

CONTENTS.

PART	PAGE
I. PRELIMINARY	1
II. OFFENCES AGAINST PUBLIC ORDER—INTERNAL AND EXTERNAL	54
III. ABUSES AND OBSTRUCTIONS OF PUBLIC AUTHORITY	109
IV. ACTS INJURIOUS TO THE PUBLIC IN GENERAL	152
V. OFFENCES AGAINST THE PERSON, THE CONJUGAL AND PARENTAL RIGHTS, AND THE REPUTATION OF INDIVIDUALS	190
VI. OFFENCES AGAINST RIGHTS OF PROPERTY AND RIGHTS ARISING OUT OF CONTRACTS	276

PART I

PRELIMINARY.

EXPLANATION OF TERMS	1
--------------------------------	---

CHAPTER I.

OF THE APPLICATION OF THE CRIMINAL LAW.

ART.	PAGE
1. Application of the Criminal Law	9
2. Application of the Law of England	9

CHAPTER II.

OF PUNISHMENTS.

3. Punishment after Conviction only	14
4. Discretion of the Court	14
5. Offender punishable under two or more Provisions	14
6. Enumeration of Punishments	15
7. Punishment of Death	15
8. Punishment of Imprisonment	15
9. Hard Labor	16
10. Reformatories	17
11. Whipping	18

CONTENTS.

xli

ART.	PAGE
12. Fine	19
13. Putting under Recognizances	19

CHAPTER III.

CLASSIFICATION OF CRIMES AND GENERAL PROVISIONS AS TO THEIR PUNISHMENT—PARDONS &c.

14. Treason, Felony and Misdemeanor	21
15. Consequences of a Conviction of Treason or Felony in certain Provinces	21
16. Consequences of a Conviction of Treason or Felony in Manitoba and the North-West Territories	24
17. Imprisonment where there is no Express Provision	26
18. Previous Convictions	26
19. Cumulative Punishments	27
20. Conditional Release of first Offenders	27
21. Pardons	29
22. Commutation of Sentence	30
23. Undergoing Sentence equivalent to a Pardon	30

CHAPTER IV.

GENERAL EXCEPTIONS.

24. Definition subject to exceptions	32
25. Children under Seven	32
26. Children between Seven and Fourteen	32
27. Insanity	32
28. Presumption of Sanity	34
29. Drunkenness	34
30. Married Women	35
31. Compulsion	36
32. Necessity	36
33. Ignorance of Law	38
34. Ignorance of Fact	39

CHAPTER V.

PARTIES TO THE COMMISSION OF CRIME—PRINCIPAL AND ACCESSORY.

35. Principals in First Degree	42
36. Innocent Agent	42
37. Principals in the Second Degree	43
38. Common Purpose	44
39. Accessories before the Fact	45
40. Where Crime suggested is committed in a different Way	46

ART.	PAGE
41. Where Crime committed is probable Consequence of Crime suggested	46
42. Where Instigation is countermanded	47
43. Instigation to commit a Crime different from the one committed.	47
44. Accessories and Principals in Second Degree treated as Principals in First Degree	48
45. Accessories after the Fact	48
46. Punishment of Accessories after the Fact	49
47. Where Principal Felon has been Convicted but not Attainted	49
48. Misdemeanors	50
49. Offences punishable on Summary Conviction	50

CHAPTER VI.

*DEGREES IN THE COMMISSION OF CRIME--INCITEMENT
--CONSPIRACY--ATTEMPTS.*

50. Incitement to commit a Crime	51
51. Conspiracy to commit a Crime	51
52. Definition of Attempts	51
53. Attempt--Misdemeanor	53

PART II.

OFFENCES AGAINST PUBLIC ORDER--INTERNAL AND
EXTERNAL.

CHAPTER VII.

*HIGH TREASON, TREASONABLE FELONIES, ASSAULTS ON THE
QUEEN, AND OTHER OFFENCES AGAINST THE QUEEN'S
AUTHORITY.*

54. High Treason by imagining the Queen's Death	54
55. What amounts to imagining the Queen's Death	55
56. High Treason by levying War	55
57. Levying War by Subjects of a State at Peace with Her Majesty --Subjects assisting	56
58. High Treason by adhering to the Queen's Enemies	57
59. Adherence to a de facto King not Treason	58
60. Killing a King's Wife or Son	58
61. When Words are Treason	58
62. Violating the King's Wife, &c.	59

ART.	PAGE
63. Punishment for Treason	59
64. All Principals in Treason	60
65. Treasonable Felonies	60
66. Conspiracy to Intimidate a Provincial Legislature	61
67. Assaults on the Queen	61
68. Contempts against the Queen.	62
69. Solemnising or Assisting at Marriage of a Member of the Royal Family	63
70. Inciting to Mutiny	63
71. Enticing Soldiers or Sailors to Desert	64
72. Resisting Execution of Warrant for Arrest of Deserters	64
73. Enticing Militiamen or Members of the North-West Mounted Police Force to desert	65

CHAPTER VIII.

CHALLENGES, PRIZE FIGHTING, AFFRAYS, UNLAWFUL ASSEMBLIES, ROUTS, RIOTS, UNLAWFUL DRILLING, FORCIBLE ENTRY AND DETAINER, UNLAWFUL POSSESSION AND USE OF EXPLOSIVE SUBSTANCES AND OFFENSIVE WEAPONS, PRESERVATION OF THE PEACE AT PUBLIC MEETINGS AND ELECTIONS AND NEAR PUBLIC WORKS, UNLAWFUL SALE OF SPIRITUOUS LIQUORS.

