

## INDEX

(References are to sections.)

- ABANDON OR EXPOSE**,  
defined, 185(a)
- ABANDONED**  
excavation, etc., leaving unguarded,  
228  
manslaughter by neglect, 228(3)
- ABANDONMENT**  
of animals, 387  
of appeal, 600(2)  
—, in summary conviction, 729, 741  
causing death by, 196  
of child under sixteen, 186(3)  
—, under ten, 189  
of husband or wife, theft on, 275
- ABDUCTION**  
of child under 14, 236  
—, girl under 16, 235  
causing death in committing forcible,  
202  
compulsion by threats no excuse for  
forcible, 17  
kidnapping, 233  
woman of any age, 234
- ABETTING**  
abortion, 238  
cruelty to animals, 387, 388  
desertion, 54, 57  
duel, 72  
escape from custody, 124-127  
—, of prisoner of war, 128  
feigned marriage, 242  
generally, 21, 22, 406, 407  
murder, 211  
prize fight, 81  
suicide, 213  
treason, 46, 50  
woman committing abortion, 238
- ABETTORS**, 21, 22, 407
- ABOMINABLE CRIME**  
buggery or bestiality, 147  
gross indecency between male per-  
sons, 149  
incest, 142  
indecent acts, 158  
indecent assault on male, 148
- ABORTION**  
advertising drugs for, 150(1)(c)  
attempt to procure, 237  
—, on one's self, 237(2)  
drug, etc., to procure, sale of, 150  
(1)(c)  
—, supplying, 238  
killing unborn child, 209  
—, justification, 209(2)
- ABROAD**. *See* Canada, out of,
- ABSENCE**  
of husband or wife for seven years,  
240(2)(b)
- ABSOLUTE JURISDICTION**  
of magistrate, 467  
of superior court, 413-415
- ABSTRACT OF TITLE**  
fraudulent, 328
- ABUSE**  
animals, 385-389  
apprentices or servants, 190  
by common assault, 230, 699  
by insulting language, 160  
girls or women, 184, 141
- ACCELERATION OF DEATH**, 199
- ACCESSORY**  
after the fact, 23  
definition of, 23  
husband or wife, not, 23(2)(3)  
indictable as principal, 502, 503  
indictment of, 502  
—, power to try, 413(2)(b)  
offences by, generally, 406  
punishment of, 406  
to murder, 211  
—, suicide, 212  
—, treason, 50
- ACCIDENT**  
driver's failure to stop, after, 221(2)  
duty to guard against, 228  
killing by, 201(b)
- ACCOMPLICE**, *See* ABETTING
- ACCOUNTS**  
failure to keep, 345  
falsifying, 340, 342, 343
- ACCUSATION, FALSE**  
as public mischief, 120  
conspiracy to bring, 408(1)(b)

**ACCUSED**

address to, 454(1)  
 admission by, at trial, 562, 708(5)  
 —, of offence committed outside province, 421(3)  
 arraignment, in summary conviction cases, 708  
 —, in trial by jury, 515, 517  
 —, in trial without jury, 468(4), 475(3), 481(3)  
 —, recording, 532(2)  
 attending examination on commission, 617  
 —, hearing of appeal, 594  
 bench warrant for, 451(g), 507, 707  
 counsel for, on appeal, 590  
 discharge of, 470, 473, 525  
 —, under pretended authority, 126 (c)  
 election by, before judge, 474, 475  
 —, before justice, 450  
 —, before magistrate, 468, 469, 481(4)  
 insanity of, 451, 523-527  
 joint trial of, 427, 479, 503  
 notice by, of intention to re-elect, 475  
 notice to  
 —, as to application for preventive detention, 662  
 —, in cases of obtaining by crime, 301, 302  
 —, as to previous conviction, 572  
 order for compensation by, 595, 628, 629  
 order for restitution by, 595, 630  
 remand of, to magistrate, 450(1)  
 render of, by sureties, 672-674  
 right of, to  
 —, attend view, 559  
 —, be present, 557, 594  
 —, copies of documents, 512, 513  
 —, make defence, 484, 557(3)  
 —, mixed jury, 535, 536  
 —, particulars, 497, 701(2)  
 —, reply, 558(3)  
 —, speak before sentence, 595  
 statement of, 454, 455, 512, 564  
 under sixteen, trial of, 427  
 witness for,  
 —, at preliminary inquiry, 454  
 —, on summary conviction, 708, 709  
 —, at trial by jury, 555, 557  
 —, at trial without jury, 484

**ACQUITTAL**

accused not wholly or chiefly to blame, 138(3), 145(2)

appeal from, 584, 592(4), 720  
 —, where set aside, 597(2)  
 certificate of, 482, 715  
 by court of appeal, 592(2)  
 on ground of insanity, 523, 527  
 —, indictment for libel, 266(2)  
 —, summary conviction, 711, 715, 716  
 —, trial without jury, 482  
 previous, plea of, 516-518  
 recording, 482, 532

**ACT**

definition of, 2(1)  
 disobeying, 107

**ACTIONS**

assault for, when barred by criminal proceedings, 715  
 civil, remedy not suspended, 10  
 costs in, 631, 678  
 none against official enforcing conviction, 689  
 —, person suppressing riot, 33

**ADDRESS**

of accused before sentence, 575  
 by counsel, 451(h), 558  
 by justice to accused, 450, 454

**-ADJOURNMENT**

costs of, 510(5)  
 for plea, 515(3)  
 of preliminary hearing, 451, 459  
 on summary conviction, 704(6), 710, 728  
 of trial by jury, 510(5), 512, 536 (2), 554, 556  
 —, without jury, 483  
 when no jury summoned, 418

**ADJUDICATION**

enforcing, 589(2), 732, 741  
 on preliminary inquiry, 460  
 on summary proceedings, 711

**ADMINISTERING**

drugs, to animals, 385, 386, 387(1) (e)  
 —, to procure abortion, 237  
 —, to procure defilement, 184(a)  
 oath to, petit jury, 540  
 —, witness before grand jury, 504  
 oath without authority, 118  
 poison so as to endanger life, 217  
 to animals, 385, 386, 387(1)(e)  
 with intent to commit murder, 210  
 with intent to injure, 217

- ADMINISTRATION**  
of law and justice, offences against, 99 et seq.
- ADMISSION.** *See also* **FARES AND TOLLS**  
as evidence, 454, 455, 708(5)  
evidence of, 564  
at trial, 562
- ADULTERY**  
conspiracy to induce, 408(1)(c)  
endangering morals of child, 157
- ADVERSE WITNESS**  
contradicting. *See* **Canada Evidence Act, C. 307 Sec. 9**
- ADVERTISING**  
contraceptives, 150(c)  
counterfeit money, 403  
drugs to cause miscarriage, 150(1)(c)(d)  
false, 306  
false prospectus, 343  
indecent matter, 150  
information for gaming, 177, 179  
lottery, 179  
promote sales, etc., false, 306(2)  
reward for stolen property, 123  
similitude of bank note, 400
- AFFIDAVIT**  
administering oath without authority, 118  
in extra-judicial proceedings, 114  
making false, 114  
perjury by false, 99(f), 112  
of service, 441(6), 606, 700, 722  
signing or using pretended, 118
- AGE**  
of consent, 132  
determination of, 3(1), 565  
of responsibility, 12, 13, 139
- AGENT**  
accepting bribe, 368(1)(a)(i)  
accused appearing by, 707  
bribery of, 368(1)(a)(i)  
corporation appearing by, 470, 528, 707  
defined, 368  
of foreign power, 46, 50  
fraudulent disposal of goods shipped, 332  
giving false account to principal, 368(1)(b)  
misappropriation by, 278, 630(5)  
secret commissions, 368  
theft by, 272, 276-278  
under power of attorney, 277, 278
- AGGRAVATED**  
assault, 232  
—, discretion of justice in case of, 699  
—, trial by magistrate in certain cases, 467(c)
- AGRICULTURAL**  
fairs, 179  
produce, threats to burn, 316  
—, setting fire to, 374
- AID**  
to peace officer, 25, 31, 33  
—, refusing, 110(b)  
to owner of property, 437
- AIDING.** *See* **ABETTING**
- AIRCRAFT.** *See also* **PUBLIC CONVEYANCE**  
breaking and entering, 292  
endangering persons on, 220  
offence on, during flight, 419(d)  
setting fire to, 374, 375
- AIR FORCES.** *See* **CANADIAN FORCES**
- AIR-GUN or AIR-PISTOL.** *See also* **OFFENSIVE WEAPON**  
sale of, to person under 14 years, 88  
seizure of when in possession of person under 14 years, 88
- ALARM OF FIRE, FALSE,** 378
- ALBERTA**  
appeal from summary conviction in, 719, 721  
challenges by accused in, 541  
court of appeal in, 2(9)  
forfeiture or recognizance, 668 and Schedule  
indictment in, 489  
judge under Part XVI in, 466(a)  
jurors, six in, 541, 552  
—, standing by, 541  
—, unable to continue, 553  
superior court in, 2(38)  
—, trial without jury in, 417  
trial of issue in, 524
- ALIEN**  
disqualified as juror, 547(1)(d)  
enemies, assisting, 46(a), 50

**AMENDMENT**

- of appeal, 747(4)
- of indictment, 500, 510, 511
- , recording, 533
- , summary conviction, 704
- on certiorari, 683, 684
- of stated case, 740(1)

**AMMUNITION**

- sale of, to person under 14 years, 88
- seizure of when in possession of person under 14 years, 88

**ANALYSIS**

- chemical, 224(3)(4)

**ANIMALS. See also CATTLE**

- cruelty to, 387-390
- , cock-pit keeping, etc., 387(1)(d), 388
- drugging, 387
- fur-bearing, 292(4)
- killing or wounding, 385-387
- mischief to, 385, 386
- poisoning, 386-387
- stealing, 269
- threats to kill or injure, 316
- wild, keeping, 269(5)

**ANSWER**

- incriminating. See Canada Evidence Act C. 307 Sec. 5

**APPEAL**

- against conviction or sentence, 583 et seq., 720 et seq., 743
- , conviction for contempt of court, 9
- , forfeiture, 338(3)
- , sentence of preventive detention, 667
- acquittal on, 592(2)
- allowance of, 592, 727(2)
- application for leave to, 583, 584, 586, 624(5)
- argument of, in writing, 594
- assignment of counsel for, 590
- attendance of accused, 594
- by Attorney-General, 584, 601, 720, 743
- bail, 587
- certiorari, 691
- costs, 589(2), 730, 731, 740, 743
- court of, defined, 2(9), 581, 719, 733
- death or whipping, delay of execution, 586(3)
- dismissal of, 585, 592, 593, 727, 729
- dissent, grounds of, 585
- documents, production of, 589

- evidence before court of, 588, 589, 726, 727
- extension of time, 586
- fine, payment of not a waiver, 725
- frivolous, 591, 737
- indictment, defined, 581(b)
- in habeas corpus proceedings, 691
- imprisonment pending, 624
- insanity, 592
- judge's notes of trial, 588
- mandamus, appeal in, 691
- manner and time of appeal, 586, 588
- new trial
- , ordered by court, 592(2), (4), 600
- , ordered by Minister, 596
- , under Part XVI, 592(5)
- notice of, 586
- order disposing of goods under seizure, against, 432(7)
- powers of court, 589-595, 600
- , on appeal against sentence, 593, 727(5)
- , on hearing, 589
- , as to sentence, 592, 593
- ; in special cases, 592(1)(b)(c)
- prerogative of mercy not affected, 657
- preventive detention, from order for, 667
- procedure on appeal, 720 et seq. and 581 et seq.
- prohibition, appeal in, 691
- question of law, 583, 584, 597, 598, 743
- registrar, defined, 581(c)
- , certificate of, 586(4)
- , duties of, 586(4)
- restitution of property, 595
- right of
- , accused, 583, 584
- , Attorney-General, 584, 601
- , against sentence, 583, 584
- rules of court, as to, 424, 586
- sentence, defined, 581(d), 692(f)
- , in absence of appellant, 593(1)
- , not suspended, 586, 595, 624
- , powers of appeal court as to, 589, 592, 593, 594
- shorthand notes, 588
- stated case, 742, 743
- , powers of court, 740
- summary conviction, from, 719 et seq.
- , notice of, 722
- , stated case, 734(2)(c)
- Supreme Court of Canada, appeal to, 597-600

- , abandonment of, 600(2)
  - , by Attorney-General, 598, 601
  - , conflicting judgments, in case of, 597
  - , hearing of appeal, 589, 591, 600
  - , judgment final, 600(4)
  - , notice of, 599
  - , order of, 600
  - , where acquittal is set aside, 597(2)
  - time for, 586(1)(2)
  - trial court, defined, 581
  - when a bar to certiorari, 782
  - witnesses, court may hear, 589
- APPEARANCE**
- of accused, compulsion of, 439, 507, 707
  - before justice, 449 et seq.
  - by corporation, 470, 528, 707
  - default of
    - , by corporation, 530
    - , in summary conviction, 706
    - , by witness, 610-612
  - irregularity in procuring, 458
  - proceedings on, 449, 707
  - in summary conviction matters, 707
- APPELLANT**
- legal assistance for, 590
- APPLICATION FOR**
- bail, 461, 463, 587
  - , committal of sureties, 679
  - , forfeiture of recognizance, 668
  - , to review, 465
  - change of venue, 508, 509
  - leave to appeal, 583, 584, 586, 624(5)
  - mixed jury, 535, 536
  - prerogative writ, 680-691
  - , rules of court as to, 424(2)(c)
  - preventive detention, 660 et seq.
  - stated case, 735, 738
- APPRENTICE**
- causing bodily harm to, 190(a)
  - duty of master to provide necessaries, 190(b)
- ARMED FORCES. See also CANADIAN FORCES**
- assisting deserter of, 54
  - carrying firearms by, 97
  - deserter, resisting execution of search warrant, 56
  - laws relating to, unaffected, 4
  - officers in relation to, 63
- ARMS. See also OFFENSIVE WEAPONS**
- assault with, 216
  - burglary, etc., under, 292(3)
  - possession of during
    - , commission of offence, 202(5)
    - , flight, 202(d)
  - robbery under, 288
  - use of, unlawful drilling in, 71
- ARMY. See also PUBLIC STORES; CANADIAN FORCES**
- law as to, 4
  - sedition as to, 63
- ARRAIGNMENT**
- on summary conviction, 708
  - for treason, 513
  - at trial by jury, 515
  - , recording, 532
  - at trial without jury, 468(4), 475(3), 481
- ARRAY, CHALLENGE TO, 538, 539**
- ARREST**
- of accused on bail, 671, 672
  - copy of warrant, 700
  - criminally responsible if excessive force used, 25
  - death during illegal, 203(4)
  - during flight, 436
  - escape from, 25, 125
  - force used in making, 25, 26
  - for gambling in public conveyance, 180
  - in gambling house, 171
  - preventing escape from, 125
  - , breach of the peace, 30, 31
  - rescue after arrest, 25
  - powers in general,
    - , by any person, 434, 436, 437
    - , by owner of property, 437
    - , by peace officer, 435, 438
    - , of suspect, 435, 438
  - production of warrant, 29
  - resisting, 216
    - , causing death, 202
    - , when use of force justified, 25
  - without jurisdiction, 25(2)
  - without warrant
    - , by any one, 434, 436, 438
    - , on fresh pursuit, 436
    - , by peace officer
      - , of person found committing offence, 434-438
      - , suspected offender, 435, 438
  - of wrong person, 28

- ARREST OF JUDGMENT**, 510, 578
- ARRESTED PERSON**  
taken before a Justice, 438
- ARSON**  
burning building, etc., 374, 375  
burning chattels, 374(2)  
causing death while committing, 202  
compulsion by threats no excuse for, 17  
negligently causing fire, 377  
refusal or neglect to prevent, 377  
sending letters threatening to burn, 316  
setting fire to crops, etc., 374  
—, forest, tree, etc., by negligence, 377
- ARTICLE**  
defined, 411(2)
- ASSAULT**  
aggravated, 231, 232  
causing bodily harm, 231, 467(b)  
choking, strangling, etc., 218  
common, 231, 699  
defence of property, 38-42  
definition of, 230  
duty of justice, 699  
endangering passengers, on common carriers, 220  
indecent, 141, 148  
—, on child under fourteen, 138  
—, consent, when no defence, 141(2)  
—, on females, 141  
—, on males, 148  
jurisdiction in case of, 467(b)  
kidnapping, 233  
on apprentices and servants, 190  
—, ministers of religion when on duty, 161  
—, officer in execution of duty, 232(d), 467(b)  
—, person executing process, etc., 232(d)  
—, the Queen, 46(1)(a)  
person engaged in lawful execution of process, 232  
public or peace officer engaged in execution of duty, of, 232  
punishment of common, 231  
self-defence against, 34-37  
setting traps, etc., 219  
trespasser, by, 38-42  
trial, 699  
use of explosives or corrosives, 77-79  
use of poison, 217, 218  
use of stupefying drugs to commit crimes, 184(1)(i), 218  
with intent, to commit indictable offence, 232(a), 699  
—, to resist arrest, 232(2)(b)  
—, to resist distress or seizure, 232(2)(c)  
—, to rob, 288
- ASSAULT CAUSING BODILY HARM**  
compulsion by threats no excuse, 17  
jurisdiction to try, 467(c)(vii)
- ASSAY**  
fraud relating to, 339
- ASSEMBLY**  
for religious worship, disturbing, 161  
unlawful, 64 et seq.  
—, punishment of, 67
- ASSISTING. See also ABETTING**  
alien enemies to leave Canada, 50  
escape from custody, 127  
escape of prisoners of war, 128  
peace officer, 25, 28, 31, 33, 110(b)  
in rape, compulsion by threats no excuse for, 17
- ASSIGNMENT**  
of property to defraud creditors, 335
- ASSOCIATION**  
conducting race meeting, 178  
co-operative, saving as to, 412(3)
- ATTAINER**  
abolition of, 5(1)(b)
- ATTEMPT**  
acts done with intent, 24  
assault on the Queen, 46, 49  
causing death in, 202  
compulsion by threats, when no excuse, 17  
conviction for, a bar, 568(2)  
definition of, 24  
full offence charged, attempt proved, 567  
full offence proved on charge of, 568  
generally, 406  
jurisdiction to try, 413(2)(d)  
punishment where not otherwise provided, 406  
to bribe, 100  
—, cause grievous bodily harm, 78, 79  
—, commit arson, 375

