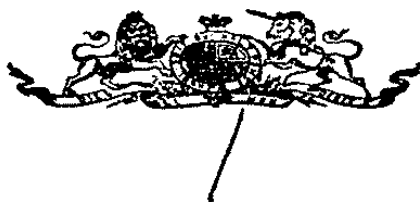


THE
CRIMINAL CODE, 1892

55-56 VICTORIA, CHAP. 29

TOGETHER WITH

AN ACT TO AMEND THE CANADA TEMPERANCE AMENDMENT ACT, 1888
BEING CHAPTER 26 OF THE SAME SESSION



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[55-56 VICT., c. 29.]

ARRANGEMENT OF TITLES.

TITLE I. Introductory provisions.

II. Offences against public order, internal and external.

III. Offences affecting the administration of law and justice.

IV. Offences against religion, morals and public convenience.

V. Offences against the person and reputation.

VI. Offences against rights of property and rights arising out of contracts, and offences connected with trade.

VII. Procedure.

VIII. Proceedings after conviction.

IX. Actions against persons administering the criminal law.

X. Repeal, &c.

SCHEDULE 1. Forms.

2. Table of Acts repealed.

APPENDIX. Acts and parts of Acts which are not affected by this Act.

TABLE OF CONTENTS.

TITLE I.

INTRODUCTORY PROVISIONS.

PART I.

PRELIMINARY.

SECT.	PAGE.
1. Short title.....	31
2. Commencement of Act.....	31
3. Explanation of terms.....	31
4. Meaning of expressions in other Acts retained.....	36
5. Offence against statutes of England, Great Britain or the United Kingdom.....	36
6. Consequences of committing offence.....	37

PART II.

MATTERS OF JUSTIFICATION OR EXCUSE.

7. General rule under common law	37
8. General rule under this Act	37
9. Children under seven.....	37
10. Children between seven and fourteen.....	37
11. Insanity	37
12. Compulsion by threats.....	38
13. Compulsion of wife.....	38
14. Ignorance of the law.....	38
15. Execution of sentence.....	38
16. Execution of process.....	38
17. Execution of warrants.....	38
18. Execution of erroneous sentence or process.....	39
19. Sentence or process without jurisdiction	39
20. Arresting the wrong person	39
21. Irregular warrant or process.....	40
22. Arrest by peace officer in case of certain offences	40
23. Persons assisting peace officer.....	40
24. Arrest of persons found committing certain offences.....	40
25. Arrest after commission of certain offences.....	40

SECT.	PAGE.
26. Arrest of person believed to be committing certain offences by night	40
27. Arrest by peace officer of person found committing offence.....	40
28. Arrest of person found committing any offence at night.....	40
29. Arrest during flight.....	41
30. Statutory power of arrest.....	41
31. Force used in executing sentence or process or in arrest.....	41
32. Duty of persons arresting.....	41
33. Peace officer preventing escape from arrest for certain offences...	41
34. Private person preventing escape from arrest for certain offences..	41
35. Preventing escape from arrest in other cases.....	42
36. Preventing escape or rescue after arrest for certain offences.....	42
37. Preventing escape or rescue after arrest in other cases.....	42
38. Preventing breach of the peace.....	42
39. Prevention by peace officers of breach of the peace.....	42
40. Suppression of riot by magistrates.....	43
41. Suppression of riot by persons acting under lawful orders.....	43
42. Suppression of riot by persons without orders.....	43
43. Protection of persons subject to military law.....	43
44. Prevention of certain offences.....	43
45. Self-defence against unprovoked assault.....	44
46. Self-defence against provoked assault.....	44
47. Prevention of insult.....	44
48. Defence of movable property against trespasser.....	44
49. Defence of movable property with claim of right.....	45
50. Defence of movable property without claim of right.....	45
51. Defence of dwelling-house.....	45
52. Defence of dwelling-house at night	45
53. Defence of real property.....	45
54. Assertion of right to house or land.....	45
55. Discipline of minors.....	46
56. Discipline on ships.....	46
57. Surgical operations.....	46
58. Excess	46
59. Consent to death.....	46
60. Obedience to <i>de facto</i> law.....	46

PART III.

PARTIES TO THE COMMISSION OF OFFENCES.

61. Parties to offences.....	46
62. Offence committed other than the offence intended.....	47
63. Accessory after the fact.....	47
64. Attempts.....	47

TITLE II.

OFFENCES AGAINST PUBLIC ORDER, INTERNAL AND
EXTERNAL.

PART IV.

TREASON AND OTHER OFFENCES AGAINST THE QUEEN'S AUTHORITY
AND PERSON.

SECT.	PAGE.
65. Treason.....	48
66. Conspiracy.....	49
67. Accessories after the fact.....	49
68. Levying war by subjects of a state at peace with Her Majesty— subjects assisting.....	49
69. Treasonable offences.....	49
70. Conspiracy to intimidate a legislature.....	50
71. Assaults on the Queen.....	50
72. Inciting to mutiny.....	50
73. Enticing soldiers or sailors to desert.....	50
74. Resisting execution of warrant for arrest of deserters.....	51
75. Enticing militiamen or members of the North-west mounted police force to desert.....	51
76. Interpretation.....	51
77. Unlawfully obtaining and communicating official information...	51
78. Communicating information acquired by holding office.....	52

PART V.

UNLAWFUL ASSEMBLIES, RIOTS, BREACHES OF THE PEACE.

79. Definition of unlawful assembly.....	53
80. Definition of riot.....	53
81. Punishment of unlawful assembly.....	53
82. Punishment of riot.....	54
83. Reading the Riot Act.....	54
84. Duty of justice if rioters do not disperse.....	54
85. Riotous destruction of buildings.....	55
86. Riotous damage to buildings.....	55
87. Unlawful drilling.....	55
88. Being unlawfully drilled.....	55
89. Forcible entry and detainer.....	56
90. Affray.....	56
91. Challenge to fight a duel.....	56
92. Prize-fighting defined.....	56
93. Challenging to fight a prize-fight, &c.....	56
94. Engaging as principal in a prize-fight.....	56
95. Attending or promoting a prize-fight.....	57
96. Leaving Canada to engage in a prize-fight.....	57
97. Where the fight is not a prize-fight—discharge or fine.....	57
98. Inciting Indians to riotous acts.....	57

PART VI.

UNLAWFUL USE AND POSSESSION OF EXPLOSIVE SUBSTANCES AND
OFFENSIVE WEAPONS.—SALE OF LIQUORS.