74. Sending Challenges and Provoking to Fight	66
75. Definition	66
76. Challenging to Fight a Prize Fight—Accepting—Training Therefor	66
77. Engaging as Principal in a Prize Fight	67
78. Attending or Promoting a Prize Fight	67
79. Leaving Canada to Engage in a Prize Fight.	67
80. Where the Fight is Not a Prize Fight—Discharge or Fine	68
81. Affray	68
82. Unlawful Assembly	69
83. Routs	70
84. Riots.	70
85. Preventing Reading Proclamation and Continuing to Riot After Proclamation	71
86. Riotous Demolition of Houses, &c.	72
87. Riotous Damage of Houses, &c.	72
88. Inciting Indians to Riotous Acts	73
89. Forcible entry and Detainer	73
90. Unlawful Drilling	74
91. Definitions	75
92. Causing Dangerous Explosions	75

ART.	PAGE
93. Doing Anything, or Possessing Explosive Substances, with Intent to cause Dangerous Explosions	76
94. Unlawfully Making or Possessing Explosive Substances	76
95. Carrying Pistol without Reasonable Cause	77
96. Having a Pistol on Person when Arrested	77
97. Having a Pistol on the Person with Intent to Injure any Person	78
98. Pointing any Firearm at any Person	78
99. Carrying Offensive Weapons about the Person	78
100. Carrying Sheath-knives in Seaports	79
101. Going Armed so as to Cause Fear	79
102. Two or more Persons openly carrying Dangerous Weapons so as to Cause Alarm	79
103. Exception as to Soldiers, &c.	80
104. Having Possession of Arms for Purposes Dangerous to the Public Peace	80
105. Refusing to deliver Offensive Weapon to a Justice	80
106. Coming Armed Within Two Miles of Public Meeting	81
107. Lying In Wait for Persons Returning from Public Meeting	81
108. Refusing to Deliver Offensive Weapons to Returning Officer	82
109. Coming Armed Into Polling District, or Within One Mile of Polling Place	82
110. Smugglers Carrying Offensive Weapons	83
111. Sale of Arms in the North-West Territories	83
112. Possessing Weapons near Public Works	84
113. Sale, &c., of Liquors near Public Works	85
114. Intoxicating Liquors on board Her Majesty's Ships	86

CHAPTER IX.

*OFFENCES AGAINST INTERNAL TRANQUILLITY BY
UNLAWFUL ENGAGEMENTS AND COMBINATIONS
AND CONFEDERACIES.*

115. Unlawful Oaths	87
116. Compulsion, How Far a Defence	88
117. Unlawful Societies	88
118. Freemason's Exempted	90
119. Punishment of Members	90
120. Permitting Meetings of Unlawful Societies	90
121. Seditious Words and Libels	91
122. Seditious Conspiracy	91
123. Seditious Intention Defined	92
124. Presumption as to Intention	93
125. Spreading False News	93

CONTENTS.

xlv

CHAPTER X.

OFFENCES AGAINST EXTERNAL PUBLIC TRANQUILLITY,
OFFENCES AGAINST FOREIGN NATIONS.

ART.	PAGE
126. Violation of Ambassador's Privileges	94
127. Arrest of Ambassador	94
128. Libels on Foreign Powers	95
129. Interference in Foreign Hostilities	95
130. Ships, &c., Referred to in Article 129 to be Forfeited— Definitions	97
131. Increasing Force of Ships for Foreign Belligerents, and Pro- curing Enlistment by Misrepresentation	99
132. Presumption of Knowledge of Purpose for which Ship is Built	99

CHAPTER XI.

OFFENCES AGAINST PERSONS ON THE HIGH SEAS—PIRACY
—SLAVE-TRADING.

133. Piracy	101
134. Piracy with Violence	102
135. Committing Acts of Hostility under Foreign Commission	102
136. Adhering on the Sea to the Queen's Enemies	102
137. Boarding Ships and Throwing Cargo Overboard	103
138. Masters and Seamen Favoring Pirates	103
139. Trading with Pirates and Conspiring with Them	104
140. Punishment for Statutory Piracies	104
141. Not Fighting Pirates	105
142. Slave-trading Defined	105
143. Piratical Slave-trading	106
144. Punishment of Slave-trading	107
145. Serving on a Slave Ship, Felony	108
146. Serving on a Slave Ship, Misdemeanor	108

PART III.

ABUSES AND OBSTRUCTIONS OF PUBLIC AUTHORITY.

CHAPTER XII.

ABUSES OF AUTHORITY, OPPRESSION, EXTORTION, FRAUD,
NEGLECT OF DUTY—REFUSAL TO ACT.

147. "Public Officer" defined	109
148. Extortion and Oppression by Public Officers	110
149. Frauds and Breaches of Trust by Officers	111
150. Neglect of Official Duty	112

ART.	PAGE
151. Misconduct of Officers Intrusted with Execution of Writs	113
152. Refusal to Serve an Office	114

CHAPTER XIII.

DISOBEDIENCE TO LAWFUL ORDERS.

