of such several instruments shall as soon as possible, be exhibited and shall, for twenty-four hours at least, be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed. R.S.C., c. 181, s. 20. Certificate to
be sent to
Secretary of
State and
exhibited at
prison.

947. The omission to comply with any provision of the preceding sections of this part shall not make the execution of judgment of death illegal in any case in which such execution would otherwise have been legal. R.S.C., c. 181, s. 21. Omissions not
to invalidate
execution.

948. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if the above provisions had not been passed. R.S.C., c. 181, s. 22. Other pro-
ceedings in
executions not
affected.

Rules and regulations as to execution.

949. The Governor in Council may, from time to time, make such rules and regulations to be observed on the execution of judgment of death in every prison, as he, from time to time, deems expedient for the purpose, as well of guarding against any abuse in such execution, as also, of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

2. All such rules and regulations shall be laid upon the tables of both Houses of Parliament within six weeks after the making thereof, or, if Parliament is not then sitting, within fourteen days after the next meeting thereof. R.S.C., c. 181, ss. 44 and 45.

PART LXIII.

IMPRISONMENT.

Offences not capital, how punished.

950. Every one who is convicted of any offence not punishable with death shall be punished in the manner, if any, prescribed by the statute especially relating to such offence. R.S.C., c. 181, s. 23.

Imprisonment in cases not specially provided for.

951. Every person convicted of any indictable offence for which no punishment is specially provided, shall be liable to imprisonment for seven years.

2. Every one who is summarily convicted of any offence for which no punishment is specially provided, shall be liable to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both. R.S.C., c. 181, s. 24.

Punishment for offence committed after previous conviction.

952. Every one who is convicted of an indictable offence, not punishable with death, committed after a previous conviction for an indictable offence, is liable to imprisonment for ten years, 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. R.S.C., c. 181, s. 25.

Imprisonment may be for shorter term than that prescribed.

953. Every one who is liable to imprisonment for life, or for any term of years, or other term, may be sentenced to imprisonment for any shorter term: Provided, that no one shall be sentenced to any shorter term of imprisonment than the minimum term, if any, prescribed for the offence of which he is convicted. R.S.C., c. 181, s. 26.

Cumulative punishments.

954. When an offender is convicted of more offences than one, before the same court or person at the same sitting, or when any offender, under sentence or undergoing punishment for one offence, is convicted of any other offence, the

court or person passing sentence may, on the last conviction, direct that the sentences passed upon the offender for his several offences shall take effect one after another. R.S.C., c. 181, s. 27.

955. Every one who is sentenced to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary for the province in which the conviction takes place. Imprisonment in penitentiary, &c.

2. Every one who is sentenced to imprisonment for a term less than two years shall, if no other place is expressly mentioned, be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement, other than a penitentiary, in which the sentence of imprisonment may be lawfully executed.

3. Provided that where any one is sentenced to imprisonment in a penitentiary, and at the same sittings or term of the court trying him is sentenced for one or more other offences to a term or terms of imprisonment less than two years each, he may be sentenced for such shorter terms to imprisonment in the same penitentiary, such sentences to take effect from the termination of his other sentence.

4. Provided further that any prisoner sentenced for any term by any military, naval or militia court-martial, or by any military or naval authority under any Mutiny Act, may be sentenced to imprisonment in a penitentiary; and if such prisoner is sentenced to a term less than two years, he may be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or in such other prison or place of confinement as is provided by subsection two of this section with respect to persons sentenced thereunder.

5. Imprisonment in a penitentiary, in the Central Prison for the province of Ontario, in the Andrew Mercer Ontario Reformatory for females, and in any reformatory prison for females in the province of Quebec, shall be with hard labour, whether so directed in the sentence or not.

6. Imprisonment in a common gaol, or a public prison, other than those last mentioned, shall be with or without hard labour, in the discretion of the court or person passing sentence, if the offender is convicted on indictment, or under the provisions of Parts LIV. or LV., or before a judge of the Supreme Court of the North-west Territories, and in other cases may be with hard labour, if hard labour is part of the punishment for the offence of which such offender is convicted,—and if such imprisonment is to be with hard labour, the sentence shall so direct.

7. The term of imprisonment, in pursuance of any sentence, shall, unless otherwise directed in the sentence, com-

mence on and from the day of passing such sentence. but no time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced.

8. Every one who is sentenced to imprisonment in any penitentiary, gaol, or other public or reformatory prison, shall be subject to the provisions of the statutes relating to such penitentiary, gaol or prison, and to all rules and regulations lawfully made with respect thereto. R.S.C., c. 181, s. 28 ; 53 V. c. 37, s. 31.

Imprisonment
in reforma-
tories.

956. The court or person before whom any offender whose age at the time of his trial does not, in the opinion of the court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may sentence such offender to imprisonment in any reformatory prison in the province in which such conviction takes place, subject to the provisions of any Act respecting imprisonment in such reformatory ; and such imprisonment shall be substituted, in such case, for the imprisonment in the penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto: Provided, that in no case shall the sentence be less than two years' or more than five years' confinement in such reformatory prison ; and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the penitentiary.

2. Every person imprisoned in a reformatory shall be liable to perform such labour as is required of such person. R.S.C., c. 181, s. 29.

PART LXIV.

WHIPPING.

Sentence of
punishment
by whipping.

957. Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison ; and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence ; and, whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

2. Whipping shall not be inflicted on any female. R.S.C., c. 181, s. 30.

PART LXV.

SURETIES FOR KEEPING THE PEACE, AND FINES.

958. Every court of criminal jurisdiction and every magistrate under Part LV. before whom any person shall be convicted of an offence and shall not be sentenced to death, shall have power in addition to any sentence imposed upon such person, to require him forthwith to enter into his own recognizances, or to give security to keep the peace, and be of good behaviour for any term not exceeding two years, and that such person in default shall be imprisoned for not more than one year after the expiry of his imprisonment under his sentence, or until such recognizances are sooner entered into or such security sooner given, and any person convicted of an indictable offence punishable with imprisonment for five years or less may be fined in addition to or in lieu of any punishment otherwise authorized. R.S.C., c. 181, s. 31.

Persons convicted may be fined and bound over to keep the peace.

959. Whenever any person is charged before a justice under this part with an offence which, in the opinion of such justice, is directly against the peace, and the justice after hearing the case is satisfied of the guilt of the accused, and that the offence was committed under circumstances which render it probable that the person convicted will be again guilty of the same or some other offence against the peace unless he is bound over to good behaviour, such justice may, in addition to, or in lieu of, any other sentence which may be imposed upon the accused, require him forthwith to enter into his own recognizances, or to give security to keep the peace and be of good behaviour for any term not exceeding twelve months.

Recognizance to keep the peace.

2. Upon complaint by or on behalf of any person that on account of threats made by some other person or on any other account, he, the complainant, is afraid that such other person will do him, his wife or child some personal injury, or will burn or set fire to his property, the justice before whom such complaint is made, may, if he is satisfied that the complainant has reasonable grounds for his fears, require such other person to enter into his own recognizances, or to give security, to keep the peace, and to be of good behaviour, for a term not exceeding twelve months.

3. The provisions of this part shall apply so far as the same are applicable to proceedings under this section, and the complainant and defendant and witnesses may be called and examined, and cross-examined, and the complainant and defendant shall be subject to costs as in the case of any other complaint.

4. If any person so required to enter into his own recognizances or give security as aforesaid, refuses or neglects so

to do, the same or any other justice may order him to be imprisoned for any term not exceeding twelve months.

5. The forms WWW, XXX and YYY, with such variations and additions as the circumstances may require, may be used in proceedings under this section.

Proceedings
for not finding
sureties to
keep the
peace.

960. Whenever any person who has been required to enter into a recognizance with sureties to keep the peace and be of good behaviour has, on account of his default therein, remained imprisoned for two weeks, the sheriff, gaoler or warden shall give notice, in writing, of the facts to a judge of a superior court, or to a judge of the county court of the county or district in which such gaol or prison is situate, and in the cities of Montreal and Quebec to a judge of the sessions of the peace for the district, or, in the North-west Territories to a stipendiary magistrate,—and such judge or magistrate may order the discharge of such person, thereupon or at a subsequent time, upon notice to the complainant or otherwise, or may make such other order as he sees fit, respecting the number of sureties, the sum in which they are to be bound and the length of time for which such person may be bound. R.S.C., c. 181, s. 32; 51 V., c. 47, s. 2.

PART LXVI.

DISABILITIES.

Consequences
of conviction
of public
official.

961. If any person hereafter convicted of treason or any indictable offence for which he is sentenced to death, or imprisonment for a term exceeding five years, holds at the time of such conviction any office under the Crown or other public employment, or is entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office or employment shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person receives a free pardon from Her Majesty, within two months after such conviction, or before the filling up of such office or employment, if given at a later period; and such person shall become, and (until he suffers the punishment to which he is sentenced, or such other punishment as by competent authority is substituted for the same, or receives a free pardon from Her Majesty) shall continue thenceforth incapable of holding any office under the Crown, or other public employment, or of being elected, or sitting, or voting, as a member of either House of Parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise. 33-34 V. (U. K.) c. 23, s. 2.

2. The setting aside of a conviction by competent authority shall remove the disability herein imposed.

PART LXVII.

PUNISHMENTS ABOLISHED.

962. Outlawry in criminal cases is abolished.

Outlawry.

963. The punishment of solitary confinement or of the pillory shall not be awarded by any court. R. S. C., c. 181, s. 34.

Solitary confinement; pillory.

964. There shall be no forfeiture of any chattels, which have moved to or caused the death of any human being, in respect of such death. R.S.C., c. 181, s. 35.

Deodand.

965. From and after the passing of this Act no confession, verdict, inquest, conviction or judgment of or for any treason or indictable offence or *felo de se* shall cause any attainder or corruption of blood, or any forfeiture or escheat; Provided that nothing in this section shall affect any fine or penalty imposed on any person by virtue of his sentence, or any forfeiture in relation to which special provision is made by any Act of the Parliament of Canada. 33-34 V. (U.K.) c. 23, ss. 1, 6 and 5.

Attainder.

PART LXVIII.

PARDONS.

966. The Crown may extend the royal mercy to any person sentenced to imprisonment by virtue of any statute, although such person is imprisoned for non-payment of money to some person other than the Crown.

Pardon by the Crown.

2. Whenever the Crown is pleased to extend the royal mercy to any offender convicted of an indictable offence punishable with 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 State, or by warrant under the hand and seal-at-arms of the Governor General, the discharge of such offender out of custody, in case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon of such offender, under the great seal, as to the offence for which such pardon has been granted; but no free pardon, nor any discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any offence other than that for which the pardon was granted. R.S.C., c. 181, ss. 38 and 39.

Commutation
of sentence.

967. The Crown may commute the sentence of death passed upon any person convicted of a capital offence to imprisonment in the penitentiary for life, or for any term of years not less than two years, or to imprisonment in any gaol or other place of confinement for any period less than two years, with or without hard labour; and an instrument under the hand and seal-at-arms of the Governor General, declaring such commutation of sentence, or a letter or other instrument under the hand of the Secretary of State or of the Under Secretary of State, shall be sufficient authority to any judge or justice, having jurisdiction in such case, or to any sheriff or officer to whom such letter or instrument is addressed, to give effect to such commutation, and to do all such things and to make such orders, and to give such directions, as are requisite for the change of custody of such convict, and for his conduct to and delivery at such gaol or place of confinement or penitentiary, and his detention therein, according to the terms on which his sentence has been commuted. R.S.C., c. 181, s. 40.

Undergoing
sentence,
equivalent to
a pardon.

968. When any offender has been convicted of an offence not punishable with death, and has endured the punishment to which such offender was adjudged,—or if such offence is punishable with death and the sentence has been commuted, then if such offender has endured the punishment to which his sentence was commuted, the punishment so endured shall, as to the offence whereof the offender was so convicted, have the like effect and consequences as a pardon under the great seal; but nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any other offence. R.S.C., c. 181, s. 41.

Satisfying
judgment.

969. When any person convicted of any offence has paid the sum adjudged to be paid, together with costs, if any, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or has been discharged from his conviction by the justice of the peace in any case in which such justice of the peace may discharge such person, he shall be released from all further or other criminal proceedings for the same cause. R.S.C., c. 181, s. 42.

Royal prero-
gative.

970. Nothing in this part shall in any manner limit or affect Her Majesty's royal prerogative of mercy. R.S.C., c. 181, s. 43.

Conditional
release of first
offenders in
certain cases.

971. In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment, and no previous conviction is proved against him, if it appears to the court before which he is so

convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

2. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs. 52 V., c. 44, s. 2.

972. The court, before directing the release of an offender under the next preceding section, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions. 52 V., c. 44, s. 4. Conditions of release.

973. If a court having power to deal with such offender in respect of his original offence or any justice of the peace is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, such court or justice of the peace may issue a warrant for his apprehension. Proceeding on default of recognizance.

2. An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before the justice issuing such warrant or before some other justice in and for the same territorial division, and such justice shall either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or admit him to bail (with a sufficient surety) conditioned on his appearing for judgment.

3. The offender when so remanded may be committed to a prison, either for the county or place in or for which the justice remanding him acts, or for the county or place where he is bound to appear for judgment; and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release. 52 V., c. 44, s. 3.

974. In the three next preceding sections the expression "court" means and includes any superior court of criminal jurisdiction, any "judge" or court within the meaning of Part LV., and any "magistrate" within the meaning of Part LVI. of this Act. 52 V., c. 44, s. 1. Interpretation.

TITLE IX.

ACTIONS AGAINST PERSONS ADMINISTERING THE CRIMINAL LAW.

Time and
place of
action.

975. Every action and prosecution against any person for anything purporting to be done in pursuance of any Act of the Parliament of Canada relating to criminal law, shall, unless otherwise provided, be laid and tried in the district, county or other judicial division, where the act was committed, and not elsewhere, and shall not be commenced except within six months next after the act committed. R.S.C., c. 185, s. 1.

Notice of
action.

976. Notice in writing of such action and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action. R.S.C., c. 185, s. 2.

Defence.

977. In any such action the defendant may plead the general issue, and give the provisions of this title and the special matter in evidence at any trial had thereupon. R.S.C., c. 185, s. 3.

Tender or
payment into
court.

978. No plaintiff shall recover in any such action if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into court by or on behalf of the defendant after such action brought. R.S.C., c. 185, s. 4.

Costs.

979. If such action is commenced after the time hereby limited for bringing the same, or is brought or the venue laid in any other place than as aforesaid, a verdict shall be found or judgment shall be given for the defendant; and thereupon or if the plaintiff becomes nonsuit, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall, in the discretion of the court, recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases; and although a verdict or judgment is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge, before whom the trial is had, certifies his approval of the action. R.S.C., c. 185, s. 5.

Other re-
medies saved.

980. Nothing herein shall prevent the effect of any Act in force in any province of Canada, for the protection of justices of the peace or other officers from vexatious actions for things purporting to be done in the performance of their duty. R.S.C., c. 185, s. 6.