SECT.	PAGE.
99. Causing dangerous explosions.....	57
100. Doing anything, or possessing explosive substances, with intent to cause dangerous explosions.....	58
101. Unlawfully making or possessing explosive substances.....	58
102. Having possession of arms for purposes dangerous to the public peace.....	58
103. Two or more persons openly carrying dangerous weapons so as to cause alarm.....	58
104. Smugglers carrying offensive weapons.....	58
105. Carrying a pistol or air-gun without justification.....	58
106. Selling pistol or air-gun to minor.....	59
107. Having weapons on person when arrested.....	60
108. Having weapons on the person with intent to injure any person..	60
109. Pointing any firearm at any person.....	60
110. Carrying offensive weapons about the person.....	60
111. Carrying sheath-knives in seaports.....	60
112. Exception as to soldiers, &c.....	60
113. Refusing to deliver offensive weapon to a justice.....	61
114. Coming armed within two miles of public meeting.....	61
115. Lying in wait for persons returning from public meeting.....	61
116. Sale of arms in the North-west Territories.....	61
117. Possessing weapons near public works.....	62
118. Sale, &c., of liquors near public works.....	62
119. Intoxicating liquors on board Her Majesty's ships.....	63

PART VII.

SEDITIONOUS OFFENCES.

120. Oaths to commit certain offences.....	63
121. Other unlawful oaths.....	63
122. Compulsion in administering and taking oaths.....	64
123. Seditious offences defined.....	64
124. Punishment of seditious offences	64
125. Libels on foreign sovereigns.....	64
126. Spreading false news... ..	65

PART VIII.

PIRACY.

127. Piracy by the law of nations.....	65
128. Piratical acts.....	65
129. Piracy with violence.....	66
130. Not fighting pirates.....	66

TITLE III.**OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE.****PART IX.****CORRUPTION AND DISOBEDIENCE.**

SECT.	PAGE.
131. Judicial corruption.....	66
132. Corruption of officers employed in prosecuting offenders.....	67
133. Frauds upon the government ...	67
134. Other consequences of conviction for any such offence.....	69
135. Breach of trust by public officer.....	69
136. Corrupt practices in municipal affairs.....	69
137. Selling office, appointment, &c.....	70
138. Disobedience to a statute.....	71
139. Disobedience to orders of court.....	71
140. Neglect of peace officer to suppress riot.....	71
141. Neglect to aid peace officer in suppressing riot.....	71
142. Neglect to aid peace officer in arresting offenders.....	72
143. Misconduct of officers intrusted with execution of writs.....	72
144. Obstructing public or peace officer in the execution of his duty...	72

PART X.**MISLEADING JUSTICE.**

145. Perjury defined.....	72
146. Punishment of perjury	73
147. False oaths.....	73
148. False statement, wilful omission in affidavit, &c	73
149. Making false affidavit out of province in which it is used.....	74
150. False statements	74
151. Fabricating evidence.....	74
152. Conspiring to bring false accusations.....	74
153. Administering oaths without authority.....	74
154. Corrupting juries and witnesses.....	75
155. Compounding penal actions	75
156. Corruptly taking a reward for helping to recover stolen property without using diligence to bring offender to trial.....	75
157. Unlawfully advertising a reward for return of stolen property...	75
158. Signing false declaration respecting execution of judgment of death.....	76

PART XI.**ESCAPES AND RESCUES.**

159. Being at large while under sentence of imprisonment.....	76
160. Assisting escape of prisoners of war.....	76
161. Breaking prison.....	76

SECT.	PAGE.
162. Attempting to break prison.....	76
163. Escape from custody after conviction or from prison.....	77
164. Escape from lawful custody.....	77
165. Assisting escape in certain cases.....	77
166. Assisting escape in other cases	77
167. Aiding escape from prison.....	77
168. Unlawfully procuring discharge of prisoner.....	77
169. How escaped prisoners shall be punished.....	78

TITLE IV.

OFFENCES AGAINST RELIGION, MORALS AND PUBLIC CONVENIENCE.

PART XII.

OFFENCES AGAINST RELIGION.

170. Blasphemous libels.....	78
171. Obstructing officiating clergyman.....	78
172. Violence to officiating clergyman.....	78
173. Disturbing public worship.....	79

PART XIII.

OFFENCES AGAINST MORALITY.

174. Unnatural offence.....	79
175. Attempt to commit sodomy.....	79
176. Incest.....	79
177. Indecent acts.....	79
178. Acts of gross indecency.....	80
179. Publishing obscene matter.....	80
180. Posting immoral books, &c.....	80
181. Seduction of girls under sixteen.....	81
182. Seduction under promise of marriage.....	81
183. Seduction of a ward, servant, &c.....	81
184. Seduction of females who are passengers on vessels.....	81
185. Unlawfully defiling women.....	81
186. Parent or guardian procuring defilement of girl.....	82
187. Householders permitting defilement of girls on their premises.....	82
188. Conspiracy to defile.....	83
189. Carnally knowing idiots, &c.....	83
190. Prostitution of Indian women.....	83

PART XIV.

NUISANCES.

191. Common nuisance defined.....	83
192. Common nuisances which are criminal.....	84
193. Common nuisances which are not criminal.....	84

SECT.	PAGE.
194. Selling things unfit for food.....	84
195. Common bawdy-house defined.....	84
196. Common gaming-house defined.....	84
197. Common betting-house defined.....	84
198. Disorderly houses.....	85
199. Playing or looking on in gaming-house.....	85
200. Obstructing peace officer entering a gaming-house.....	85
201. Gaming in stocks and merchandise.....	85
202. Habitually frequenting places where gaming in stocks is carried on.....	86
203. Gambling in public conveyances.....	86
204. Betting and pool-selling.....	87
205. Lotteries.....	87
206. Misconduct in respect to human remains.....	88

PART XV.

VAGRANCY.

207. Vagrant defined.....	89
208. Penalty for vagrancy.....	90

TITLE V.

OFFENCES AGAINST THE PERSON AND REPUTATION.

PART XVI.

DUTIES TENDING TO THE PRESERVATION OF LIFE.

209. Duty to provide the necessities of life.....	90
210. Duty of head of family to provide necessities.....	90
211. Duty of masters to provide necessities.....	90
212. Duty of persons doing dangerous acts.....	91
213. Duty of persons in charge of dangerous things.....	91
214. Duty to avoid omissions dangerous to life.....	91
215. Neglecting duty to provide necessities.....	91
216. Abandoning children under two years of age.....	91
217. Causing bodily harm to apprentices or servants.....	91

PART XVII.

HOMICIDE.

218. Homicide defined.....	92
219. When a child becomes a human being.....	92
220. Culpable homicide.....	92
221. Procuring death by false evidence.....	92
222. Death must be within a year and a day.....	92
223. Killing by influence on the mind.....	92
224. Acceleration of death.....	92
225. Causing death which might have been prevented.....	93
226. Causing injury the treatment of which causes death.....	93

PART XVIII.

MURDER, MANSLAUGHTER, &C.

SECT.	PAGE.
227. Definition of murder.....	93
228. Further definition of murder.....	93
229. Provocation.....	94
230. Manslaughter.....	94
231. Punishment of murder	94
232. Attempts to commit murder.....	94
233. Threats to murder.....	95
234. Conspiracy to murder	95
235. Accessory after the fact to murder.....	95
236. Punishment of manslaughter.....	95
237. Aiding and abetting suicide.....	95
238. Attempt to commit suicide	95
239. Neglecting to obtain assistance in childbirth.....	95
240. Concealing dead body of child.....	96

PART XIX.