153. Disobedience to a Statute	115
154. Disobedience to Lawful Orders of Court, &c.	116

CHAPTER XIV.

BRIBERY AND CORRUPTION—SALE OF OFFICES.

155. Judicial Corruption	117
156. Corruption of Public Officers	117
157. Corruption in respect to Contracts with the Government	118
158. Corruption in respect to Business with the Government	119
159. Other Consequences of Conviction for any such Offence	119
160. Revenue Officers committing Corrupt Acts	120
161. Corruption of Revenue Officers	121
162. Customs Officers committing Corrupt Acts	122
163. Corruption of Customs Officers	122
164. Corrupt Practices in Municipal Affairs	123
165. Embracery	124
166. Definition of Bribery of Voters	125
167. Definition of Undue Influence	126
168. Definition of Treating	127
169. Punishment of Bribery, Undue Influence and Treating	127
170. Personation at Elections	129
171. Forgery of Ballot Papers, and other Offences respecting the same	130
172. Definition of Office	131
173. Selling Offices	131
174. Making Interest for Offices for Reward	132

CHAPTER XV.

*MISLEADING JUSTICE—PERJURY—FALSE SWEARING—SUB-
ORNATION—ADMINISTERING EXTRA JUDICIAL OATHS
—FALSE CERTIFICATE AS TO EXECUTION.*

175. Perjury Defined	133
176. Subornation of Perjury	135
177. Punishment of Perjury and Subornation	136
178. False Swearing	136
179. False Statements—Wilful Omissions in Affidavits, &c.	136
180. Making False Affidavit out of Province in which it is used	137
181. Administering Oaths without Authority	138
182. Maintenance	138

CONTENTS.

xlvii

ART.	PAGE
183. Conspiracy to Defeat Justice—Dissuading Witnesses from Testifying	139
184. Signing False Declaration respecting Execution of Judgment of Death	139

CHAPTER XVI.

ESCAPE—RESCUE—PRISON BREACH—MISPRISIONS—COMPOUNDING OFFENCES—TAKING OR ADVERTISING REWARDS FOR RECOVERY OF STOLEN PROPERTY.

185. Voluntary Permission by Officers of Escapes by Prisoners	141
186. Negligent Permission by Officers of Escapes by Prisoners	141
187. Rescue Defined	142
188. Quality of Offence of Rescue	142
189. Felonious Rescues—Punishment	142
190. Rescuing Murderers	143
191. Breaking Prison	143
192. Punishment of Certain Escapes, Rescues, &c.	144
193. Assisting Escape of Prisoners of War	144
194. Unlawfully Directing or Procuring Discharge of Prisoner	145
195. Escaping, &c., from a Penitentiary	145
196. Keepers, &c., Carelessly Allowing Prisoners to Escape from a Penitentiary	146
197. Escaping, &c., from a Reformatory	146
198. Punishment of Prisoners who Escape	147
199. Transports or Persons Sentenced to Penal Servitude being at large	147
200. Misprision of Treason	148
201. Misprision of Felony	148
202. Agreement not to Prosecute	149
203. Compounding Penal Actions	150
204. Corruptly Taking a Reward for Helping to Recover Stolen Property without Using Diligence to bring Offender to Trial	150
205. Unlawfully Advertising a Reward for Return of Stolen Property	151

PART IV.

ACTS INJURIOUS TO THE PUBLIC IN GENERAL.

CHAPTER XVII.

UNDEFINED MISDEMEANORS.

206. Acts Involving Public Mischief	152
---	-----

CHAPTER XVIII.

OFFENCES AGAINST RELIGION.

ART.	PAGE
207. Blasphemy Defined—Alternate Definitions	154.
208. Denying Truth of Christianity, &c.	155.
209. Depraving the Lord's Supper	156.
210. Depraving the Book of Common Prayer	157.
211. Clergymen Refusing to Use the Book of Common Prayer	158.
212. Disturbing Public Worship	159.

CHAPTER XIX.

OFFENCES AGAINST MORALITY.

213. Sodomy	161.
214. Attempt to Commit Sodomy	161.
215. Incest	161.
216. Adultery	162.
217. Public Indecencies	162.
218. Obscene Publications	163.
219. Posting Immoral Books, &c.	165.
220. Seduction of Girls under Sixteen—Carnally knowing Idiots	165.
221. Seduction under Promise of Marriage	166.
222. Householders Permitting Defilement of Girls on their Premises	166.
223. Unlawfully Defiling Women	167.
224. Conspiracy to Defile	167.
225. Seduction of Females who are Passengers on Vessels	168.
226. Prevention of Immoral Intercourse with Female Immigrants	168.
227. Prostitution of Indian Women	169.
228. Preventing the Burial of Dead Bodies and Disinterring them	170.

CHAPTER XX.

COMMON NUISANCES—DISORDERLY HOUSES—GAMING
—LOTTERIES.

229. Common Nuisance	172.
230. Common Nuisance a Misdemeanor	173.
231. Keeping Disorderly Houses	173.
232. Disorderly Houses	174.
233. Common Bawdy Houses	174.
234. Common Gaming Houses	174.
235. Evidence that a House is a Common Gaming House	175.
236. Gaming in Stocks and Merchandise	176.
237. Habitually Frequenting places where Gaming in Stocks is carried on	177.
238. Playing or Looking on in Gaming House	177.
239. Obstructing Peace Officers entering a Gaming House	178.