- , commit indictable offence, 406
  - , commit murder, 210
  - , commit rape, 137
  - , commit suicide, 213
  - , commit theft, 467
  - , commit treason, 46, 50
  - , corrupt municipal officials, 104
  - , damage by explosives, 78, 79
  - , defile women, 184
  - , injure animals, 385, 386
  - , obtain by false pretences, 304
  - , obtain on forged instrument or probate, 318
  - , pervert justice, 100, 117, 119-123
  - , procure abortion, 238
  - , save life, impending, 227
  - , shoot, 216
  - , use forged documents, 311
- ATTEMPTED MURDER**  
 compulsion by threats no excuse, 17  
 generally, 210
- ATTORNEY**  
 misappropriation by, 277, 278, 630  
 (2)
- ATTORNEY-GENERAL OF CANADA**  
 appeal by, 601, 720, 724, 743  
 consent of, for certain prosecutions, 54, 82, 100, 229, 420  
 definition of, 2(2), 679(2)
- ATTORNEY-GENERAL OF PROVINCE**  
 appeal by, 584, 598, 667, 720, 724  
 consent of, to prosecution, 116, 151  
 (3), 157, 159, 328(2), 421(3)  
 —, to inclusion of charge, 478(3)  
 —, to re-election, 476  
 definition of, 2(2)  
 —, prosecutor, includes, 2(33)  
 may convert seized security into money, 171(5)  
 —, issue weapon permit, 94, 98  
 —, prefer indictment, 478, 487  
 —, require trial by jury, 480  
 —, stay proceedings, 490  
 prosecutor includes, 2(33)  
 right of reply, 558
- AUTREFOIS**  
 acquit or convict, pardon, etc., 516-518, 715(2)
- AVAILS**  
 of prostitution, living on, 184(1)(j)  
 (k), (2)
- BACKING WARRANTS**, 429(2), 447, 609(2)
- BADGE**  
 false use of police, 111  
 —, unlawfully wearing military, 362
- BAIL**. *See also* INDICTABLE OFFENCE — trial without jury; PRELIMINARY INQUIRY; RECOGNIZANCE  
 application for, 463  
 before or after committal, 451, 463-465  
 by coroner, 448  
 by justice, 451, 710(2)  
 by superior court, 463-465  
 cash bail, 451, 461, 463, 710(2)  
 in case of appeal, 587  
 —, non-jury trial, 484  
 —, preliminary inquiry, 451  
 —, treason, 464  
 indemnifying, 119(2)  
 pending appeal, 587  
 on remand, 451  
 after render by surety, 675  
 rule as to, 463-465  
 rules of court as to, 424(2)(c)  
 skipping, 125(c)  
 transmission of deposit on default, 676(4)  
 when forbidden, 464  
 of witness, 461, 611
- BAILEE**  
 theft by, 271, 277, 278
- BAILIFF**  
 assault on, 232(2)(c)  
 obstructing, 110(c)  
 peace officer includes, 2(30)
- BANK ACT**  
 referred to, 333
- BANKER**  
 fraudulent receipts to, 333, 334  
 fraudulently alienating property, 333  
 (b)  
 innocent partners, 334  
 proceedings against, 630(5)
- BANK NOTE**. *See also* COUNTERFEIT MONEY; FORGERY  
 advertisement, etc., resembling, 400  
 counterfeiting, 391 et seq.  
 —, when offence complete, 404  
 definition of, 2(3)  
 paper money with no genuine value, 403(2)  
 possession of paper, etc., for making, 312  
 printed circulars resembling, 400

- BANK NOTE**—*continued*  
 seizure and disposal of, 405  
 uttering counterfeit, 395  
 —, when offence complete, 404
- BANKRUPTCY**  
 defrauding creditors, 335, 340, 343, 345  
 destroying or falsifying books, 340  
 trader keeping no books, 345
- BAPTISMAL CERTIFICATE**  
 falsifying, 320
- BATHING**  
 indecent, 158, 159  
 sexual offender loitering near area for, 164(1)(e)
- BAWDY HOUSE. See also DISORDERLY HOUSE**  
 concealing girl in, 184(c)  
 definition of, 168(1)(b)  
 directing immigrant girl to, 184(b)  
 inmate of, 182  
 jurisdiction in case of, 467(b)  
 keeper of, 168(h), 182  
 preventing officer entering, 169, 175  
 previous conviction  
 —, notice of, 182(3)  
 —, presumption from, 169(d)  
 search for woman in, 172  
 transporting person to, 183
- BEGGING**  
 offence of, 164
- BENCH WARRANT**  
 for accused, 451(g), 507, 707  
 for witness, 610
- BESETTING, WATCHING AND,**  
 366
- BET**  
 defined, 168(1)(a)
- BETTING HOUSE. See also DISORDERLY HOUSE; GAMING HOUSE**  
 definition of, 168(1)(c)  
 evidence of, 169  
 examination of persons arrested in, 174  
 jurisdiction in case of, 467(b)  
 keeper of, 168(h)  
 keeping, offence of, 176  
 'place', defined, 168  
 pool selling and book making, 177  
 punishment for keeping, 176, 177  
 registering or facilitating bets, 177  
 (a)(b)  
 search, arrest and seizure in, 171, 173
- BETTING, POOL SELLING AND BOOK MAKING**  
 cheating in, 181  
 custodian on lawful race, sport or game, 178(1)(a)  
 custodian or depository, 177(1)(c), 178(1)(a), (3)  
 device or apparatus, use of, 177(1)(b)  
 exceptions, 168(2), 178  
 guessing contests, 177(1)(h)  
 importing intelligence on races, 177(1)(g)  
 jurisdiction in case of, 467(b)  
 pari-mutuel systems, 178(1)(b)(2)(3)  
 pool selling on race or sport, 177  
 race course or associations, 178  
 race meetings, 178  
 trotting or pacing races, 178  
 unlawful, 176, 177
- BIGAMY**  
 annulment of marriage a defence, 240(2)  
 belief of death, 240(2)  
 certificate of marriage as evidence, 241(2)  
 definition of, 240  
 divorce, a defence, 240(2)  
 excuses, 240(2)  
 feigned marriages, 242  
 foreign country, in, 240(1)(b)  
 former marriage valid, 240(4)(5)  
 form of marriage, 240(4)  
 incompetency, no defence, 240(3)  
 leaving Canada with intent, 240(1)(b)  
 punishment of, 241  
 seven years' absence, 240(2)
- BILL OF LADING, 2(12)**  
 false, 344
- BIRDS**  
 cruelty to, 387  
 drugging, 387  
 keeping cock-pit, 388  
 killing or injuring, 386-388  
 threats to injure, 316  
 trap shooting, 387(f)
- BIRTH**  
 concealing register, 320, 321  
 concealment of, 214, 215, 569(3)  
 control, 150(2)(c)  
 false certificate of, 320, 321



- false entries in register, 320(1)(b)  
injuring register of births and deaths,  
320(1)(a)  
neglect to obtain assistance in, 214
- BLACKMAIL.** *See also* INTIMIDA-  
TION; THREATS  
demand with menaces, 291  
extortion by libel, 252  
—, threat, 291  
letters with menaces, 316  
threats to injure, 717
- BLASPHEMOUS LIBEL,** 246, 494  
saving, 246(3)  
sufficiency of indictment, 494
- BOARDING HOUSE**  
obtaining accommodation by fraud,  
307
- BODILY HARM**  
apprentices or servants, to, 190  
assault, by, 231(2)  
attempts, 202, 218  
causing, 231, 467(b)  
causing by criminal negligence, 77,  
193, 214, 221, 228  
compulsion by threats no excuse for,  
17  
conveyance, endangering safety on,  
220  
dangerous driving, 221  
driving when licence suspended,  
225(3)  
excavation, etc., unguarded, 228  
explosives, by, 77, 78, 79  
grievous, 34, 35, 216  
intent to injure or endanger trav-  
eller, 220  
narcotics and drugs, 218(b), 202  
poison, etc., by, 217, 218  
resulting in death, 201, 202  
setting traps, etc., 219  
strangling, 218  
wounding, 216
- BOMB**  
grenade, etc., having without lawful  
excuse, 80  
stench, 163
- BOND**  
recalling by lot, 179(3)(5)  
valuable security includes, 2(42)
- BONDSMAN**  
indemnifying, 119(2)
- BOOK-MAKING.** *See* BETTING  
BOOKS  
containing libel, sale of, 254  
destroying, etc., 340  
—, failure to keep by trader, 345  
false entries in, 340  
falsifying to defraud creditors, 340  
obscene or immoral, 150
- BOOMS,** 285, 374(i)
- BOTTLES**  
trade mark offences, 353
- BOUGHT AND SOLD NOTE,** 2  
(12)
- BOUNDARY LINE**  
defacing, etc., 383, 384  
offence committed near, 419
- BOXING MATCH,** 81
- BRAND**  
on cattle, 284  
counterfeiting, 319
- BREACH OF CONTRACT**  
causing damage and danger to life or  
property, 365  
power, light, gas or water, to supply,  
385  
railway company, by, 365
- BREACH OF PEACE**  
arrest for, 30, 31  
in presence of Her Majesty, 52  
prevention of, 30, 717
- BREACH OF TRUST**  
by public officer, 103, 282  
by trustee, 282
- BREAK**  
defined, 268(a), 294(b)
- BREAKING AND ENTERING**  
and committing offence, 292(1)  
armed with intent to break, 292  
being in dwelling house with intent,  
293  
disguised, 295  
dwelling house, 292(4), 293  
entrance into building defined, 294  
entry by artifice or collusion, 294(b)  
housebreaking instruments, having,  
295  
'place' defined, 292(4)  
with intent to commit offence, 292
- BRIBERY**  
gifts to Government employees, 102

- BRIBERY**—*continued*  
 municipal corruption, 104  
 of agent, 368  
 —, judiciary, 100  
 —, jurisdiction to try, 413(2)  
 —, jurymen or witness, 119  
 —, justice, police commissioner, etc., 101  
 —, jurisdiction to try, 413(2)  
 —, member of Parliament or Legislature, 100  
 —, municipal councillor, or officer, 104  
 —, prosecuting or peace officer, 101  
 —, public officer, 101, 102  
 receiving or giving awards to obtain interest of office, 100-102, 106  
 selling or purchasing office, 105
- BRIDGE**  
 as part of highway, 2(18)  
 jurisdiction, 419(a)
- BRITISH COLUMBIA**  
 appeal from summary conviction, 719  
 court of appeal in, 2(9)  
 forfeiture of recognizance in, 668 and Schedule  
 judge under Part XVI in, 466(a)  
 no grand jury in, 489  
 preferring indictment in, 478, 489  
 superior court of criminal jurisdiction in, 2(38)
- BROKER**  
 offences by, 325-327  
 theft by, 630(5)
- BROTHEL.** *See* BAWDY HOUSE
- BROTHER**  
 defined, 142
- BUCKET SHOPS,** 326, 327
- BUGGERY**  
 assault with intent to commit, 148  
 offence of, 147
- BUILDING**  
 damaging by explosives, 77-79  
 injuries to occupant, 382  
 setting fire to, 374  
 threat to damage, 316, 317
- BULLION**  
 conveying from Mint, 402  
 unlawful possession of, 394
- BUOYS**  
 interfering with, 380(2)  
 mooring to, 380(1)
- BURDEN OF PROOF**  
 as to exchequer bill paper, etc., 312  
 as to fraudulent transactions in stock, etc., 326(2)  
 as to housebreaking instruments, etc., 295  
 as to offences against the currency, 393-395, 401, 402  
 as to trade-mark offences, 351(2)  
 being found in dwelling-house, 293  
 breaking with intent, 293  
 in gaming house cases, 168(3)  
 of appeal, 725(2)  
 of exemptions, 702  
 of previous unchastity, 131(3)  
 on person disguised, 295
- BURGLARY.** *See also* BREAKING AND ENTERING  
 causing death while committing, 202
- BURIAL**  
 criminal, of, after execution, 650  
 forgery, etc., of register of, 320, 321  
 neglect of duty, with respect to, 167  
 obstructing, 161
- BURNING.** *See* ARSON; MISCHIEF
- CABLEGRAM,** false, 314, 315
- CAMERA**  
 trials in camera, 427, 428
- CANADA,** out of  
 bigamy by form of marriage, 240  
 divorce granted, 240(2)(c)  
 evidence taken, 616-619  
 marriage solemnized, proof of, 241  
 offence committed  
 —, fraudulent passport, 58  
 —, by foreigner, 58, 420  
 —, piracy, 75, 76  
 —, treason, 46  
 —, in territorial waters, 420  
 witness, 613, 619
- CANADA EVIDENCE ACT**  
 s.2 replaced, 749
- CANADA POST OFFICE**  
 offences in respect of, 153, 298, 324
- CANADIAN FORCES**  
 assisting deserter from, 54  
 assisting forces hostile to, 46(1)(c), 50(1)(a)  
 defined, 2(4), 2(19), 2(23), 2(24)  
 inciting to mutiny, 53, 63  
 law governing, not affected, 4  
 receiving public stores from member of, 363, 364
- CAPACITY FOR CRIME**  
 of child under seven, 12

- , between seven and fourteen, 13, 139
  - of corporation, 2(15)
  - of drunken person, 16(4)
  - of idiot, 16
  - of insane, etc., 16
  - of married woman, 18
- CAPITAL PUNISHMENT**
- for levying war, 46, 47
  - , murder, 206
  - , piracy in cases of violence, 75
  - , treason, 47
  - provision to carry into effect, 642-653
  - regulations as to executions, 653
  - sentence, commutation of, 656
  - under other Acts, 652
- CAR TICKETS**
- fraud respecting, 336, 397
- CARELESS DRIVING**
- bodily harm from, 193, 221
- CARNAL KNOWLEDGE. See SEXUAL INTERCOURSE**
- CARRYING**
- offensive weapons, 82-87
- CASH BAIL, 451, 461, 463, 710(2)**
- CATTLE**
- accident involving, 221(2)
  - brand as prima facie evidence, 284
  - , defacing, 284
  - carrying bulls with other, 389(9)
  - damage to, 385
  - definition of, 2(5)
  - fraudulent dealing with, 284
  - ill-treating and cruelty, 387, 389
  - , jurisdiction as to, 419
  - injury by careless driving, 387
  - killing, 385
  - lien for food supplied to, 389(6)
  - overcrowding in cars, 389
  - poisoning, 385
  - stray, fraudulent taking of, 284
  - threats to injure, 316
  - transportation of, 389
  - , inspection, 390
  - wounding, 385
- CAUTION**
- on arrest, 455
  - on preliminary enquiry, 454
- CERTIFICATE**
- of acquittal, 482
  - as to appeal, 586(4)
  - of citizenship, fraudulent use of, 59
  - as to conviction, 482, 574
  - as to costs, 730
  - of default on recognizance, 676
  - for delivery of goods, 2(12), 333
  - of discharge, military, 362
  - of dismissal of information, 715
  - as to execution of death sentence, 646, 647, 649
  - falsifying, 320, 321
  - of naturalization, fraudulent use of, 59
  - of sheriff, as to person rendered, 672
  - of Speaker, in libel, 266
- CERTIORARI**
- appeal in, 691
  - defects curable on, 683, 684
  - detention of accused, 681
  - dismissal of motion to quash, 686
  - irregularities, 683, 684
  - none where summary conviction
  - , affirmed on appeal, 682
  - , appealed from or appealable, 682
  - powers of amendment, 683, 684
  - recognizance on, 685
  - rules of court as to, 424(2)(c)
  - when appeal a bar to, 682
- CHALLENGE**
- accused severing in, 545
  - array of, 538, 539
  - in Alberta, 541
  - , Northwest Territories, 541
  - , Yukon, 541
  - for cause, 543, 547-549
  - of grand jury, 537-539
  - panel exhausted, procedure, 536, 550
  - peremptory, 541, 542
  - to fight a duel, 72
  - to prize fight, 81
  - to publish libel, 262
- CHANGE**
- of venue, 508, 509
- CHARACTER**
- evidence of, 131, 573, 660, 663
- CHARGE**
- to Jury, certification of, 588(3)
- CHARITABLE ORGANIZATIONS**
- games for, 168, 179(8)
- CHASTITY**
- previous unchastity, proof of, 131(3)
- CHEATING**
- at play, 181
  - jurisdiction in case of, 467(b)
  - three card monte, etc., 179

- CHEQUE.** *See also* FORGERY  
 obtained by false pretence, 305  
 without funds, 304(3)  
 worthless cheque for lodging, etc.,  
 307(2)
- CHILD**  
 abandoning, under ten, 189  
 abduction of, 235, 236  
 —, exemption, 236(2)  
 concealing birth of, 214, 215  
 consent of, 132  
 correction of, 43  
 corroboration, 566  
 corrupting, 157  
 criminal responsibility of  
 —, under seven, not criminally re-  
 sponsible, 12  
 —, between seven and fourteen,  
 when criminally responsible, 13,  
 139  
 defined, 157(3), 185  
 evidence of age, 565  
 evidence of, not under oath, 99(f),  
 566  
 exposing child under ten, 189  
 homicide by frightening child, 194  
 (5), 200  
 killing at birth, 195(2)  
 —, to preserve life of mother, 209(2)  
 —, unborn, 209  
 neglect at birth, 214  
 newlyborn, 2(27)  
 parent not providing necessities, 186  
 procuring defilement of, 155  
 presumptions, 186(3)  
 prosecution for corrupting, 157(4)  
 sexual intercourse with, under four-  
 teen, 138(1)  
 —, between fourteen and sixteen,  
 138(2)  
 vice endangering morality, 157(1)  
 —, age of child no defence, 157(2)  
 when it becomes a human being,  
 195(1)
- CHILDBIRTH**  
 neglect to obtain assistance in, 214
- CHILDREN'S AID SOCIETY,** prose-  
 cution by, 157(4)
- CHOKING**  
 attempt, 218  
 murder by, in attempting to commit  
 certain offences, 202  
 with intent to commit indictable of-  
 fence, 218
- CHURCH.** *See also* RELIGIOUS  
 ORGANIZATION  
 assaulting officiating clergyman in,  
 161  
 disturbing public worship in, 161,  
 163  
 obstructing clergyman in, 161
- CHURCH RAFFLE or BAZAAR,**  
 179(8)(b)
- CIRCULARS,** etc.  
 printed in likeness of notes, 400
- CITIZENSHIP, CERTIFICATE OF**  
 defined, 59  
 fraudulent use of, 59
- CIVIL ACTION**  
 against persons enforcing criminal  
 law, 25, 33, 689  
 corporations, recovery of penalty, 623  
 for criminal act, not suspended, 10  
 recovery on forfeiture of recogniz-  
 ance, 668 and Schedule, 679
- CIVIL REMEDY**  
 for criminal act, not suspended or  
 affected, 10
- CIVIL RIGHTS**  
 effect of conviction on, 654
- CLAIRVOYANCE,** 308
- CLEMENCY**  
 pardon, 655-658  
 prerogative of mercy unaffected, 658  
 —, powers of Minister of Justice, 596  
 question before sentence, 575
- CLERGYMAN**  
 assaulting, 161  
 obstructing, 161
- CLERK OF THE COURT**  
 adjournment by, when no jury sum-  
 moned, 418  
 defined, 2(6), 668(2)(a)  
 of appeal, 581(c)  
 duty of, 731, 732  
 notice by, 474, 529
- CLERK OF THE PEACE**  
 in British Columbia, 478
- CLIPPING**  
 current coin, 391(b)(iv), 398  
 —, possession of, 394
- CLOCK,** punching with intent, 341  
 (b)