TITLE X.

REPEAL, &c.

981. The several Acts set out and described in schedule two to this Act shall, from and after the date appointed for the coming into force of this Act, be repealed to the extent stated in the said schedule. Statutes repealed

2. Every offence which has been committed, either wholly or in part, against any of the said Acts or parts of Acts hereby repealed, before the time appointed for the coming into force of this Act, shall be dealt with, inquired of, tried, determined, and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said Acts or parts of Acts had not been repealed; such repeal shall not affect the validity or otherwise of any act duly done, or of any warrant or other instrument duly made or granted, before the time of coming into force of this Act; but the same shall respectively continue and be of the same force and effect as if the said Acts or parts of Acts had not been repealed; and, subject as aforesaid, every right, title, liability, privilege, and protection, acquired or existing, in respect of any matter or thing committed or done before the coming into force of this Act, shall continue and be of the same force and effect as if the said Acts or parts of Acts had not been repealed; and every action, prosecution, and other proceeding which has been commenced before the time appointed for the coming into force of this Act, or which shall thereafter be commenced, in respect of any such matter or thing, may, subject as aforesaid, be prosecuted, continued and defended in the same manner as if the said Acts or parts of Acts had not been repealed, and in construing such parts reference may be had to the repealed portions of the Acts of which respectively they formed part as well as to any sections of this Act which have been substituted therefor and which deal with like matters.

982. The several forms in schedule one to this Act, varied to suit the case or forms to the like effect, shall be deemed good, valid and sufficient in law. Forms in schedule one to be valid.

983. The provisions of this Act extend to and are in force in the North-west Territories and the district of Keewatin except in so far as they are inconsistent with the provisions of the *North-west Territories Act* or *The Keewatin Act* and the amendments thereto. Application of Act to N.W. T. and Keewatin.

2. Nothing in this Act shall affect any of the laws relating to the government of Her Majesty's land or naval forces. Not to affect H. M. forces.

Not to affect
certain Acts.

Construction
thereof.

3. Nothing herein contained shall affect the Acts and parts of Acts in the appendix to this Act. And in construing such parts reference may be had to the repealed portions of the Acts of which respectively they form parts, as well as to any sections of this Act which have been substituted therefor, or which deal with like matters.

SCHEDULE ONE—FORMS.

A.—(Section 557.)

WARRANT TO CONVEY BEFORE A JUSTICE OF ANOTHER COUNTY.

Canada, }
 Province of , }
 County of . }

Whereas information upon oath was this day made before the undersigned that A. B. of , on the day of , in the year , at , in the county of (state the charge).

And whereas I have taken the deposition of X. Y. as to the said offence.

And whereas the charge is of an offence committed in the county of

This is to command you to convey the said (name of accused), of , before some justice of the last-mentioned county, near the above place, and to deliver to him this warrant and the said deposition.

Dated at , in the said county of this day of , in the year

J. S.,
 J. P., (Name of county.)

To of

B.—(Section 557.)

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, }
 Province of , }
 County of . }

I, J. L., a justice of the peace in and for the county of , hereby certify that W. T., peace officer of the county of , has, on this day of , in the year , by virtue of and in obedience to a warrant of J. S., Esquire, a justice of the peace in and for the county of , produced before me one A. B., charged before the said J. S. with having (&c., stating shortly the offence), and delivered him into the custody of , by my direction, to answer to the said charge, and further

to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (*if any*) in that behalf, and the deposition (*s*) of C. D. (*and of*), in the said warrant mentioned, and that he has also proved to me, upon oath, the handwriting of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at _____, in the said county of _____.

J. L.,
J. P., (*Name of county*).

C.—(*Section 558.*)

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada, }
Province of }
County of }

The information and complaint of C.D. of _____, (*yeoman*), taken this _____ day of _____, in the year _____, before the undersigned (*one*) of Her Majesty's justices of the peace in and for the said county of _____, who saith that (&c., *stating the offence*).

Sworn before (*me*), the day and year first above mentioned, at _____.

J. S.,
J. P., (*Name of county*).

D.—(*Section 560.*)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE COMMITTED ON THE HIGH SEAS OR ABROAD.

For offences committed on the high seas the warrant may be 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 or county of Canada and within the jurisdiction of the Admiralty of England."

For offences committed abroad, for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed "on land out of Canada, to wit: at _____ in the Kingdom of _____, or, at _____, in the Island of _____, in the West Indies, or at _____, in the East Indies," or as the case may be.

E.—(Section 562.)

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada, }
 Province of }
 County of }

To A. B., of , (labourer):

Whereas you have this day been charged before the under-
 signed , a justice of the peace in and for the said
 county of , for that you on , at
 (stating shortly the offence): These are therefore to command
 you, in Her Majesty's name, to be and appear before (me)
 on , at o'clock in the (fore) noon, at ,
 or before such other justice or justices of the peace for the
 same county of , as shall then be there, to answer
 to the said charge, and to be further dealt with according
 to law. Herein fail not.

Given under (my) hand and seal, this day of ,
 in the year , at , in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

F.—(Section 563.)

WARRANT IN THE FIRST INSTANCE TO APPREHEND A PER-
 SON CHARGED WITH AN INDICTABLE OFFENCE.

Canada, }
 Province of }
 County of }

To all or any of the constables and other peace officers in the
 said county of

Whereas A.B. of , (labourer), has this day been
 charged upon oath before the undersigned , a justice
 of the peace in and for the said county of , for that
 he, on , at , did (&c., stating shortly the
 offence): These are therefore to command you, in Her
 Majesty's name, forthwith to apprehend the said A.B., and
 to bring him before (me) (or some other justice of the peace
 in and for the said county of), to answer unto the
 said charge, and to be further dealt with according to law.

Given under (my) hand and seal, this day of ,
 in the year , at , in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

mentioned : I do therefore hereby authorize W.T. who brings to me this warrant and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all peace officers of the said county of _____, to execute the same within the said last mentioned county.

Given under my hand, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. L.,
J. P., (Name of county.)

I.—(Section 569.)

WARRANT TO SEARCH.

Canada, }
Province of }
County of }

Whereas it appears on the oath of A.B. of _____, that there is reason to suspect that (*describe things to be searched for and offence in respect of which search is made*) are concealed in _____ at _____.

This is, therefore, to authorize and require you to enter between the hours of (*as the justice shall direct*) into the said premises, and to search for the said things, and to bring the same before me or some other justice.

Dated at _____, in the said county of _____, this _____ day of _____, in the year _____.

J.S.,
J.P., (Name of county.)

To _____ of _____.

J.—(Section 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada, }
Province of }
County of }

The information of A. B., of _____, in the said county (*yeoman*), taken this _____ day of _____, in the year _____, before me, J. S., Esquire, a justice of the peace, in and for the county (*describe things to be searched for and offence in respect of which search is made*),

of _____, who says that _____ and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*) of C. D., of _____, in the said county, (*here add the causes of suspicion, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C. D., as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (*or affirmed*) before me the day and year first above mentioned, at _____, in the said county of _____.

J. S.,
J. P., (*Name of county.*)

K.—(*Section 580.*)

SUMMONS TO A WITNESS.

Canada, }
Province of }
County of . }

To E. F., of _____, (*labourer*):

Whereas information has been laid before the undersigned _____, a justice of the peace in and for the said county 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*), that you are likely to give material evidence for (*the prosecution*); These are therefore to require you to be and to appear before me, on _____ next, at _____ o'clock in the (fore) noon, at _____, or before such other justice or justices of the peace of the same county of _____, as shall then be there, to testify what you know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

L.—(Section 582.)

WARRANT WHEN A WITNESS HAS NOT OBEYED THE SUMMONS.

Canada, }
 Province of }
 County of }

To all or any of the constables and other peace officers in the said county of

Whereas information having been laid before _____, a justice of the peace, in and for the said county of _____, that A. B. (&c., as in the summons); and it having been made to appear to (me) upon oath that E. F. of _____, (labourer), was likely to give material evidence for (the prosecution), (I) duly issued (my) summons to the said E. F., requiring him to be and appear before (me) on _____, at _____, or before such other justice or justices of the peace for the same county, as should then be there, to testify what he knows respecting the said charge so made against the said A. B., as aforesaid; and whereas proof has this day been made upon oath before (me) of such summons having been duly served upon the said E. F.; and whereas the said E. F. has neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said E. F. before (me) on _____ at _____ o'clock in the (fore) noon, at _____; or before such other justice or justices for the same county, as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid.

Given under (my) hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

M.—(Section 583.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
 Province of }
 County of }

To all or any of the constables and other peace officers in the said county of

Whereas information has been laid before the undersigned _____, a justice of the peace, in and for the said county of _____, that (&c., as in the summons); and it having _____ been

been made to appear to (me) upon oath, that E. F. of _____, (labourer), is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so: These are therefore to command you to bring and have the said E. F. before (me) on _____, at _____ o'clock in the (fore) noon, at _____, or before such other justice or justices of the peace for the same county, as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

N.—(Section 584.)

WARRANT WHEN A WITNESS HAS NOT OBEYED THE
SUBPŒNA.

Canada, }
Province of }
County of }

To all or any of the constables and other peace officers in the said county of _____.

Whereas information having been laid before _____, a justice of the peace, in and for the said county, that A. B. (&c., as in the summons); and there being reason to believe that E. F., of _____, in the province of _____, (labourer), was likely to give material evidence for (the prosecution), a writ of subpœna was issued by order of _____, judge of (name of court) to the said E. F., requiring him to be and appear before (me) on _____, at _____ or before such other justice or justices of the peace for the same county, as should then be there, to testify what he knows respecting the said charge so made against the said A. B., as aforesaid; and whereas proof has this day been made upon oath before (me) of such writ of subpœna having been duly served upon the said E. F.; and whereas the said E. F. has neglected to appear at the time and place appointed by the said writ of subpœna, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said E. F. before (me) on _____ at _____ o'clock in the (fore) noon, at _____, or before such other justice or justices

for the same county as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid.

Given under (*my*) hand and seal, this day of ,
in the year , at , in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

O.—(*Section 585.*)

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO
BE SWORN OR TO GIVE EVIDENCE.

Canada,)
Province of ,)
County of .)

To all or any of the constables and other peace officers in the
county of , and to the keeper of the common
gaol at , in the said county of .

Whereas A. B. was lately charged before , a justice
of the peace in and for the said county of , for that (*&c.*,
as in the summons); and it having been made to appear to
(*me*) upon oath that E. F. of , was likely to give
material evidence for the prosecution (*I*) duly issued (*my*)
summons to the said E. F., requiring him to be and appear
before me on , at , or before such other justice
or justices of the peace for the same county as should then
be there, to testify what he knows concerning the said
charge so made against the said A. B. as aforesaid; and the
said E. F. now appearing before (*me*) (*or* being brought
before (*me*) by virtue of a warrant in that behalf), to testify
as aforesaid, and being required to make oath or affirmation
as a witness in that behalf, now refuses so to do (*or* being
duly sworn as a witness now refuses to answer certain
questions concerning the premises which are now here put
to him, and more particularly the following)
without offering any just excuse for such refusal: These are
therefore to command you, the said constables or peace officers,
or any one of you, to take the said E. F. and him safely to
convey to the common gaol at , in the county afore-
said, and there to deliver him to the keeper thereof, together
with this precept: And (*I*) do hereby command you, the
said keeper of the said common gaol to receive the said E. F.
into your custody in the said common gaol, and him there
safely keep for the space of days, for his said con-
tempt,

tempt, unless in the meantime he consents to be examined, and to answer concerning the premises ; and for your so doing, this shall be your sufficient warrant.

Given under (*my*) hand and seal, this day of
in the year , at , in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

P.—(*Section 586.*)

WARRANT REMANDING A PRISONER.

Canada,)
Province of)
County of)

To all or any of the constables and other peace officers in the said county of , and to the keeper of the common gaol at , in the said county.

Whereas A. B. was this day charged before the undersigned , a justice of the peace in and for the said county of , for that (*&c., as in the warrant to apprehend*), and it appears to (*me*) to be necessary to remand the said A. B.: These are therefore to command you, the said constables and peace officers, or any of you, in Her Majesty's name, forthwith to convey the said A. B. to the common gaol at , in the said county, and there to deliver him to the keeper thereof, together with this precept: And I hereby command you the said keeper to receive the said A. B. into your custody in the said common gaol, and there safely keep him until the day of (*instant*), when I hereby command you to have him at , at o'clock in the (fore) noon of the same day before (*me*) or before such other justice or justices of the peace for the said county as shall then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this day of ,
in the year , at , in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

Q.—(Section 587.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURNMENT OF EXAMINATION.

Canada,)
 Province of)
 County of)

Be it remembered that on the _____ day of _____, in the year _____, A. B., of _____, (*labourer*), L. M., of _____, (*grocer*), and N. O., of _____, (*butcher*), personally came before me, _____, a justice of the peace for the said county, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M., and N. O., the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he, the said A. B., fails in the condition endorsed (*or hereunder written*).

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.,
 J. P., (*Name of county.*)

CONDITION.

The condition of the within (*or above*) written recognizance is such that whereas the within bounden A. B. was this day (*or on* _____ last past) charged before me for that (*&c., as in the warrant*); and whereas the examination of the witnesses for the prosecution in this behalf is adjourned until the _____ day of _____ (*instant*): If, therefore, the said A. B. appears before me on the said _____ day of _____ (*instant*), at _____ o'clock in the (fore) noon, or before such other justice or justices of the peace for the said county as shall then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, the said recognizance to be void, otherwise to stand in full force and virtue.

R.—(Section 589.)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. has not appeared at the time and place in the above condition mentioned, but therein has made a default, by reason whereof the within written recognizance is forfeited.

J. S.,
 J. P., (*Name of county.*)

S.—(Section 590.)

DEPOSITION OF A WITNESS.

Canada, }
 Province of , }
 County of . }

The deposition of X. Y. of _____, taken before the undersigned, a justice of the peace for the said county of _____, this _____ day of _____, in the year _____, at _____ (or after notice to C.D. who stands committed for _____) in the presence and hearing of C.D. who stands charged that (*state the charge*). The said deponent saith on his (*oath or affirmation*) as follows: (*Insert deposition as nearly as possible in words of witness.*)

(*If depositions of several witnesses are taken at the same time, they may be taken and signed as follows:*)

The depositions of X. of _____, Y. of _____, Z. of _____, &c., taken in the presence and hearing of C.D., who stands charged that

The deponent X. (*on his oath or affirmation*) says as follows:

The deponent Y. (*on his oath or affirmation*) says as follows:

The deponent Z. (*on his oath, &c., &c.*)
 (*The signature of the justice may be appended as follows:*)

The depositions of X., Y., Z., &c., written on the several sheets of paper, to the last of which my signature is annexed, were taken in the presence and hearing of C.D. and signed by the said X., Y., Z., respectively in his presence. In witness whereof I have in the presence of the said C.D. signed my name.