CONTENTS.

xlix

ART.	PAGE
240. Gambling in Public Conveyances	178
241. Betting and Pool Selling	179
242. Disorderly Places of Entertainment	180
243. Disorderly Inns	181
244. Lotteries	181
245. Nuisances to Health, Life, and Property	183
246. Nuisances by Offensive Trades	185
247. Nuisances to Highways	185
248. Nuisances to Bridges	186
249. Nuisances to Navigable Rivers	186

CHAPTER XXI.

VAGRANCY—LOITERING NEAR SHIPS.

250. Idle and Disorderly Persons	187
251. Loitering near Ships	189

PART V.

OFFENCES AGAINST THE PERSON, THE CONJUGAL
AND PARENTAL RIGHTS, AND THE REPUTATION
OF INDIVIDUALS.

CHAPTER XXII.

*CASES IN WHICH INFLECTION OF BODILY INJURY IS
NOT CRIMINAL.*

252. Exceptions to Rest of Part V	190
253. Execution of Lawful Sentences	191
254. Suppression of Riots	192
255. Prevention of the Commission of Crimes and Arrest of Criminals	192
256. Private Defence	193
257. Lawful Force	196
258. Superior Orders to employ Force	196
259. Consent to Bodily Injury	198
260. Right to consent to Bodily Injury for Surgical Purposes	198
261. Surgical Operation on Person incapable of Assent	199
262. Right to consent to Bodily Injury short of Maim	199
263. No Right to consent to Infliction of Death	200
264. No Right to consent to Injury constituting a Breach of the Peace.	200
265. Consent to be put in Danger	201

ART.	PAGE
266. Accidental Infliction of Bodily Injury by Lawful Act—What Acts are lawful	201
CHAPTER XXIII.	
<i>OF CULPABLE NEGLIGENCE AND OF DUTIES TENDING TO THE PRESERVATION OF LIFE.</i>	
267. Death or Bodily Injury caused by Omission to discharge a Legal Duty	203
268. Causing Death by Omissions other than those mentioned in Article 267	205
269. Duty to provide Necessaries of Life	205
270. Delegation of Duty defined in Article 269	206
271. When direct Performance of Duty impossible	207
272. Duty of Care in doing Dangerous Acts	207
273. Duty of Persons doing Acts requiring Special Skill or Knowledge	208
CHAPTER XXIV.	
<i>HOMICIDE.</i>	
274. Homicide defined—When a Child becomes a Human Being	209
275. Killing defined	209
276. When an Act is the remote Cause of Death or one of several Causes	211
277. When causing Death does not amount to Homicide	213
278. When Homicide is unlawful	215
CHAPTER XXV.	
<i>MURDER—MANSLAUGHTER—ATTEMPTS TO COMMIT MURDER—CONCEALMENT OF BIRTH.</i>	
279. Manslaughter and Murder defined	216
280. Effect and Definition of Provocation	219
281. When Provocation does not extenuate Homicide	222
282. Provocation to Third Person	223
283. Suicide—Abetting Suicide	224
284. Manslaughter on Oneself	224
285. Accessories before the fact in Manslaughter	224
286. Presumption that Killing is Murder	225
287. Punishment of Murder	225
288. Punishment of Manslaughter	225
289. Attempts to commit Murder	226
290. Accessory after the fact to Murder	227
291. Threats and Conspiracies to Murder	227
292. Concealing the Birth of Children	228

CONTENTS.

ii

CHAPTER XXVI.

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

ART.	PAGE
293. Wounding with Intent	230
294. Wounding	230
295. Shooting at Her Majesty's Vessels—Wounding Customs or In- land Revenue Officers	231
296. Disabling or Administering Drugs with intent to commit an in- dictable Offence	232
297. Administering Poison so as to Endanger life	232
298. Administering Poison with intent to Injure	233
299. Causing Bodily injuries by Explosives	233
300. Attempting to cause Bodily injuries by Explosives.	233
301. Setting Spring-guns and Man-traps	234
302. Intentionally endangering the Safety of Persons on Railways	235
303. Negligently endangering the Safety of Persons on Railways	236
304. Injuring Persons by Furious Driving	236
305. Preventing the Saving of Life of any Person Shipwrecked	236
306. Leaving Holes in the Ice and Excavations unguarded	237
307. Neglecting when Liable to provide Food—Causing Bodily harm to Apprentices and Servants	238
308. Negligently causing Bodily injury to any Person	239

CHAPTER XXVII.

*ASSAULTS—KIDNAPPING—OBSTRUCTING OFFICERS AND
OTHERS IN THE EXECUTION OF THEIR DUTY.*

309. Assault and Battery and Assault Defined	240
310. Assault with Intent to commit Rape	242
311. Indecent Assaults on Females	242
312. Indecent Assaults on Males	242
313. Assaults Causing Actual Bodily Harm	243
314. Assaults with Intent to commit Indictable Offences—Assaults on Peace Officers, &c.	243
315. Convicts Assaulting Officers of a Penitentiary	244
316. Assaulting or Obstructing Officers of the Customs	244
317. Assaulting or Obstructing Officers of the Inland Revenue	244
318. Assaulting Receivers of Wreck	245
319. Kidnapping	246
320. Assaults Committed Within Two Miles of the Place where any Public Meeting or Poll is Held	246
321. Common Assaults	247

CHAPTER XXVIII.