- COASTAL WATERS  
defined, 285(6)
- COCK-FIGHTING, 387  
keeping cock-pit, 388
- COERCION. *see* COMPULSION
- COIN. *See* COUNTERFEIT  
MONEY
- COIN TABLE, 179(3)
- COLOUR OF RIGHT  
defence to charge of wilful damage,  
371  
defence of person or property, 34-42  
forcible detainer or entry, 73, 74  
in abduction of child, 236  
theft by taking without, 269
- COMBINES  
conspiracy to lessen competition, etc.,  
411  
conspiracy in restraint of trade, de-  
fined, 409, 410  
Investigation Act, amended, 750  
jurisdiction to try, 413(2)(a)(xiv)  
penalty for illegal restraint of trade,  
412  
trade unions excepted, 410  
trial of, 416
- COMICS, CRIME  
defined, 150(7)  
printing, selling, etc., 150
- COMMENCEMENT  
of certain prosecutions, *See* LIM-  
ITATION  
of sentence, 624, 664  
—, for escape, 129
- COMMISSION  
in fraud of government, 102(1)(c)  
secret, 504
- COMMISSIONS TO TAKE  
EVIDENCE  
apart from trial, 612-618  
out of Canada, 613-619  
of person dangerously ill, 613-619  
presence of prisoner, 617  
reference to Commissioner, 589(1)  
(e)(f), (2)
- COMMISSIONER  
appointed by Court of Appeal, 589  
(e)  
of Northwest Territories, order by,  
650  
of R.C.M.P.  
—, defined, 98  
—, may issue weapon permit, 94  
—, to keep registry, 93  
of Yukon, order by, 650
- COMMITTAL  
of absconding witness, 611  
of accused,  
—, discharge of sureties on, 670, 672-  
674  
—, duty of sheriff on, 474, 475,  
672(3)  
—, when found insane, 523, 525,  
527  
in default of sureties to keep the  
peace, 717  
—, payment of costs, 731(4)  
of sureties, 679  
for trial, 460  
warrant of, 636, 679  
—, not void for defects, 688  
of witness, 457  
—, not giving recognizance, 461
- COMMON ASSAULT, 230, 231,  
699  
—, jurisdiction to try, 467(c)(vii)
- COMMON CARRIER  
endangering persons on, 220
- COMMON INTENTION  
to carry out an unlawful purpose, 21
- COMMON LAW  
application of, 7(2)  
conspiracy, 408(2)  
no prosecution at, 8(1)
- COMMUTATION  
notice of, 657  
to preventive detention, 664  
of sentence of death, 657
- COMPANY. *See also* CORPORA-  
TION  
defined, 343  
false accounting, 340  
false advertisements, 306  
false prospectus, 343  
false statements in writing, 304  
fraudulent sale of stores, 361  
personating owner of shares, 346  
refusing to employ members of  
union, 367  
theft from, 274  
wilfully breaking contracts, 365
- COMPENSATION  
for fraud on government, 102(1)(d)

- COMPENSATION**—*continued*  
 for damage of property, 373  
 for loss of property, 595, 628-630, 638(2), 714  
 order for, 595, 625, 628-630  
 to bona fide purchaser of stolen property, 629  
 where joint offenders, 714
- COMPETENCY**, *See* Canada Evidence Act
- COMPLAINT**  
 in summary conviction, 696(1)(h)  
 in rape case, instruction to jury, 134
- COMPOUNDING**  
 advertising reward for stolen property, 123  
 of indictable offence, 121
- COMPULSION**  
 in abduction, 234  
 as excuse for crime, 17  
 of female in incest, 142  
 in kidnapping, 233(3)  
 in procuring, 184(h)  
 by threats, 17  
 of wife by husband, not presumed, 18
- CONCEALMENT**  
 of birth, 214, 215  
 of birth, conviction for, on charge of infanticide, 569  
 —, murder, 569  
 of dead body of child, 215  
 to defraud creditors, 335  
 of deserters, 54, 57  
 of document, 286, 328  
 of wreck, 358
- CONCEPTION**. *See also* ABORTION  
 advertising, etc., drugs, to prevent, 150(2)(c)
- CONFESSION**  
 of accused, as evidence, 455  
 admission on trial, 562, 564, 708(5)  
 statement before justice, 454
- CONJURATION**, etc.  
 fraudulently pretending to practise, 308
- CONSENT**  
 to abduction, not material, 235  
 of Attorney-General of Canada, 54, 82, 100, 229, 420(2)
- of Attorney-General of Province  
 —, to application for preventive detention, 662  
 —, to inclusion of charge, 478(3)  
 —, to preferring indictment, 487  
 —, to prosecution, 116, 151(3), 157, 159, 365, 328(2), 421(3)  
 —, to re-election, 476  
 of child under fourteen, no defence, 152  
 of court to preferring indictment, 487  
 of female obtained by false representation, 135, 141  
 in homicide, 14  
 in kidnapping, 233  
 of Minister of Transport, 581  
 to reduced number of jurors, 553  
 to setting down appeal, 723(2)  
 sufficiency of indictment, 493(h)  
 to trial without jury, 468, 472  
 —, in Alberta, 417  
 —, in cases of trade conspiracy, 416  
 to use of evidence on appeal, 727  
 to use of jury on second trial, 552
- CONSIGNMENT**  
 fraud against consignee, 331-334  
 fraudulent receipts, 331
- CONSPIRACY**  
 with agent of foreign power, 46(1)  
 to effect unlawful purpose, 408(2)  
 —, unlawful purpose by unlawful means, 408(2)  
 by employers, 367  
 to defile, 408(c)  
 false accusation, to bring, 408(b)  
 by fraudulent means, particulars, 497  
 indictable offence, to commit, 408 (d)  
 in restraint of trade, 409-412, 416  
 —, jurisdiction to try, 413(2)  
 indictment for, 496  
 —, particulars, 497  
 murder, to commit, 408(a)  
 seditious, 60, 61  
 treason, to commit, 46(1)(e)  
 workmen, saving as to, 410
- CONTEMPT OF COURT**  
 appeal from conviction, 9  
 disobedience of order, 514(2)  
 punishment of, 8, 457, 612  
 by witness, 457, 610, 612
- CONTRACEPTIVES**  
 advertising, 150(1)(c)

- CONTRACT FOR PURCHASE OR SALE.** *See* FRAUD; FRAUDULENT
- CONTRACT OF SERVICE**  
breach of, 365  
for light power, water or gas, 365  
to operate railway, 365
- CONTRACTOR**  
contributions to election fund, 102  
(2)
- CONTRADICTORY EVIDENCE**  
witness giving, 116
- CONVERSION**  
theft by, 269(3), 272, 276-278  
by trustee, 282
- CONVEYANCE**  
of prohibited articles, 179(1)(c),  
344  
gambling in public, 180  
interfering with, 220
- CONVICTION.** *See also* INDICTMENT; APPEAL; AUTREFOIS; CERTIORARI  
arrest of judgment, 578  
certificate of, 482, 574  
disabilities following, 654  
form of, 713  
evidence of, 482(4), 713  
notice of, 182  
previous, of accused, 571-574, 712  
—, as bar, 519, 568(2)  
—, in disorderly house cases, 169(d)  
—, on motor vehicle cases, 222, 223  
record of, 482, 532, 713  
review of, on certiorari, 682-689
- CO-OPERATIVE SOCIETY,** 412(3)
- CO-OWNER**  
theft by, 274
- COPIES.** *See* DOCUMENTS
- COPPER COIN**  
defined, 391
- CORONER**  
inquisition of, no trial on, 488  
inquest by, 648, 649  
misconduct by, 109  
warrant by, 448
- CORPORAL PUNISHMENT.** *See* PUNISHMENT; WHIPPING
- CORPORATION.** *See also* COMPANY; MUNICIPALITY  
appearance by, 470, 528, 707(3)  
breach of contract, 365  
criminal liability, 2(15)  
default of appearance, 530, 531  
false prospectus of, 343  
—, statement, 304  
fines, 623  
indictment of, 470, 528-531  
notice of indictment, 529  
preliminary hearing on charge  
against, 452  
previous conviction of, 572(3)  
procedure as to, 470  
property of, 498  
punishment of, 623  
theft by officers of, 274(e)  
trial of, 416, 428, 470, 531
- CORRECTION**  
of child or pupil, 43  
by master of ship, 44
- CORROBORATION**  
age of child, evidence of, 565  
on charge of communicating venereal disease, 238  
—, defiling women, 184  
—, forgery, 310(2)  
—, perjury, 115  
—, procuring, 131, 155, 184  
—, by parent or guardian, 131  
—, procuring feigned marriage, 242  
—, seduction, 131(1)  
—, sexual intercourse with feeble-minded, etc., 131  
—, girl under fourteen, 134  
—, girl, between fourteen and sixteen, 134  
—, treason, 47(2)  
instruction to jury in certain cases,  
134  
unsworn evidence of child, 566
- CORROSIVE FLUID**  
throwing, etc., with intent, 78
- CORRUPTION**  
in accepting reward, 122  
of agent, 368  
corrupting children, 157  
—, limitation, 157(2)  
judicial, 100  
—, jurisdiction to try, 413(2)  
—, prosecution for, 100(2)  
of juryman, 119  
—, members of Parliament or Legislature, 100

**CORRUPTION—continued**

- , municipal official, 104
- , public officer, etc., 101, 102
- , jurisdiction to try, 413(2)
- , witness, 119

**COSTS**

- of adjournment, 510(5)
- certificate of non-payment, 731(3)
- enforcing payment, 632, 730-732
- of levy under fieri facias, 678
- libel case, 631, 632
- none on appeal, 589(2)
- part payment, 625
- remission of, 657
- summary convictions, 716, 730

**COUNSEL**

- appearance by
  - , of corporations, 470, 528, 707
  - , of accused, 707
- assignment of, by court of appeal, 590
- for Attorney-General, 476, 478, 489, 490
- , prosecutor includes, 2(33)
- defined, 2(7)
- opening defence, 558(2)
- on preliminary enquiry, 451, 453
- in summary conviction matters, 707, 709
- summing up, 451(h), 558

**COUNSELLING COMMISSION OF OFFENCE, 212, 407****COUNT. See also INDICTMENT**

- amendment of, 500, 510, 511
- definition of, 2(8)
- form and contents of, 492, 493
- included in indictment, 2(20)
- in information, 696
- joinder of, 501
- murder to stand alone, for, 499
- offences charged in the alternative, 500
- separate trial on one or more, 500, 501, 708(4)
- sufficiency of, 492, 493, 500
- , in case of libel, 494

**COUNTERFEITING. See also BANK NOTE; COUNTERFEIT MONEY; FORGERY**

- instruments for, 312, 401, 402, 405
- money, 391 et seq.
- proclamations, etc., 313
- seals, government, 312
- seals of court, registry, 312
- stamps, 319

tokens of value, 397

when complete, 404

**COUNTERFEIT MONEY. See also BANK NOTE; FORGERY**

- advertising, 403
- bullion, unlawful possession of, 394
- , conveying from Mint, 402
- buying and selling, 393
- circular, etc., resembling bank note, 400
- clipping
  - , coin, 391(b)(iv), 398
  - , possession of, 394
- coloured, etc., coin, 391(b)(iv)
- copper coin, defined, 391(a)
- , uttering counterfeit, 399
- 'counterfeit token of value', defined, 391(a)
- , fraudulent use of, 397
- 'current', defined, 391(d)
- defacing coin, 399
- defined, 391(b)
- exporting, 395
- forfeiture, 405
- forged bank note included, 391(b)
  - (ii)
- genuine but valueless money, 403
  - (2)
- gold and silver coin, 391(b), 394
- importing, 393
- instruments or materials for making, 401
- , conveying out of Mint, 402
- , making or having, 401
- lightened coin as, 398
- making, 391(b), 392
- , when offence complete, 404
- Minister of Finance, to be sent to, 405
- Mint, conveying instruments, etc., from, 402
- paper money, false, included, 391
  - (b)
- peace officer, power of, to seize, 405
- possession
  - , of bullion, etc., 394
  - , of counterfeit money, 398
  - , of instrument for counterfeiting, 401
- seizure of, 405
- slugs, etc., fraudulent use of, 397
- tokens of value, counterfeit
  - , advertising, 403
  - , fraudulent use of, 397
- uttering, 395
- coin not current, 396
- defaced coin, 399



- false token of value, 397  
 when offence complete, 404  
 washed, etc., coin as, 391(b)(vi)
- COUNTERFEIT TOKEN OF VALUE**  
 defined, 391  
 fraudulent, 397
- COUNTY, See TERRITORIAL DIVISION**
- COURT, See also JURISDICTION**  
 of appeal  
 —, defined, 2(9), 581 (a)  
 —, from summary conviction, 719, 733  
 contempt of, 8, 9  
 —, appeal from conviction, 9  
 —, disobedience of order, 514(2)  
 —, punishment of, 8, 457, 612  
 —, by witness, 457, 610, 612  
 coroners, 448, 488, 648  
 counterfeiting seal of, 312  
 of criminal jurisdiction, 2(10)  
 —, jurisdiction of, 413, 414  
 defined, 2(9), (10), 581(e), 620, 659, 719, 733  
 disobedience to order of, 108, 514  
 exclusion of public from, 427, 428, 451(j)  
 fair report of proceedings of, 257  
 for forfeiture of recognizance, 668 and Schedule  
 indictable offences, trial by jury, 413, 415,  
 —, without jury, 416, 417, 466  
 powers of, saving as to, 580  
 as to preventive detention, 659  
 publishing proceedings of, 151, 255, 257  
 rules of, 424, 618, 687  
 summary conviction, 692(g), 719, 732  
 Superior, defined, 2(38)  
 —, powers of, 413 et seq.  
 —, on stated case, 733, 740  
 Supreme Court of Canada, 597-600  
 as to suspended sentence, 640  
 trial court defined, 581(e)
- COURT ORDER**  
 disobedience of, 108
- COURT OF RECORD, 473(1)**
- CREDIT**  
 obtained by false pretences, 304  
 fraudulent financial report as basis of, 304, 343
- CREDITOR**  
 frauds upon, 304, 335, 340, 343, 345
- CRIME COMIC, 150**
- CRIMINAL BREACH OF CONTRACT, 365**
- CRIMINAL BREACH OF TRUST, 282, 283**
- CRIMINAL CODE**  
 applicability throughout Canada, 6  
 —, Northwest Territories, 6(a)  
 —, Yukon Territory, 6(b)
- CRIMINAL INFORMATION**  
 abolished, 488
- CRIMINAL JURISDICTION**  
 court of, defined, 2(10)  
 superior court of, defined, 2(33)
- CRIMINAL NEGLIGENCE**  
 causing bodily harm, 193, 228  
 —, death, 192, 194, 196, 197, 228  
 —, jurisdiction to try, 413(2)  
 duty to avoid dangerous omissions, 77, 188, 191, 228  
 explosives, use of, 77, 78  
 generally, 191  
 in operation of motor vehicle, 221  
 of person undertaking dangerous act, 188  
 in surgical operation, 45, 187, 209 (2)
- CRIMINAL SEXUAL PSYCHOPATH, See PREVENTIVE DETENTION**
- CROPS**  
 setting fire to, 374
- CROSS-EXAMINATION**  
 of defendant, *See* Canada Evidence Act  
 full opportunity, 615  
 as to prior convictions, 572, 573  
 of witnesses, 453, 555, 589(2), 709, 727
- CROWN**  
 offences against the, 46  
 pardon by the, 655, 656  
 prerogative of mercy of the, 657
- CROWN RULES. See RULES OF COURT**
- CRUELTY**  
 to cattle, 385, 387, 389