J. S.,

J. P., (*Name of county.*)

T.—(Section 591.)

STATEMENT OF THE ACCUSED.

Canada, }
 Province of , }
 County of . }

A. B. stands charged before the undersigned _____, a justice of the peace in and for the county aforesaid, this _____ day of _____, in the year _____, for 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 anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat.” Whereupon the said 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 _____, the day and year first above mentioned.

J. S., [SEAL.]
J.P., (*Name of county.*)

U.—(*Section 595.*)

FORM OF RECOGNIZANCE WHERE THE PROSECUTOR REQUIRES THE JUSTICE TO BIND HIM OVER TO PROSECUTE AFTER THE CHARGE IS DISMISSED.

Canada, }
Province of }
County of }

Whereas C.D. was charged before me upon the information of E.F. that C.D. (*state the charge*), and upon the hearing of the said charge I discharged the said C.D., and the said E.F. desires to prefer an indictment against the said C.D. respecting the said charge, and has required me to bind him over to prefer such an indictment at (*here describe the next practicable sitting of the court by which the person discharged would be tried if committed*).

The undersigned E.F. hereby binds himself to perform the following obligation, that is to say, that he will prefer and prosecute an indictment respecting the said charge against the said C.D. at (*as above*). And the said E. F. acknowledges himself bound to forfeit to the Crown the sum of \$ _____ in case he fails to perform the said obligation.

E.F.

Taken before me.

J. S.,
J. P., (*Name of county.*)

V.—(Section 596.)

WARRANT OF COMMITMENT.

Canada, }
 Province of }
 County of }

To the constable of _____, and to the keeper of the
 (*common gaol*) at _____, in the said county
 of _____

Whereas A.B. was this day charged before me, J.S., one
 of Her Majesty's justices of the peace in and for the said
 county of _____, on the oath of C.D. of _____,
 (*farmer*), and others, for that (&c., *stating shortly the offence*);
 These are therefore to command you the said constable
 to take the said A.B., and him safely to convey to the
 (*common gaol*) at _____ aforesaid, and there
 to deliver him to the keeper thereof, together with this pre-
 cept: And I do hereby command you the said keeper of the
 said (*common gaol*) to receive the said A.B. into your custody
 in the said (*common gaol*), and there safely 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 county aforesaid.

J. S., [SEAL.]

J. P., (*Name of county.*)

W.—(Section 598.)

RECOGNIZANCE TO PROSECUTE.

Canada, }
 Province of }
 County of }

Be it remembered that on the _____ day of _____,
 in the year _____, C. D. of _____,
 in the _____ of _____, in the
 said county of _____, (*farmer*), personally came
 before me _____, a justice of the peace in and for the said
 county of _____, and acknowledged himself to owe to
 our Sovereign Lady the Queen, her heirs and successors, the
 sum of _____, of good and lawful current money of
 Canada, to be made and levied of his goods and chattels,
 lands and tenements, to the use of our said Sovereign Lady
 the Queen, her heirs and successors, if the said C. D. fails
 in the condition endorsed (*or hereunder written*).

Taken and acknowledged the day and year first above
 mentioned at _____, before me.

J. S.

J. P., (*Name of county.*)

CONDITION TO PROSECUTE.

The condition of the within (or above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., a justice of the peace within mentioned, for that (&c, as in the caption of the depositions); if, therefore, he the said C. D. appears at the court by which the said A. B. is or shall be tried * and there duly prosecutes such charge then the said recognizance to be void, otherwise to stand in full force and virtue.

X.—(Section 598.)

COGNIZANCE TO PROSECUTE AND GIVE EVIDENCE.

(Same as the last form, to the asterisk,* and then thus):—And there duly prosecute such charge against the said A. B. for the offence aforesaid, and gives evidence thereon, as well to the jurors who shall then inquire 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 force and virtue.

Y.—(Section 598.)

COGNIZANCE TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk,* and then thus):—And there gives such evidence as he knows upon the charge to be then and there preferred against the said A. B. for the offence aforesaid, then the said recognizance to be void, otherwise to remain in full force and virtue.

Z.—(Section 599.)

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE RECOGNIZANCE.

Canada,)
 Province of),
 County of).

To all or any of the peace officers in the said county of _____, and to the keeper of the common gaol of the said county of _____, at _____, in the said county of _____.

Whereas A. B. was lately charged before the undersigned (name of the justice of the peace), a justice of the peace in and for the said county of _____, for that (&c., as in the summons to the witness), and it having been made to appear to (me) upon

upon oath that E. F., of _____, was likely to give material evidence for the prosecution, (I) duly issued (*my*) summons to the said E. F., requiring him to be and appear before (*me*) on _____, at _____ or before such other justice or justices of the peace as should then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (*me*) (or being brought before (*me*) by 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 conditioned to give evidence against the said A. B., now refuses so to do: These are therefore to command you the said peace officers, or any one of you, to take the said E. F. and him safely convey to the common gaol at _____, in the county aforesaid, and there deliver him to the said keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said E. F. into your custody in the said common 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 county, conditioned in the usual form to appear at the court by which the said A. B. is or shall be tried, and there to give evidence upon the charge which shall then and there be preferred against the said A. B. for the offence aforesaid.

Given under my hand and seal this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

AA.—(Section 599.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada, }
Province of }
County of . }

To the keeper of the common gaol at _____, in the county of _____, aforesaid.

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 that E. F. having appeared before (*me*) and being examined as a witness for the prosecution on that behalf, refused to enter _____ into _____

into recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid; and whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody: These are therefore to order and direct you the said keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

BB.—(Section 601.)

RECOGNIZANCE OF BAIL.

Canada, }
Province of }
County of }

Be it remembered that on the _____ day of _____, in the year _____; A. B. of _____, (labourer), L. M. of _____, (grocer), and N. O. of _____, (butcher), personally came before (us) the undersigned, (two) justices of the peace for the county of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Sovereign Lady the Queen, her heirs and successors, if he, the said A. B., fails in the condition endorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned, at _____ before us.

J. S.,
J. N.,
J. P., (Name of county.)

CONDITION.

The condition of the within (or above) written recognizance, is such that whereas the said A. B. was this day charged before (us), the justices within mentioned for that (&c., as in the warrant); if, therefore, the said A. B. appears at the next court of oyer and terminer (or general gaol delivery or court of General or Quarter Sessions of the Peace) to be holden in and for the county of _____, and there surrenders himself into the custody of the keeper of the common gaol (or lock-up house) there, and pleads to such indictment as may be found against him by the grand jury, for and in respect to the charge aforesaid, and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

CC.—(Section 602.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada, }
 Province of }
 County of . }

To the keeper of the common gaol of the county of _____ at _____, in the said county.

Whereas A. B. late of _____, (labourer), has before (us) (two) justices of the peace in and for the said county of _____, entered into his own recognizance, and found sufficient sureties for his appearance at the next court of oyer and terminer or general gaol delivery (or court of General or Quarter Sessions of the Peace), to be holden in and for the county of _____, to answer our Sovereign Lady the Queen, for that (&c., as in the commitment), for which he was taken and committed to your said common gaol: These are therefore to command you, in Her Majesty's name, that if the said A. B. remains in your custody in the said common gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our hands and seals, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. N., [SEAL.]
 J. P., (Name of county.)

DD.—(Section 607.)

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER.

I hereby certify that I have received from W. T., constable, of the county of _____, the body of A. B., together with a warrant under the hand and seal of J. S., Esquire, justice of the peace for the said county of _____, and that the said A. B. was sober, (or as the case may be), at the time he was delivered into my custody.

P. K.,
Keeper of the common gaol of the said county.

EE.—(Sections 610 and 626.)

HEADING OF INDICTMENT.

In the (name of the court in which the indictment is found).
The jurors for our Lady the Queen present that
(Where there are more counts than one, add at the beginning of each count):

“The said jurors further present that _____.”

FF.—(Section 611.)

EXAMPLES OF THE MANNER OF STATING OFFENCES.

(a.) A. murdered B. at _____, on _____.
(b.) A. stole a sack of flour from a ship called the _____,
at _____, on _____.
(c.) A. obtained by false pretenses from B., a horse, a cart
and the harness of a horse at _____, on _____.

(d.) A. committed perjury with intent to procure the conviction of B. for an offence punishable with penal servitude, namely robbery, by swearing on the trial of B. for the robbery of C. at the Court of Quarter Sessions for the county of Carleton, held at Ottawa, on the _____ day of _____, 1879; first, that he, A. saw B. at Ottawa, on the _____ day of _____; secondly, that B. asked A. to lend B. money on a watch belonging to C.; thirdly, &c.

or
(e.) The said A. committed perjury on the trial of B. at a Court of Quarter Sessions held at Ottawa, on _____ for an assault alleged to have been committed by the said B. on C. at Ottawa, on the _____ day of _____ by swearing to the effect that the said B. could not have been

at Ottawa, at the time of the alleged assault, inasmuch as the said A. had seen him at that time in Kingston.

(f.) A., with intent to maim, disfigure, disable or do grievous bodily harm to B. or with intent to resist the lawful apprehension or detainer of A. (or C.), did actual bodily harm to B. (or D.).

(g.) A., with intent to injure or endanger the safety of persons on the Canadian Pacific Railway, did an act calculated to interfere with an engine, a tender, and certain carriages on the said railway on _____ at _____ by _____ (describe with so much detail as is sufficient to give the accused reasonable information as to the acts or omissions relied on against him, and to identify the transaction).

(h.) A. published a defamatory libel on B. in a certain newspaper, called the _____, on the _____ day of _____ A.D. _____, which libel was contained in an article headed or commencing (describe with so much detail as is sufficient to give the accused reasonable information as to the part of the publication to be relied on against him), and which libel was written in the sense of imputing that the said B. was (as the case may be).

GG.—(Section 648.)

CERTIFICATE OF INDICTMENT BEING FOUND.

Canada,)
Province of),
County of).

I hereby certify that at a Court of (Oyer and Terminer, or General Gaol Delivery, or General Sessions of the Peace) holden in and for the county of _____, at _____, in the said (county), on _____, a bill of indictment was found by the grand jury against A. B., therein described as A.B., late of _____ (labourer), for that he (&c., stating shortly the offence), and that the said A. B. has not appeared or pleaded to the said indictment.

Dated this _____ day of _____, in the year _____.

Z. X.
(Title of officer.)

HH.—(Section 648.)

WARRANT TO APPREHEND A PERSON INDICTED.

Canada,)
 Province of),
 County of).

To all or any of the constables and other peace officers in the said county of

Whereas it has been duly certified by J. D., clerk of the (*name the court*) (or E.G., deputy clerk of the Crown or clerk of the peace, or as the case may be), in and for the county of , that (&c., stating the certificate). These are therefore to command you in Her Majesty's name forthwith to apprehend the said A. B., and to bring him before (*me*) or some other justice or justices of the peace in and for the said county to be dealt with according to law.

Given under my hand and seal, this day of
 , in the year , at , in the
 county aforesaid

J. S., [SEAL.]
 J. P., (*Name of county.*)

II.—(Section 648.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Canada,)
 Province of),
 County of).

To all or any of the constables and other peace officers in the said county of , and the keeper of the common gaol, at , in the said county of

Whereas by a warrant under the hand and seal of , (*a*) justice of the peace in and for the said county of , dated , after reciting that it had been certified by J D., (&c., as in the certificate), the said justice of the peace commanded all or any of the constables or peace officers of the said county, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*him*) the said justice of the peace or before some other justice or justices in and for the said county, to be dealt with according to law ; and whereas the said A. B. has been apprehended under and by virtue of the said warrant, and being now brought before (*me*) it is hereupon duly proved to (*me*) upon oath that the said A. B. is the same person who is named and charged as aforesaid in the said indictment : These are therefore to command

mand you, the said constables and peace officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said common gaol at _____, in the said county of _____, and there to deliver him to the keeper thereof, together with this precept; and (I) hereby command you the said keeper to receive the said A.B., into your custody in the said gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (my) hand and seal, this _____ day of _____ in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

JJ —(Section 648.)

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY
IN CUSTODY FOR ANOTHER OFFENCE.

Canada, }
Province of }
County of }

To the keeper of the common gaol at _____ in the said county of _____

Whereas it has been duly certified by J. D., clerk of the (name the court) (or deputy clerk of the Crown or clerk of the peace of and for the county of _____, or as the case may be) that (&c., stating the certificate); And whereas (I am) informed that the said A.B. is in your custody in the said common gaol at _____ aforesaid, charged with some offence, or other matter; and it being now duly proved upon oath before (me) that the said A. B., so indicted as aforesaid, and the said A. B., in your custody, as aforesaid, are one and the same person: These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the common gaol aforesaid, until by a writ of *habeas corpus* he shall be removed therefrom, for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (my) hand and seal, this _____ day of _____ in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

KK.—(Section 666.)

CHALLENGE TO ARRAY.

Canada, }
 Province of }
 County of . }

The Queen } The said A.B., who prosecutes for our Lady
 v. } the Queen (or the said C.D., as the case may
 C.D. } be) challenges the array of the panel on the
 ground that it was returned by X.Y., sheriff of the county
 of (or E.F., deputy of X.Y., sheriff of the county
 of , as the case may be), and that the said X.Y. (or
 E.F., as the case may be) was guilty of partiality (or fraud, or
 wilful misconduct) on returning said panel.

LL.—(Section 668.)

CHALLENGE TO POLL.

Canada, }
 Province of }
 County of . }

The Queen } The said A.B., who prosecutes, &c. (or the
 v. } said C.D., as the case may be) challenges G.H.,
 C.D. } on the ground that his name does not appear
 in the panel, (or "that he is not indifferent between the
 Queen and the said C.D.," or "that he was convicted and
 sentenced to 'death' or 'penal servitude,' or 'imprisonment
 with hard labour,' or 'exceeding twelve months,'" or "that
 he is disqualified as an alien."

FORMS UNDER PART LIV.

MM.—(Section 767.)

FORM OF RECORD WHEN THE PRISONER PLEADS NOT GUILTY.

Canada, }
 Province of }
 County of . }

Be it remembered that A.B. being a prisoner in the gaol
 of the said county, committed for trial on a charge of having
 on day of , in the year , stolen,
 &c. (one cow, the property of C.D., or as the case may be,
 stating briefly the offence) and having been brought before
 me (describe the judge) on the day of
 in the year , and asked by me if he consented
 to be tried before me without the intervention of a jury,
 consented to be so tried; and that upon the
 day of , in the year , the said A.B., being
 again brought before me for trial, and declaring himself
 ready, was arraigned upon the said charge and pleaded not
 guilty;

guilty; and after hearing the evidence adduced, as well in support of the said charge as for the prisoner's defence (or as the case may be), I find him to be guilty of the offence with which he is charged as aforesaid, and I accordingly sentence him to (*here insert such sentence as the law allows and the judge thinks right*), (or I find him not guilty of the offence with which he is charged, and discharge him accordingly).