BODILY INJURIES, AND ACTS AND OMISSIONS CAUSING DANGER
TO THE PERSON.

241. Wounding with intent.....	96
242. Wounding.....	96
243. Shooting at Her Majesty's vessels—wounding customs or inland revenue officers.....	96
244. Disabling or administering drugs with intent to commit an indict- able offence.....	96
245. Administering poison so as to endanger life.....	97
246. Administering poison with intent to injure	97
247. Causing bodily injuries by explosives.....	97
248. Attempting to cause bodily injuries by explosives.....	97
249. Setting spring-guns and man-traps.....	97
250. Intentionally endangering the safety of persons on railways.....	98
251. Negligently endangering the safety of persons on railways.....	98
252. Negligently causing bodily injury to any person.....	98
253. Injuring persons by furious driving.....	98
254. Preventing the saving of the life of any person shipwrecked.....	99
255. Leaving holes in the ice and excavations unguarded	99
256. Sending unseaworthy ships to sea.....	99
257. Taking unseaworthy ships to sea.....	100

PART XX.

ASSAULTS.

258. Assault defined.....	100
259. Indecent assaults on females.....	100
260. Indecent assaults on males.....	100
261. Consent of child under fourteen no defence.....	101

SECT.	PAGE.
262. Assaults causing actual bodily harm.....	101
263. Aggravated assault.....	101
264. Kidnapping.....	101
265. Common assaults	101

PART XXI.

RAPE AND PROCURING ABORTION.

266. Rape defined.....	102
267. Punishment for rape.....	102
268. Attempt to commit rape.....	102
269. Defiling children under fourteen.....	102
270. Attempt to commit such offence.....	102
271. Killing unborn child.....	102
272. Procuring abortion.....	102
273. Woman procuring her own miscarriage.....	103
274. Supplying means of procuring abortion.....	103

PART XXII.

OFFENCES AGAINST CONJUGAL AND PARENTAL RIGHTS—BIGAMY—
ABDUCTION.

275. Bigamy defined.....	103
276. Punishment of bigamy.....	104
277. Feigned marriages.....	104
278. Punishment of polygamy	104
279. Solemnization of marriage without lawful authority.....	105
280. Solemnization of marriage contrary to law.....	105
281. Abduction of a woman.....	105
282. Abduction of an heiress.....	105
283. Abduction of girl under sixteen.....	106
284. Stealing children under fourteen.....	106

PART XXIII.

DEFAMATORY LIBEL.

285. Defamatory libel defined.....	106
286. Publishing defined.....	106
287. Publishing upon invitation.....	106
288. Publishing in courts of justice.....	107
289. Publishing parliamentary papers.....	107
290. Fair reports of proceedings of parliament and courts.....	107
291. Fair report of proceedings of public meetings.....	107
292. Fair discussion.....	107
293. Fair comment.....	107
294. Seeking remedy for grievance.....	108
295. Answer to inquiries.....	108
296. Giving information.....	108
297. Selling periodicals containing defamatory libel.....	108

SECT.	PAGE.
298. Selling books containing defamatory matter.....	109
299. When truth is a defence.....	109
300. Extortion by defamatory libel.....	109
301. Punishment of defamatory libel known to be false.....	109
302. Punishment of defamatory libel.....	109

TITLE VI.

OFFENCES AGAINST RIGHTS OF PROPERTY AND RIGHTS ARISING OUT OF CONTRACTS AND OFFENCES CONNECTED WITH TRADE.

PART XXIV.

THEFT DEFINED.

303. Things capable of being stolen.....	110
304. Animals capable of being stolen.....	110
305. Theft defined.....	111
306. Theft of things under seizure.....	111
307. Theft of animals.....	111
308. Theft by agent.....	111
309. Theft by person holding a power of attorney.....	112
310. Theft by misappropriating proceeds held under direction.....	112
311. Theft by co-owner.....	113
312. Concealing gold or silver with intent to defraud partner in claim	113
313. Husband and wife.....	113

PART XXV.

RECEIVING STOLEN GOODS.

314. Receiving property dishonestly obtained.....	113
315. Receiving stolen post letter or post letter bag.....	113
316. Receiving property obtained by offence punishable on summary conviction.....	114
317. When receiving is complete.....	114
318. Receiving after restoration to owner.....	114

PART XXVI.

PUNISHMENT OF THEFT AND OFFENCES RESEMBLING THEFT COMMITTED BY PARTICULAR PERSONS IN RESPECT OF PARTICULAR THINGS IN PARTICULAR PLACES.

319. Clerks and servants	114
320. Agents and attorneys.....	115
321. Public servants refusing to deliver up chattels, moneys or books, &c., lawfully demanded of them.....	115
322. Tenants and lodgers.....	115
323. Testamentary instruments	115

SECT.	PAGE.
324. Document of title to lands.....	115
325. Judicial or official documents.....	115
326. Stealing post letter bags, &c.....	115
327. Stealing post letters, packets and keys.....	116
328. Stealing mailable matter other than post letters.....	116
329. Election documents.....	116
330. Railway tickets.....	116
331. Cattle.....	116
332. Dogs, birds, beasts and other animals.....	116
333. Pigeons.....	117
334. Oysters.....	117
335. Things fixed to buildings or to land.....	117
336. Trees in pleasure grounds, &c., of five dollars' value—trees elsewhere of twenty-five dollars' value.....	117
337. Trees of the value of twenty-five cents.....	118
338. Timber found adrift.....	118
339. Fences, stiles and gates.....	118
340. Failing to satisfy justice that possession of tree, &c., is lawful..	118
341. Roots, plants, &c., growing in gardens, &c.....	119
342. Roots, plants, &c., growing elsewhere than in gardens, &c.....	119
343. Ores of metals.....	119
344. Stealing from the person.....	119
345. Stealing in dwelling-houses.....	120
346. Stealing by picklocks, &c.....	120
347. Stealing in manufactories, &c.....	120
348. Fraudulently disposing of goods intrusted for manufacture.....	120
349. Stealing from ships, wharfs, &c.....	120
350. Stealing wreck.....	121
351. Stealing on railways.....	121
352. Stealing things deposited in Indian graves.....	121
353. Destroying, &c., documents.....	121
354. Concealing.....	121
355. Bringing stolen property into Canada.....	121
356. Stealing things not otherwise provided for.....	121
357. Additional punishment when value of property exceeds two hundred dollars.....	121

PART XXVII.

OBTAINING PROPERTY BY FALSE PRETENSES AND OTHER CRIMINAL FRAUDS
AND DEALINGS WITH PROPERTY.