- CRUELTY**—*continued*  
 —, other animals, 386, 388  
 keeping cock-pit, 388  
 in transportation of cattle, 389
- CURRENT**  
 defined, 391
- CURRENCY.** *See* BANK NOTE;  
 COUNTERFEIT MONEY  
 escape from lawful, 125
- CUSTODY.** *See also* ARREST; ES-  
 CAPE; IMPRISONMENT  
 of insane prisoner, 523(2), 524(4),  
 525-527
- CUSTOMS.** officer of, *See* PEACE  
 OFFICER; PUBLIC OFFICER
- DAMAGE.** *See* MISCHIEF  
 colour of right, 371(2)  
 —, legal justification or excuse, 7(2)  
 371(2)  
 —, wilful, 373
- DANGEROUS ACTS.** *See*  
 CRIMINAL NEGLIGENCE  
 duty of persons doing, 187, 188  
 surgical or medical treatment, 187
- DANGEROUS EXPLOSION.** *See*  
*also* EXPLOSIVES  
 acts with intent to cause, 79  
 causing, 78  
 destroying property by, 79  
 unlawful possession of explosives,  
 79, 80
- DANGEROUS PLACE**  
 duty to safeguard, 228
- DANGEROUS WEAPONS.** *See*  
 OFFENSIVE WEAPONS
- DAY**  
 defined, 2(11)
- DEAD BODY**  
 of child, concealing, 215  
 failure to bury, 167  
 indignity to, 167  
 interference with, 167
- DEAF AND DUMB**  
 procedure in case of inability to  
 plead, 515
- DEALER**  
 buying marked lumbering equip-  
 ment, 285(3)  
 issue of trading stamps by, 369  
 presumption against, 364(2)
- receiving public stores, 364  
 second-hand goods bearing trade-  
 mark, 354
- DEATH**  
 accelerating, 199  
 aiding and counselling suicide, 212  
 capital punishment, 642, 653  
 causing  
 —, by criminal negligence, 191, 193,  
 228  
 —, by influence on the mind, 200  
 —, when infanticide, 204  
 —, when manslaughter, 203, 205,  
 228  
 —, when murder, 202, 203, 209  
 consent to, no excuse, 14  
 during illegal arrest, 203(4)  
 falsifying registers of, 320, 321  
 forging certificate of, 321  
 from treatment of culpable injury,  
 197  
 homicide, 194  
 procuring by false evidence, 194(2)  
 sentence of, 642, 653  
 —, in Northwest Territories and  
 Yukon, 643(3)  
 —, for murder, 206  
 —, piracy, 75  
 —, treason, 47  
 —, on pregnant woman, 577  
 —, stay of execution, on appeal, 586  
 under other Acts, 652  
 which might have been prevented.  
 196  
 within a year and a day, 198  
 of witness, 619
- DEATH CERTIFICATE**  
 falsifying, 320
- DEBTOR**  
 defrauding creditors, 335, 340, 343,  
 345
- DEBENTURES**  
 recalling by lot, 179(8)(d)  
 valuable security includes, 2(42)
- DECLARATION.** *See also* PERJURY  
 dying, as evidence, 619(2)  
 false, amounting to perjury, 112,  
 116  
 false, in writing, 114, 118  
 false, to officer or notary public, 114  
 signing or using pretended, 118  
 solemn, 114, 118  
 statutory, 114, 118
- DEED**  
 destruction of, 286

- fraudulently concealing, 328  
 obtaining by false pretences, 305  
 —, by fraud, 329  
 —, by force or threats, 291  
 valuable security includes, 2(42)
- DEFACING**  
 brand on cattle, 284  
 current coin, 399  
 land-marks, 383, 384  
 registers of births, etc., 320  
 timber-mark, 285  
 trade mark, 353  
 uttering defaced current coin, 399
- DE FACTO LAW**  
 obedience to, 15
- DEFAMATORY LIBEL**, *See* **LIBEL**
- DEFECTS**, *See also* **AMENDMENT**  
 conjunctive description, 703  
 disjunctive description, 703  
 in indictment, 500, 510  
 in information or warrant on preliminary inquiry, 458, 459  
 in sentences, 635, 683, 684  
 in summary conviction, 683, 684, 688, 701-704, 727(4)  
 omissions as to jurors, 556(3), 579, 580  
 removal on certiorari, 683, 684, 688
- DEFENCE**, *See also* **JUSTIFICATION**  
 of Canada, acts prejudicial to, 464  
 by counsel, order of addresses to jury, 558  
 compulsion as a, 17  
 evidence for, on preliminary inquiry, 451(i), 454  
 full answer and defence, 557(2), 709  
 of house or land, 41, 42  
 in libel cases, 253-266  
 insanity as a, 16, 523, 527  
 of movable property against trespasser, 38  
 —, with claim of right, 39(1)  
 —, without claim of right, 39(2)  
 obedience to de facto law, 15  
 order of parliament or legislature, 266  
 self-defence against provoked assault, 35  
 , against unprovoked assault, 34  
 use of force, 25-27
- DEFILEMENT**, *See also* **RAPE**; **SE-  
 DUCATION**; **SEXUAL IN-  
 TERCOURSE**  
 abduction with intent, 234  
 attempted rape, 137  
 conspiracy to defile, 408(1)(c)  
 householder permitting, 156  
 idiot, feeble-minded, insane, etc., of  
 140  
 indecent assault, 141  
 limitation of time for prosecution,  
 133  
 parent or guardian procuring, 155  
 procuring, etc., 184  
 rape, 135, 136  
 —, attempt to commit, 137
- DEFINITIONS**  
 words used in other Acts, 3(5)
- DELINQUENCY**, *See* **JUVENILE  
 OFFENDERS**
- DELIVERY OF MAIL**  
 offence during, 419(e)
- DELUSIONS**, 16(2)
- DEMAND**  
 by threats etc., 291
- DEMURRER**  
 objections before plea, 510(1)
- DEPARTMENT OF GOVERN-  
 MENT**, 2(34)
- DEPOSIT WITH RECOGNIZ-  
 ANCE**, 451, 461, 463, 710
- DEPOSITION**  
 before justices, taking, 440(1), 453,  
 454, 456(6)  
 copy of, for accused, 512  
 on former trial, admissible in evi-  
 dence, 619  
 on preliminary enquiry, read in evi-  
 dence, 619  
 right of accused to inspect, 512  
 of sick witness may be read in evi-  
 dence, 615  
 in summary conviction matters, 708  
 taking out of court, 613-618  
 when admissible, 615, 616, 619  
 of witness out of Canada, 616, 619
- DEPUTY ATTORNEY-GENERAL**,  
 478, 489(2)
- DEPUTY MINISTER OF JUSTICE**,  
 656
- DESERTER**  
 assisting, 54, 57

- DESERTER**—*continued*  
 from Canadian Forces, 54  
 —, resisting search for, 56  
 from R.C.M.P., 57  
 inciting member of Canadian Forces  
 to desert, 53  
 receiving public stores from, 363,  
 364  
 search for, 564
- DESERTION**  
 of child by parent or guardian, 186  
 (4)  
 —, under ten, 189  
 as defence to bigamy, 240(2)(b)  
 of wife, 186  
 proof of marriage and parentage, 186  
 —, neglect, 186
- DESTRUCTION**, *See also* MIS-  
 CHIEF  
 of account books, etc., 340  
 of animals, 385, 386  
 building by explosives, 77-79  
 deeds and other documents, 286  
 —, documents of title, 286  
 gaming equipment, 171(3)  
 lottery equipment, 171(3)  
 records, 320, 321  
 testamentary instrument, 286
- DESTRUCTIVE SUBSTANCE**  
 throwing with intent to disfigure or  
 burn, 79(1)(b)
- DETAIL**  
 further particulars may be ordered,  
 497
- DETAINER**  
 forcible, 73, 74
- DETENTION**  
 of person arrested, 438  
 of prisoner required as witness, etc.,  
 446  
 of property seized, 432
- DICE GAME**, 179(3)
- DIRECTOR**  
 of company, issue of false prospectus  
 by, 343
- DISABILITY ON SENTENCE**, 654
- DISAGREEMENT**  
 of jury, 560  
 of triers, 549(4)
- DISCHARGE**, *See also* ACQUITTAL  
 of accused, 460  
 —, on bail, 463(3)(5)
- of jury, 556, 560  
 of sureties, 670-674  
 under pretended authority, 126(c)  
 of witness, 461(5)
- DISCIPLINE**  
 of child or pupil, 43  
 on ship, 44
- DISCRIMINATION**  
 in trade, 412
- DISGUISE**  
 wearing with intent, 295(2)
- DISMISSAL**  
 proof of, 482(4)
- DISOBEDIENCE**  
 to Act of Parliament, 107  
 to orders of court, 108, 514(2)
- DISORDERLY CONDUCT**, 158 et  
 seq., 336(1)(e)
- DISORDERLY HOUSE**, *See also*  
 PROCURING  
 appearing to be keeper of, 168(1)  
 (h), 176  
 being found in, 174, 176, 182  
 being inmate of, 182, 467  
 defined, 168(1)(e)  
 device to prevent entry, 169  
 evidence of, 169, 170  
 examination of person found in, 174  
 finding gaming instruments, etc.,  
 169  
 jurisdiction in case of, 467  
 keeper of, 168, 176, 182, 467  
 liability of landlord, 182  
 obstructing peace officer entering,  
 169, 175  
 person found in, 174, 176(2), 182  
 (2)  
 search in gaming houses, 171, 173  
 search for women in, 172, 173
- DISSENTING JUDGMENT**  
 must specify grounds, 585
- DISTINGUISHING MARK**  
 as to public stores, defined, 360(3)
- DISTRESS**  
 obstructing a lawful, 110(c)
- DISTURBANCE**  
 causing, in or near public place, 160  
 of occupants of dwelling, 160(d)  
 of religious worship, etc., 161
- DIVORCE**  
 defence to bigamy charge, 240(2)  
 publishing reports of cases, 151,  
 257(2)

- DOCTORS**  
protection of, re operations, 45
- DOCUMENT, See also FORGERY; FRAUD; WRITING**  
acknowledging in false name, 348  
altering, 320, 321, 340  
compelling execution of, 291  
copies, right of accused to, 512, 513  
defined, 268(b)(e)  
destruction of, fraudulent, 286, 340  
election, mutilating, etc., 320  
false, definition of in forgery, 268(e)  
falsifying, 320, 321, 340, 341  
forgery of, 309, 320, 321  
inspection of documents by accused, 512, 513  
making, etc., without authority, 317  
obtaining property by forged, 318  
production of, on appeal, 589  
of title, concealing, 286, 328  
—, defined, 2(13)  
—, destroying, 286  
theft of testamentary instruments, 280  
uttering, forged, 311  
—, document made without authority, 317
- DOCUMENTS OF TITLE**  
destroying of, 286
- DOG**  
killing or injuring, 386(a)  
poisoning, 386(b)
- DRIFT TIMBER**  
taking possession of, 285
- DRILLING**  
unlawful, 71
- DRIVING, See MOTOR VEHICLE**
- DRUGS, See also ABORTION**  
administering, to animals, 385, 386, 387(1)(e)  
—, causing bodily harm by, 217  
—, with intent to annoy, 217  
—, to commit certain offences, 202  
—, to overcome resistance, 218  
—, to procure abortion, 237(3)  
—, for purpose of defilement, 184(i)  
advertising contraceptives, etc., 150(1)(c)(d)  
murder by, 202(b)
- DRUNKENNESS**  
causing disturbance by, 160  
habitual, endangering child's morality, 157
- DUELLING, 72**
- DUTY**  
defined, 191  
legal, 77, 186, 191, 228, 371  
upon those undertaking medical or surgical treatment, 187  
upon persons undertaking acts, 188  
to safeguard dangerous places, 228
- DWELLING-HOUSE, See also BURGLARY; JUSTIFICATION; MISCHIEF**  
breaking and entering, 292  
defence of, 40 et seq., 64(3)  
defined, 2(14)  
destroying or damaging, 382  
disturbing occupants of, 160  
entering with intent, 293  
injuries by tenant, 382  
setting fire to, 374-377  
trespass near, at night, 162  
written threats to burn, 316
- DYING DECLARATION**  
as evidence of, 613, 619
- EATING HOUSE**  
defrauding of, 307
- ELECTION**  
contractor subscribing to fund for, 102(2)  
document, defined, 320  
—, alteration of, 320  
—, destroying or injuring, 320  
—, falsifying, 320  
effect of, 477, 592(5)  
for trial without jury  
—, in Alberta, 417  
—, in cases of trade conspiracy, 416  
—, before judge, 474, 475  
—, before justice, 450(2)  
before magistrate, 468(2), 469, 481(3)  
before recording, 468(3)(4)  
re-election, 475, 481, 592(5)(a)  
where more than one accused, 479
- ELECTRICITY**  
breach of contract to supply, 365  
stealing, 273
- EMBEZZLEMENT, See THEFT**
- EMBRACERY**  
corruption of jury, 119
- EMPLOYEE**  
corruption of, generally, 368  
—, government, 102  
—, municipal, 104  
seduction of female, 145(1)(b)

**EMPLOYER**

- conspiring to intimidate workman, 367
- principal includes, 368(4)
- refusing to employ members of union, 367

**EMPLOYMENT**

- record, falsifying, 341

**ENCUMBRANCE**

- fraudulent concealment of, 328-330

**ENDANGERING LIFE**

- abandoning child under ten years, 189
- administering drug, 202, 217, 218
- attempt to murder, 210
- by breach of contract, 365
- by explosives, 77, 79
- by failure to provide necessaries, 186
- by firearm, 86, 216
- by omitting legal duty, 186-191, 228
- danger to the person, 216-220, 228
- duty of persons doing dangerous acts, 187
- , in charge of explosives, 77
- excavations, etc., 228
- by impeding attempt to save life, 227
- of persons on conveyances, 220
- procuring abortion, 237, 238
- sending or taking unseaworthy ships, 229

**ENDORSEMENT OF WARRANT,**

- 429, 447, 609(2)
- of recognizance, 670(4)
- of warrant, 429, 447, 609(2)

**ENEMIES**

- assisting alien, 46, 50

**ENGLAND**

- criminal law of, 7
- , trial of offence against, 8

**ENLISTMENT**

- evidence of, 364

**ENTER**

- as to housebreaking, defined, 294

**ENTICING**

- child away, 235, 236
- to desert
- , member of Canadian Forces, 53
- , member of R.C.M.P., 57
- girl to bawdy-house, etc., 184

**ENTRY**

- in burglary or house-breaking, definition of, 294
- forcible, on land, 73, 74

**ESCAPE**

- assisting or permitting, 127, 128
- , conveying things into prison, by, 126
- causing death in attempt to, 203
- defined, 129(4)
- discharge under pretended authority, 126
- from custody, 125, 436
- imprisonment for, 129
- permitting, by officer, 126, 127
- prevention of by peace officer, 25(4)
- of prisoner of war, 128
- prison breaking, 124
- punishment of, 125

**ESTREAT, See RECOGNIZANCE****ESPIONAGE**

- obtaining or communicating information of military value, 46

**EVERY ONE**

- definition of, 2(15)

**EVIDENCE, See also CORROBORATION; PRESUMPTIONS; WITNESS**

- of acquittal, 482, 517, 518, 715
- admissions by accused, 174, 421(4), 454, 455, 562, 708(5)
- age, proving, 3(1), 565
- on appeal, 588, 589, 727
- arson, on charge of, 376
- attempt charged, full offence proved, 568
- autrefois acquit or convict, 517, 518
- bawdy house, keeping, 168, 174, 175, 182(4)
- betting house, keeping, 169, 170, 174, 175
- bigamy, on charge of, 240
- of care or control of motor vehicle, 224
- cattle, ownership of, 284(2)
- causing fire by negligence, 377(2)
- certificate of default on recognizance as, 676
- , of marriage as, 241(2)
- of character, 131, 573, 660, 663
- of chemical analysis, 224
- of child not under oath, 99(f), 566
- children, corrupting, 186
- common assault, on charge of, 699
- on commission, 613-618
- of conspiracy to commit treason, 55, 492
- contradictory, 116
- of conviction, 482, 517, 518, 571-574, 713

- as to counterfeit money, 403, 404  
 before court of appeal, 588, 589,  
 726, 727  
 criminal sexual psychopath, 661,  
 663  
 death by false, procuring, 194(6)  
 defined, 99, 116(2)  
 of dismissal, 482(4), 715  
 of disorderly house, 169, 170, 174,  
 175, 182  
 of driving while intoxicated, etc.,  
 224  
 dwelling house, of unlawful presence  
 in, 293  
 of dying declaration, 613, 619  
 of enlistment, 364  
 of exemptions, 168(2)(3), 702  
 fabrication of, 117  
 failure to stop at scene of accident,  
 221(3)  
 —, to provide necessities, 186, 189,  
 190  
 false, 112, 116  
 —, indictment for, 495  
 —, particulars of, 497  
 full offence charged, attempt proved,  
 569  
 gaming house, keeping, 169, 170,  
 174, 175  
 habitual criminal, 661, 663  
 indecent assault, on charge of, 141  
 (2)  
 infanticide, on charge of, 570  
 of insanity, 16, 523, 524  
 judicial notice of proclamation, etc.,  
 687  
 before jury,  
 —, grand, 504-506  
 —, mixed, 535, 536  
 —, petit, 552-566  
 lumber, ownership of, 285  
 mine, salting, 339(2)  
 Minister of Justice, to be sent to,  
 588(5)  
 oath, to be under, 453, 454  
 obtaining by crime, on charge of,  
 301, 302  
 ores or minerals, on charge of steal-  
 ing, 563  
 out of Canada, 613, 616-618  
 perjury, on charge of, 113(2)  
 of person found in disorderly house,  
 174  
 polygamy, on charge of, 243(2)  
 on preliminary inquiry, 451(i), 453-  
 455  
 —, use of, 619  
 previously taken, use of, 620  
 proclamation, etc.,  
 —, judicial notice of, 687  
 —, tendering false, 313(b)  
 on reference to commissioner, 589  
 Secretary of State, to be sent to, 643  
 (3)  
 on special pleas, 517, 518  
 statement of accused, 454, 455, 562,  
 708(5)  
 stenographer taking down, 453, 555  
 stocks, gaming in, 326(2)  
 in summary conviction matter  
 —, on appeal, 725(2), 727  
 —, on trial, 708-710  
 timber, etc., ownership of, 285  
 transmission of, by coroner, 448  
 —, by justice, 453(5), 456, 462  
 at trial by jury, 555  
 —, without jury, 484  
 of unchastity, 131(3)  
 of witness ill, 613, 619
- EXAGGERATION**  
 as false pretence, 303  
 of quality, 303(2)
- EXAMINATION**  
 of exhibits, 514  
 of persons found in disorderly house,  
 174  
 of property seized, 432(5)  
 personation at, 347  
 remand for mental, 451(c)
- EXCAVATION**  
 leaving unguarded, 228
- EXCEPTION**  
 failure to negative, 510(3), 702
- EXCESS**  
 in punishment, correction, 592, 593,  
 683
- EXCESSIVE FORCE**  
 criminal responsibility for using, 26
- EXCHEQUER BILL**  
 defined, 265(c)  
 paper, defined, 268(d)  
 —, making or having, 312
- EXCISE, officer of. See PEACE OF-  
 FICER; PUBLIC OFFICER**
- EXCLUSION**  
 of public from court room, 427,  
 428, 451(j)
- EXCUSE, See JUSTIFICATION**
- EXECUTION OF PROCESS**  
 erroneous process, etc., 25, 28  
 excessive force not justified, 26