Witness my hand at _____, in the county of _____,
this _____ day of _____, in the year _____.

O. K.,
Judge.

NN.—(Section 767.)

FORM OF RECORD WHEN THE PRISONER PLEADS GUILTY.

Canada,)
Province of),
County of).

Be it remembered that A. B. being a prisoner in the gaol of the said county, on a charge of having on the day of _____, in the year _____, stolen, &c., (*one cow, the property of C. D., or as the case may be, stating briefly the offence*), and being brought before me (*describe the judge*) on the _____ day of _____, in the year _____, and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that the said A.B. being then arraigned upon the said charge, he pleaded guilty thereof, whereupon I sentenced the said A.B. to (*here insert such sentence as the law allows and the judge thinks right*).

Witness my hand this _____ day of _____, in the year _____.

O. K.,
Judge.

OO.—(Section 781.)

WARRANT TO APPREHEND WITNESS.

Canada,)
Province of),
County of).

To all or any of the constables and other peace officers in the said county of _____

Whereas it having been made to appear before me, that E.F., of _____, in the said county of _____, was likely to give material evidence on behalf of the prosecution (or defence, as the case may be) on the trial of a certain charge of (*as theft, or as the case may be*), against A.B, and

that the said E.F. was duly subpoenaed (or bound under recognizance) to appear on the _____ day of _____, in the year _____, at _____, in the said county at _____ o'clock (forenoon or afternoon, as the case may be), before me, to testify what he knows concerning the said charge against the said A.B.

And whereas proof has this day been made before me, upon oath of such subpoena having been duly served upon the said E.F., (or of the said E.F. having been duly bound under recognizance 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 no just excuse has been offered 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 knows concerning the said charge against the said A.B., and also to answer his contempt for such neglect.

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

O. K.,
Judge.

PP.—(Section 781.)

CONVICTION FOR CONTEMPT.

Canada, }
Province of }
County of }

Be it remembered that on the _____ day of _____, in the year _____, in the county of _____, E.F. is convicted before me, for that he the said E. F. did not attend before me to give evidence on the trial of a certain charge against one A.B of (*theft, or as the case may be*), although duly subpoenaed (or bound by recognizance to appear and give evidence in that behalf, as the case may be) but made default therein, and has not shown before me any sufficient excuse for such default, and I adjudge the said E. F., for his said offence, to be imprisoned in the common gaol of the county of _____, at _____, for the space of _____, there to be kept at hard labour (*and in case a fine is also intended to be imposed, then proceed*) and I also adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of _____ dollars, and in default of payment, that the said fine, with the cost of collection, be levied by distress and sale of the goods and chattels of the said E. F. (*or in case a fine alone is imposed, then the clause of imprisonment is to be omitted*).

Given under my hand at _____, in the said county of _____, the day and year first above mentioned.

O. K.,
Judge.

FORMS UNDER PART LV.

QQ.—(Section 807.)

CONVICTION.

Canada,)
 Province of)
 County of)

Be it remembered that on the _____ day of _____, in the year _____, at _____, A. B., being charged before me, the undersigned, _____, of the said (city) (and consenting to my trying the charge summarily), is convicted before me, for that he, the said A. B., (&c., stating 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 in the _____ (and there kept to hard labour) for the term of _____.

Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

RR.—(Section 807.)

CONVICTION UPON A PLEA OF GUILTY.

Canada,)
 Province of)
 County of)

Be it remembered that on the _____ day of _____, in the year _____, at _____, A. B. being charged before me, the undersigned, _____, of the said (city) (and consenting to my trying the charge summarily), for that he, the said A. B., (&c., stating the offence, and the time and 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 his said offence, to be imprisoned in the _____ (and there kept to hard labour) for the term of _____.

Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

SS.—(Section 807.)

CERTIFICATE OF DISMISSAL.

Canada,)
 Province of)
 County of)

I, the undersigned, _____, of the city (or as the case may be) of _____, certify that on the _____ day of _____, in the year _____, at _____ aforesaid, A. B., being charged before me (and consenting to my trying the charge summarily), for that he, the said A. B., (&c., stating the offence charged, and the time and place when and where alleged to have been committed), I did, after having summarily tried the said charge, dismiss the same.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____ aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

FORMS UNDER PART LVI.

TT.—(Section 819.)

CERTIFICATE OF DISMISSAL.

Canada,)
 Province of)
 County of)
 &c., I, a _____, justices of the peace for the _____ of _____, (or if a recorder,

of _____, of the _____, as the case may be), do hereby certify that on the _____ day of _____, in the year _____, at _____, in the said _____ of _____, A. B. was brought before us, the said justices (or me, the said _____), charged with the following offence, that is to say (here state briefly the particulars of the charge), and that we, the said justices, (or I, the said _____) thereupon dismissed the said charge.

Given under our hands and seals (or my hand and seal) this _____ day of _____, in the year _____, at _____ aforesaid.

J. P. [SEAL.]
 J. R. [SEAL.]
 or S. J. [SEAL.]

UU.—(Section 820.)

CONVICTION.

Canada, }
 Province of }
 County of }

Be it remembered that on the _____ day of _____, in
 in the year _____, at _____, in the county of
 _____, A. B. is convicted before us, J. P. and
 J. R., justices of the peace for the said county (or me,
 S. J., recorder, of the _____, of _____,
as the case may be) for that he, the said A. B., 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.), adjudge the said A. B., for his said offence, to be impris-
 oned in the _____ (or to be imprisoned in the _____,
 and there kept at hard labour), for the space of _____,
 (or we) (or I) adjudge the said A. B., for his said offence, to
 forfeit and pay (*here state the penalty actually imposed*), and
 in default of immediate payment of the said sum, to be
 imprisoned in the _____ (or to be imprisoned in
 the _____ and kept at hard labour) for the
 term of _____, unless the said sum is sooner paid.

Given under our hands and seals (or my hand and seal),
 the day and year first above mentioned.

J. P. [SEAL.]
 J. R. [SEAL.]
 or S. J. [SEAL.]

FORMS UNDER PART LVIII.

VV.—(Section 859.)

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS AND
 IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Canada, }
 Province of }
 County of }

Be it remembered that on the _____ day of _____,
 in the year _____, at _____, in the said county,
 A. B. is convicted before the undersigned, _____, a justice of
 the peace for the said county, for that the said A. B. (&c.,
*stating the offence, and the time and place when and where
 committed*), and I adjudge the said A. B. for his said offence
 to forfeit and pay the sum of \$ _____ (*stating the penalty,*
 and

and also the compensation, if any), to be paid and applied according to law, and also to pay to the said C. D. the sum of _____, for his costs in this behalf; and if the said several sums are not paid forthwith, (or on or before the _____ of _____ next), * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B. to be imprisoned in the common gaol of the said county, at _____, in the said county of _____, (there to be kept at hard labour, if such is the sentence) for the term of _____, unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said gaol) are sooner paid.

Given under my hand and seal, the day and year first above mentioned, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

* Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears he has no goods whereon to levy a distress, then instead of the words between 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 ruinous to the said A. B. and his family," (or, "that the said A. B. has no goods or chattels whereon to levy the said sums by distress").

WW.—(Section 859.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT IMPRISONMENT.

Canada, }
Province of }
County of . }

Be it remembered that on the _____ day of _____ in the year _____, at _____, in the said county, A.B. is convicted before the undersigned, _____, a justice of the peace for the said county for that he the said A.B. (&c., stating the offence, and the time and place when and where it was committed), and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (stating the penalty and the compensation, if any) to be paid and applied according to law; and also to pay to the said C.D. the sum of _____ for his costs in 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 county, at _____, in the said county of _____ (and there to be kept at hard labour)

labour) for the term of _____, unless the said sums and the costs and charges of conveying the said A. B. to the said common gaol are sooner paid.

Given under my hand and seal, the day and year first above mentioned at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

XX.—(Section 859.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, ETC.

Canada, }
Province of }
County of }

Be it remembered that on the _____ day of _____, in the year _____, at _____, in the said county, A. B. is convicted before the undersigned, _____, a justice of the peace in and for the said county, for that he the said A. B. (&c., *stating the offence, and the time and place when and where it was committed*); and I adjudge the said A. B. for his said offence to be imprisoned in the common gaol of the said county, at _____, in the county of _____, (and there to be kept at hard labour) for the term of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____, for his costs in this behalf, and if the said sum for costs are not paid forthwith (*or on or before* _____ next,) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said common gaol (and kept there at hard labour) for the term of _____, to commence at _____ 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 above mentioned at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

* Or, when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between 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 ruinous to the said A. B. and his family," (or, "that the said A. B. has no goods or chattels whereon to levy the said sum for costs by distress").

Y.Y.—(Section 859.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS
AND IN DEFAULT OF DISTRESS IMPRISONMENT.

Canada,)
Province of)
County of)

Be it remembered that on _____, complaint was made before the undersigned, _____, a justice of the peace in and for the said county of _____, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or the said C. D. appears before me the said justice, but the said A. B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me on oath that the said A. B. was duly served with the summons in this behalf, which required him to be and appear here on this day before me or such justice or justices of the peace for the county, as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter 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 before _____ next, or as the Act or law requires), and also to pay to the said C.D. the sum of _____ for his costs in this behalf; and if the said several sums are not paid forthwith (or on or before _____ next), then, * I hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B. and in default of sufficient distress in that behalf * I adjudge the said A. B. to be imprisoned in the common gaol of the said county, at _____, in the said county of _____, (and there kept at hard labour) for the term of _____, unless the said several sums, and all costs and charges of the said distress (and the commitment and conveyance of the said A. B. to the said common gaol) are sooner paid.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____ in the county aforesaid.

J. S., [SEAL.]

J. P., (Name of county.)

**Or, when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between 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 ruinous to the said A. B. and his family," (or "that the said A. B. has no goods or chattels whereon to levy the said sums by distress").*

ZZ.—(Section 859.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT IMPRISONMENT.

Canada,)
 Province of)
 County of .)

Be it remembered that on _____, complaint was made before the undersigned, _____, a justice of the peace in and for the said county of _____, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or the said C. D. appears before me the said justice, but the said A. B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me upon oath that the said A. B. was duly served with the summons in this behalf, which required him to be and appear here this day before me, or such justice or justices of the peace for the said county, as should now be here, to answer to the said complaint, and to be further dealt with according to law), and now having heard the matter 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 before _____ next, or as the Act or law requires), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums are not paid forthwith (or on or before _____ next), then I adjudge the said A. B. to be imprisoned in the common gaol of the said county at _____, in the said county of _____, (there to be kept at hard labour *if the Act or law authorizes this*) for the term of _____ unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said common gaol) are sooner paid.

Given under my hand and seal this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]

J. P., (Name of county.)

A A A.—(Section 859.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING
OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada,)
Province of),
County of).

Be it remembered that on _____, complaint was made before the undersigned, _____, a justice of the peace in and for the said county of _____, for that (*stating the facts entitling the complainant to the order, with the time and place where and when they occurred*); and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or the said C. D. appears before me the said justice, but the said A.B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me, upon oath, that the said A.B. was duly served with the summons in this behalf, which required him to be and appear here this day before me, or such justice or justices of the peace for the said county, as should now be here to answer to the said complaint and to be further dealt with according to law; and now having heard the matter of the said complaint, I do adjudge the said A.B. to (*here state the matter required to be done*), and if, upon a copy of the minute of this order being served upon the said A.B., either personally or by leaving the same for him at his last or most usual place of abode, he neglects or refuses to obey the same, in that case I adjudge the said A.B., for such his disobedience, to be imprisoned in the common gaol of the said county. at _____, in the said county of _____, (there to be kept at hard labour, *if the statute authorizes this*), for the term of _____ unless the said order is sooner obeyed, and I do also adjudge the said A.B. to pay to the said C.D. the sum of _____ for his costs in this behalf, and if the said sum for costs is not paid forthwith (*or on or before* _____ next), 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 sufficient distress in that behalf I adjudge the said A.B. to be imprisoned in the said common gaol (there to be kept at hard labour) for the space of _____, to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

BBB—(Section 862.)

FORM OF ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada,)
 Province of),
 County of).

Be it remembered that on _____, information was laid (or complaint was made) before the undersigned, _____ a justice of the peace in and for the said county of _____, for that _____ (&c., as in the summons of the defendant) and now at this day, to wit, on _____, at _____, (if at any adjournment insert here : "to which day the hearing of this case was duly adjourned, of which the said C. D had due notice,") both the said parties appear before me in order that I should hear and determine the said information (or complaint) (or the said A. B. appears before me, but the said C.D., although duly called, does not appear); [whereupon the matter of the said information (or complaint) being by me duly considered, it manifestly appears to me that the said information (or complaint) is not proved, and] (if the informant or complainant does not appear, these words may be omitted,) I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of _____, for his costs incurred by him in defence in his behalf; and if the said sum for costs is not paid forthwith (or on or before _____), I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the common gaol of the said county of _____, at _____, in the said county of _____ (and there kept at hard labour) for the term of _____, unless the said sum for costs, and all costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said common gaol) are sooner paid.

Given under my hand and seal, this _____ day of _____ in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county).

CCC.—(Section 862.)

FORM OF CERTIFICATE OF DISMISSAL.

Canada, }
Province of , }
County of . }

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 in and for the said county of , and was by me dismissed (with costs).

Dated at , this day of , in the year

J. S.,
J. P., (Name of county).

DDI.—(Section 872.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada, }
Province of , }
County of . }

To all or any of the constables and other peace officers in the said county of

Whereas A. B., late of , (labourer), was on this day (or on last past) duly convicted before , a justice of the peace, in and for the said county of , for that (stating the offence, as in the conviction), and it was thereby adjudged that the said A. B. should for such his offence, forfeit and pay (&c., as in the conviction), and should also pay to the said C. D. the sum of , for his costs in that behalf; and it was thereby ordered that if the said several sums were not paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said A. B., and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the common gaol of the said county, at , in the said county of (and there kept at hard labour) for the space of , unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said common gaol were sooner paid; *And whereas the said A. B., being so convicted as aforesaid, and being (now) required to pay the said sums of and has not paid the

the same or any part thereof, but therein has made default : These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B. ; and if within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me, the convicting justice (or one of the convicting justices), that I may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B. ; and if no such distress is found, then to certify the same unto me, that such further proceedings may be had thereon as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

EEE.--(Section 872.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Canada,)
 Province of)
 County of)

To all or any of the peace officers in the said county of _____ .