358. Definition of false pretense.....	122
359. Punishment of false pretense.....	122
360. Obtaining execution of valuable security by false pretense... ..	122
361. Falsely pretending to enclose money, &c., in a letter.....	122
362. Obtaining passage by false tickets.....	122
363. Criminal breach of trust.....	123

PART XXVIII.

FRAUD.

SECT.	PAGE.
364. False accounting by official.....	123
365. False statement by official.....	123
366. False accounting by clerk.....	123
367. False statement by public officer.....	124
368. Assigning property with intent to defraud creditors.....	124
369. Destroying or falsifying books with intent to defraud creditors...	124
370. Concealing deeds or encumbrances or falsifying pedigrees.....	124
371. Frauds in respect to the registration of titles to land.....	124
372. Fraudulent sales of property.....	125
373. Fraudulent hypothecation of real property.....	125
374. Fraudulent seizures of land.....	125
375. Unlawful dealings with gold and silver.....	125
376. Warehousemen, &c., giving false receipts—knowingly using the same.....	126
377. Owners of merchandise disposing thereof contrary to agreements with consignees who have made advances thereon.....	126
378. Making false statements in receipts for property that can be used under "The Bank Act"—fraudulently dealing with property to which such receipts refer.....	127
379. Innocent partners.....	127
380. Selling vessel or wreck not having title thereto.....	127
381. Other offences respecting wrecks.....	127
382. Offences respecting old marine stores.....	128
383. Definitions.....	128
384. Marks to be used on public stores.....	128
385. Unlawfully applying marks to public stores.....	129
386. Taking marks from public stores.....	129
387. Unlawful possession, sale, &c., of public stores.....	129
388. Not satisfying justices that possession of public stores is lawful..	129
389. Searching for stores near Her Majesty's vessels.....	130
390. Receiving regimental necessaries, &c., from soldiers or deserters.	130
391. Receiving, &c., necessaries from mariners or deserters.....	130
392. Receiving, &c., a seaman's property.....	131
393. Not satisfying justice that possession of seaman's property is lawful.....	131
394. Conspiracy to defraud.....	131
395. Cheating at play.....	132
396. Pretending to practise witchcraft.....	132

PART XXIX.

ROBBERY AND EXTORTION.

397. Robbery defined.....	132
398. Punishment of aggravated robbery.....	132
399. Punishment of robbery.....	132
400. Assault with intent to rob.....	132
401. Stopping the mail.....	132

SECT.	PAGE.
402. Compelling execution of documents by force.....	133
403. Sending letter demanding property with menaces.....	133
404. Demanding with intent to steal.....	133
405. Extortion by certain threats.....	133
406. Extortion by other threats.....	134

PART XXX.

BURGLARY AND HOUSEBREAKING.

407. Definition of dwelling-house, &c.....	134
408. Breaking place of worship and committing offence.....	135
409. Breaking place of worship with intent to commit offence.....	135
410. Burglary defined.....	135
411. Housebreaking and committing an indictable offence.....	135
412. Housebreaking with intent to commit an indictable offence.....	135
413. Breaking shop and committing an indictable offence.....	135
414. Breaking shop with intent to commit an indictable offence.....	135
415. Being found in dwelling-house by night	136
416. Being found armed with intent to break a dwelling-house.....	136
417. Being disguised or in possession of housebreaking instruments...	136
418. Punishment after previous conviction.....	136

PART XXXI.

FORGERY.

419. Document defined.....	136
420. " Bank note," and " exchequer bill " defined.....	136
421. False document defined.....	137
422. Forgery defined.....	137
423. Punishment of forgery.....	138
424. Uttering forged documents.....	141
425. Counterfeiting seals.....	141
426. Counterfeiting seals of courts, registry offices, &c.....	141
427. Unlawfully printing proclamation, &c.....	141
428. Sending telegrams in false name.....	141
429. Sending false telegrams.....	141
430. Possessing forged bank notes.....	142
431. Drawing document without authority.....	142
432. Using probate obtained by forgery or perjury.....	142

PART XXXII.

PREPARATION FOR FORGERY AND OFFENCES RESEMBLING FORGERY.

433. Interpretation of terms.....	142
434. Instruments of forgery.....	142
435. Counterfeiting stamps	143
436. Falsifying registers.....	144
437. Falsifying extracts from registers.....	144
438. Uttering false certificates.....	145

SECT.	PAGE.
439. Forging certificates.....	145
440. Making false entries in books relating to public funds.....	145
441. Clerks issuing false dividend warrants.....	146
442. Printing circulars, &c., in likeness of notes.....	146

PART XXXIII.

FORGERY OF TRADE MARKS—FRAUDULENT MARKING OF MERCHANDISE.

443. Definitions.....	146
444. Words or marks on watch cases.....	148
445. Definition of forgery of a trade mark.....	148
446. Applying trade marks to goods.....	148
447. Forgery of trade marks, &c.	148
448. Selling goods falsely marked—defence.....	149
449. Selling bottles marked with trade mark without consent of owner.	149
450. Punishment of offences defined in this part.....	149
451. Falsely representing that goods are manufactured for Her Majesty, &c.....	150
452. Unlawful importation of goods liable to forfeiture under this part.	150
453. Defence where person charged innocently in the ordinary course of business makes instruments for forging trade marks.....	150
454. Defence where offender is a servant.....	150
455. Exception respecting trade description lawfully applied to goods on 22nd May, 1888, &c.....	151

PART XXXIV.

PERSONATION.

456. Personation.....	151
457. Personation at examinations.....	151
458. Personation of certain persons.....	151
459. Acknowledging instrument in false name.....	152

PART XXXV.

OFFENCES RELATING TO THE COIN.

460. Interpretation of terms.....	152
461. When offence completed.....	153
462. Counterfeiting coins, &c.....	153
463. Dealing in and importing counterfeit coin.....	153
464. Manufacture of copper coin and importation of uncurrent copper coin.....	154
465. Exportation of counterfeit coin.....	154
466. Making instruments for coining.....	154
467. Bringing instruments for coining from mints into Canada.....	155
468. Clipping current gold or silver coin.....	155
469. Defacing current coins.....	155
470. Possessing clippings of current coin.....	155
471. Possessing counterfeit coins.....	155

SECT.	PAGE.
472. Offences respecting copper coin.....	155
473. Offences respecting foreign coins.....	156
474. Uttering counterfeit gold or silver coins.....	156
475. Uttering light coins, medals, counterfeit copper coins, &c.....	156
476. Uttering defaced coin.....	157
477. Uttering uncurrent copper coins.....	157
478. Punishment after previous conviction.....	157

PART XXXVI.

ADVERTISING COUNTERFEIT MONEY.

479. Definition.....	157
480. Advertising counterfeit money, and other offences connected therewith.....	157

PART XXXVII.

MISCHIEF.