RAPE—CARNALLY KNOWING CHILDREN—ABORTION.

ART.	PAGE
322. Definition of Carnal Knowledge	248
323. Definition of Rape	248
324. Punishment for Rape	250
325. Carnally Knowing Children Under Ten	250
326. Carnally Knowing Children Between Ten and Twelve	251
327. Attempting to have Carnal Knowledge of a Girl under Twelve	251
328. Abortion	251
329. Supplying Instruments to Procure Abortion	252

CHAPTER XXIX.

*CRIMES AFFECTING CONJUGAL AND PARENTAL RIGHTS—
BIGAMY—ABDUCTION.*

330. Definition and Punishment of Bigamy	253
331. Principals in Second Degree in Bigamy	255
332. Solemnization of Marriages without Lawful Authority	255
333. Feigned Marriages	256
334. Solemnization of Marriage Contrary to Law	256
335. Abduction with Intent to Marry	256
336. Abduction of Girls under Sixteen	258
337. Stealing Children under Fourteen	259

CHAPTER XXX.

OFFENCES AGAINST CHILDREN BY PARENTS AND OTHERS.

338. Neglecting to Provide Food for Children	261
339. Abandoning Children under Two Years of Age	261

CHAPTER XXXI.

LIBELS ON PRIVATE PERSONS.

340. Definition of Libel	263
341. Things Capable of being Libels	264
342. Defamatory Matter	264
343. Publication Defined	265
344. When a Libel is Malicious	267
345. Publication of the Truth	267
346. Publication of Matter Honestly Believed to be True	268
347. Fair Criticism	269
348. Parliamentary Proceedings and Fair Comments thereon	271
349. Reports of Proceedings of Public Meetings	272
350. Publication in a Court of Justice	272
351. Fair Reports of Proceedings of Courts	273
352. Punishment for Libel	274

PART VI.

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

CHAPTER XXXII.

PROPERTY—POSSESSION—ASPORTATION—BAILMENT.

ART.	PAGE
353. Offences against Rights of Property and Rights arising out of Contracts	277
354. Property in Movable Things	278
355. Possession	278
356. Special Owner	280
357. Possessor Special Owner as against Stranger	281
358. Taking and Carrying Away	281
359. Bailment Defined	282

CHAPTER XXXIII.

THINGS CAPABLE OR NOT OF BEING STOLEN.

360. Things Capable of Being Stolen	284
361. Movable Things—Land—Things Fixed to Land	284
362. Title Deeds and Choses in Action	284
363. Water—Gas—Electricity	285
364. Tame Animals and Wild Animals in Captivity	286
365. Wild Animals Living and Dead	287
366. Dead Bodies	288
367. Things Abandoned	288
368. Things of no Value	288

CHAPTER XXXIV.

THEFT IN GENERAL.

369. Definition of Theft	289
370. Theft by Taking and Carrying Away—Robbery	291
371. Theft by a Servant—Embezzlement	293
372. Theft by a False Pretence	294
373. Theft by Taking Advantage of a Mistake	295
374. Theft by Bailees	297
375. By and from Whom Theft may be Committed	297
376. Finding Goods	299
377. Conversion after a Taking Amounting to a Trespass	301
378. Conversion after Innocent Taking	301
379. Obtaining by False Pretences not Theft	303

ART.	PAGE
380. Temporary Taking is not Theft	303
381. Taking Tame Animal Wandering not Theft	303
382. Evidence as to Theft	304

CHAPTER XXXV.

EMBEZZLEMENT BY CLERKS AND SERVANTS.

383. Embezzlement by Clerks and Servants—Who are Servants	305
384. The Property Embezzled Must be the Master's	309
385. Distinction Between Embezzlement and Other Kinds of Theft	310
386. Evidence as to Embezzlement	311

CHAPTER XXXVI.

ROBBERY AND EXTORTION BY THREATS.

387. Robbery	313
388. Extortion by Threats	313

CHAPTER XXXVII.

BURGLARY, HOUSEBREAKING, ETC.

389. Definitions	316
390. Robbing Places of Worship—Burglary	317
391. Housebreaking and Commission of Felony	318
392. Entering Dwelling-house with Intent	318
393. Breaking out After Committing Felony	318
394. Being Found in Possession of Housebreaking Instruments	319

CHAPTER XXXVIII.

*PUNISHMENT OF THEFTS AND OFFENCES RESEMBLING
THEFT COMMITTED IN RESPECT OF PARTICULAR
THINGS, IN PARTICULAR PLACES, BY PAR-
TICULAR PERSONS—RECEIVING GOODS
UNLAWFULLY OBTAINED.*

395. Punishment for Stealing Things for which no Special Punish- ment is provided	320
396. Punishment for Appropriating Property with Intent to Defraud, for which no Special Punishment is Provided	320
397. Additional Punishment when Value of Property Exceeds Two Hundred Dollars	321
398. Valuable Securities	321
399. Testamentary Instruments	322
400. Document of Title to Lands	322

CONTENTS.