Whereas on _____, last past, a complaint was made before _____, a justice of the peace in and for the said county, for that (*&c.*, as in the order), and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (*as in the order*), and thereupon the matter of the said complaint having been considered, the said A.B. was adjudged to pay to the said C. D. the sum of _____, on or before _____ then next, and also to pay to the said C.D. the sum of _____, for his costs in that behalf; and it was ordered that if the said several sums were not paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A.B. ; and it was adjudged that in default of sufficient distress in that behalf, the said A.B. should be imprisoned in the common gaol of the said county, at _____, in the said county of _____ (and there kept at hard labour) for the term of _____, unless the said several sums and all costs and charges of the distress (and of the commit-

ment and conveying of the said A. B. to the said common gaol) were sooner paid; *And whereas the time in and by the said order appointed for the payment of the said several sums of _____, and _____ has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, in Her Majesty's name, forthwith to make 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 with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me (or some other of the convicting justices, as the case may be), that I (or he) may pay or apply the same as by law directed, and may render the overplus, if any, on demand to the said A. B.; and if no such distress can be found, then to certify the same unto me, to the end that such proceedings may be had therein, as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

FFF.—(Section 872.)

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Canada, }
 Province of _____, }
 County of _____ . }

To all or any of the constables and other peace officers in the said county of _____, and to the keeper of the common gaol of the said county of _____, at _____ in the said county of _____.

Whereas A. B., late of _____, (labourer), was on this day convicted before the undersigned _____, a justice of the peace in and for the said county, for that (stating the offence, as in the conviction). and it was thereby adjudged that the said A. B., for his offence, should forfeit and pay the sum of _____ (&c., as in the conviction), and should pay to the said C. D. the sum of _____, for his costs in that behalf; and it was thereby further adjudged that if the said several sums were not paid (forthwith) the said A. B. should be imprisoned in the common gaol of the county, at _____, in the said county

county of _____ (and there kept at hard labour) for the term of _____, unless the said several sums (and the costs and charges of conveying the said A. B. to the said common gaol) were sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, the said peace officers, or any one of you, to take the said A. B., and him safely to convey to the common gaol at _____ aforesaid, and there to deliver him to the said keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labour) for the term of _____, unless the said several sums (and costs and charges of carrying him to the said common gaol, amounting to the further sum of _____), are sooner paid unto you, the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]

J. P., (Name of county.)

GGG.—(Section 872.)

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Canada, }
Province of }
County of }

To all or any of the constables and other peace officers in the said county of _____, and to the keeper of the common gaol of the county of _____, at _____ in the said county of _____.

Whereas, on _____ last past, complaint was made before the undersigned _____, a justice of the peace in and for the said county of _____, for that (&c., as in the order), and afterwards, to wit, on the day of _____, at _____ A. B. and C. D. appeared before me, the said justice (or as it is in the order), and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said C. D. the sum of _____, on or before the _____ day of _____ then next, and also to pay to the said C. D. the sum of _____, for his costs in that behalf; and I also thereby adjudged that if the said several sums were not paid on or before the _____ day of _____ then next, the said A. B. should be imprisoned in

the common gaol of the county of _____, at _____, in the said county of _____ (and there be kept at hard labour) for the term of _____, 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; And whereas the time in and by the said order appointed for the payment of the said several sums of money has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, the said peace officers, or any of you, to take the said A. B. and him safely to convey to the said common gaol, at aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labour) for the term of _____, unless the said several sums (and the costs and charges of conveying him to the said common gaol, amounting to the further sum of _____), are sooner paid unto you the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

HHH.—(*Section 874.*)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada, }
Province of _____, }
County of _____ . }

Whereas proof upon oath has this day been made before me _____, a justice of the peace in and for the said county, that the name of J. S. to the within warrant subscribed is of the handwriting of the justice of the peace within mentioned, I do therefore authorize W. T., who brings me this warrant, and all other persons to whom this warrant was originally directed, or by whom the same may be lawfully executed, and also all peace officers in the said county of _____, to execute the same within the said county.

Given under my hand, this _____ day of _____, one thousand eight hundred and _____

O. K.,
J. P., (*Name of county.*)

III.—(Section 872.)

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., constable, of _____, in the county of _____, hereby certify to J. S., Esquire, a justice of the peace in and for the county of _____, that by virtue of this warrant I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or 'chattels of the said A. B. whereon to levy the sums within mentioned.

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

W. T.

JJJ.—(Section 872.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada,)
Province of)
County of .)

To all or any of the constables and other peace officers in the county of _____, and to the keeper of the common gaol of the said county of _____, at _____, in the said county.

Whereas (&c., as in either of the foregoing distress warrants, DDD or EEE, to the asterisk,* and then thus): And whereas, afterwards on the _____ day of _____, in the year aforesaid, I, the said justice, issued a warrant to all or any of the peace officers of the county of _____, commanding them, or any of them, to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return of the said warrant of distress, by the peace officer who had the execution of the same, as otherwise, that the said peace officer has made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are, therefore, to command you, the said peace officers, or any one of you, to take the said A. B., and him safely to convey to the common gaol at _____, aforesaid, and there deliver him to the said keeper, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A.B. into your custody, in the said common gaol,

gaol, there to imprison him (and keep him at hard labour) for the term of _____, unless the said several sums. and all the costs and charges of the said distress (and of the commitment and conveying of the said A.B. to the said common gaol) amounting to the further sum of _____, are sooner paid unto you, the said keeper; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid,

J. S., [SEAL.]
J. P., (Name of county.)

KKK.—(Section 873.)

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
Province of _____, }
District of _____ . }

To all or any of the constables and other peace officers in the said county of _____.

Whereas on _____ last past, information was laid (or complaint was made) before _____ a justice of the peace in and for the said county of _____, for that (&c., as in the order of dismissal) and afterwards, to wit, on _____, at _____, both parties appearing before _____, in order that (I) should hear and determine the same, and the several proofs adduced to (me) in that behalf, being by (me) duly heard and considered, and it manifestly appearing to (me) that the said information (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 his defence in that behalf; and (I) ordered that if the said sum for costs was not paid (forthwith) the same should be levied on the goods and chattels of the said C. D., and (I) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the common gaol of the said county of _____, at _____, in the said county of _____ (and there kept at hard labour) for the space of _____, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said common gaol, were sooner paid; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the term of _____ days next after the making of such distress, the said last men-

tioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to (me) that (I), may pay and apply the same 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 unto me (or to any other justice of the peace for the same county), that such proceedings may be had therein as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (Name of county.)

LLL.—(Section 873.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada,)
Province of)
County of .)

To all or any of the constables and other peace officers in the said county of _____, and to the keeper of the common gaol of the said county of _____, at _____, in the said county of _____.

Whereas (&c., as in form KKK to the asterisk, * and then thus): And whereas afterwards, on the _____ day of _____, in the year aforesaid, I, the said justice, issued a warrant to all or any of the peace officers of the said county, commanding them, or any one of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said C. D.: And whereas it appears to me, as well by the return to the said warrant of distress of the peace officer charged with the execution of the same, as otherwise, that the said peace officer has made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found: These are, therefore, to command you, the said peace officers, or any one of you, to take the said C.D., and him safely convey to the common gaol of the said county, at _____ aforesaid, and there deliver him to the keeper thereof, together with this precept: And I hereby command you, the said keeper of the said common gaol, to receive the said C.D. into your custody in the said common gaol, there to imprison him (and keep

keep him at hard labour) for the term of _____, unless the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said C.D. to the said common gaol, amounting to the further sum of _____), are sooner paid unto you the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal; this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
J. P., (*Name of county.*)

MMM.—(*Section 878.*)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
DEFENDANT'S RECOGNIZANCE.

I hereby certify that the said A.B. has not appeared at the time and place in the said condition mentioned, but therein has made default, by reason whereof the within written recognizance is forfeited.

J. S., [SEAL.]
J. P., (*Name of county.*)

NNN.—(*Section 880.*)

NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D., of _____, and _____ (*the names and additions of the parties to whom the notice of appeal is required to be given.*)

Take notice, that I, the undersigned, A.B., of _____ intend to enter and prosecute an appeal at the next General Sessions of the Peace (*or other court, as the case may be*), to be holden at _____, in and for the county of _____, against a certain conviction (*or order*) bearing date _____ on or about the _____ day of _____, instant, and made by (you) J.S., Esquire, a justice of the peace in and for the said county of _____, whereby I, the said A. B. was convicted of having (*or was ordered*) to pay _____, (*here state the offence as in the conviction, information,*

tion, or summons, or the amount adjudged to be paid, as in the order, as correctly as possible).

Dated at _____, this _____ day of _____, one thousand eight hundred and _____, A. B.

MEMORANDUM.—If this notice is given by several defendants, or by an attorney, it may be adapted to the case.

OOO.—(Section 880.)

FORM OF RECOGNIZANCE TO TRY THE APPEAL.

Canada, }
 Province of }
 County of }

Be it remembered that on _____, A.B., of _____, (labourer), and L. M., of _____, (grocer), and N. O., of _____, (yeoman), personally came before the undersigned _____, a justice of the peace in and for the said county of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A.B. the sum of _____, and the said L.M. and N.O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he the said A. B. fails in the condition endorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned at _____, before me.

J. S.,
 J. P., (Name of county.)

The condition of the within (or the above) written recognizance is such that if the said A.B personally appears at the (next) General Sessions of the Peace (or other court discharging the functions of the Court of General Sessions, as the case may be), to be holden at _____, on the _____ day of _____, next, in and for the said county of _____, and tries an appeal against a certain conviction, bearing date the _____ day of _____, (instant), and made by (me) the said justice, whereby he, the said A.B., was convicted, for that he, the said A.B., did, on the _____ day of _____, at _____, in the said county of _____, (here set out the offence as stated in the conviction); and also abides by the judgment of the court upon such appeal and pays such costs as are by the court awarded, then the said recognizance to be void, otherwise to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO
THE APPELLANT AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of , and you L. M. and N. G. in the sum of , each, that you the said A. B. will personally appear at the next General Sessions of the Peace to be holden at , in and for the said county of , and try an appeal against a conviction (or order) dated the day of (instant) whereby you A. B. were convicted of (or ordered, &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 the said A. B. personally appear and try such appeal and abide by such judgment and pay such costs accordingly, the recognizance entered into by you will forthwith be levied on you, and each of you.

Dated at , this day of , one thousand eight hundred and .

PPP.—(Section 898.)

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF
AN APPEAL ARE NOT PAID.

Office of the clerk of the peace for the county of

Title of the Appeal.

I hereby certify that a Court of General Sessions of the Peace, (or other court discharging the functions of the Court of General Sessions, as the case may be), holden at , in and for the said county, on last past, an appeal by A. B. against a conviction (or order) of J. S., Esquire, a justice of the peace in and for the said county, came on to be tried, and was there heard and determined, and the said Court of General Sessions (or other court, as the case may be) thereupon ordered that the said conviction (or order) should be confirmed (or quashed), and that the said (appellant) should pay to the said (respondent) the sum of , for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the clerk of the peace for the said county, on or before the day of (instant), to be by him handed over to the said (respondent), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated at , this day of , one thousand eight hundred and

G. H.,
Clerk of the Peace.

QQQ.—(Section 898.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST
A CONVICTION OR ORDER.

Canada,)
Province of)
County of .)

To all or any of the constables and other peace officers in
the said county of

Whereas (&c., as in the warrants of distress, DDD or EEE, and to the end of the statement of the conviction or order, and then thus): And whereas the said A. B. appealed to the Court of General Sessions of the Peace (or other court discharging the functions of the Court of General Sessions, as the case may be), for the said county, against the said conviction or order, in which appeal the said A. B. was the appellant, and the said C. D. (or J. S., Esquire, the justice of the peace who made the said conviction or order) was the respondent, and which said appeal came on to be tried and was heard and determined at the last General Sessions of the Peace (or other court, as the case may be) for the said county, holden at , on ; and the said court thereupon ordered that the said conviction (or order) should be confirmed (or quashed) and that the said (appellant) should pay to the said (respondent) the sum of , for his costs incurred by him in the said appeal, which said sum was to be paid to the clerk of the peace for the said county, on or before the day of , one thousand eight hundred and , to be by him handed over to the said C. D. ; and whereas the clerk of the peace of the said county has, on the day of (instant), duly certified that the said sum for costs had not been paid: * These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if, within the term of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to the clerk of the peace for the said county of , that he may pay and apply the same as by law directed ; and if no such distress can be found, then to certify the same unto me or any other justice of the peace for the same county, that such proceeding may be had therein as to law appertain.

Given under my hand and seal, this day of ,
in the year , at , in the county aforesaid.

O. K., [SEAL.]

J. P., (Name of county.)

RRR.—(Section 898.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Canada,)
Province of)
County of .)

To all or any of the constables and other peace officers in
the said county of

Whereas (&c., as in form QQQ, to the asterisk * and then
thus): And whereas, afterwards, on the day of ,
in the year aforesaid, I, the undersigned, issued a warrant
to all or any of the peace officers in the said county of ,
commanding them, or any of them, to levy the said sum of
 , for costs, by distress and sale of the goods and
chattels of the said A. B.; And whereas it appears to me,
as well by the return to the said warrant of distress of the
peace officer who was charged with the execution of the
same, as otherwise, that the said peace officer has made
diligent search for the goods and chattels of the said A. B.,
but that no sufficient distress whereon to levy the said sum
above mentioned could be found: These are, therefore, to
command you, the said peace officer, or any one of you, to
take the said A. B., and him safely to convey to the common
gaol of the said county of , at aforesaid, and
there deliver him to the said keeper thereof, together with
this precept: And I do hereby command you, the said keeper
of the said common gaol, to receive the said A. B. into your
custody in the said common gaol, there to imprison him (and
keep him at hard labour) for the term of , unless
the said sum and all costs and charges of the said distress
(and for the commitment and conveying of the said A. B. to
the said common gaol, amounting to the further sum of
), are sooner paid unto you, the said keeper; and
for so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of
in the year , at , in the county aforesaid.

O. K., [SEAL.]
J. P., (Name of county.)

SSS.—(Section 902.)

RETURN of convictions made by me (or us, as the case may be), during the quarter ending , 18 .

Name of the Prosecutor.	Name of the Defendant.	Nature of the Charge.	Date of Conviction.	Name of Convicting Justice.	Amount of Penalty. Fine or Damage.	Time when paid or to be paid to the said Justice.	To whom paid over by the said Justice.	If not paid, why not, and general observations if any.

J. S., Convicting Justice,

or

J. S. and O. K., Convicting Justices (as the case may be.)

TTT.—(Section 916.)

WRIT OF FIERI FACIAS.

Victoria, by the Grace of God, &c.

To the sheriff of , Greeting :

You are hereby commanded to levy of the goods and chattels, lands and tenements, of each of the persons mentioned in the roll or extract to this writ annexed, all and singular the debts and sums of money upon them severally imposed and charged, as therein is specified ; and if any of the said several debts cannot be levied, by reason that no goods or chattels, lauds or tenements can be found belonging to the said persons, respectively, then, and in all such cases, that you take the bodies of such persons, and keep them safely in the gaol of your county, there to abide the judgment of our court (as the case may be) upon any matter to be shown by them, respectively, or otherwise to remain in your custody

as aforesaid, until such debt is satisfied unless any of such persons respectively gives sufficient security for his appearance at the said court, on the return day hereof, for which you will be held answerable ; and what you do in the premises make appear before us in our court (*as the case may be,*) on the day of term next, and have then and there this writ. Witness, &c., G. H., clerk (*as the case may be*).