481. Preliminary.....	158
482. Arson.....	158
483. Attempt to commit arson.....	159
484. Setting fire to crops.....	159
485. Attempt to set fire to crops.....	159
486. Recklessly setting fire to forest, &c.....	159
487. Threats to burn, &c.....	159
488. Attempt to damage by gunpowder.....	160
489. Mischief on railways.....	160
490. Obstructing railways.....	160
491. Injuries to packages in the custody of railways.....	160
492. Injuries to electric telegraphs, &c.....	161
493. Wrecking.....	161
494. Attempting to wreck.....	161
495. Interfering with marine signals.....	161
496. Preventing the saving of wrecked vessels or wreck.....	161
497. Injuries to rafts of timber and works used for the transmission thereof.....	162
498. Mischief to mines.....	162
499. Mischief.....	162
500. Attempting to injure or poison cattle.....	164
501. Injuries to other animals.....	164
502. Threats to injure cattle.....	164
503. Injuries to poll-books, &c.....	164
504. Injuries to buildings by tenants.....	165
505. Injuries to land marks indicating municipal divisions.....	165
506. Injuries to other land marks.....	165
507. Injuries to fences, &c.....	165
508. Injuries to trees, &c., wheresoever growing.....	166
509. Injuries to vegetable productions growing in gardens, &c.....	166
510. Injuries to cultivated roots and plants growing elsewhere.....	166
511. Injuries not otherwise provided for.....	166

PART XXXVIII.

CRUELTY TO ANIMALS.

SECT.	PAGE.
512. Cruelty to animals.....	167
513. Keeping cock-pit.....	167
514. The conveyance of cattle.....	168
515. Search of premises—penalty for refusing admission to peace officer	168

PART XXXIX.

OFFENCES CONNECTED WITH TRADE AND BREACHES OF CONTRACT.

516. Conspiracies in restraint of trade.....	169
517. What acts done in restraint of trade are not unlawful.....	169
518. Prosecution for conspiracy.....	169
519. Interpretation.....	169
520. Combinations in restraint of trade.....	169
521. Criminal breaches of contract.....	170
522. Posting up copies of provisions respecting criminal breaches of contract—defacing same.....	171
523. Intimidation.....	171
524. Intimidation of any person to prevent him from working at any trade.....	172
525. Intimidation of any person to prevent him dealing in wheat, &c. —unlawfully preventing seamen from working.....	172
526. Intimidation of any person to prevent him bidding for public lands.....	172

PART XL.

ATTEMPTS—CONSPIRACIES—ACCESSORIES.

527. Conspiring to commit an indictable offence.....	173
528. Attempting to commit certain indictable offences.....	173
529. Attempting to commit other indictable offences.....	173
530. Attempting to commit statutory offences.....	173
531. Accessories after the fact to certain indictable offences.....	173
532. Accessories after the fact to other indictable offences ..	173

TITLE VII.

PROCEDURE.

PART XLI.

GENERAL PROVISIONS.

533. Power to make rules.....	174
534. Civil remedy not suspended though act is a criminal offence.....	174
535. Abolition of distinction between felony and misdemeanour.....	174
536. Construction of Acts.....	174
537. Construction of reference to certain Acts.....	175

PART XLII.

JURISDICTION.

SECT.	PAGE.
538. Superior Court.....	175
539. Other courts.....	175
540. Jurisdiction in certain cases.....	175
541. Exercising powers of two justices.....	176

PART XLIII.

PROCEDURE IN PARTICULAR CASES.

542. Offences within the jurisdiction of the Admiralty of England.....	176
543. Disclosing official secrets.....	177
544. Judicial corruption.....	177
545. Making explosive substances.....	177
546. Sending unseaworthy ships to sea.....	177
547. Trustee fraudulently disposing of money.....	177
548. Fraudulent acts of vendor or mortgagor.....	177
549. Uttering defaced coin.....	177
550. Trial of minors.....	177
551. Time within which proceedings shall be commenced in certain cases.....	178
552. Arrest without warrant.....	179

PART XLIV.

COMPELLING APPEARANCE OF ACCUSED BEFORE JUSTICE.

553. Magisterial jurisdiction.....	182
554. When justice may compel appearance.....	183
555. Offences committed in certain parts of Ontario.....	183
556. Offences committed in the district of Gaspé.....	184
557. Offences committed out of jurisdiction.....	184
558. Information.....	185
559. Hearing on information.....	185
560. Warrant in case of offence committed on the seas, &c.....	185
561. Arrest of suspected deserter.....	185
562. Contents of summons — service of summons.....	185
563. Warrant for apprehension in first instance.....	186
564. Execution of warrant.....	186
565. Proceeding when offender is not within the jurisdiction of the justice issuing the warrant.....	187
566. Disposal of person arrested on endorsed warrant.....	187
567. Disposal of person apprehended on warrant.....	187
568. Coroner's inquisition.....	187
569. Search warrant.....	188
570. Search for public stores.....	190
571. Search warrant for gold, silver, &c.....	190
572. Search for timber, &c., unlawfully detained.....	190
573. Search for liquors near Her Majesty's vessels.....	191

SECT.	PAGE.
574. Search for women in house of ill-fame.....	191
575. Search in gaming-house.....	191
576. Search for vagrant... ..	192

PART XLV.

PROCEDURE ON APPEARANCE OF ACCUSED.

577. Inquiry by justice.	193
578. Irregularity in procuring appearance.....	193
579. Adjournment in case of variance.....	193
580. Procuring attendance of witnesses.....	193
581. Service of summons for witnesses	193
582. Warrant for witness after summons.....	193
583. Warrant for witness in first instance.....	194
584. Procuring attendance of witnesses beyond jurisdiction of justice	194
585. Witness refusing to be examined.....	195
586. Discretionary powers of the justice.....	196
587. Bail on remand.	196
588. Hearing may proceed during time of remand.....	196
589. Breach of recognizance on remand.....	197
590. Evidence for the prosecution.....	197
591. Evidence to be read to the accused	197
592. Confession or admission of accused.....	198
593. Evidence for the defence..	198
594. Discharge of the accused.....	198
595. Person preferring charge may have himself bound over to prosecute	198
596. Committal of accused for trial.....	199
597. Copy of depositions.....	199
598. Recognizances to prosecute or give evidence.....	199
599. Witness refusing to be bound over.....	200
600. Transmission of documents.....	200
601. Rule as to bail.	200
602. Bail after committal.....	201
603. Bail by superior court.....	201
604. Application for bail after committal.....	201
605. Warrant of deliverance.	202
606. Warrant for the arrest of a person about to abscond.....	202
607. Delivery of accused to prison.....	203

PART XLVI.

INDICTMENTS.