- EXECUTION OF PROCESS—*cont'd.***  
 issued without jurisdiction, 25  
 lawful process, 25, 26, 28, 29  
 misconduct in, 109  
 of search warrant, 20, 429, 430  
 —, sentence of death, 642 et seq.  
 —, subpoena, 606, 607  
 —, warrant, 20, 28, 445, 447, 507, 608
- EXHIBITS**  
 examination of, 432(5), 512, 514  
 production of, on appeal, 589  
 rules of court as to, 424
- EXPERTS, *See also* CANADA EVIDENCE ACT, S.7**  
 evidence of, 451(c), 661(2)
- EXPLOSIVE SUBSTANCE**  
 attempt to cause dangerous explosion with, 78  
 attempt to destroy property with, 79  
 bodily injury by, 77, 79  
 bomb, grenade, etc., having, 80  
 causing to explode, with intent, etc., 78  
 definition of, 2(16)  
 duty in respect of, 77  
 injury to property by, 78, 79  
 making or having for unlawful purposes, 79, 80  
 seizure and disposal of, 433  
 sending, with intent, etc., 79  
 throwing or placing with intent, etc., 79
- EXPORTING COUNTERFEIT MONEY, 395**
- EXPOSE**  
 defined, 185(a)
- EXPOSURE**  
 of child, 189  
 indecent objects, 150, 160(b)  
 obscene prints, etc., for sale, 150  
 person, indecent, 158, 159
- EXTORTION, *See also* INTIMIDATION; THREATS**  
 by accusation of crime, 291  
 —, conspiracy to bring, 408(1)(b)  
 by defamatory libel, 252  
 by threat, 291, 316
- EXTRADITION ACT**  
 Schedule 1, item 24 amended, 751
- EXTRA-JUDICIAL PROCEEDINGS**  
 false oath or declaration in, 114
- FABRICATING**  
 evidence, 117  
 —, indictment for, 495  
 —, particulars, 497
- FACTOR**  
 theft by, 272, 276-278, 630(5)
- FALSE**  
 accounting, by clerk, officials, 340, 368  
 accusation, conspiring to bring, 408(1)(b)  
 —, extortion, by, 291  
 —, as public mischief, 120  
 advertisements to promote sales, 306  
 —, saving, 306(3)-(5)  
 affidavit, 99(f), 114, 118  
 alarm of fire, 378  
 billing, obtaining carriage by, 344  
 certificate, 320, 321  
 declaration, 114, 118, 321  
 document, definition of, 268(e)  
 —, counterfeiting offences, 312, 313, 391, 403  
 —, making false, 309, 312, 313, 320, 321  
 —, uttering, 311  
 entries in books,  
 —, certificate of entry in register, 321  
 —, in registers of births, deaths, burials or marriages, 320  
 evidence, 112, 116  
 —, procuring sentence of death by, 194(6)  
 fabricating evidence, 117, 495, 497  
 imprisonment, kidnapping, 233  
 marking of goods, 349-357  
 message, sending, 315  
 name, acknowledging instrument in, 348  
 —, sending telegram, etc., in, 314  
 news, 166  
 oath, in judicial proceeding, 112, 116  
 —, in extra-judicial proceeding, 114  
 —, count charging, 495  
 —, particulars, 497  
 personation, 346, 347  
 —, of peace officer, 111  
 pretence, definition of, 303  
 —, attempt  
 —, jurisdiction under \$50, 467(a)  
 —, by conduct, 303  
 —, certain advertisements, 306  
 —, cheques without funds, 304(3), 307  
 —, conspiracy to defile by, 408(1)(c)



- , indictment for, 493, 496, 497
  - , jurisdiction under \$50, 467(a)
  - , naturalization certificates, use of, 59
  - , obtaining credit by, 304, 343
  - , execution of valuable security by, 305
  - , obtaining food and lodging fraudulently, 307
  - , evidence, 307(2)
  - , passage by false tickets, 397
  - , passports, 58
  - , punishment, 304
  - , procuring sexual intercourse by, 135, 141, 408(1)(c)
  - , using mail for, 324
  - prospectus, 343
  - publishing of, news, 166
  - receipt, 331, 333, 334, 368
  - return to process, 109
  - return by public officer, 342
  - signals, 380
  - statements,
    - , in books, 340
    - , in case of rape, 135
    - , by company official, 342
    - , count charging, 495
    - , particulars, 497(e)
  - , in extra-judicial proceeding, 114
  - , making, in receipts, 331, 333, 368
  - , of pedigree, 328
  - , to procure passport, 58
  - , of public officer, 342
  - , for registration of title, 329
  - , spreading, 166
  - statutory declaration, 114, 321(c)
  - telegrams, etc., sending, 314
  - token of value, 391(c), 397, 403
  - trade description, 349-356
  - , applying to goods, 349-351
  - , on bottles, 353
- FALSIFYING**
- of accounts, 340-343
  - books, etc., 340
  - extracts from registers, 321
  - pedigree, 328
  - registers, 320
  - trade marks, etc., 349
  - employment record, 341
- FARES AND TOLLS, 336**
- fraud in relation to, 397
  - jurisdiction in case of, 467(b)
- FEEBLE-MINDED**
- defined, 2(17)
  - sexual intercourse with, 140
- FEEES AND ALLOWANCES**
- of interpreters, 744
  - of justices, 744
  - of peace officers, 744
  - of witnesses, 744
- FEIGNED MARRIAGE, 242(1)**
- corroboration, 242(2)
- FEMALE, See also GIRL, WOMAN**
- abduction of, 234
  - under 16, 235
  - indecent assault upon, 141
  - sexual intercourse with
    - , under sixteen, 138
    - , under fourteen, 138
  - seduction of, between 16 and 18, 143
  - , on board ship, 146
- FEMALE EMPLOYEE**
- sexual intercourse with, 145(b)
- FEMALE WARD**
- sexual intercourse with, 145(a)
- FENCES**
- interference with, as boundary lines, 383
- FIELD TRIALS, 387(1)(f)**
- FIERI FACIAS, writ of, 677-679**
- FIGHTING, See also PRIZE FIGHTING**
- causing disturbance by, 160
  - declining further conflict, 354
  - killing by, 203
  - other than prize, 160
  - prevention of, 30, 31
  - prize-fighting, 81
  - , defined, 81
- FINANCIAL STATEMENT**
- to obtain credit, 304, 343
- FINE, See also PUNISHMENT**
- in addition to other punishment, 622(2)
  - amount of in discretion of court, 621, 622, 623
  - application of, 626, 714
  - corporation, 623
  - instead of other punishment, 622(1)
  - imprisonment in default, 621, 622(1), 624
  - part payment of, 625
  - payment does not waive appeal, 725
  - payment of, to municipalities, 626
  - recovery of, 623
  - reduction of imprisonment, on part payment, 625

- FINE**—*continued*  
 remission of, 657  
 time for payment, 694(3)
- FIRE**, *See also* ARSON  
 evidence of arson, 376  
 false alarms, 378  
 setting by negligence, 377  
 setting for fraudulent purpose, 374  
 (2), 376  
 threats to burn, 316  
 willfully setting fire in other cases,  
 374, 375
- FIREARM**, *See also* OFFENSIVE  
 WEAPON  
 definition of, 98  
 discharging in public place, 160(d)  
 —, to cause bodily harm, 216
- FIREARM REGISTRATION PER-  
 MIT**  
 alteration of, 90(8)  
 issue false, 89  
 onus on accused to prove; 92  
 revocation of, 95
- FIXTURES**  
 injuries to, by tenants, etc., 382
- FLIGHT**, *See also* ARREST  
 arrest during, 436  
 arrest in fresh pursuit, 436  
 causing death during, 202  
 peace officer preventing escape by,  
 25(4)
- FLOGGING**, *See* WHIPPING
- FOLLOWING**, *See also* INTIMIDA-  
 TION  
 a person in order to intimidate, 366  
 (1)(c)
- FOOD**, *See also* NECESSARIES  
 obtaining fraudulently, 307
- FORCE**  
 correction of child or pupil, 43  
 defence of dwelling, 40  
 —, movable property, 38, 39  
 —, persons under protection, 37  
 —, real property, 40, 41  
 discipline of ship, 44  
 excessive, 26  
 executing process, etc., 25, 26, 173  
 in repelling assault, 34-37  
 forcible detainer, 73, 74  
 forcible entry, 73, 74  
 forcible seizure of person, 233-236  
 homicide, when justified, 25, 33, 35,  
 209(2)  
 lawful use of, 25, 27, 32, 34-41, 173  
 by master of ship, 44  
 member of a, defined, 63(2)  
 preventing  
 —, breach of peace, 30  
 —, commission of certain offences,  
 27  
 —, injury to person or property, 27  
 responsibility for excess in use of, 26  
 search, in making, 173  
 self-defence, 35  
 suppression of a riot, 32  
 surgical operation, 45, 187, 209(2)
- FOREIGN**  
 goods, marks on, 351, 357  
 judgment, how proved. *See* Canada  
 Evidence Act, S.23  
 state, agent of, 46, 50  
 —, forces of, in Canada, 63
- FOREIGNERS**  
 entering Canada to levy war, 46  
 offences by  
 —, fraudulent passport, 58  
 —, piracy, 75, 76  
 —, in territorial waters, 420  
 —, consent to prosecution, 420(2)  
 treason, 46
- FORFEITURE**, *See also* PUNISH-  
 MENT  
 appropriation of, 626  
 of counterfeit money, 405  
 of gaming instruments, 171  
 —, lottery material, 179(5)  
 —, offensive weapon, 88, 96  
 —, things seized under search war-  
 rant, 337, 338, 432, 433  
 goods falsely billed for carriage, 344  
 —, marked, 355(2)  
 offences against the currency, as to,  
 405  
 of recognizance, 626, 676-679  
 where cock-pit found, 388
- FORGERY**  
 bank notes, 312, 391(b)(ii)  
 bills of lading, 344  
 certificates and extracts from regis-  
 ters, 320, 321  
 corroboration required, 309(2)  
 definition of, 309  
 document, 309  
 —, definition of, 268(b)  
 —, false, definition of, 268(e)  
 election document, 320  
 exchequer bill, 312  
 —, definition of, 268(c)  
 —, paper  
 —, definition of, 268(d)

- , making, 312
  - generally, 309
  - instruments, materials and preparations for, 312
  - offences, resembling forgery:
    - , certified copy of documents, false, 320, 321
    - , counterfeiting
    - , government mark or brand, 319
    - , proclamation, order, etc., 313
    - , seals, certain, 312
    - , stamps, 319
    - , executing document without authority, 317
    - , obtaining property by forged instrument, 318
    - , register of births, etc., falsifying, 320, 321
    - , telegram, etc.,
    - , sending false, 315
    - , sending in false name, 314
    - proclamation, etc., 313
    - , tendering in evidence, 313
    - revenue paper, definition of, 268(f)
    - trade marks, 350, 352
      - , bottles with trade mark, using or trafficking in, 353
      - , defacing or removing, 353
      - , defence, where offender is servant, 352
      - , foreign goods, marks on, 357
      - , forfeiture, 355(2)
      - , goods, defined, 322(a)
      - , receipts, etc., for delivery of goods, 331, 333
      - , reimbursement of innocent party, 629
      - , royal warrant, etc., falsely claiming to hold, 356
      - , selling goods falsely marked, 351, 353, 354
      - , used goods, 354
      - uttering forged document, 311
      - when complete, 309(3)(4)
- FORMER JEOPARDY**
- plea of autrefois, 517, 518
  - res judicata at common law, 7(2), 522
- FORM OF MARRIAGE**
- defined, 185(c)
  - feigned marriages, 242
    - , bigamy, 240
    - , illegal conjugal union, 243
  - unlawful solemnization of marriage, 244, 245
- FORMS**
- code forms to be deemed sufficient, 748
  - code forms, text of, 748
  - forms in certiorari, habeas corpus, etc., 424(2)(d)
- FORTUNE TELLING, 308**
- FOSTER DAUGHTER**
- sexual intercourse with, 145(1)(a)
- FOSTER PARENT**
- duty of, to provide necessaries, 186
- FRAUD, *See also* CORRUPTION**
- advertising false statements in, 306
  - by agent, 368
  - assay, relating to, 339
  - books, etc., falsifying, 340
  - , to defraud creditors, 304, 335
  - , failure to keep, 345
  - cheating at play, 181
  - consignee, fraud on, 332-334
  - count charging, 496
  - creditors, fraud on, 335, 340, 345
  - deeds, concealing, 328
    - by director, etc., 361
  - encumbrances, concealing, 328
  - fares and tolls, 336, 397
    - , jurisdiction in case of, 467
  - fortune telling, 308
  - gaming in stocks or merchandise, 326
  - generally, 323
  - hypothecation, fraudulent, 330
  - indictment for, sufficiency, 493(c), 496
    - , particulars, 497
  - military stores, etc., receiving from member of Forces, 362-364
  - mine, fraud by lessee, 337(1)
  - , salting, 339
  - obtaining credit by, 304
  - , execution of valuable security by, 305
    - , food and lodging, by, 307
    - , property by, 323, 346
  - particulars of, 497
  - pedigree, falsifying, 328
  - personation, 111, 346, 347
  - precious metals, unlawful sale of, 337
  - prospectus, false, 343
  - public stores, defective, 361
  - , marks on, tampering with, 360
  - , possession, unlawful, of, 360
  - receipt, false, for goods, 331, 334
  - , under Bank Act, 333, 334
  - registration of title, fraudulent, 329

- FRAUD**—*continued*  
 return, false, by public officer, 342  
 sale, fraudulent, 330 et seq., 351, 353, 354  
 salting mine, 339  
 —, samples, 339(b)  
 secret commission, 368  
 ticket, obtaining passage by false, 397  
 time clock, by punching, 341  
 trader failing to keep accounts, 345  
 in relation to trade marks, 349-356  
 upon the government:  
 —, contractor:  
 —, subscribing to election fund, 102(2)  
 —, withdrawal of tender of, corrupt, 102(f)  
 —, definitions, 99  
 —, disability on conviction, 654  
 —, public officer:  
 —, breach of trust by, 103  
 —, gift to, 101, 102  
 —, undue influence on, 102  
 —, settlement of claim, reward for, 102  
 use of mails to defraud, 324  
 wreck, sale of, without title, 358  
 —, secreting, 358
- FRAUDULENT**  
 concealment, 287, 328, 358  
 conversion by agent, 276  
 —, party holding power of attorney, 277, 278  
 disposal of goods, 332-334  
 document drawn without authority, 317  
 marking of merchandise, 349  
 obtaining property by personation, 346  
 personation, 346, 347  
 —, of peace officer, 111  
 pretence of practising witchcraft, etc., 308  
 receipts, 331, 333, 368(1)  
 registration of title, 329  
 sale of real property, 330  
 stock exchange transactions, 323, 325, 327  
 taking, as between husband and wife, 275  
 taking, etc., of cattle, 284  
 tokens of value, 397  
 transactions relating to contracts and trade, 322-369  
 use of certificate of citizenship, etc., 59
- valuable security, concealment, etc., of, 286
- FRIGHT**  
 homicide by wilfully frightening child or sick person, 194(5), 200
- FRIVOLOUS APPEAL**  
 summary determination of, 591
- FUGITIVE CRIMINALS**, *See* FLIGHT
- FUR-BEARING ANIMALS**, 292(4)
- GAMBLING**  
 disposal of goods and merchandise, 179  
 in public conveyance, 180
- GAME**  
 cheating in, 181  
 defined, 168, 179(2)
- GAMING**  
 cheating at play, 181  
 equipment, defined, 168(1)(g)  
 —, presumption from, 169, 170  
 evidence in case of, 169, 170  
 living by, 164(1)(d)  
 in public conveyance, 180  
 in stocks and merchandise, 326  
 three-card monte, 179(1)(h)(i)(j), (2)  
 unlawful, 176-181
- GAMING HOUSE**  
 being found in, 176  
 definition of, 168  
 destruction of gaming instruments, etc., 171  
 evidence of place being, 169  
 examination of person arrested in, 174  
 exemption, 168(2)  
 jurisdiction in case of, 467(b)  
 keeper of, 168(h)  
 keeping, offence of, 176  
 obstructing a peace officer entering, 175  
 search, arrest, and seizure in, 171
- GAOL**. *See also* IMPRISONMENT  
 common, prison includes, 2(31)  
 removal from, to place of trial, 446, 509
- GAOLER**. *See* PEACE OFFICER; PRISONER  
 receipt of prisoner by, 456(4), 636
- GAS**  
 breach of contract to supply, 365

- setting fire to well of, 374, 375  
theft of, 273
- GATES**  
interference with, as part of bound-  
ary line, 383
- GEORGIA, STRAIT OF, 285(6)**
- GIRL**  
abduction of, 234, 235  
consent of,  
—, induced by fraud, 135, 141  
—, incest, 142(3)  
—, none to abduction, 235(2)  
—, none under fourteen, 132  
incest, 142  
indecent assault on, 141  
procuring,  
—, generally, 184  
—, by householder, 155  
—, by parent or guardian, 156  
rape, 136  
—, attempt, 137  
search for in bawdy house, 172  
seduction of;  
—, between sixteen and eighteen, 143  
—, employee, 145  
—, passenger, 146  
—, under promise of marriage, 144  
sexual intercourse,  
—, with feeble-minded, 140  
—, girl between fourteen and six-  
teen, 138(2)  
—, girl under fourteen, 132, 138
- GOLD, See COUNTERFEIT MON-  
EY; PRECIOUS METALS**
- GOODS, See also MERCHANDISE;  
TRADE**  
concealing, fraudulently, 287, 335  
defined, 322(b)  
disposed of by mode of chance,  
179(1)(f)  
document of title to, 2(12)  
false billing, 344  
false receipts for, 331, 333, 334  
false trade description, 349-351, 353,  
354, 356, 357  
falsely marked, 349 et seq.  
—, selling, 351  
fraudulent market transactions in,  
323-327, 331-334  
imported, presumption as to, 357  
obtained by crime, possessing, 296  
—, bringing into Canada, 299  
trade mark, offences as to, 349 et  
seq.  
trading stamps, 322(b)
- used, 353, 354  
of value not exceeding \$50, 280,  
297, 304, 373, 467
- GOVERNMENT**  
breach of trust by public officer, 103,  
283  
corruption of employees, 101, 102  
counterfeiting,  
—, mark of, 319  
—, proclamation of, 313  
—, seal of, 312  
defined, 99  
frauds upon the, 100-103  
office, defined, 99(d)  
official, defined, 99(e)  
security, printing or publishing like-  
ness of, 400  
selling appointment under, 105, 106
- GOVERNOR GENERAL**  
commutation of sentence, 656, 664  
disposal of fines, etc., 626  
judicial notice of regulations, etc.,  
687  
marks on public stores, prescribing,  
359  
order forbidding drilling, etc., 71  
pardon, 655  
regulations by, 653  
remission by, 657  
report to, 643  
rules of court, uniformity in, 424(5)
- GRAND JURY. See also INDICT-  
MENT**  
amended indictment need not be  
presented to, 511  
bill of indictment before, 485, 487  
evidence before, 504-506  
where not required, 489
- GRENADE, etc.**  
having without lawful excuse, 80
- GROSS INDECENCY, 149**
- GUARD, See PEACE OFFICER**
- GUARD-ROOM**  
prison includes, 2(31)
- GUARDIAN**  
defined, 130(a), 185(d)  
duty to provide necessaries, 186  
procuring defilement, 155
- GUESSING CONTESTS, 177(1)(h)**
- GUN, See FIREARM; OFFENSIVE  
WEAPON**
- GUN PERMIT. See FIREARMS  
REGISTRATION PERMIT**