FORMS UNDER TITLE VIII.

UUU.—(*Section 942.*)

CERTIFICATE OF EXECUTION OF JUDGMENT OF DEATH.

I, A. B., surgeon (*or as the case may be*) of the (*describe the prison*), hereby certify that I, this day, examined the body of C. D., on whom judgment of death was this day executed in the said prison ; and that on such examination I found that the said C. D. was dead.

(Signed), A. B.

Dated this day of , in the year .

VVV.—(*Section 942.*)

DECLARATION OF SHERIFF AND OTHERS.

We, the undersigned, hereby declare that judgment of death was this day executed on C. D., in the (*describe the prison*) in our presence.

Dated this day of , in the year .

E. F., Sheriff of——
 L. M., Justice of the Peace for——
 G. H., Gaoler of——
 &c., &c.

WWW.—(Section 959.)

COMPLAINT BY THE PARTY THREATENED, FOR SURETIES FOR THE PEACE.

Canada, }
 Province of , }
 County of . }

The information (or complaint) of C. D., of _____, in the said county of _____, (labourer), (if preferred by an attorney or agent, say—by D. E., his duly authorized agent (or attorney), in this behalf), taken upon oath, before me, the undersigned, a justice of the peace, in and for the said county of _____, at _____ in the said county of _____, this _____ day of _____, in the year _____, who says that A. B., of _____ in the said county, did, on the _____ day of _____ (instant or last past), threaten the said C. D. in the words or to the effect following, that is to say: (*set them out, with the circumstances under which they were used*); and that from the above and other threats used by the said A. B. towards the said C. D., he, the said C. D., is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient sureties to keep the peace and be of good behaviour towards him, the said C. D.; and the said C. D. also says that he does not make this complaint against nor require such sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

XXX.—(Section 959.)

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Canada, }
 Province of , }
 County of . }

Be it remembered that on the _____ day of _____, in the year _____, A. B. of _____, (labourer), L. M. of _____, (grocer), and N. O. of _____, (butcher), personally came before (us) the undersigned, (two) justices of the peace for the county of _____, and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements respectively,

spectively, to the use of our said Lady the Queen, her heirs and successors, if he, the said A. B., fails in the condition endorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.,
J. T.,
J. P.'s, (Name of county.)

The condition of the within (or above) written recognizance is such that if the within bound A. B. (of, &c.), * appears at the next Court of General Sessions of the Peace, (or other court discharging the functions of the Court of General Sessions), to be holden in and for the said county 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 good behaviour towards Her Majesty and her liege people, and specially towards C. D. (of, &c.) for the term of now next ensuing, then the said recognizance to be void, otherwise to stand in full force and virtue.

The words between the asterisks ** to be used only where the principal is required to appear at the sessions or such other court.

YYY.—(Section 959.)

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Canada,)
Province of ,)
County of .)

To all or any of the other peace officers in the county of , and to the keeper of the common gaol of the said county, at , in the said county.

Whereas on the day of (instant), complaint on oath was made before the undersigned (or J. L., Esquire, a justice of the peace in and for the said county of , by C. D., of , in the said county, (labourer), that A. B., of (&c.), on the day of , at aforesaid, did threaten (&c., follow to the end of complaint, as in form above, in the past tense, then); And whereas the said A.B. was this

day brought and appeared before me, the said justice (or J. L., Esquire, a justice of the peace in and for the said county of _____), to answer unto the said complaint; and having been required by me to enter into his own recognizance in the sum of _____, with two sufficient sureties in the sum of _____ each, * as well for his appearance at the next General Sessions of the Peace (or other court discharging the functions of the Court of General Sessions, or as the case may be), to be held in and for the said county of _____, to do what shall be then and there enjoined him by the court, as also in the meantime * to keep the peace and be of good behaviour towards Her Majesty and her liege people, and especially towards the said C. D., has refused and neglected, and still refuses and neglects, to find such sureties: These are, therefore, to command you, and each of you, to take the said A. B., and him safely to convey to the (common gaol) at _____ aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said (common gaol), to receive the said A. B. into your custody in the said (common gaol), there to imprison him until the said next General Sessions of the Peace (or the next term or sitting of the said court discharging the functions of the Court of General Sessions, or as the case may be), unless he, in the meantime, finds sufficient sureties as well for his appearance at the said Sessions (or court) as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the county aforesaid.

J. S., [SEAL.]
 J. P., (Name of county.)

The words between the asterisks ** to be used when the recognizance is to be so conditioned.

SCHEDULE TWO.

ACTS REPEALED.

ACTS REPEALED.	TITLE.	EXTENT OF REPEAL.
C.S.L.C., c. 10	An Act respecting seditious and unlawful Associations and oaths.	Secs. 1, 2, 3 & 4.
R. S. C., c. 32	An Act respecting the Customs.	Sec. 213.
" 34	An Act respecting the Inland Revenue.	Secs. 98 & 99.
" 36	An Act respecting the Postal Service.	Secs. 79 to 81, 83, 84, 88, 90, 91, 96, 103, 107, 110 & 111.
" 38	An Act respecting Government Railways.	Sec. 62.
" 41	An Act respecting the Militia and Defence of Canada.	Sec. 109.
" 43	An Act respecting Indians.	Secs. 106(ss.2) & 111.
" 65	An Act respecting Immigration and Immigrants.	Sec. 37.
" 81	An Act respecting Wrecks, Casualties and Salvage.	Secs. 35 to 37.
" 141	An Act respecting Extra-judicial oaths.	Secs. 1 & 2.
" 145	An Act respecting Accessories.	The whole Act.
" 146	An Act respecting Treason and other offences against the Queen's authority.	The whole Act, except Secs. 6 & 7.
" 147	An Act respecting Riots, unlawful assemblies and breaches of the peace.	The whole Act.
" 148	An Act respecting the improper use of firearms and other weapons.	The whole Act, except Sec. 7.
" 149	An Act respecting the seizure of arms kept for dangerous purposes.	The whole Act, except Secs. 5 & 7.
" 150	An Act respecting Explosive Substances.	The whole Act.
" 152	An Act respecting the preservation of peace at Public Meetings.	The whole Act, except Secs. 1, 2 & 3.
" 153	An Act respecting Prize-fighting	The whole Act, except Secs. 6, 7 & 10.
" 154	An Act respecting Perjury.	The whole Act, except Sec. 4.
" 155	An Act respecting Escapes and Rescues.	The whole Act.
" 156	An Act respecting offences against Religion.	The whole Act.
" 157	An Act respecting offences against Public Morals and Public Convenience.	The whole Act.
" 158	An Act respecting Gaming-houses.	The whole Act, except Secs. 9 & 10.
" 159	An Act respecting Lotteries, Betting and Pool-selling.	The whole Act.
" 160	An Act respecting Gambling in public conveyances.	The whole Act.
" 161	An Act respecting offences relating to the Law of Marriage.	The whole Act.
" 162	An Act respecting offences against the Person.	The whole Act.
" 163	An Act respecting Libel.	The whole Act, except Secs. 6 & 7.
" 164	An Act respecting Larceny and similar offences.	The whole Act.
" 165	An Act respecting Forgery.	The whole Act.
" 167	An Act respecting offences relating to the Coin.	The whole Act, except Secs. 26 & 29 to 34 inclusive.
" 168	An Act respecting malicious injuries to Property.	The whole Act.
" 169	An Act respecting offences relating to the Army and Navy.	The whole Act, except Sec. 9.
" 171	An Act respecting the protection of Property of Seamen in the Navy.	The whole Act.
" 172	An Act respecting Cruelty to Animals.	The whole Act, except Sec. 7.
" 173	An Act respecting Threats, Intimidation and other offences.	The whole Act, except Sec. 12(ss.5).
" 174	An Act respecting Procedure in Criminal Cases.	The whole Act.
" 176	An Act respecting the summary administration of Criminal Justice.	The whole Act.

ACTS REPEALED—*Concluded.*

ACTS REPEALED.	TITLE.	EXTENT OF REPEAL.
R. S. C., c. 177	An Act respecting Juvenile Offenders.	The whole Act.
" 178	An Act respecting summary proceedings before Justices of the Peace.	The whole Act.
" 179	An Act respecting Recognizances.	The whole Act.
" 180	An Act respecting Fines and Forfeitures.	The whole Act.
" 181	An Act respecting Punishments, Pardons and the Commutation of Sentences.	The whole Act.
" 185	An Act respecting Actions against persons administering the Criminal Law.	The whole Act.
50-51 V., c. 33	An Act to amend the Indian Act.	Sec. 11.
" 45	An Act respecting Public Stores.	The whole Act.
" 46	An Act respecting the conveyance of liquors on board Her Majesty's Ships in Canadian Waters.	The whole Act.
" 48	An Act to amend the Act respecting offences against Public Morals and Public Convenience.	The whole Act.
" 49	An Act to amend the Revised Statutes, Chapter one hundred and seventy-three, respecting Threats, Intimidation and other offences.	The whole Act.
" 50	An Act to amend the Law respecting Procedure in Criminal Cases.	The whole Act.
51 V., c. 29	An Act respecting Railways.	Sec. 297.
" 40	An Act respecting the advertising of Counterfeit Money.	The whole Act.
" 41	An Act to amend the law relating to Fraudulent Marks on Merchandise.	The whole Act, except Secs. 15, 18 & 22.
" 42	An Act respecting gaming in Stocks and Merchandise.	The whole Act.
" 43	An Act further to amend the Law respecting Procedure in Criminal Cases.	The whole Act.
" 44	An Act further to amend <i>The Criminal Procedure Act</i> .	The whole Act.
" 45	An Act to amend Chapter one hundred and seventy-eight of the Revised Statutes of Canada: <i>The Summary Convictions Act</i> .	The whole Act.
" 47	An Act to amend the Revised Statutes of Canada, Chapter one hundred and eighty-one, respecting Punishments, Pardons and the Commutation of Sentences.	The whole Act.
52 V., c. 22	An Act to amend the Revised Statutes, Chapter seventy-seven, respecting the safety of Ships.	Sec. 3.
" 25	An Act to amend the Revised Statutes respecting the North-west Mounted Police Force.	Sec. 4.
" 40	An Act respecting Rules of Court in relation to Criminal Matters.	The whole Act.
" 41	An Act for the prevention and suppression of Combinations formed in restraint of Trade.	The whole Act, except Secs. 4 & 5.
" 42	An Act respecting Corrupt Practices in Municipal Affairs.	The whole Act.
" 44	An Act to permit the conditional release of first offenders in certain cases.	The whole Act.
" 45	An Act to amend <i>The Summary Convictions Act</i> , Chapter one hundred and seventy-eight of the Revised Statutes, and the Act amending the same.	The whole Act.
" 46	An Act to amend <i>The Summary Trials Act</i> .	The whole Act.
" 47	An Act to make further provision respecting the Speedy Trial of certain Indictable Offences.	The whole Act.
53 V., c. 10	An Act to prevent the disclosure of official documents and information.	The whole Act.
" 31	An Act respecting Banks and Banking.	Sec. 63.
" 37	An Act further to amend the Criminal Law.	The whole Act, except Secs. 1, 2, 6, 32, to end.
" 38	An Act to amend the Public Stores Act.	The whole Act.
54-55 V., c. 23	An Act respecting Frauds upon the Government.	The whole Act.

APPENDIX.

ACTS AND PARTS OF ACTS WHICH ARE NOT AFFECTED BY
THIS ACT.

R.S.C., CHAPTER 50.

An Act respecting the North-west Territories.

101. In this section—

(a.) The expression “improved arm” means and includes all arms except smooth bore shot guns;

(b.) The expression “ammunition”, means fixed ammunition or ball cartridge.

2. Every person who, in the territories,—

(a.) Without the permission in writing (the proof of which shall be on him) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barter or gives to, or with any person, any improved arm or ammunition, or—

(b.) Having such permission, sells, exchanges, trades, barter or gives any such arm or ammunition to any person not lawfully authorized to possess the same,—

Shall, on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both.

3. All arms and ammunition which are in the possession of any person, or which are sold, exchanged, traded, bartered or given to or with any person in violation of this section, shall be forfeited to the Crown, and may be seized by any constable or other peace officer; and any judge of the Supreme Court or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods.

4. The Governor in Council may, from time to time, make regulations respecting:—

(a.) The granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition;

(b.) The fees to be taken in respect thereof;

(c.) The returns to be made respecting permissions granted; and—

(d.) The disposition to be made of forfeited arms and ammunition.

5. The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the Militia force, or of the North-west Mounted Police force.

6. The Governor in Council may, from time to time, declare by proclamation that upon and after a day therein named this section shall be in force in the territories, or in any place or places therein in such proclamation designated ; and upon and after such day but not before, the provisions of this section shall take effect and be in force accordingly.

7. The Governor in Council may, in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein.

8. All courts, judges and justices of the peace shall take judicial notice of any such proclamation.

R.S.C., CHAPTER 141.

An Act respecting Extra-judicial Oaths.

4. Any affidavit, affirmation or declaration required by any fire, life or marine insurance company, authorized by 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 before any justice of the peace or before any notary public for any province of Canada ; and any such officer is hereby required to take such affidavit, affirmation or declaration.

SCHEDULE.

I, A. B., do solemnly declare that (*state the fact or facts declared to*), and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Act respecting Extra-judicial Oaths*.

R.S.C., CHAPTER 146.

An Act respecting Treason and other Offences against the Queen's Authority.

6. If any person, being a citizen or subject of any foreign state or country at peace with Her Majesty, is or continues in arms against Her Majesty, within Canada, or commits any act of hostility therein, or enters Canada with design or 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 assembling of a militia general court-martial for the trial of such 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 to suffer death, or such other punishment as the court awards.

7. Every subject of Her Majesty, within Canada, who levies war against Her Majesty, in company with any of the subjects or citizens of any foreign state or country then at peace with Her Majesty, or enters Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any such act of felony as aforesaid, or who, with the design or intent to aid and assist, 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, may be tried and punished by a militia court-martial, in the same manner as any citizen or subject of a foreign state or country at peace with Her Majesty may be tried and punished under the next preceding section.

R.S.C., CHAPTER 148.

An Act respecting the improper use of Firearms and other Weapons.

7. The court or justice before whom any person is convicted of any offence against the provisions of the preceding sections, shall impound the weapon for carrying which such person is convicted, and if the weapon is not a pistol, shall cause it to be destroyed; and if the weapon is a pistol, the court or justice shall cause it to be handed over to the corporation of the municipality in which the conviction takes place, for the public uses of such corporation.

2. If the conviction takes place where there is no municipality, the pistol shall be handed over to the Lieutenant-Governor of the province in which the conviction takes place, for the public uses thereof in connection with the administration of justice therein.

R.S.C., CHAPTER 149.

An Act respecting the seizure of Arms kept for dangerous purposes.