608. Indictments need not be on parchment.....	203
609. Statement of venue.....	203
610. Heading of indictment.....	203
611. Form and contents of counts.....	203
612. Offences may be charged in the alternative.....	204
613. Certain objections not to vitiate counts.....	204
614. Indictment for high treason or treasonable offence.....	204

SECT.	PAGE.
615. Indictments for libel.....	205
616. Indictments for perjury and certain other offences	205
617. Particulars.....	205
618. Indictment for pretending to send money, &c., in letter.....	206
619. Indictments in certain cases.....	206
620. Property of body corporate.....	206
621. Indictment for stealing ores or minerals	206
622. Indictment for offences in respect to postal cards, &c.....	207
623. Indictments against public servants.....	207
624. Indictment for offences respecting letter bags, &c.....	207
625. Indictment for stealing by tenant or lodger.....	207
626. Joinder of counts and proceedings thereon.....	208
627. Accessories after the fact, and receivers.....	208
628. Indictment charging previous conviction.....	208
629. Objections to an indictment.....	209
630. Time to plead to indictment.....	209
631. Special pleas.....	210
632. Depositions and judge's notes on former trial.....	210
633. Second accusation.....	210
634. Plea of justification in case of libel.....	211

PART XLVII.

CORPORATIONS.

635. Corporations may appear by attorney.....	211
636. <i>Certiorari</i> , &c., not required.....	211
637. Notice to be served on corporation.....	212
638. Proceedings on default.....	212
639. Trial may proceed in absence of defendant.....	212

PART XLVIII.

PREFERRING INDICTMENT.

640. Jurisdiction of courts.....	212
641. Sending bill before grand jury.....	213
642. Coroner's inquisition.....	213
643. Oath in open court not required.....	213
644. Oath may be administered by foreman.....	213
645. Names of witnesses to be endorsed on bill of indictment.....	214
646. Names of witnesses to be submitted to grand jury.....	214
647. Fees for swearing witnesses.....	214
648. Bench warrant and certificate.....	214

PART XLIX.

REMOVAL OF PRISONERS—CHANGE OF VENUE.

649. Removal of prisoners.....	215
650. Indictment after removal.....	216
651. Change of venue.....	216

PART L.

ARRAIGNMENT.

SECT.	PAGE.
652. Bringing prisoner up for arraignment.....	217
653. Right of accused to inspect deposition and hear indictment.....	217
654. Copy of indictment.....	217
655. Copy of deposition.....	217
656. Pleas in abatement abolished.....	218
657. Plea—refusal to plead.....	218
658. Special provisions in the case of treason.....	218

PART LI.

TRIAL.

659. Right to full defence.....	218
660. Presence of the accused at the trial	218
661. Prosecutor's right to sum up.....	219
662. Qualification of juror.....	219
663. Jury <i>de medietate lingue</i> abolished.....	219
664. Mixed juries in the province of Quebec.....	219
665. Mixed juries in Manitoba.....	219
666. Challenging the array.....	220
667. Calling the panel.....	220
668. Challenges and directions to stand by.....	221
669. Right to cause jurors to stand aside in case of libel.....	222
670. Peremptory challenges in case of mixed jury.....	222
671. Accused persons joining and severing in their challenges.....	223
672. Ordering a tales	223
673. Jurors shall not be allowed to separate.....	223
674. Jurors may have fire and refreshments.....	223
675. Saving power of court.....	223
676. Proceedings when previous offence charged.....	224
677. Attendance of witnesses.....	224
678. Compelling attendance of witnesses.....	224
679. Witness in Canada but beyond jurisdiction of court.....	225
680. Procuring attendance of prisoner as witness.....	225
681. Evidence of person dangerously ill may be taken under commission.....	225
682. Presence of prisoner when such evidence is taken.....	226
683. Evidence may be taken out of Canada under commission.....	226
684. When evidence of one witness must be corroborated	227
685. Evidence not under oath of child in certain cases.....	227
686. Deposition of sick witness may be read in evidence.....	227
687. Depositions on preliminary inquiry may be read in evidence.....	228
688. Depositions may be used on trial for other offences.....	228
689. Evidence of statement by accused.....	228
690. Admission may be taken on trial.....	228
691. Certificate of trial at which perjury was committed.....	228
692. Evidence of coin being false or counterfeit.....	228
693. Evidence on proceedings for advertising counterfeit money.....	228

SECT.	PAGE.
694. Proof of previous conviction.....	229
695. Proof of previous conviction of witness.....	229
696. Proof of attested instrument	229
697. Evidence at trial for child murder.	229
698. Comparison of disputed writing with genuine.....	230
699. Party discrediting his own witness.....	230
700. Evidence of former written statements by witness.....	230
701. Proof of contradictory statements by witness.....	230
702. Evidence of place being a common gaming-house	230
703. Other evidence that place is a common gaming-house	231
704. Evidence in case of gaming in stocks, &c.....	231
705. Evidence in certain cases of libel	231
706. Evidence in case of polygamy, &c.....	231
707. Evidence of stealing ores or minerals.....	232
708. Evidence of stealing timber.....	232
709. Evidence in cases relating to public stores.....	232
710. Evidence in case of fraudulent marks on merchandise.....	232
711. Full offence charged—attempt proved	233
712. Attempt charged—full offence proved.....	233
713. Offence charged—part only proved	233
714. On indictment for murder conviction may be of concealment of birth.....	233
715. Trial of joint receivers.....	233
716. Proceedings against receivers.....	234
717. The same after previous conviction.....	234
718. Trial for coinage offences	234
719. Verdict in case of libel.....	235
720. Impounding documents	235
721. Destroying counterfeit coin.....	235
722. View	235
723. Variance and amendment.....	236
724. Amendment to be endorsed on the record.....	236
725. Form of formal record in such case.....	236
726. Form of record of conviction or acquittal.....	237
727. Jury retiring to consider verdict.....	237
728. Jury unable to agree.....	237
729. Proceedings on Sunday.....	237
730. Woman sentenced to death while pregnant	237
731. Jury <i>de ventre inspiciendo</i> abolished.....	238
732. Stay of proceedings	238
733. Motion in arrest of judgment on verdict of guilty.....	238
734. Judgment not to be arrested for formal defects	238
735. Verdict not to be impeached for certain omissions as to jurors.....	239
736. Insanity of accused at time of offence.....	239
737. Insanity of accused on arraignment or trial.....	239
738. Custody of persons formerly acquitted for insanity.....	240
739. Insanity of person to be discharged for want of prosecution ..	240
740. Custody of insane person	240
741. Insanity of person imprisoned.....	240

PART LII.

APPEAL.

SECT.	PAGE.
742. Appeal in criminal cases.....	241
743. Reserving questions of law	241
744. Appeal when no question is reserved	241
745. Evidence for court of appeal	242
746. Powers of court of appeal.....	242
747. Application for a new trial.....	243
748. New trial by order of Minister of Justice.....	243
749. Intermediate effects of appeal.....	243
750. Appeal to Supreme Court of Canada.....	244
751. Appeals to Privy Council abolished.....	244

PART LIII.

SPECIAL PROVISIONS.