lv

ART.	PAGE
401. Offenders against Provisions of Articles 399, 400, not Liable to Conviction in certain Cases	322
402. Judicial or Official Documents	323
403. Stealing Post Letters, &c.—Stopping Mails with Intent to Rob or Search—Issuing Money Orders Fraudulently	324
404. Stealing Mailable Matter other than Post Letters	326
405. Election Documents	326
406. Railway Tickets	326
407. Cattle	327
408. Dogs, Birds, Beasts and other Animals	327
409. Pigeons	328
410. Oysters	328
411. Things Fixed to Buildings or in Land	329
412. Trees in Pleasure Grounds, &c., of Five Dollars' Value—Trees elsewhere of Twenty-five Dollars' Value	329
413. Trees of the Value of Twenty-five Cents	330
414. Receiving Stolen Trees exceeding in Value Ten Dollars	330
415. Timber Found Adrift	331
416. Fences—Stiles—Gates	331
417. Failing to Satisfy Justice that Possession of Tree, &c., is Lawful	332
418. Roots, Plants, &c., Growing in Gardens, &c.	332
419. Roots, Plants, &c., Growing elsewhere than in Gardens, &c.	333
420. Ores of Metals	333
421. Things Under Seizure	334
422. Stealing from the Person	334
423. Stealing in Dwelling Houses	335
424. Stealing in Manufactories, etc.	335
425. Fraudulently Disposing of Goods Entrusted for Manufacture	335
426. Stealing from Ships, Wharves, etc.	336
427. Stealing Wreck	336
428. Stealing Things Deposited in Indian Graves in British Columbia	337
429. Clerks and Servants	337
430. Public Servants	338
431. Public Servants Refusing to Deliver Up Chattels, Moneys or Books, etc., Lawfully Demanded of Them	339
432. Bank Officers and Servants	339
433. Tenants and Lodgers	340
434. Bringing Stolen Property into Canada	340

CHAPTER XXXIX.

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

435. Obtaining Goods, etc., by False Pretences	341
436. Definition of "False Pretence"	344

ART.	PAGE
437. Of "Obtaining"	346
438. Intent to Defraud	349
439. Cheating at Play	349
440. Obtaining Passage on Railways, etc., by False Tickets	349
441. Pretending to Enclose Money, etc., in a Post Letter, and other Frauds in Respect to Post Letters and the Postal Service	350
442. Frauds by Officers and Men of Militia Force	351
443. Constables of the Northwest Mounted Police Force Fraudulently Obtaining Pensions	352
444. Selling Vessel or Wreck, Not Having Title Thereto	352
445. Other Offences Respecting Wrecks and Marine Stores	353
446. Concealing Gold or Silver with Intent to Defraud Partner in Claim	354
447. Removing or Concealing Ores, &c., with Intent to Defraud, &c.	355
448. Other Unlawful Dealings with Gold and Silver	355
449. Warehousemen, &c., Giving False Receipts—Knowingly Using the Same	356
450. Owners of Merchandise Disposing Thereof Contrary to Agreements with Consignees Who Have Made Advances Thereon	357
451. Making False Statements in Receipts for Property that Can Be Used Under "The Bank Act"—Fraudulently Dealing with Property to Which Such Receipts Refer	358
452. Innocent Partners	358
453. Assigning Property with Intent to Defraud Creditors	359
454. Destroying or Falsifying Books with Intent to Defraud Creditors	359
455. Concealing Deeds or Incumbrances or Falsifying Pedigrees	360
456. Frauds in Respect to the Registration of Titles to Land in British Columbia	360
457. Frauds in Respect to the Registration of Titles to Land in the Territories	361
458. Fraudulent Sales of Property in Quebec	362
459. Fraudulent Hypothecation of Real Property in Quebec	362
460. Fraudulent Seizures of Lands in Quebec	362
461. Unlawfully Applying Marks to Public Stores	363
462. Taking Marks from Public Stores	364
463. Unlawful Possession, Sale, &c., of Public Stores	364
464. Presumption Where Offender is in Her Majesty's Service, or a Dealer in Marine Stores, or Old Metals	364
465. Not Satisfying Justice that Possession of Public Stores is Lawful	365
466. Searching for Stores Near Her Majesty's Vessels	365
467. Receiving Regimental Necessaries From Soldiers or Deserters	366
468. Receiving, &c., Necessaries from Marines or Deserters	367
469. Receiving, &c., a Seaman's Property	367
470. Not Satisfying Justice that Possession of Seaman's Property is Lawful	368

CONTENTS.

lvii

ART.	PAGE
471. Unlawful Disposition of Arms, &c., of the Militia Force . . .	368
472. Unlawful Disposition of Arms, &c., of the Northwest Mounted Police Force	369
473. Conspiracy to Defraud or Extort	369
474. Pretending to Exercise Witchcraft	370
475. Cheating	370
476. Concealing Treasure Trove	371

CHAPTER XL.

FRAUDS BY AGENTS, TRUSTEES AND OFFICERS OF COMPANIES—FALSE ACCOUNTING.

477. Misappropriation by Bankers, Merchants, &c.	372
478. Misappropriation under Power of Attorney	374
479. Misappropriation by Factors or Agents	375
480. Assisting in such Misappropriation	376
481. Fraudulent Trustees	376
482. Frauds by Directors, Members and Officers of Incorporated Companies	377
483. Frauds by Officers and Members of Unincorporated Bodies . . .	378
484. Defence in Certain Cases	379

CHAPTER XLI.