**HABEAS CORPUS**

ad testificandum, order in lieu of, 446  
 appeal, 691  
 application for, 680  
 no application on, to review bail, 465(2)  
 application to S.C. Can., 690  
 detention of prisoner during, 681  
 not to be made successively, 690  
 rules of court, as to, 424

**HABITUAL CRIMINALS, See PRE-VENTIVE DETENTION****HANDWRITING**

definition of writing, 2(44)  
 expert evidence as to; *See* Canada Evidence Act, Ss. 7-8

**HANGING**

capital punishment by, 642  
 executing sentence of, 643-653

**HARBOUR, PUBLIC**

removing bar to, 381

**HARD LABOUR, 635(2)****HAVING IN POSSESSION, 296**

defined, 3(4)  
 joint trial, 503  
 punishment for, 297  
 proof of previous convictions, 302  
 things stolen from mail, 298  
 when offence complete, 300  
 when finding of other stolen goods admissible, 301

**HEALTH**

nuisances to, 165

**HER MAJESTY'S FORCES**

defined, 2(19)

**HIGHWAY**

defined, 2(18)  
 obstructing, 366

**HOLE**

in ice, unguarded, 228

**HOLIDAY**

issue and execution of warrant on, 20  
 proceeding on, 561

**HOMICIDE**

acceleration of death, 199  
 by criminal negligence, 192, 194(5)  
 culpable, definition of, 194  
 —, murder in certain cases, 201, 202  
 death, within a year and a day, 198  
 death during illegal arrest, 203

defined, 194-200

by frightening child, 194(5), 200  
 —, influencing the mind, 194(5)(d), 200

infanticide defined, 204

injury whose treatment brings death, 197

justification, 33

killing child at birth, 195(2)

manslaughter, when homicide is, 203

murder, when homicide is, 201, 202

preventable death, 196

time of death, 198

to save life of mother, 209(2)

use of motor vehicle, 221

**HORSE RACES, See BETTING****HOTEL FRAUDS**

fraudulently obtaining food and lodging, 307

**HOUSE, See also BREAKING AND ENTERING; DWELLING HOUSE**

being in, with intent, 293

forcible entry and detainer, 73, 74

having instruments of burglary, 295

**HOUSE OF ILL-FAME, See DIS-ORDERLY HOUSE****HOUSEBREAKING INSTRUMENTS**

possession of, 295

**HOUSEHOLDER**

permitting defilement of female, 156

**HUSBAND AND WIFE**

abandoning child under ten, 189

abducting married woman, 234

as accessory after the fact, 23

bigamy, 240

Canada Evidence Act, s.2 replaced, 749

child, correction of, 43

conspiracy to commit adultery, 408(1)(c)

evidence of marriage, 186(4), 240, 241

neglect to provide for wife and children, 186

no presumption of compulsion of wife, 18

presumption from holding out, 186(3)

polygamy, 243

theft from each other, 275

- HYPOTHEC**, *See* ENCUMBRANCE
- ICE**  
unguarded opening in, 228
- IDENTITY CARD**  
unlawful use of military, 362
- IDIOT**, *See also* INSANITY  
sexual intercourse with, 140
- IGNORANCE OF LAW**  
no excuse for crime, 19  
no excuse for sale of obscene matter,  
etc., 150(b)
- ILLICIT INTERCOURSE**, *See* SEDUCTION; SEXUAL INTERCOURSE
- IMBECILE**  
sexual intercourse with, 140
- IMMORAL**  
conduct in home of child, 157  
matter, posting, publishing, 153  
publication, 150, 151  
theatrical performances, 152
- IMPEDING ATTEMPT TO SAVE LIFE**, 227
- IMPERIAL ACT**  
trial of offences against, 8
- IMPORTING**  
counterfeit money, 393  
goods by false billing, 344  
goods falsely marked, 357  
things obtained by crime, 299
- IMPRISONMENT**, *See also* PUNISHMENT  
consecutive, 621  
cumulative, 621  
generally for default, 621, 622, 624  
hard labour, 635(2)  
how served, 635  
indictable offence, for, if not fixed,  
633  
in gaol, 634  
legality of, inquiry into, 681  
minimum term, 621  
in penitentiary, 129, 634, 665(1)  
preventive detention, 659-667  
prison defined, 2(31), 527(5)  
punishment of attempts, 406  
recapture on, 129  
reduction of, on part payment, 625  
sheriff, duty of, 644, 678, 679  
summary conviction, on, if not fixed,  
694(2)  
term less than two years, for, 634  
term more than two years, 634  
of witness, 457, 461, 611, 612
- IN CAMERA**  
hearing of certain cases, 427, 428,  
451(j)
- INCEST**  
committed by female under compulsion, 142  
corroboration, 131(1)  
definition of, 142  
punishment, 142
- INCITEMENT**  
alien enemy to leave Canada, 50  
to commit offence, 21, 22  
to desert, 53, 57  
to mutiny, 53  
—, jurisdiction to try, 413(2)  
generally, 22, 406
- INDECENT**  
acts in public places, etc., 158, 159  
assault, consent of child no defence,  
132  
—, causing death in attempt to commit, 202  
—, instruction to jury, 134  
exhibition in public place, 150(2),  
160  
exposure, 158  
gross indecency, 149  
mailing of obscene matter, 153  
or obscene show, 152, 160  
parading while nude, 159  
publications, 150, 151
- INDEMNIFYING BAIL**, 119(2)
- INDETERMINATE SENTENCE**,  
*See* PREVENTIVE DETENTION
- INDICTABLE OFFENCE**, *See also* INDICTMENT, PROCEDURE BY  
accessories after the fact, 406, 502  
attempt to commit, 406  
compounding, 121  
conspiring to commit, 408(1)(e)  
exclusive jurisdiction of superior  
courts, 413  
trial of juvenile offenders, 427  
—, without jury  
—, absolute jurisdiction in certain  
cases, 467  
—, accused  
—, notice by, 475(1)  
—, notice to, 475(2)  
—, acquittal

INDICTABLE OFFENCE—*cont'd.*

- , certificate of, 482
- , record of, 482
- , adjournment, 483
- , Alberta, special provision, 417
- , appeal, 581 et seq.
- , new trial, ordered on, 592(5)
- , arraignment, 468(4), 475(3), 481(3)
- , assault, 699
- , Attorney General
- , consent of, to inclusion of charge, 478(3)
- , consent of, to re-election, 476
- , may prefer indictment, 478
- , may require trial by jury, 480
- , bail, 484
- , British Columbia, preferring indictment in, 478
- , clerk of the court, notice by, 474
- , consent
- , of Attorney General to re-election, 476
- , trial by judge with, 472
- , trial by magistrate with, 468
- , trial by magistrate without, 467
- , conspiracy, trade, 416
- , continuance of trial
- , judge or magistrate unable to act, 481
- , conviction
- , evidence of, 482(4)
- , record of, 482
- , corporation, procedure as to, 470
- , counsel for Attorney General
- , consent of, to re-election, 476
- , preferring indictment, 478
- , definitions
- , judge, 466(2)
- , magistrate, 466(b)
- , prosecutor, 2(33)
- , Deputy Attorney General, 478
- , dismissal of charge
- , certificate of, 482
- , evidence of, 482(4)
- , election, see re-election
- , before justice, 450
- , before judge, 474, 475
- , before magistrate, 468(2), 469, 481(3)
- , to be stated on process, 468(3)(4)
- , presumption concerning, 477
- , where more than one accused, 479
- , evidence, how taken, 471, 484
- , of acquittal or conviction, 482
- , guilty, plea of, 468(4), 482
- , indictment
- , form of, 478
- , preferring, 478
- , what offences may be included, 478
- , judge
- , defined, 466(a)
- , unable to continue, 481
- , jurisdiction
- , absolute, 467
- , of judge with consent, 416, 417, 472
- , of magistrate with consent, 468
- , offences triable, 416, 417, 467, 468, 472
- , magistrate
- , defined, 466(b)
- , unable to continue, 481
- , new trial, after appeal, 592(5)
- , not guilty, plea of, 468(4), 482
- , notice
- , by accused, 475(1)
- , to accused, 475(2)
- , by clerk of court, 474
- , by sheriff, 474
- , to sheriff, 475(1)
- , offences triable, 416, 417, 467, 468, 472
- , plea
- , of guilty, 468(4), 482
- , of not guilty, 468(4), 482
- , preliminary inquiry, provision as to, 468(3), 469, 480
- , procedure, 484
- , prosecutor, defined, 2(33)
- , record
- , of acquittal or conviction, 482
- , court of, 473
- , transmission of, 482
- , re-election, 475, 481, 592(5)(a)
- , refusal to try
- , of judge, 479
- , of magistrate, 469, 479
- , remand by justice to magistrate, 450
- , sentence, 481, 482, 484
- , sheriff
- , notice by, 474
- , notice to, 475
- , substituted charge, 478
- , trade conspiracy, 416
- , trial, in Alberta, 417
- , by jury if required by Attorney General, 480
- , continuance of, 481
- , fixing date of, 468(4), 474(1)
- , generally, 484
- , new, 592(5)



- , trade conspiracy cases, 416
- , where more than one accused, 479
- INDICTMENT
  - defined, 2(20), 581(b)
- INDICTMENT, PROCEDURE BY
  - accessories after the fact, 502
  - addresses of counsel, 558
  - amendment
    - , of count, 500
    - , on application of accused, 500
    - , of indictment, 510, 511
    - , recording, 533
    - , adjournment if accused prejudiced, 510(5)
    - , endorsement of, on record, 510(7)
  - appeal, *q.v.*
  - , arraignment recording, 532
  - arrest of judgment, insufficient grounds for, 578
  - bench warrant, 507
  - coroner's inquisition
    - , no one to be tried upon, 488
  - corporation, indictment against
    - , appearance by counsel or agent, 528
    - , default, proceedings on, 530
    - , notice to, 529
    - , trial of, 530, 531
  - criminal information abolished, 488 (2)
  - deputy attorney general, 489
  - documents
    - , right of accused to, 512
    - , in case of treason, 513
  - evidence
    - , corroboration. *q.v.*
    - , on trial
      - , admission by accused, 562, 564
      - , child
        - , age of, 565
        - , not under oath, 566
      - , counterfeit money, advertising, 403
      - , fraudulent marks on merchandise, 357
      - , gaming house, 169, 170, 174
      - , gaming in stocks, 326(2)
      - , infanticide, 569, 570
      - , previous conviction, 302, 571-574
      - , for receiving stolen goods, 301
      - , previous trial, in case of perjury, 113(2)
      - , property, obtaining by crime, 302
      - , in cattle, 284
      - , in timber, etc., 285
      - , public stores, case relating to, 364
      - , receiving stolen goods, 301
      - , stealing ores or minerals, 563
      - , taken apart from trial
        - , by commission, 613-618
        - , depositions read in evidence, 615, 616
        - , out of Canada, 613, 616, 618
        - , presence of accused at, 617
        - , taken on preliminary inquiry or investigation, 619
        - , statement of accused before justice, 564
        - , of witness ill, 613, 614, 618
      - exhibits, examination of, 514
      - holiday, proceeding on, 561
      - indictment
        - , accessory after the fact against, 502
        - , Alberta, no bill of indictment in, 489
        - , amendment of,
          - , adjournment if accused prejudiced, 510
          - , endorsement of, on record, 510 (7)
        - , British Columbia, no bill of indictment in, 489
        - , counts of
          - , alternative, 500
          - , amendment of, 500, 510, 511
          - , on application of accused, 500
          - , division of, by order of court, 500, 501
          - , fabricating evidence, 495
          - , false oath, 495
          - , false statement, 495
          - , form and contents of, 478, 491 et seq.
          - , immaterial averments in, 492
          - , joinder of, 499-501
          - , libel, 494
          - , quashing of, 487(3), 510
          - , separate trial on each count, 501
          - , defence of insanity, 523, 524
        - , defined, 2(20), 581
        - , finding indictment includes preferring, 485
        - , finding of, by grand jury, 485, 534
        - , form of, 478, 491 et seq.
        - , judge defined, 466
        - , unable to continue, 481
        - , magistrate defined, 466
        - , unable to continue, 481

## INDICTMENT, PROCEDURE BY

*—continued*

- , Manitoba, no bill of indictment, 489
- , motion to quash, 487(3), 510
- , Northwest Territories, no bill of indictment in, 489
- , obtaining by crime, 503
- , particulars of charge, 497
- , preferring, 485, 486-489
- , against accused jointly, 503
- , by any one, by order of court, 487
- , by any one, with consent of Attorney General, 487, 489
- , by any one, with consent of judge, 487, 489
- , by Attorney General, 487
- , by counsel for Attorney General, 487, 489
- , by deputy Attorney General, 489
- , by prosecutor, 486
- , previous conviction, charging, 571, 573
- , previous conviction, proof of, 574
- , property, laying of, 498
- , Quebec, no bill of indictment in, 489
- , Saskatchewan, no bill of indictment in, 489
- , statements in, 491, 510(8)
- , sufficiency of, 491, 492, 493, 500, 510(8)
- , treason, for, 492(4), 513
- , venue, statement of, in, 491
- insanity, defence of, 523, 524
- inspection of documents
  - , right of accused to, 512, 513
  - , in case of treason, 513
- judge may reserve decision, when, 554(4)
- , to try challenge to array, 539
- , to try issue of *autrefois*, 516
- , to try issue of insanity, 523(1)
  - (b)
- junk, dealers in, 364(2)
- juror
  - , qualification of, 534
  - , unable to continue, 553
- jury
  - , grand
    - , amended indictment not presented to, 511
    - , number required to find true bill, 534
    - , objections to constitution of, 537
    - , presentment by, 495
    - , witnesses before
      - , additional by order of judge, 506
      - , name of, endorsement on indictment, 505
      - , names of, submitted to grand jury, 506
      - , swearing of, 504
    - , petit
      - , adjournment, during trial, 534, 556
      - , in Alberta, 541, 552, 553
      - , challenges
        - , to array, 538, 539
        - , for cause, 547-549
        - , trial of, 539, 548, 549
      - , peremptory
        - , by accused, 541, 542, 544
        - , by Crown, 541, 543
      - , mixed jury, in case of, 544
      - , qualification of member, 534
      - , severing, 545
    - , discharge of
      - , for irregularity, 556
      - , unable to agree, 560
    - , empanelling, 540-552
    - , fire, light, and refreshments for, 556(5)
    - , instruction to, 134
    - , irregularity in procedure as to, 556(3), 578-580
    - , mixed
      - , in Manitoba, 536, 544
      - , in Quebec, 535, 544
    - , in Northwest Territories, 541, 552
    - , second trial by same, 552(2)
    - , six jurors in Alberta, 541
    - , talesmen, 551
    - , treatment of, 556
    - , view by, 559
    - , in Yukon, 541, 542
  - libel, count charging, 494
  - motion to quash, 487(3), 510(1)
  - new trial
    - , order of Minister of Justice for, 596
    - , ordered by court of appeal, 592
  - objections
    - , to constitution of grand jury, 537
    - , formal, before plea, 487, 493, 510(1)
  - place of trial
    - , change of venue, 508, 509
    - , removal of prisoner to, 446, 509
    - , transmission of record, 509(3)
    - , within province, 421(1)

- , exceptions, 421(2), (3)
- pleas, 515-522
- probation, 637
- prosecutor preferring indictment, 486
- refusal to plead, 515
- special pleas
  - , autrefois acquit or convict, 516-518
  - , where circumstances of aggravation, 519
  - , evidence of identity of charges, 517, 518
  - , murder, manslaughter, infanticide, 519
  - , pleaded together, 516
  - , sufficiency of, 516(5)
  - , trial of issue on plea of, 516-518
  - , in libel cases
    - , justification, 516, 520, 521
    - , publication, authorized by legislature, 266
  - , pardon, 516
- procedure, application of, 484
- record
  - , acquittal or conviction, form of, 532
  - , amendment, in case of, 510(7)
  - , of arraignment, 532(2)
- removal of prisoner to place of trial, 446, 509
- reversal of judgment
  - , insufficient grounds for, 578, 579
- sentence
  - , carrying out of, when venue changed, 634
  - , justified by any count, 576
  - , of pregnant woman, 577
  - , question to accused before, 575
  - , suspended
    - , discharge upon, 638
    - , in case of appeal, 640
- Sunday, proceeding on, 561
- treason, 55, 492, 510(9), 513
- trial
  - , of accessories after the fact, 502
  - , adjournment, 510(5), 512, 536(2), 554, 556
  - , of trial without jury, 483
  - , when no jury summoned, 418
  - , admissions at, 562
  - , attempt charged, full offence proved, 568
  - , defence, case for, 558
  - , full right to, 557
  - , holiday, validity of proceedings on, 561
  - , insanity of accused
    - , at time of discharge if no prosecution, 525, 527
    - , at time of offence, 523
    - , at time of trial, 524
    - , custody of insane person, 526
    - , of person imprisoned, 527
    - , joint offenders, 503
    - , libel, defence in case of, 266
    - , murder charged,
      - , concealing birth proved, 569(3)
      - , infanticide proved, 569
      - , manslaughter proved, 569
      - , offence charged
        - , attempt proved, 567
        - , part only proved, 569(1)
      - , polygamy, in case of, 243(2)
      - , power of court, 554, 556, 580
      - , practice, existing, 580
      - , presence of accused, 557
      - , previous conviction charged, 571-574
      - , reserving decision, 554(4)
      - , stay of proceedings, 490, 578
      - , summing up by prosecutor, 558
      - , Sunday, validity of proceedings on, 561
      - , view by jury, 559
      - , without jury. *See* Indictable Offence—trial without jury.
    - venue
      - , change of, 508, 509
      - , statement of, in indictment, 491
    - verdict
      - , attempts, 567, 568
      - , defects cured by, 578
      - , impeachment of, 579
      - , for included offence, 569
      - , infanticide, in case of, 569, 570
      - , libel, in case of, 267
      - , taking on Sunday or holiday, 561
    - witnesses
      - , attendance of, 605
      - , compelling, 446
      - , before grand jury, 504-506
      - , prisoner, as, 446
      - , warrant for, 603, 612
      - , out of jurisdiction, 607-610

INFANT, *See* CHILD

#### INFANTICIDE

- acquittal or conviction, effect of, 519
- defined, 204
- punishment, 208
- remand for examination, 451(c)
- verdict, 569, 570

INFORMALITY, *See* DEFECTS

**INFORMANT**

defined, 692(a)

**INFORMATION**

communicating, treason by, 46(e)  
(f)

for indictable offence, 439, 440

indictment includes, 2(20)

before justice, 439

for search warrant, 172, 338, 429

in summary conviction, 695, 696

—, limitation, 693(2)

—, motion to quash, 704

—, for subsequent offence, 696(2)

for treasonable words, 48(2)

**INJURY**

causing bodily harm with intent to property. *See* Mischief.