5. All justices of the peace in and for any district, county, city, town or place, in Canada, shall have concurrent jurisdiction as justices of the peace, with the justices of any 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 and effectually as if each of such justices was

in the commission of the peace, or was *ex officio* a justice of the peace for each of such districts, counties, cities, towns or places.

7. The Governor in Council may, from time to time, by proclamation, suspend the operation of this Act in any province of Canada or in any particular district, county or locality specified in the proclamation; and from and after the period specified in any such proclamation, the powers given by this Act shall be suspended in such province, district, county or locality; but nothing herein contained shall prevent the Governor in Council from again declaring, by proclamation, that any such province, district, county or locality shall be again subject to this Act and the powers hereby given, and upon such proclamation this Act shall be revived and in force accordingly.

R.S.C., CHAPTER 151.

An Act respecting the Preservation of Peace in the vicinity of Public Works.

INTERPRETATION.

1. In this Act, unless the context otherwise requires,—

(a.) The expression “this Act” means such section or 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 commissioner under this Act;

(c.) The expression “weapon” includes any gun or other firearm, or air-gun or any part thereof, or any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, or other instrument intended for cutting or stabbing, or any steel or metal knuckles, or other deadly or dangerous weapon, and any instrument or thing intended to be used as a weapon, and all ammunition which may be used with or for any weapon;

(d.) The expression “intoxicating liquor” means and includes any alcoholic, spirituous, vinous, fermented or other intoxicating liquor, or any mixed liquor, a part of which is spirituous or vinous, fermented or otherwise intoxicating;

(e.) The expression “district, county or place,” includes any division of any province for the purposes of the administration of justice in the matter to which the context relates;

(f.) The expression "public work" means and includes any railway, canal, road, bridge or other work of any kind, and any mining operation constructed or carried on by the Government of Canada, or of any province of Canada, or by any municipal corporation, or by any incorporated company, or by private enterprise.

PROCLAMATION.

2. The Governor in Council may, as often as occasion requires, declare, by proclamation, that upon and after a day therein named, this Act, or any section or sections thereof, shall be in force in any place or places in Canada in such proclamation designated, within the limits or in the vicinity whereof any public work is in course of construction, or in such places as are in the vicinity of any public work, within which he deems it necessary that this Act, or any section or sections thereof, should be in force, and this Act, or any such section or sections thereof, shall, upon and after the day named in such proclamation, take effect within the places designated therein.

2. The Governor in Council may, in like manner, from time to time, declare this Act, or any section or sections thereof, to be no longer in force in any such place or places,—and may again, from time to time, declare this Act, or any section or sections thereof, to be in force therein.

3. No such proclamation shall have effect within the limits of any city.

4. All courts, magistrates and justices of the peace shall take judicial notice of every such proclamation.

WEAPONS.

3. On or before the day named in such proclamation, every person employed on or about any public work, to which the same relates, shall bring and deliver up, to some commissioner or officer appointed for the purposes of this Act, every weapon in his possession, and shall obtain from such commissioner or officer a receipt for the same.

4. Every weapon found in the possession of any person employed, as aforesaid, after the day named in any proclamation and within the limits designated in such proclamation, may be seized by any justice of the peace, commissioner, constable or other peace officer,—and shall be forfeited to the use of Her Majesty.

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 day named in such proclamation, keeps or has in his possession or under his care or control, within any such place, any weapon, shall incur a penalty

not exceeding four dollars and not less than two dollars for every such weapon found in his possession.

6. Every one who, for the purpose of defeating this Act, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed, within any place in which this Act is at the time in force, any weapon belonging to or in the custody of any person employed on or about any public work, shall incur a penalty not exceeding 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.

7. Any commissioner or justice of the peace, constable or peace officer, or any person acting under a warrant, in aid of any constable or peace officer, may arrest and detain any person employed on any public work, found carrying any 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 commissioner, justice of the peace, constable or peace officer, or person acting under a warrant, affords just cause of suspicion that it is carried for purposes dangerous to the public peace; and every one so employed, who so carries any such weapon, is guilty of a misdemeanour,—and the justice of the peace or commissioner arresting such person, or before whom he is brought under such a warrant, may commit him for trial for a misdemeanour, unless he gives sufficient bail for his appearance at the next term or sitting of the court before which the offence can be tried, to answer to any indictment to be then preferred against him.

8. Any commissioner appointed under this Act, or any justice of the peace having authority within the place in which this Act is at the time in force, upon the oath of a credible witness that he believes that any weapon is in the possession of any person or in any house or place contrary to the provisions of this Act, may issue his warrant to any constable or peace officer to search for and seize the same,—and he, or any person in his aid, may search for and seize the same in the possession of any person, or in any such house or place.

9. If admission to any such house or place is refused after demand, such constable or peace officer, and any person in his aid, may enter the same by force, by day or by night, and seize any such weapon and deliver it to such commissioner; and unless the person in whose possession or in whose house or premises the same is found, within four days next after the seizure, proves to the satisfaction of such commissioner or justice of the peace that the weapon so seized was not in his possession or in his house or place contrary to the meaning of this Act, such weapon shall be forfeited to the use of Her Majesty.

10. All weapons declared forfeited under this Act shall be sold or destroyed under the direction of the commissioner by whom or by whose authority the same are seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such commissioner and paid over by him to the Minister of Finance and Receiver-General, for the public uses of Canada.

11. Whenever this Act ceases to be in force within the place where any weapon has been delivered and detained in pursuance thereof, or whenever the owner or person lawfully entitled to any such weapon satisfies the commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the commissioner may deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt given for it.

12. Every commissioner under this Act shall make a monthly return to the Secretary of State of all weapons delivered to him, and by him detained under this Act.

INTOXICATING LIQUOR.

13. Upon and after the day named in such proclamation and during such period as such proclamation remains in force, no person shall, at any place within the limits specified in such proclamation, sell, barter or, directly or indirectly, for any matter, thing, profit or reward, exchange, supply or dispose of, any intoxicating liquor; nor expose, keep or have in possession any intoxicating liquor intended to be dealt with in any such way.

2. The provisions of this section shall not extend to any person selling intoxicating liquor by wholesale, and not retailing the same, if such person is a licensed distiller or brewer

14. Every one who, by himself, his clerk, servant, agent or other person, violates any of the provisions of the next preceding section, is guilty of an offence against this Act, and, on a first conviction, shall be liable to a penalty of forty dollars and costs, and, in default of payment, to imprisonment for a term not exceeding three months,— and on every subsequent conviction, to the said penalty and the said imprisonment in default of payment, and also to further imprisonment for a term not exceeding six months.

15. Every clerk, servant, agent or other person who, being in the employment of, or on the premises of another person, violates or assists in violating any of the provisions of the thirteenth section of this Act, for the person in whose employment or on whose premises he is, shall be equally

guilty with the principal offender, and shall be liable to the penalties mentioned in the next preceding section.

16. If any person makes oath or affirmation before any commissioner or justice of the peace, that he has reason to believe, and does believe that any intoxicating liquor with respect to which a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed is, within the limits specified in any proclamation by which this Act has been proclaimed to be in force, on board of any steam-boat, vessel, boat, canoe, raft or other craft, or in or about any building or premises, or in any carriage, vehicle or other conveyance, or at any place, the commissioner or justice of the peace shall issue a search warrant to any sheriff, police officer, constable or bailiff who shall forthwith proceed to search the steam-boat, vessel, boat, canoe, raft, other craft, building, premises, carriage, vehicle, conveyance or place described in such search warrant; and if any intoxicating liquor is found therein or thereon the person executing such search warrant shall seize the 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 thereon.

2. No dwelling-house in which, or in part of which or on the premises whereof, a shop or a bar is not kept, shall be searched, unless the said informant also makes oath or affirmation that some offence in violation of the provisions of the thirteenth section of this Act has been committed therein or therefrom within one month next preceding the time of making his said information for a search warrant.

3. The owner, keeper or person in possession of the intoxicating liquor so seized, if he is known to the officer seizing the same, shall be summoned forthwith by the commissioner or justice of the peace who issued the search warrant to appear before such commissioner or justice of the peace; and if he fails so to appear, or if it appears to the satisfaction of such commissioner or justice of the peace that a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, with respect to such intoxicating liquor, it shall be declared forfeited, with any package in which it is contained, and shall be destroyed by authority of the written order to that effect of such commissioner or justice, and in his presence or in the presence of some person appointed by him to witness the destruction thereof; and the commissioner 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 back of the said order, the fact that it has been destroyed.

4. The owner, keeper or person in possession of any intoxicating liquor seized and forfeited under the provisions 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.

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 number 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.

2. If it is proved within such two weeks, to the satisfaction of the commissioner or justice by whose authority such intoxicating liquor was seized, that with respect to such intoxicating liquor no violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor in writing upon the back of the search warrant, which shall be returned to the commissioner or justice who issued the same; but if, after such advertisement as aforesaid, it appears to such commissioner or justice that a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, then such intoxicating liquor, with any package in which it is contained, shall be forfeited and destroyed, according to the provisions of the next preceding section.

18. Any payment or compensation, whether in money or securities for money, labour or property of any kind, for intoxicating liquor sold, bartered, exchanged, supplied or disposed of, contrary to the provisions of the thirteenth section of this Act, shall be held to have been criminally received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the receiver by the person making, paying or furnishing such payment or compensation; and all sales, transfers, conveyances, liens and securities of every kind, which either in whole or in part have been made or given for or on account of intoxicating liquor sold, bartered, exchanged, supplied or disposed of contrary to the provisions of the thirteenth section of this Act, shall be void against all persons, and no right shall be acquired thereby; and no action of any kind shall be maintained, either in whole or in part, for or on account of intoxicating liquor sold, bartered, exchanged, supplied or disposed of, contrary to the provisions of the said section.

19. In any prosecution under this Act for any offence with respect to intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor with respect to which the offence has

been committed, or to the precise consideration therefor, or to the fact of the offence having been committed with his participation or to his own personal and certain knowledge; but the commissioner or justice of the peace trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and in default of such evidence being rebutted, shall convict the defendant accordingly.

GENERAL PROVISIONS.

20. Any commissioner or justice of the peace may hear and determine, in a summary manner, any case arising within his jurisdiction under this Act; and every person making complaint against any other person for violating this Act, or any provision thereof, before such commissioner or justice, may be admitted as a witness; and the commissioner or justice of the peace before whom the examination or trial is had, may, if he thinks there was probable cause for the prosecution, order that the defendant shall not recover costs, although the prosecution fails.

21. All the provisions of every law respecting the duties of justices of the peace in relation to summary convictions and orders, and to appeals from such convictions, and for the protection of justices of the peace when acting as such, or to facilitate proceedings by or before them in matters relating to summary convictions and orders, shall, in so far as they are not inconsistent with this Act, apply to every commissioner or justice of the peace mentioned in this Act or empowered to try offenders against this Act; and every such commissioner shall be deemed a justice of the peace within the meaning of any such law, whether he is or is not a justice of the peace for other purposes.

22. On the trial of any proceeding, matter or question under this Act, the person opposing or defending, and the wife or husband of such person, shall be competent to give evidence.

23. No action or other proceeding, warrant, judgment, order 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.

24. Every action brought against any commissioner or justice of the peace, constable, peace officer or other person, for anything done in pursuance of this Act, shall be commenced within six months next after the alleged cause of action arises; and the venue shall be laid or the action instituted in the district or county or place where the cause of action arose;

and the defendant may plead the general issue and give this Act and the special matter in evidence; and if such action is brought after the time limited, or the venue is laid or the action brought in any other district, county or place than as above prescribed, the judgment or verdict shall be given for the defendant; and in such case, or if the judgment or verdict is given for the defendant on the merits, or if the plaintiff becomes nonsuited or discontinues after appearance is entered, or has judgment rendered against him on demurrer, the defendant shall be entitled to recover double costs.

R.S.C., CHAPTER 152.

An Act respecting the Preservation of Peace at Public Meetings.

1. Any justice of the peace within whose jurisdiction any public meeting is appointed to be held, may demand, have and take of and from any person attending such meeting, or on his way to attend the same, any offensive weapon, such as firearms, swords, staves, bludgeons, or the like, with which any such person is so armed, or which any such person has in his possession; and every such person who, upon such demand, declines or refuses to deliver up, peaceably and quietly, to such justice of the peace, any such offensive weapon as aforesaid, is guilty of a misdemeanour, and such justice may thereupon record the refusal of such person to deliver up such weapon, and adjudge him to pay a penalty not exceeding eight dollars,—which penalty shall be levied in like manner as penalties are levied under the *Act respecting summary proceedings before Justices of the Peace*, or such person may be proceeded against by indictment or information, as in other cases of misdemeanour; but such conviction shall not interfere with the power of such justice, or any other justice of the peace, to take such weapon, or cause the same to be taken from such person, without his consent and against his will, by such force as is necessary for that purpose.

2. Upon reasonable request to any justice of the peace, to whom any such weapon has been peaceably and quietly delivered as aforesaid, made on the day next after the meeting has finally dispersed, and not before, such weapon shall, if of the value of one dollar or upwards, be returned by such justice of the peace to the person from whom the same was received.

3. No such justice of the peace shall be held liable to return any such weapon, or make good the value thereof, if the

same, by unavoidable accident, has been actually destroyed or lost out of the possession of such justice without his wilful default.

R.S.C., CHAPTER 153.

An Act respecting Prize-fighting.

6. If, at any time, the sheriff of any county, place or district in Canada, any chief of police, any police officer, or any constable, or other peace officer, has reason to believe that any person within his bailiwick or jurisdiction is about to engage as principal in any prize-fight within Canada, he shall forthwith arrest such person and take him before some person having authority to try offences against this Act, and shall forthwith make complaint in that behalf, upon oath, before such person; and thereupon such person shall inquire into the charge, and if he is satisfied that the person so brought before him was, at the time of his arrest, about to engage as a principal in a prize-fight, he shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not exceeding five thousand dollars and not less than one thousand dollars, conditioned that the accused will not engage in any such fight within one year from and after the date of such arrest; and in default of such recognizance, the person before whom the accused has been brought shall commit the accused to the goal of the county, district or city within which such inquiry takes place, or if there is no common goal there, then to the common goal which is nearest to the place where such inquiry is had, there to remain until he gives such recognizance with such sureties.

7. If any sheriff has reason to believe that a prize-fight is taking place or is about to take place within his jurisdiction as such sheriff, or that any persons are about to come into Canada at a point within his jurisdiction, from any place outside of Canada, with intent to engage in, or to be concerned in, or to attend any prize-fight within Canada, he shall forthwith summon a force of the inhabitants of his district or county sufficient for the purpose of suppressing and preventing such fight,—and he shall, with their aid, suppress and prevent the same, and arrest all persons present thereat, or who come into Canada as aforesaid, and shall take them before some person having authority to try offences against this Act, to be dealt with according to law, and fined or imprisoned, or both, or compelled to enter into recognizances with sureties, as hereinbefore provided, according to the nature of the case.