752. Further detention of person accused.....	244
753. Question raised at trial may be reserved for decision.....	244
754. Practice in high court of justice for Ontario.....	245
755. Commission of court of assize, &c.....	245
756. Court of general sessions	245
757. Time for pleading to indictment in Ontario	245
758. Rule to plead.....	246
759. Delay in prosecution.....	246
760. Calendar of criminal cases in Nova Scotia	246
761. Criminal sentence in Nova Scotia.....	246

PART LIV.

SPEEDY TRIALS OF INDICTABLE OFFENCES.

762. Application	246
763. Definitions	246
764. Judge to be a court of record.....	247
765. Offences triable under this part.....	247
766. Duty of sheriff after committal of accused.....	248
767. Arraignment of accused before judge.....	248
768. Persons jointly accused.....	248
769. Election after refusal to be tried by judge.....	248
770. Continuance of proceedings before another judge.....	249
771. Election after committal under parts lv. or lvi.....	249
772. Trial of accused.....	249
773. Trial of offences other than those for which accused is committed	249
774. Powers of judge.....	249
775. Admission to bail.....	249
776. Bail in case of election of trial by jury.....	250
777. Adjournment.....	250
778. Powers of amendment.....	250
779. Recognizances to prosecute or give evidence to apply to proceed- ings under this part.....	250

SECT.	PAGE.
780. Witnesses to attend throughout trial.....	250
781. Compelling attendance of witness.....	250

PART LV.

SUMMARY TRIAL OF INDICTABLE OFFENCES.

782. Definitions	251
783. Offences to be dealt with under this part.....	252
784. When magistrate shall have absolute jurisdiction.....	253
785. Summary trial in certain other cases.....	253
786. Proceedings on arraignment of accused	254
787. Punishment for certain offences under this part.....	254
788. Punishment for certain other offences	254
789. Proceedings for offences in respect to property worth over ten dollars	255
790. Punishment on plea of guilty in such case.....	255
791. Magistrate may decide not to proceed summarily.....	255
792. Election of trial by jury to be stated on warrant of committal...	255
793. Full defence allowed.....	256
794. Proceedings to be in open court.....	256
795. Procuring attendance of witnesses.....	256
796. Service of summons.....	256
797. Dismissal of charge.....	256
798. Effect of conviction.....	256
799. Certificate of dismissal a bar to further proceedings.....	256
800. Proceedings not to be void for defect in form.....	256
801. Result of hearing to be filed in court of sessions.....	257
802. Evidence of conviction or dismissal.....	257
803. Restitution of property.....	257
804. Remand for further investigation.....	257
805. Non-appearance of accused under recognizance.....	257
806. Application of fines.....	258
807. Forms to be used.....	258
808. Certain provisions not applicable to this part.....	258

PART LVI.

TRIAL OF JUVENILE OFFENDERS FOR INDICTABLE OFFENCES.

809. Definitions	259
810. Punishment for stealing.....	259
811. Procuring appearance of accused.....	260
812. Remand of accused.....	260
813. Accused to elect how he shall be tried.....	260
814. When accused shall not be tried summarily.....	260
815. Summons to witness	261
816. Binding over witnesses.....	261
817. Warrant against witness.....	261
818. Service of summons.....	261
819. Discharge of accused.....	261
820. Form of conviction.....	261

SECT.	PAGE.
821. Further proceedings barred.....	262
822. Conviction and recognizance to be filed.....	262
823. Quarterly returns.....	262
824. Restitution of property.....	262
825. Proceedings when penalty imposed on accused is not paid.....	262
826. Costs.....	263
827. Application of fines.....	263
828. Costs to be certified by justices.....	263
829. Application of this part.....	264
830. No imprisonment in reformatory under this part.....	264
831. Other proceedings against juvenile offenders not affected.....	264

PART LVII.

COSTS AND PECUNIARY COMPENSATION—RESTITUTION OF PROPERTY.

832. Costs.....	264
833. Costs in case of libel.....	265
834. Costs on conviction for assault.....	265
835. Taxation of costs.....	265
836. Compensation for loss of property.....	266
837. Compensation to <i>bonâ fide</i> purchaser of stolen property.....	266
838. Restitution of stolen property.....	266

PART LVIII.

SUMMARY CONVICTIONS.

839. Interpretation.....	267
840. Application.....	267
841. Time within which proceedings shall be commenced.....	268
842. Jurisdiction.....	268
843. Hearing before justices.....	269
844. Backing warrants.....	269
845. Informations and complaints.....	269
846. Certain objections not to vitiate proceedings.....	270
847. Variance.....	270
848. Execution of warrant.....	270
849. Hearing to be in open court.....	271
850. Counsel for parties.....	271
851. Witnesses to be on oath.....	271
852. Evidence.....	271
853. Non-appearance of accused.....	271
854. Non-appearance of prosecutor.....	272
855. Proceedings when both parties appear.....	272
856. Arraignment of accused.....	272
857. Adjournment.....	272
858. Adjudication by justice.....	273
859. Form of conviction.....	273
860. Disposal of penalties on conviction of joint offenders.....	273
861. First conviction in certain cases.....	273
862. Certificate of dismissal.....	274

SECT.	PAGE.
863. Disobedience to order of justice.. .. .	274
864. Assaults.....	274
865. Dismissal of complaint for assault.....	274
866. Release from further proceedings	274
867. Costs on conviction or order.....	274
868. Costs on dismissal.....	275
869. Recovery of costs when penalty is adjudged.....	275
870. Recovery of costs in other cases.....	275
871. Fees.....	275
872. Provisions respecting convictions.....	276
873. Order as to collection of costs.....	278
874. Endorsement of warrant of distress.....	278
875. Distress not to issue in certain cases.....	278
876. Remand of defendant when distress is ordered.....	278
877. Cumulative punishments.....	279
878. Recognizances.....	279
879. Appeal.....	279
880. Conditions of appeal.....	280
881. Proceedings on appeal.....	281
882. Appeal on matters of form.....	282
883. Judgment to be upon the merits.....	282
884. Costs when appeal not prosecuted.....	282
885. Proceedings when appeal fails.....	283
886. Conviction not to be quashed for defects of form.....	283
887. <i>Certiorari</i> not to lie when appeal is taken.....	283
888. Conviction to be transmitted to appeal court.....	283
889. Conviction not to be held invalid for irregularity.....	283
890. Irregularities within the preceding section.....	284
891. Protection of justice whose conviction is quashed.....	284
892. Condition of hearing motion to quash.....	284
893. Imperial Act superseded.....	285
894. Judicial notice of proclamation.....	285
895. Refusal to quash.....	285
896. Conviction not to be set aside in certain cases.....	285
897. Order as to costs.....	286
898. Recovery of costs.....	286
899. Abandonment of appeal.....	286
900. Statement of case by justices for review.....	286
901. Tender and payment.....	288
902. Returns respecting convictions and moneys received.....	289
903. Publication, &c., of returns.....	290
904. Prosecutions for penalties under the preceding section.....	290
905. Remedies saved.....	290
906. Defective returns.....	290
907. Certain defects not to vitiate proceedings.	291
908. Preserving order in court.....	291
909. Resistance to execution of process.....	291

PART LIX.