**INMATE**

of bawdy house, punishment of, 182

—, trial of, 467(b)(vi)

**INN**

defrauding of, 307

**INQUEST**

by coroner

—, after execution of death sentence, 648, 649

—, warrant after, 448

in Newfoundland, 648, 652

**INQUIRY, *See* PRELIMINARY INQUIRY****INQUISITION**

coroner's, 448, 488

**INSANITY, *See also* INDICTMENT, PROCEDURE BY**

on arraignment or trial, 524

defence of, 523-527

defilement of insane person, 140

delusions, 16(3)

excuse for crime, when, 16

feeble-minded, defined, 2(17)

of person in prison, 527

presumption against, 16

proof of, 523, 524

remand for examination, 451(c)

removal to safekeeping, 523, 526, 527

special verdict on, 524(4)

subsequent, of witness, 619

where accused discharged for want of prosecution, 525

**INSPECTION**

of documents, etc., 512, 513

—, exhibits, 432(5), 514

**INSTRUCTION TO JURY, 134****INSTRUMENTS**

acknowledging of, in false name, 348

for counterfeiting,

—, conveying out of Mint, 402

—, making or having, 401

for counterfeiting stamp, 319(1)(c)

of forgery, 312

of gaming, possession of, etc., 169-171

—, seizure of, 171

housebreaking, 295

lottery material, 179

possession of, for forgery, 352

for procuring abortion, 237, 238

**INSULT**

causing disturbance by, 160

by indecent acts, 158

**INSULTING LANGUAGE**

causing disturbance by use of, 160

(a) (i)

**INTENTION**

common, 21

sedition, 60

**INTERNATIONAL BOUNDARY MARKS**

interference with, 384

**INTERPRETATION ACT**

s.29 repealed, 747

**INTERPRETER**

fees of, 744

**INTIMIDATION OR THREATS**

to accuse of conspiracy crime, 408  
(1) (b)

for extortion, 291

burn or destroy, 316

compel doing or abstaining from act, 291, 366

—, by disorderly conduct, 366(e)

—, by following, 366(c)

—, by hiding property, 366(d)

—, by obstructing highway, 366(g)

—, by threats, 366(b)

—, by violence, 366(a)

—, by watching or besetting, 366(f)

by employer, 367(b)

injure animals, 316

murder, 316

to obtain property, 291

as rape, 135

of Parliament or legislature, 51

—, jurisdiction to try, 413

publish libel, 252

- sureties to keep the peace, 717, 718  
towards trade unions, 367
- INTOXICATING LIQUOR**  
driving under influence of, 222-225  
use of, to stupefy woman, 184(1)(i)
- IRREGULARITY, See DEFECTS**
- JAIL, See IMPRISONMENT;  
PRISON**
- JOINDER**  
of accessory with principal, 502, 503  
of counts in indictment, 478, 501  
—, except with murder, 499  
in information, 696  
juvenile with adult, 427  
receiver with principal, 503
- JOURNEY, offence committed in  
course of, 419, 420**
- JUAN DE FUCA, STRAIT OF, 285  
(6)**
- JUDGE**  
bail by (before or after committal),  
463-465  
bribery, 100  
in chambers, powers, 740(2)  
charge to jury, certification of, 588  
(3)  
death of during trial, 481  
definition of, 466(a)  
to determine challenge to array, 539  
disobedience to orders of, 108  
fixing new time for execution of  
sentence, 586(4)  
as to jury procedure, powers of, 556,  
580  
may reserve decision, 554(4)  
order of, to bring prisoner as witness,  
446  
permitting jury to separate, 556  
power to exclude public, 428  
power to preserve order, 426  
power to punish contempt, 8  
preferring indictment by order of,  
487, 489  
recognizance, forfeiture of, 677, 679  
report to Court of Appeal, 588  
report to Secretary of State, 642  
reprieve by, 643(2)  
unable to continue, 481, 639(5)  
under Part XVI, 466(a)  
as to view, duty of, 359  
with power of two justices, 425
- JUDGMENT**  
acknowledging in false name, 348  
arrest of, 578
- , irregularities not ground for, 578,  
579  
of death, 577  
deposit, application of, 677, 731  
dissenting, 585  
entering, for  
—, compensation ordered, 628, 629  
—, costs in case of libel, 632  
—, fine, 623(2)  
judge reserving, 554(4)
- JUDICIAL**  
corruption, 100, 413  
—, jurisdiction to try, 413(2)  
notice of proclamation, 687  
orders, disobeying, 108  
proceeding, defined, 99  
—, perjury in, 112, 113, 115, 116  
—, publication of, 151, 255, 257  
seal, counterfeiting, 312(c)
- JUDICIAL OFFICER**  
accepting bribe, 100  
jurisdiction to try, 413(2)(c)
- JURISDICTION**  
absolute in certain cases, 467  
in cases of newspaper libels, 421(2)  
in cases of trade conspiracy, 416  
coroner's, 448  
court of criminal, 413, 414  
court of sessions, 2(10)  
exceeding, by justice or magistrate,  
25, 683, 689  
generally, 413  
magistrate with power of two jus-  
tices, 425, 692  
in matters of summary convictions,  
684, 692 et seq.  
offence  
—, in another province, 421(3)  
—, between jurisdictions, 419  
—, committed out of justice's, 456  
—, in course of journey, 419  
—, not in province, 423  
—, territorial limits, 692(g), 705  
—, on territorial waters, 420  
special jurisdiction, 419  
subpoena, issue of, 603-607  
summary conviction, q.v.  
superior court, 413, 414, 417  
—, other than superior, 414, 416(2)  
territorial division, defined, 2(39)  
trial without jury  
—, by judge with consent, 416, 417,  
472  
—, by magistrate, with consent, 468  
—, by magistrate, without consent,  
467

**JURISDICTION—continued**

- , offences triable
- , Alberta, 417
- , by judge, 472
- , by magistrate, 467, 468
- , trade conspiracy, 416
- waiver of, by justice, 697(4)(5)
- witness beyond, but in Canada, 604
- witness out of Canada, 613 et seq.

**JUROR**

- challenging, 541-549
- corrupting, 119(2)(b)
- physically unfit, 547, 553
- qualification of, 534
- standing by, 541, 543, 546, 550

**JURY**

- accommodation of, 556(5)
- Attorney General may require trial by, 480
- corruption of jurymen, 119
- disagreement of, 560
- empanelling, 540-552
- in Alberta, 541, 552
- , Northwest Territories, 541, 552
- , Yukon, 552
- instructions to, where sexual offence charged, 134
- irregularity in procedure, 578, 579
- keeping in charge, 556
- , discharge of by judge, 556(4)
- mixed
- , in Manitoba, 536
- , in Quebec, 535
- powers of court as to, 580
- second trial by same, 552(2)
- trial by, 415-417
- view by, 559
- when not to separate, 556

**JUSTICE**

- adjournment by
  - , of preliminary hearing, 451
  - , of summary conviction proceedings, 697
- adjudication, 698
- , enforcing, 732(2), 741(1)
- administration of, seditious intention relating to, 61
- bail, admitting to, 451, 463, 710(2)
- , exceptions, 464
- defeat, course of, 119(1)
- defined, 2(21)
- duty of, in case of assault, 699
- , in case of riot, 68, 70
- election before, 450(2),(3)
- examination by, of persons found in disorderly house, 174

- exceeding jurisdiction, 25(2), 683, 689
- fees of, 744
- finer and costs, imposed by, 694
- includes two justices, 2(21)
- information before, 439, 695
- issue of summons by, 440, 441
- issue of warrant by, 442-445
- jurisdiction, 439, 449 et seq., 692 et seq., 705
- , cases out of, 456
- magistrate's powers, generally, 425
- misleading, 112-118
- obstructing, 119, 121
- of the peace, defined, 2(21)
- pervert, 119(1)
- powers of, as to property seized, 171, 432
- preliminary enquiry before, 449 et seq.
- protection of, 25, 689
- remand by, to magistrate, 450(1)
- remand by, where offence out of jurisdiction, 456
- statement of case for review, 734-742
- summary conviction, 692-698, 705
- unable to act, 698, 736
- waiver of jurisdiction by, 697(4),(5)
- warrant and summons, 439
- warrant, endorsement of, 429, 447, 609(2)
- witnesses, subpoena for, 603 et seq.

**JUSTIFICATION OR EXCUSE**

- administration of law, 25 et seq., 689
- assault, preventing, 34-36
- assertion of right to property, 42
- breach of peace, preventing, 30, 31
- on charge of abduction of child, 236(2)
- , bigamy, 246
- , blasphemous libel, 246(3)
- , communicating venereal disease, 239(2)
- , libel, *q.v.*
- , mischief, 371(2)
- , theft, 272, 276, 278, 279
- child, capacity of, 12, 13, 139
- colour of right, 269, 371(2)
- common law rule, 7(2)
- compulsion
  - , by threats, when, 17
  - , of wife by husband, 18
- correction of child, pupil, 43
- defence
  - , of dwelling house, 40
  - , of movable property
  - , against trespasser, 38

—, with claim of right, 39  
 —, without claim of right, 39  
 —, of person under protection, 37  
 —, of real property, 40-42  
 —, of self, 34, 36  
 discipline on ship, maintenance of, 44  
 execution of process, etc., 25 et seq., *and see* Execution.  
 force, *q.v.*  
 insanity, 16  
 none from ignorance of the law, 19  
 obedience to de facto law, 15  
 public good, in publishing, etc., obscene matter, 150  
 —, in relation to sedition, 61  
 riot, suppression of, 32, 33  
 self-defence against  
 —, provoked assault, 34, 36  
 —, unprovoked assault, 35  
 sending unseaworthy ship to sea, 229(2)  
 surgical operation, 45, 187, 209(2)

**JUVENILE COURT**

bribing officer of, 101(a)  
 prosecution by officer of, 157(4)

**JUVENILE OFFENDERS**

age of, 3(1), 12, 13, 139  
 appearance of accused, 565(2)  
 capacity of, 12, 13, 139  
 proving age of, 3(1), 565(2)  
 trial of, 427

**KEEPER OF DISORDERLY HOUSE**

defined, 168(1)(h)  
 offences by, 176, 177, 179, 182  
 obstruction by, 175  
 presumption from previous conviction of, 169(d)

**KIDNAPPING, 233****KILLING**

acceleration of death, 199  
 by accident, 201(b)  
 animals, 385, 386  
 child at birth, 195(2)  
 by influence on the mind, 200  
 infanticide, 204, 208  
 manslaughter, 203, 205, 207  
 murder, 201, 202, 206  
 provocation for, 203  
 unborn child, 209  
 when culpable, 194

**LABEL**

forgery of, 349, 350

**LAND**

defence of, 40-42  
 document of title to, defined, 2(13)  
 forcible entry and detainer, 73, 74  
 fraudulent dealings with, 329, 330  
 peaceable entry on claim of right, 42, 43

**LANDLORD**

leasing house for bawdy house, 182  
 —, as betting or gaming house, 176

**LAND-MARKS**

defacing, etc., 383, 384

**LAW**

ignorance of, no excuse, 19  
 of nations, piracy by, 75  
 reports, 151(4)

**LEGAL AID**

on appeal, 590

**LEGISLATURE**

intimidation of, 51  
 publishing proceedings of, 256, 257, 266  
 sedition in relation to, 61

**LESSEE**

damaging of building by, 382

**LETTER**

fraudulent, 324  
 indecent, sending, 153  
 receiving stolen, 298, 300, 302  
 theft of, 298, 300, 301  
 threatening, 316

**LIBEL**

blasphemous, 246  
 book, responsibility for libel in, 254  
 costs in case of, 631, 632  
 count charging, 494  
 defined, 248  
 evidence on trial for, 266  
 extortion by, 252  
 indictment for  
 —, particulars, 497  
 —, sufficiency, 494  
 information to person interested, 264  
 invitation, upon, 262  
 jurors, standing by, 546  
 justification or excuse.  
 —, answer to inquiry, 263, 264  
 —, authorization of Parliament, 256, 257, 266  
 —, challenge, upon, 262  
 —, court of justice, proceedings in, 255, 257  
 —, extract from parliamentary paper, 256, 257

- LIBEL**—*continued*  
 —, fair comment, 260  
 —, fair report of proceedings, of court, 257  
 —, of Parliament, 257  
 —, of public meeting, 258  
 —, order of Parliament, etc., 266(1)  
 —, redress of wrong, for, 265  
 —, refutation of, publishing, 258(d)  
 —, truth and public benefit, 258, 259  
 —, plea of, 520, 521  
 lack of knowledge of publication, 253(1)  
 newspaper, defined, 247  
 —, place of trial for libel in, 421(2)  
 —, publishing, defined, 249  
 —, responsibility for libel in, 253  
 petition to Parliament, defamatory matter in, 256  
 proof of, 494  
 punishment of, 251  
 —, if libel known to be false, 250  
 —, publishing reputation of, 258(d)  
 seditious, 60-62  
 threat to publish, 252  
 truth as a defence, 261  
 verdict in case of, 266(2), 267
- LIEUTENANT-GOVERNOR**  
 disposal of fines, etc., by, 626  
 orders by, 523, 526, 527, 650
- LIFE**, *See* ENDANGERING LIFE
- LIGHT**, *See* ELECTRICITY
- LIMITATION**, *See also* TIME  
 as to homicide, time of death, 198  
 as to penal action, 627  
 as to race meetings, 178  
 of time for prosecution  
 —, for corrupting child, 133  
 —, for permitting or procuring defilement, 133, 184  
 —, for seduction of female between 16 and 18, 133  
 —, under promise of marriage, 133  
 —, for sexual intercourse with female employee, 133  
 —, for treason, 48  
 of time for re-election, 475(5)
- LIQUOR**, *See* INTOXICATING LIQUORS
- LIVING CREATURE**  
 theft of, 269
- LOCK-UP**  
 prison includes, 2(31)
- LODGING**  
 obtaining by fraud, 307
- LODGING HOUSE**  
 defrauding, 307
- LOGS**  
 found adrift, theft of, 285
- LOITERER**  
 at night, near dwelling, 162  
 in public place, 160  
 sexual offender as, near school, etc., 164(1)(e)
- LOTTERY**  
 agricultural fairs, exception, 179(3)  
 conducting, 179(1)(d)  
 conveyance of prohibited articles, 179(1)(c)  
 examination of person arrested, 174  
 exceptions, 179(2), (6), (8)  
 foreign, included in prohibition, 179(7)  
 jurisdiction as to, 467(b)  
 making, printing or publishing, 179(1)(a)  
 search for, seizure and arrest, 171  
 selling tickets for, 179
- LUMBER**  
 defined, 285(6)(b)  
 lumbering equipment, defined, 285(6)  
 refusing to deliver, 285  
 search for, 285(3)  
 stealing, 285
- LUMBERING EQUIPMENT**  
 defined, 285
- MAGAZINE**, *See* CRIME COMIC; LIBEL; PUBLISHING
- MAGISTRATE**  
 action against, 689  
 death of, during trial, 481  
 defined, 2(21), (22)  
 —, under Part XVI, 2(10), 466(b)  
 duties of, in case of riot, 68, 70  
 jurisdiction of,  
 —, absolute in certain cases, 467  
 —, with consent, 468(1)  
 —, special, 419  
 —, on summary conviction, 692(g)  
 powers of,  
 —, contempt, punishment of, 8  
 —, enforcing execution of process, 732, 741  
 —, to exclude public, 428  
 —, generally, 425