10. Every judge of a superior court or of a county court, judge of the sessions of the peace, stipendiary magistrate, police

police magistrate, and commissioner of police of Canada, shall, within the limits of his jurisdiction as such judge, magistrate or commissioner, have all the powers of a justice of the peace with respect to offences against this Act.

R.S.C., CHAPTER 154.

An Act respecting Perjury.

4. Any judge of any court of record, or any commissioner before whom any inquiry or trial is held, and which he is by law required or authorized to hold, may, if it appears to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer or other proceeding made or taken before him, direct such person to be prosecuted for such perjury, if there appears to such judge or commissioner a reasonable cause for such prosecution,—and may commit such person so directed to be prosecuted until the next term, sittings or session of any court having power to try for perjury, in the jurisdiction within which such perjury was committed, or permit such person to enter into a recognizance, with one or more sufficient sureties, conditioned for the appearance of such person at such next term, sittings or session, and that he will then surrender and take his trial and not depart the court 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 so directed to be prosecuted as aforesaid.

R.S.C., CHAPTER 157.

An Act respecting Offences against Public Morals and Public Convenience.

S. * * * * *

(4.) If provision is made therefor by the laws of the province in which the conviction takes place, any such loose, idle or disorderly person may, instead of being committed to the common gaol or other public prison, be committed to any house of industry or correction, alms house, work house or reformatory prison.

R.S.C., CHAPTER 167.

An Act respecting Offences relating to the Coin.

29. Any two or more justices of the peace, on the oath of a credible person, that any copper or brass coin has been unlawfully manufactured or imported, shall cause the same to be seized and detained, and shall summon the person in whose possession the same is found, to appear before them; and if it appears to their satisfaction, on the oath of a credible witness, other than the informer, that such copper or brass coin has been manufactured or imported in violation of this Act, such justice shall declare the same forfeited, and shall place the same in safe keeping to await the disposal of the Governor General, for the public uses of Canada.

30. If it appears, to the satisfaction of such justices, that the person in whose possession such copper or brass coin was found, knew the same to have been so unlawfully manufactured or imported, they may condemn him to pay the penalty aforesaid with costs, and may cause him to be imprisoned for a term not exceeding two months, if such penalty and costs are not forthwith paid.

31. If it appears, to the satisfaction of such justices, that the person in whose possession such copper or brass coin was found was not aware of it having been so unlawfully manufactured or imported, the penalty may, on the oath of any one credible witness, other than the plaintiff, be recovered, from the owner thereof, by any person who sues for the same in any court of competent jurisdiction.

32. Any officer of Her Majesty's customs may seize any copper or brass coin imported or attempted to be imported into Canada in violation of this Act, and may detain the same as forfeited, to await the disposal of the Governor General, for the public uses of Canada.

33. Every one who utters, tenders or offers in payment any copper or brass coin, other than current copper coin, shall forfeit double the nominal value thereof.

2. Such penalty may be recovered, with costs, in a summary manner, on the oath of one credible witness, other than the informer, before any justice of the peace, who, if such penalty and costs are not forthwith paid, may cause the offender to be imprisoned for a term not exceeding eight days.

34. A moiety of any of the penalties imposed by any of the five sections next preceding, but not the copper or brass coins forfeited under the provisions thereof, shall belong 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.

R.S.C., CHAPTER 169.

An Act respecting offences relating to the Army and Navy.

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.

R.S.C., CHAPTER 172.

An Act respecting Cruelty to Animals.

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.

51 VICT., CHAPTER 41.

An Act to amend the law relating to fraudulent marks on Merchandise.

15. Any goods or things forfeited under any provision of this Act, may be destroyed or otherwise disposed of in such a manner as the court, by which the same are declared forfeited, directs; and the court may, out of any proceeds realized by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

16. On any prosecution under this Act the court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

18. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false

trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

22. The importation of any goods which, if sold, would be forfeited under the foregoing provisions of this Act, and of goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada is hereby prohibited, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced; and any person who imports or attempts to import any such goods shall be liable to a penalty of not more than five hundred dollars, nor less than two hundred dollars, recoverable on summary conviction, and the goods so imported or attempted to be imported shall be forfeited and may be seized by any officer of the Customs and dealt with in like manner as any goods or things forfeited under this Act.

2. Whenever there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom or in Canada, such name, unless it is accompanied by the name of the state or country in which it is situate, shall, unless the Minister of Customs decides that the attaching of such name is not calculated to deceive (of which matter the said Minister shall be the sole judge) be treated, for the purposes of this section, as if it was the name of a place in the United Kingdom or in Canada.

3. The Governor in Council may, whenever he deems it expedient in the public interest, declare that the provisions of the two subsections next preceding shall apply to any city or place in any foreign state or country; and after the publication in the *Canada Gazette* of the Order in Council made in that behalf, such provisions shall apply to such city or place in like manner as they apply to any place in the United Kingdom or in Canada, and may be enforced accordingly.

4. The Governor in Council may, from time to time, make regulations, either general or special, respecting the detention and seizure of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and seizure, and may, by such regulations, determine the information, notices and security to be given, and the evidence necessary for any of the purposes of this section, and the mode of verification of such evidence.

5. The regulations may provide for the reimbursing by the informant to the Minister of Customs of all expenses and damages incurred in respect of any detention made on

his information, and of any proceedings consequent upon such detention.

6. Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

7. All such regulations shall be published in the *Canada Gazette* and shall have force and effect from the date of such publication.

23. This Act shall be substituted for chapter one hundred and sixty-six of the Revised Statutes, respecting the fraudulent marking of merchandise, which is hereby repealed.

52 VICT., CHAPTER 41.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

4. Where an indictment is found against any person for offences provided against in this Act, the defendant or person accused shall have the option to be tried before the judge presiding at the court at which such indictment is found, or the judge presiding at any subsequent sitting of such court, or at any court where the indictment comes on for trial, without the intervention of a jury; and in the event of such option being exercised the proceedings subsequent thereto shall be regulated, in so far as may be applicable, by *The Speedy Trials Act*.

5. An appeal shall lie from any conviction under this Act by the judge without the intervention of a jury to the highest court of appeal in criminal matters in the province where such conviction shall have been made, upon all issues of law and fact; and the evidence taken in the trial shall form part of the record in appeal, and for that purpose the court before which the case is tried shall take note of the evidence and of all legal objections thereto.

53 VICT., CHAPTER 37.

An Act further to amend the Criminal Law.

ESCAPES AND RESCUES.

1. Section nine of chapter one hundred and fifty-five of the Revised Statutes of Canada, *An Act respecting Escapes and Rescues*, is hereby repealed and the following section is substituted therefor:—

“**9.** Every one who, being sentenced to imprisonment or detention in, or being ordered to be detained in, any reformatory prison, reformatory school, industrial refuge, industrial home or industrial school, escapes or attempts to escape therefrom, is guilty of a misdemeanour, and may be dealt with as follows :—

“The offender may, at any time, be apprehended without warrant and brought before any magistrate, who, upon proof of his identity,—

“(a.) In the case of an escape or attempt to escape from a reformatory prison or a reformatory school, shall remand him thereto for the remainder of his original term of imprisonment or detention ; or,—

“(b.) In the case of an escape or attempt to escape from an industrial refuge, industrial home or industrial school,—

“(1.) May remand him thereto for the remainder of his original term of imprisonment or detention ; or,—

“(2.) If the officer in charge of such refuge, home or school certifies in writing that the removal of such offender to a place of safer or stricter imprisonment is desirable, and if the governing body of such refuge, home or school applies for such removal, and if sufficient cause therefor is shown to the satisfaction of such magistrate, may order the offender to be removed to and to be kept imprisoned, for the remainder of his original term of imprisonment or detention, in any reformatory prison or reformatory school, in which by law such offender may be imprisoned for a misdemeanour,—and when there is no such reformatory prison or reformatory school, may order the offender to be removed to and to be so kept imprisoned in any other place of imprisonment to which the offender may be lawfully committed ;

“(c.) And in any case mentioned in the preceding paragraphs (a) and (b) of this subsection, or if the term of his imprisonment or detention has expired, the magistrate may, after conviction, sentence the offender to such additional term of imprisonment or detention, as the case may be, not exceeding one year, as to such magistrate seems a proper punishment for the escape or attempt to escape.”

2. Every one who, being sentenced to imprisonment or detention in, or being ordered to be detained in any industrial refuge, industrial home or industrial school, by reason of incorrigible or vicious conduct, or with reference to the general discipline of the institution, is beyond the control of the officer in charge of such institution, is guilty of a misdemeanour, and may be dealt with as follows :—

(a.) The offender may, at any time before the expiration of his term of imprisonment or detention, be brought without warrant before any magistrate, and if the officer in charge of such refuge; home or school certifies in writing that the removal of such offender to a place of stricter imprisonment is desirable, and if the governing body of such refuge, home

or school applies for such removal, and if sufficient cause therefor is shown to the satisfaction of such magistrate, he may order the offender to be removed to and to be kept imprisoned, for the remainder of his original term of imprisonment or detention, in any reformatory prison or reformatory school in which by law such offender may be imprisoned for a misdemeanour; and when there is no such reformatory prison or school the magistrate may order the offender to be removed to and to be so kept imprisoned in any other place of imprisonment to which the offender may be lawfully committed;

(b.) The magistrate may, after conviction, sentence the offender to such additional term of imprisonment, not exceeding one year, as to such magistrate seems a proper punishment for the incorrigible conduct of the offender.

PUBLIC AND REFORMATORY PRISONS.

Certified Industrial Schools, Ontario.

32. The Governor General, by warrant under his hand, may, at any time in his discretion (the consent of the Provincial Secretary of Ontario having been first obtained), cause any boy who is imprisoned in a reformatory or gaol in that province, under sentence for an offence against a law of Canada, and who is certified by the court, judge or magistrate by whom he was tried to have been, in the opinion of such court, judge or magistrate, at the time of his trial, of or under the age of thirteen years, to be transferred for the remainder of his term of imprisonment to a certified industrial school in the province.

33. Where, under any law of Canada, any boy is convicted in Ontario, whether summarily or otherwise, of any offence punishable by imprisonment, and the court, judge, stipendiary or police magistrate by whom he is so convicted is of opinion that such boy does not exceed the age of thirteen years, such court, judge or magistrate may sentence such boy to imprisonment in a certified industrial school for any term not exceeding five years and not less than two years: Provided, that no boy shall be sentenced to any such school unless public notice has been given in the *Ontario Gazette* and has not been countermanded, that such school is ready to receive and maintain boys sentenced under laws of the Dominion; Provided also, that no such boy shall be detained in any certified industrial school beyond the age of seventeen years.

Halifax Industrial School.

34. Section sixty-one of chapter one hundred and eighty-three of the Revised Statutes, intituled: *An Act respecting*

ing Public and Reformatory Prisons, is hereby repealed and the following substituted therefor:—

“**61.** Whenever any boy, who is a Protestant and a minor apparently under the age of sixteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may sentence such boy to be detained in the Halifax Industrial School for any term not exceeding five years, and not less than two years.”

35. Section sixty-two of the said Act is hereby repealed and the following substituted therefor:—

“**62.** No such sentence shall be pronounced unless or until provision has been made by the municipality within which such conviction is had, out of its funds, for the support of boys so sentenced, at the rate of not less than sixty dollars per annum for each boy.”

St. Patrick's Home, Halifax.

36. Section sixty-five of the said Act is hereby repealed and the following substituted therefor:—

“**65.** Whenever any boy, who is a Roman Catholic and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may sentence such boy to be detained in Saint Patrick's Home at Halifax for any term not exceeding five years, and not less than two years; but no such sentence shall be pronounced unless or until provision has been made by the municipality within which such conviction is had, out of its funds, for the support of boys so sentenced, at the rate of not less than sixty dollars per annum for each boy.”

37. Section sixty-six of the said Act is hereby repealed and the following substituted therefor:—

“**66.** The superintendent, or head of the said home, may at any time notify the mayor, warden or other chief magistrate of any municipality, that no prisoners, beyond those already under sentence in such home, will be received therein; and after such notification no such sentence shall be pronounced in such municipality until notice has been received by such mayor, warden or chief magistrate, from the said superintendent or head, that prisoners will again be received in the said home.”

38. The six preceding sections shall not, nor shall any of them, come into force until the same shall have been proclaimed by the Governor in Council.

39. The said Act is hereby further amended by adding at the end thereof the following sections:—

" PART VI.

" MANITOBA.

" *Manitoba Reformatory for Boys.*

" **78.** If any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the Manitoba reformatory for boys, then such court may sentence the boy to be imprisoned in such reformatory for such term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, and may further sentence such boy to be kept in such reformatory for an indefinite time after the expiration of such fixed term; Provided, that the whole period of confinement in such reformatory shall not exceed five years from the commencement of his imprisonment.

" **79.** If any boy, apparently under the age of sixteen years, is convicted of any offence, punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at the least, any judge of any one of the superior courts, or any judge of a county court, in any case occurring within his county, may examine and inquire into the circumstances of such case and conviction, and when he considers the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent either forthwith or at the expiration of his imprisonment in such gaol, to such reformatory, to be there detained for the purpose of his industrial and moral education for an indefinite period, not exceeding in the whole five years, from the commencement of his imprisonment in the common gaol.

" **80.** Every boy so sentenced shall be detained in such reformatory until the expiration of the fixed term, if any, of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made as hereinafter provided, be detained in such reformatory for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education.

“**S1.** A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom any boy is sentenced to confinement in such reformatory, shall be a sufficient authority to the sheriff, constable or other officer who is directed, verbally or otherwise, so to do, to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain such boy, until some person, lawfully authorized, requires the delivery of such boy for removal to the reformatory.

“**S2.** If any boy sentenced to be confined in such reformatory is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained in the common gaol or other place of confinement in which he is, until he is sufficiently recovered to be safely and conveniently removed to the reformatory.

“**S3.** No boy shall be discharged from such reformatory at the termination of his term of confinement, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such reformatory until he recovers from such disease or illness: Provided that any boy remaining in such reformatory for any such cause shall be under the same discipline and control as if his term was still unexpired.

“**S4.** Any sheriff or other person having the custody of any offender sentenced to imprisonment in the said reformatory, may detain the offender in the common gaol of the county or district in which such offender is sentenced, or other place of confinement 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 reformatory.

“**S5.** Whenever the time of any offender's sentence in such reformatory, 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 until the Monday following.”

40. The provisions of this Act in respect to the Manitoba reformatory for boys shall not come into force until the same shall have been proclaimed by the Governor in Council.

EXTRA-JUDICIAL OATHS.

41. Section three of chapter one hundred and forty-one of the Revised Statutes of Canada, intituled *An Act respecting Extra-judicial Oaths*, is repealed and the following section is substituted therefor:—

“3. Any judge, justice of the peace, police or stipendiary magistrate, recorder, commissioner authorized to take affidavits to be used either in Provincial or Dominion courts, or any other functionary authorized by law to administer an oath in any matter, may 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 writing, deed or instrument, or of the truth of any allegation of fact, or of any account rendered in writing.”

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