RECOGNIZANCES.

SECT.	PAGE.
910. Render of accused by surety.....	291
911. Bail after render.....	292
912. Discharge of recognizance	292
913. Render in court.....	292
914. Sureties not discharged by arraignment or conviction.....	292
915. Right of surety to render not affected.....	292
916. Entry of fines, &c., on record and recovery thereof.....	292
917. Officer to prepare lists of persons under recognizance making default.....	294
918. Proceeding on forfeited recognizance not to be taken except on order of judge, &c.....	294
919. Recognizance need not be estreated in certain cases.....	294
920. Sale of lands by sheriff under estreated recognizance.....	295
921. Discharge from custody on giving security.....	295
922. Discharge of forfeited recognizance.....	295
923. Return of writ by sheriff.....	295
924. Roll and return to be transmitted to Minister of Finance.....	296
925. Appropriation of moneys collected by sheriff.....	296
926. Quebec.....	296

PART LX.

FINES AND FORFEITURES.

927. Appropriation of fines, &c.....	297
928. Application of fines, &c., by Order in Council.....	298
929. Recovery of penalty or forfeiture.....	298
930. Limitation of action.....	298

TITLE VIII.

PROCEEDINGS AFTER CONVICTION.

PART LXI.

PUNISHMENTS GENERALLY.

931. Punishment after conviction only.....	299
932. Degrees in punishment	299
933. Liability under different provisions.....	299
934. Fine imposed shall be in discretion of court.....	299

PART LXII.

CAPITAL PUNISHMENT.

935. Punishment to be the same on conviction by verdict or by confession.....	299
936. Form of sentence of death.....	299

SECT.	PAGE.
937. Sentence of death to be reported to Secretary of State.....	300
938. Prisoner under sentence of death to be confined apart.....	300
939. Place of execution.....	300
940. Persons who shall be present at execution.....	300
941. Persons who may be present at execution.....	300
942. Certificate of death.....	300
943. When deputies may act.....	301
944. Inquest to be held.....	301
945. Place of burial.....	301
946. Certificate to be sent to Secretary of State and exhibited at prison	301
947. Omissions not to invalidate execution.....	301
948. Other proceedings in executions not affected.....	301
949. Rules and regulations as to execution.....	302

PART LXIII.

IMPRISONMENT.

950. Offences not capital how punished.....	302
951. Imprisonment in cases not specially provided for.....	302
952. Punishment for offence committed after previous conviction.....	302
953. Imprisonment may be for shorter term than that prescribed.....	302
954. Cumulative punishments.....	302
955. Imprisonment in penitentiary, &c.....	303
956. Imprisonment in reformatories.....	304

PART LXIV.

WHIPPING.

957. Sentence of punishment by whipping.....	304
--	-----

PART LXV.

SURETIES FOR KEEPING THE PEACE, AND FINES.

958. Persons convicted may be fined and bound over to keep the peace.	305
959. Recognizance to keep the peace.....	305
960. Proceedings for not finding sureties to keep the peace.....	306

PART LXVI.

DISABILITIES

961. Consequences of conviction of public official.....	306
---	-----

PART LXVII.

PUNISHMENTS ABOLISHED.

962. Outlawry.....	307
963. Solitary confinement—pillory.....	307
964. Deodand.....	307
965. Attainder.....	307

PART LXVIII.

PARDONS.

SECT.	PAGE.
966. Pardon by the Crown.....	307
967. Commutation of sentence.....	308
968. Undergoing sentence equivalent to a pardon.....	308
969. Satisfying judgment.....	308
970. Royal prerogative.....	308
971. Conditional release of first offenders in certain cases.....	308
972. Conditions of release.....	309
973. Proceeding on default of recognizance.....	309
974. Interpretation.....	309

TITLE IX.

ACTIONS AGAINST PERSONS ADMINISTERING THE CRIMINAL
LAW.

975. Time and place of action.....	310
976. Notice of action.....	310
977. Defence.....	310
978. Tender or payment into court.....	310
979. Costs.....	310
980. Other remedies saved.....	310

TITLE X.

REPEAL, &c.

981. Statutes repealed.....	311
982. Forms in Schedule one, to be valid.....	311
983. Application of Act to N. W. T. and Keewatin.....	311

SCHEDULE 1.—Forms	313
SCHEDULE 2.—Statutes repealed.....	365
APPENDIX.—Acts and parts of Acts which are not affected by this Act.....	367

55-56 VICTORIA.

CHAP. 26.—An Act to amend “The Canada Temperance Act, 1888.”	391
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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.)

(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

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.)

(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 " *fidéicommissaire* " ; and the expres-

sion "trust" includes whatever is by that law an "*administration*" or "*fidéicommission*"; R.S.C., c. 164, s. 2 (c).

(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.

6. Every one who commits an offence against this Act is liable as herein provided to one or more of the following punishments:—

- (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.

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.

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.

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.

11. No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under

natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such 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.

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

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

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.)

(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.)

(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—

4.

(i.)

(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 intrusted 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 intrusted 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

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., l. 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.

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 trained

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 de-
tainer.

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

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 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 any-
thing, or pos-
sessing explo-
sive sub-
stances, with
intent to cause
dangerous ex-
plosions.

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 ex-
plosive sub-
stances.

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 pos-
session 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 dan-
gerous wea-
pons 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 wea-
pons.

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 soldier, 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. 11:11

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, barter 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 Preservation 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, receives 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 Preservation of Peace in the vicinity of Public Works*, 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 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 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, 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.

SEDITIONOUS OFFENCES.

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

Oaths to com-
mit 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 unlaw-
ful 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 acts.

(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 cor-
ruption.

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

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—

Frauds upon the Government.

(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

other

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.)

(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

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,

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 in-
trusted 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 intrusted 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—

(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

False statement, wilful omission in affidavit, &c.

(b.)

(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 and 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

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, Compounding penal actions. 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.

156. Every one is guilty of an indictable offence and liable to seven years' imprisonment who corruptly takes any Corruptly taking a reward for helping to recover stolen property without using diligence to bring offender to trial. 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.

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 reward for return of stolen property.

(a.)

(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—

(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.

Escape from custody after conviction or from prison.

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—

(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.

Assisting escape in certain cases.

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

(a.) rescues any person, or assists any person in escaping, or attempting to escape, from lawful custody, whether in prison or not, under 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.

Assisting escape in other cases.

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.)

(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 indecency.

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 indecency with another male person. 53 V., c. 37, s. 5.

Publishing obscene matter.

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 immoral 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.)

(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 stupefy 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. 3.

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.)

(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

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 depositary 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 depositary 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.)

(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

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 pro-
vide the neces-
saries 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 neces-
saries.

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 mas-
ters 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