RECEIVING.

485. Receiving Defined	380
486. Receiving Property Feloniously Obtained	381
487. Receiving Property Obtained by the Commission of a Mis- demeanor	382
488. Receiving Property Obtained by Offence Punishable on Sum- mary Conviction	382

CHAPTER XLII.

FORGERY IN GENERAL.

489. Definition of Forgery--Intent to Defraud	384
490. Making a False Document Defined	386
491. "Document"	392

CHAPTER XLIII.

*PUNISHMENT OF PARTICULAR FORGERIES, OFFENCES
RESEMBLING FORGERY, AND ACTS PREPARATORY TO
THE COMMISSION OF FORGERY.*

ART.	PAGE
492. Counterfeiting Public Seals, and Forging State Documents	393
493. Forgery and other Offences Respecting Transfers of Shares in Public Funds—Claims to Crown Grants, Scrip, &c.	394
494. Making False Entries in Books of Public Funds	396
495. Making False Dividend Warrants	397
496. Forgery of Entries in Registers of Birth, Baptisms, Marriages, Deaths, Burials and other Offences Respecting such Registers	397
497. Forgery and other Offences Respecting Copies of Registers	398
498. Forgery of Debentures—Government and Bank Bills and Notes, &c.—Deeds, Bonds, &c.—Wills—Bills of Ex- change—Orders, Receipts	399
499. Stamps	401
500. Debentures Issued under any Lawful Authority	402
501. Forgery of Foreign Bills, and other Offences Respecting the Same	403
502. Forgery of Notarial Instruments and Documents Relating to the Registration of Title, &c.	404
503. Forgery of Public Registers or Books—False Copies Thereof	405
504. Forgery of Certain Judicial Documents	405
505. Forgery of other Judicial Documents and Instruments Admis- sible in Evidence in Courts of Justice	406
506. Acknowledging Recognizances without Authority	408
507. Forgery of Letters Patent	408
508. Forgery of Marriage Licenses	408
509. Forgery of Passenger Tickets	409
510. Offences Respecting Crossed Cheques	409
511. Drawing Bills, &c., without Authority	409
512. Demanding Property upon Forged Instruments	410
513. Unlawful Possession of Forged Bank Notes—Dominion, Pro- vincial or Bank Note Paper—Instruments for Making Such Paper	411
514. Unlawful Possession, &c., of Paper Prepared for Debentures and other Securities—Plates, Dies, &c.	413
515. Printing Circulars, &c., in Likeness of Notes	415
516. Forgery of any Document	416
517. Punishment in Cases not Otherwise Provided For in R. S. C. c. 165, and for which Offender is by any Act Liable to Greater Punishment	416
518. Forgery at Common Law, Misdemeanor	417

CONTENTS.

lix

ART.	PAGE
519. Special Statutory Provisions Respecting Forgery and Offences Resembling Forgery	417

CHAPTER XLIV.

FORGERY OF TRADE MARKS, FRAUDULENT MARKING OF MERCHANDISE—OFFENCES RESPECTING PATENTED ARTICLES, INDUSTRIAL DESIGNS AND THE MARKING OF TIMBER.

520. Definitions	422
521. Words or Marks on Watch Cases	424
522. Definition of Forgery of a Trade Mark—Burden of Proof	425
523. Definition of Applying Trade Marks to Goods—Burden of Proof	425
524. Forgery of Trade Marks, &c.—Defence	426
525. Selling Goods Falsely Marked—Defence	427
526. Selling Bottles marked with Trade Mark without consent of Owner	428
527. Punishment of Offences defined in this Chapter	428
528. Falsely representing that Goods are Manufactured for Her Majesty, &c	428
529. Unlawful Importation of Goods liable to Forfeiture under this Chapter	429
530. Defence where Person charged innocently in the ordinary course of business makes Instruments for Forging Trade Marks	429
531. Defence where Offender is a Servant	430
532. Exception respecting Trade description Lawfully applied to Goods on 22nd May, 1888, &c	431
533. Patentee selling Patented Article not marked, &c	431
534. Falsely marking Article as Patented	432
535. Unlawfully applying Industrial Design to any Article, &c	432
536. Falsely placing on any Article words Denoting the Registration of an Industrial Design, &c	433
537. Using Timber Marks unlawfully	433

CHAPTER XLV.

PERSONATION.

538. Personation at Civil Service Examinations	435
539. Personation at Militia Parades	435
540. Fraudulently acting as Agent of Author in Registration of Copyright	435
541. Personation to obtain Deposits in Savings Banks	436
542. Falsely representing Oneself to be a Notary, &c., and protesting Bill in Quebec	436

CHAPTER XLVI.

OFFENCES RELATING TO THE COIN.

ART.	PAGE
543. Interpretation of Terms	437
544. Counterfeiting Coins, &c.	438
545. Dealing in and importing Counterfeit Coin	439
546. Manufacture of Copper Coin and importation of Uncurrent Copper Coin	439
547. Exportation of Counterfeit Coin	439
548. Making Instruments for Coining	440
549. Bringing Instruments for Coining from Mints into Canada	441
550. Clipping Current Gold or Silver Coin	441
551. Defacing Current Coins	442
552. Passing Clippings, &c. of Current Gold or Silver Coin	442
553. Possessing Counterfeit Coins	442
554. Uttering Counterfeit or Light Coins, Metals, &c.	443
555. Punishment of Subsequent Offences	444
556. Uttering Defaced Coin	444
557. Uttering Uncurrent Copper Coins	444
558. Uncurrent Foreign Coins	445
559. When Offence completed	446

CHAPTER XLVII.

ADVERTISING COUNTERFEIT MONEY.

560. Definition	447
561. Advertising Counterfeit Money and other Offences connected therewith	447

CHAPTER XLVIII.

MALICIOUS INJURIES TO PROPERTY.

562. Arson—Setting Fire to Buildings, &c.—Offences punishable by Imprisonment for Life	449
563. Arson—Setting Fire to Buildings, &c.—Offences punishable by Fourteen Years' Imprisonment	450
564. Recklessly setting Fire to Forests, &c.	451
565. Attempting to set on Fire, &c.	452
566. Threats to Burn, &c.	453
567. Setting Fire to and other Injuries to Her Majesty's Ships, Dock- Yards, &c.	453
568. Setting Fire to Ships, and other Injuries thereto, and to Lights, Buoys, &c.	454
569. Injuries to Her Majesty's Vessels—Goods liable to Seizure— Custom House, &c.	456

CONTENTS.

lxi

ART.	PAGE.
570. Injuries by Explosive Substances	456
571. Injuries to Manufactures, Machinery, &c	457
572. Injuries to Mines and Oil Wells	458
573. Injuries to Machinery, &c., used for working Mines—Oil Wells	459
574. Injuries to Sea and River Banks, and to works on Rivers, Canals, &c	460
575. Other Injuries to works on Rivers and Canals	460
576. Injuries to Bridges, Viaducts and Toll-bars	461
577. Injuries to Rafts of Timber and Works used for the Transmis- sion Thereof	461
578. Preventing the Saving of Wrecked Vessels or Wreck	462
579. Injuries to Fish Ponds	462
580. Injuries to Railways and Railway Property with Intent, &c.	463
581. Injuries to Railways and Railway Property	463
582. Obstructing Railways	464
583. Injuries to Packages in the Custody of Railways	465
584. Injuries to Electric Telegraphs, &c.	465
585. Injuries to Mailable Matter—Post Letter Bags—Letter Boxes, &c.—Books of Account—Obstructing Mails	466
586. Injuries to Cattle	467
587. Attempting to Injure Cattle	467
588. Injuries to Other Animals	468
589. Threats to Injure Cattle.	468
590. Injuries to Hop-binds and Grape Vines	469
591. Injuries to Trees, &c., Growing in Certain Places	469
592. Injuries to Trees Wheresoever Growing	470
593. Injuries to Vegetable Productions Growing in Gardens	470
594. Injuries to Cultivated Roots and Plants Growing Elsewhere	471
595. Injuries to Land Marks Indicating Municipal Divisions	471
596. Injuries to Other Land Marks	472
597. Injuries to Fences, &c.	472
598. Injuries to Turnpike Gates, Toll-bars, &c.	473
599. Injuries to Works of Art	473
600. Injuries to Poll-books, &c.	474
601. Injuries to Buildings by Tenants	475
602. Injuries Not Before Provided For	475
603. Other Injuries Not Otherwise Provided For	475

CHAPTER XLIX.

CRUELTY TO ANIMALS.

604. Cruelty to Animals	477
605. Keeping Cock Pits	477
606. The Conveyance of Cattle	478

ART.	PAGE
607. Search of Premises—Penalty for Refusing Admission to Peace Officer	479

CHAPTER I.

OFFENCES CONNECTED WITH TRADE AND BREACHES OF CONTRACT.

608. Conspiracies in Restraint of Trade	480
609. What Acts Done in Restraint of Trade are not Unlawful	480
610. Combinations in Restraint of Trade	481
611. Criminal Breaches of Contract	482
612. Posting Up Copies of Provisions Respecting Criminal Breaches of Contract—Defacing Same	483
613. Intimidation	484
614. Intimidation of Any Person to Prevent Him Working at Any Trade	485
615. Intimidation of Any Person to Prevent Him Dealing in Wheat, &c.—Unlawfully Preventing Seamen from Working	486
616. Intimidation of Any Person to Prevent Him Bidding for Public Lands	487
617. Breaches of Employer's Duty to Seamen—Leaving Seamen Behind	487
618. Breaches of Shipowner's Duty to Seamen under Act of the United Kingdom—Sending Unseaworthy Ships to Sea	489
619. Breaches of Shipowners' Duty to Seamen under Canadian Act—Sending or Taking Unseaworthy Ships to Sea	490
620. Breach of Duty by Seamen to Employers	491
621. Breach of Duty of Seamen to Each Other or Other Persons on Board	494
622. Breach of Duty to Other Ship in Case of a Collision	494

CHAPTER II.

ADULTERATION OF FOOD.

623. Definitions	496
624. Adulterating Food or Drug	498
625. Selling Adulterated Food or Drugs	499
626. When Selling Skimmed Milk not an Offence	499
627. Having Adulterated Liquors in Possession	500

CONTENTS

lxiii

628. Attaching False Label to Food or Drug	500
629. Other Offences respecting sale of Milk	501

APPENDIX OF NOTES	503
-----------------------------	-----

INDEX	539
-----------------	-----