- , as to preliminary inquiry, 451, 469
  - , preserving order in court, 426
  - , procuring attendance of prisoner, 446
  - , as to property seized, 171, 337 (2), 338, 344, 432
  - , two justices, 425
  - protection of, 25, 689
  - report of, 588
  - unable to act, 481, 639(5), 698, 736
- MAIL**
- offences in course of delivery of, 419(c)
  - sending obscene matter by, 153
  - stealing from the, 298
  - stealing mailable matter, 298
  - stopping with intent, 290
  - use of, to defraud, 324
- MALFEASANCE OF OFFICE**
- corrupt sales of public offices, 105, 106
  - judicial corruption, 100
  - municipal corruption, 104
  - by public officer, 101-103, 283, 342
- MANDAMUS**
- appeal, 691
  - application for, 680
  - rules of court as to, 424
- MANITOBA**
- appeal from summary conviction, 719
  - court of appeal in, 2(9)
  - forfeiture of recognizance in, 668 and Schedule
  - judge under Part XVI in, 466(a)
  - mixed juries in, 536, 544
  - preferring indictment in, 489
  - superior court in, 2(38)
- MANSLAUGHTER**
- acquittal or conviction, effect of, 519
  - conviction for, bar to murder, 569
  - death during illegal arrest, 203(4)
  - definition of, 203, 205
  - homicide reduced to, by provocation, 203
  - jurisdiction to try, 413(2)
  - by neglect, 186-190, 228
  - punishment of, 207
  - verdict, 569
- MAN-TRAP**
- setting, 219
- MARINE SIGNALS**
- mischief to, 380
- MARINE STORES**
- certain purchases of, prohibited, 363, 364
- MARKET**
- fraud affecting, 323, 325-327
- MARKS, See also TRADE MARKS**
- boundary, 383, 384
  - defined, 319
  - government
    - , counterfeiting, 319
  - on logs, etc., defacing, 285(1)
  - on public stores, 359-364
- MARRIAGE**
- abduction with intent, 234
  - bigamous, 240
  - certificate of, as evidence, 241(2)
  - conspiracy to commit adultery, 408 (1)(c)
  - evidence of, for certain cases, 186 (3), 241
  - feigned, 242, 244
  - form of, defined, 185(c)
  - polygamous, 243
  - presumed from holding out, 186(3)
  - publishing divorce case evidence, 151
  - seduction under promise of, 133, 144
  - solemnization of
    - , by unauthorized person, 244
    - , contrary to provincial law, 245
  - subsequent as a defence, 131
- MARRIAGE CERTIFICATE**
- falsifying, 320
  - evidence, as, 241(2)
- MARRIED WOMAN**
- accessory after the fact, when not, 23
  - compulsion of, not presumed, 18
  - conspiracy to commit adultery, 408 (1)(c)
  - theft between husband and wife, 275
  - , by person assisting, 275
- MASKS**
- having face masked with intent, 295(2)
- MASTER**
- assault by, on servant, 190
  - duty of, to provide necessaries, 190
  - lien for food supplied to cattle, 389(6)
  - of ship maintaining discipline, 44
  - of unseaworthy ship, 229
- MAYOR, See also PEACE OFFICER**
- duty of in case of riot, 68

- MEANS**  
defined, 237(3)
- MEDAL**, *See also* COUNTERFEIT MONEY  
wearing unlawfully, 362
- MEDICAL TREATMENT**  
responsibility for, 45, 187, 209(2)
- MEETINGS**, *See* PUBLIC MEETING
- MENACES**, *See* THREATS
- MEMBER OF PARLIAMENT**  
bribery of, 100
- MENTAL EXAMINATION**  
remand for, 451(c)
- MENTALLY ILL OR DEFECTIVE**  
imprisonment, 527
- MERCHANDISE**, *See also* GOODS; TRADE; TRADE MARKS  
fraudulent disposal of, after advances, 332-334  
fraud affecting market prices of, 323, 325-327  
lottery, disposal of, by, 179
- MERCHANDISE MARKS**  
false, on public stores, 359-364  
offences relating to, 349-357
- MERCHANT**  
issue of trading stamps by, 369  
misappropriation by, 276-278, 630 (5)
- MERCY**  
prerogative of, 658
- METALS**  
dealer in old, 364(2)
- MICA**  
unlawful possession of mined mica, 337(1)(c)
- MILITARY**  
disclosing information of military value, 46(1)(e)  
drilling, power to prohibit unlawful, 71  
law, defined, 2(24)  
—, protection of person subject to, 32  
—, protection of persons executing orders, 32  
stores, fraud in connection with sale of, 361  
—, illegal use of marks on, 362-364  
—, receiving soldiers' necessaries, 363  
—, setting fire to, 374  
uniforms, medals, decorations, etc., 362
- MILITARY CERTIFICATE**  
unlawful possession of, 362
- MILITARY DECORATION**  
unlawful use of, 362
- MILITARY LAW**  
defined, 2(24)  
effect of, 4  
suppression of riot by person bound by, 32
- MILITARY STORES**  
buying of, 363
- MILITARY UNIFORM**  
unlawful use of, 362
- MIND**  
death from fright, 194(5)(d), 200  
killing by influence on the mind, 194(5)(d), 200
- MINE**  
abandoned, unguarded excavation at, 228  
arson at, 374  
fraud by lessee, 337(1)  
salting, 339  
setting fire to, 374, 375  
taking of specimens, not theft, 279  
unlawful dealings with precious metals, 337  
—, search and seizure in case of, 338  
unlawful possession of mined mica, 337  
—, of certain other minerals, 337
- MINERALS**  
evidence of stealing, 563  
taking specimens of, not theft, 279  
unlawful dealing with, 337
- MINING LEASE**  
fraud by holder of, 337
- MINIMUM PUNISHMENT**  
none except where stated, 621(2)  
where stated, 222, 223, 298, 661(3)
- MINISTER OF AGRICULTURE**  
regulations by as to race meetings, 178
- MINISTER OF FINANCE**, 405
- MINISTER OF HEALTH**  
provincial, 527

**MINISTER OF JUSTICE**

certificate of, 586  
 copy of evidence to, 588(5)  
 notice by, of commutation, 656  
 power of to grant new trial, 596  
 —, refer to court of appeal, 596  
 report to, in capital cases, 643, 649  
 review by, 666

**MINISTER OF TRANSPORT**

permission of, to remove natural bar,  
 381

**MINOR**

delivering firearms to, 88

**MINT**

conveying instruments, etc., from,  
 402

**MISCARRIAGE**

advertising drugs to procure, 150(1)  
 (d)  
 offering to sell drugs to procure,  
 150(1)(c)  
 supplying means of procuring, 238  
 of women, 237, 238

**MISAPPROPRIATION, See THEFT****MISCHIEF AND OTHER INJURIES TO PROPERTY**

animal, other than cattle, 386  
 —, cruelty to, 387-389  
 —, threat to injure, 316  
 arson, 374-376  
 bombs, stench, 163  
 boundary lines, etc., 383, 384  
 building, by tenant, 382  
 cattle, cruelty to, 387-389  
 —, killing, wounding, etc., 385  
 —, transportation of, without proper  
 care, 387, 389  
 —, obstructing officer, 390  
 —, search of premises, 390  
 cock-pit, keeping, 388  
 election document, 320  
 explosion endangering life, 78, 79  
 false fire alarms, 378  
 firing crops, lumber, etc., 374  
 —, threat to fire property, 316  
 harbour bar, 381  
 interest of offender in thing injured,  
 371(3)  
 land marks, 383, 384  
 mine, 372, 374  
 oil well, 372, 374  
 offensive volatile substance, 163  
 property generally, 372, 373  
 public, 120

sea mark, 380

ship, wrecked or in distress, 379  
 —, impeding saving of, 379  
 signal or mark for navigation, 380  
 by spreading false news, 166  
 strike, saving as to, 372  
 threats, 316, 717  
 vegetables, etc., 374  
 wilfully, definition of, 371  
 wreck, *see* SHIP

**MISCONDUCT, See also DISORDERLY CONDUCT**

breach of trust by public officer,  
 103, 282  
 corrupt practices in municipal af-  
 fairs, 104  
 corruption, judicial, 100  
 —, of prosecuting officers, 101  
 disobedience, to orders of court, 108  
 —, to Act of Parliament, 107  
 frauds upon the government, 101,  
 102  
 neglect, of duty by peace officer, 70,  
 109  
 —, to aid peace officer, 110(b)  
 obstructing public or peace officer,  
 110, 169, 175, 390  
 in respect of human remains, 167  
 selling public offices, 105, 106  
 of sheriff, and other officers, 109,  
 538

**MISLEADING JUSTICE**

compounding offences, 121, 123  
 conspiring to bring false accusations,  
 408(1)(b)  
 corrupting juries and witnesses, 119  
 fabricating evidence, 117  
 oaths, administering, without auth-  
 ority, 118  
 —, false, 112-116  
 public mischief, 120  
 signing or using pretended affidavit,  
 118

**MISPRISION OF TREASON, 50(1)  
(b)****MIXED JURIES, 535, 536****MONTREAL**

court of criminal jurisdiction in,  
 2(10)(a)

**MORALITY**

offences against, 130-164

**MORTGAGE**

fraudulent concealment of, by vend-  
 or, 328-330

- MOTION**, *See also* APPLICATION  
 in arrest of judgment, 510, 578  
 by certiorari, 680-689  
 for particulars, 497  
 for preventive detention, 660  
 to quash, indictment, 487(3), 510  
 —, summary conviction, 680 et seq.  
 for stated case, 734, 742
- MOTOR VEHICLE**  
 criminal negligence in operation of,  
 191, 221  
 defined, 2(25)  
 driving, when intoxicated, 222 et  
 seq.  
 —, when ability impaired, 223, 224  
 —, when licence suspended, 225(3)  
 failure to stop after accident, 221(2),  
 (3)  
 highway, defined, 2(18)  
 prohibition to drive, 225  
 taking without owner's consent, 281  
 with smoke screen, 226
- MOVABLE PROPERTY**  
 defence of, 38, 39  
 what constitutes unjustified assault  
 or provocation, 38
- MUNICIPAL**  
 affairs, corrupt practices in, 104  
 employce refusing to deliver up pro-  
 perty, 283
- MUNICIPAL OFFICIAL**  
 corruption of, 104  
 defined, 104(3)
- MUNICIPALITY**  
 criminal breaches of contract by, 365  
 defined, 2(26)  
 direction to pay fine or forfeiture to,  
 626  
 service on, 441(5), 529  
 trial of, 528-531
- MURDER**  
 accessory after the fact, 211  
 acquittal or conviction, effect of, 519  
 admission and confession, 454, 455,  
 562, 564  
 appeal, no extension of time, 586(2)  
 attempt to commit, 210  
 bail on charge of, 464  
 compulsion by threats no excuse, 17  
 conspiracy to commit, 408(1)(a)  
 conviction for, bar to infanticide, 519  
 —, manslaughter, 519  
 counselling, 407  
 culpable homicide becomes, 201  
 definition of, 201, 202  
 jurisdiction to try, 413(2)  
 killing unborn child, 209  
 other counts not to be joined with,  
 499  
 provocation, 203  
 punishment of, 206  
 self-defence, 34 et seq.  
 threat of, 316  
 —, jurisdiction to try, 413(2)  
 verdict may be given  
 —, for concealing birth, 569  
 —, infanticide, 569  
 —, manslaughter, 569
- MUTINY**  
 on Canadian ship, 76  
 inciting to, 53  
 jurisdiction to try, 413(2)
- NAME**  
 acknowledging instrument in false,  
 348  
 sending telegram, etc., in false, 314
- NARCOTIC**, *See* DRUG
- NATIONAL RESEARCH COUN-  
 CIL**  
 test by, 306(4)
- NATURALIZATION CERTIFI-  
 CATES**  
 fraudulent use of, 59
- NAVY**, *See* CANADIAN FORCES
- NECESSARIES**  
 neglect to provide assistance in  
 childbirth, 214  
 neglect to provide  
 —, by master, 190  
 —, by husband, 186  
 —, by parent, 186  
 —, by person in charge of another,  
 186  
 —, surgical or medical treatment,  
 45, 187
- NEGLECT**  
 to aid peace officer or public officer,  
 110  
 cruelty to animals by, 387, 389  
 of duty, in care of explosives, 77, 78  
 —, to guard dangerous place, 228  
 —, to prevent treason, 50  
 —, to provide assistance in child-  
 birth, 214  
 —, to provide necessities, 186, 190  
 in respect of human remains, 167

- nuisance, 165  
as to unseaworthy ship, 229
- NEGLIGENCE**  
causing, bodily injury, 193, 221  
—, death, 192, 194, 228  
—, jurisdiction to try, 413(2)  
criminal, defined, 191  
duty to avoid dangerous omission, 188  
explosives, in use of, 77, 78  
of proprietor of newspaper, 253
- NEW BRUNSWICK**  
appeal, from summary conviction, 719  
court of appeal in, 2(9)  
court of criminal jurisdiction in, 2(10)  
forfeiture of recognizance in, 668 and Schedule  
judge under Part XVI in, 466(a)  
superior court in, 2(38)
- NEWFOUNDLAND**  
appeal from summary conviction, 719  
court of appeal in, 2(9)  
forfeiture of recognizance in, 668 and Schedule  
inquest in, 648(5)  
judge under Part XVI in, 466(a)  
penitentiary in, 634(5)  
superior court in, 2(38)
- NEWLY-BORN CHILD, 2(27)**  
killing, 204, 570
- NEWS**  
spreading false, 166
- NEWSPAPER**  
advertising, reward for stolen property, 123  
—, betting information, 177(1)(h)  
—, counterfeit money, 404  
—, drugs to cause miscarriage, etc., 150(2)  
—, lottery, 179  
answering inquiries, 263  
article counselling offence, 407  
defamatory libel in, 253  
definition of, 247, 421(4)  
extortion by defamatory libel, 252  
fair comment on public matter, 258-260  
giving information, 264  
jurisdiction in case of libel, 421(2)  
justifying the libel, 261  
publication, evidence of, 266  
publishing, defined, 249  
—, false advertisement, 306  
—, obscene matter, 150  
—, parliamentary papers, 256, 266  
—, proceedings of courts, 151, 255  
—, public meetings, 258  
—, for redress of wrong, 265  
responsibility of proprietors, 253  
sale of, containing defamatory libel, 253(3)  
trial without publicity, 427, 428
- NEW TRIAL**  
on appeal from summary conviction, 727  
by order of court of appeal, 592, 600  
by order of Minister of Justice, 596
- NIGHT**  
definition of, 2(28)  
loitering at, 162  
trespass at, 162
- NIGHT-WALKER, 164**
- NOLLE PROSEQUI**  
by Attorney General, 490  
where accused insane, 525
- NON-SUPPORT**  
of children, 186, 189  
of wife, 186
- NORTHWEST TERRITORIES**  
appeal, from summary conviction, 719  
application of Code to, 6  
Attorney General of, 2(2)  
court of appeal in, 2(9), 721  
forfeiture of recognizance in, 668 and Schedule  
indictment in, 489  
judge under Part XVI in 466(a)  
jury in, 541, 552, 553  
magistrate under Part XVI in, 466(b)  
notice of appeal in, 722(2)  
sentence of death in, 643(3)  
superior court of criminal jurisdiction in, 2(38)  
time for appeal in summary conviction in, 722(2)
- NOTICE**  
of appeal, 586, 599  
—, from summary conviction, 722  
of application, for bail, 463  
—, for committal of sureties on, 679

**NOTICE—continued**

- , for forfeiture of recognizance, 677
- , for preventive detention, 662
- of commutation of sentence, 657
- of conviction in bawdy house cases, 182
- of election and re-election, 474, 475, 592(5)(a)
- of indictment of corporation, 529
- of intention to prove possession of stolen goods, 301
- , previous conviction, 302, 572
- of marks on public stores, 359
- to parties bound by recognizance, 677, 679

**NOVA SCOTIA**

- appeal, from summary conviction, 719
- court of appeal in, 2(9)
- forfeiture of recognizance in, 668 and Schedule
- judge under Part XVI in, 466(a)
- superior court in, 2(38)

**NOXIOUS THINGS**

- administering, 184, 202, 217, 218, 237
- , to animals, 385, 386, 387(1)(e)
- administering of to overcome resistance to commission of offence, 218
- to procure miscarriage, 237
- supplying, 238
- supplying of, to procure miscarriage, 238

**NUDE**

- defined, 159

**NUDITY IN A PUBLIC PLACE, 159****NUISANCE, See also BETTING; BAWDY HOUSE; DISORDERLY HOUSE; DISORDERLY CONDUCT; GAMING; VAGRANCY**

- causing a disturbance, 160
- causing physical injury, 165
- criminal common, 165
- defined, 165
- endangering public safety, 165
- misconduct in respect of human remains, 167
- obstructing public or peace officer, 110, 169, 175, 390
- spreading false news, 166

**OATH**

- administration without authority, 118
- evidence to be under, 453, 454
- extra-judicial, 114
- false, 112, 116
- information to be under, 439

**OBEDIENCE**

- to de facto law, 15

**OBJECTION**

- in summary matters, 701-704, 727
- to an indictment, 487(3), 493, 510
- to jurors, 537 et seq.

**OBSCENE MATTER**

- advertising drugs to cause miscarriage, 150(1)(c)
- exhibiting, 100
- indictment for publishing, 494
- , particulars, 497
- language, causing disturbance by, 160
- mailing, 153
- making or selling, etc., 150
- publishing, 150, 151
- in theatrical performance, 152

**OBSTRUCTING**

- arrest of deserters, 56
- course of justice, 119
- highway, 366(1)(g)
- lawful seizure, 110
- officiating clergyman, 161
- public or peace officer, 110, 169, 175, 390
- , jurisdiction, as to, 467(b)
- saving of wreck, 379
- use, etc., of property, 372

**OBTAINING**

- execution of valuable security by fraud, 305
- by false pretences, 304
- food and lodging by fraud, 307
- property by forged document, 318

**OCCULT SCIENCE**

- pretending to practise, 308

**OCCUPANT**

- damaging of building by, 382

**OFFENCES**

- administration of justice, 99 et seq.
- at common law, 8
- attempts, conspiracies, etc., 406 et seq.
- bank notes and money, 391-405

- between jurisdictions, 419
- counselling, 22, 407
- by foreigner, 58, 75, 76, 420
- laws of England, 7, 8
- mischief, arson, etc., 370-390
- not in province, 421, 423
- out of jurisdiction of justice, 456
- outside Canada, 5(2), 46, 58, 75, 76
- parties to, 21-23
- punishable under more than one Act, 11
- on territorial waters, 420
- triable under Part XVI, 416, 467, 468, 472
- in unorganized territory, 422
- OFFENSIVE VOLATILE SUBSTANCE**, 78, 163
- OFFENSIVE WEAPON**
  - altering serial number, 90(8)
  - carrying concealed, 84
  - causing alarm, 160(d)
  - causing bodily harm by, 216
  - death resulting from use of, 202
  - defined, 2(29)
  - disarming, 96
  - firearm defined, 98
  - forfeiture, 88, 96
  - offences in respect of firearms, 88 et seq.
  - officers entitled to carry, 97(3)
  - permit, required, 93, 94
  - , altering serial number, 90(8)
  - , revocation of, 95
  - , unauthorized issue of, 89
  - , who may issue, 94
  - pointing at person, 86
  - possessing while committing certain offences, 202(d), 288, 292
  - possessing with intent, 82
  - possessing unregistered, 90
  - public meeting, attending with, 87
  - registration of revolvers and pistols, 93-98
  - repairing, 97(2)
  - retailing, 91, 97(2)
  - sale of, 88, 90, 91
  - sawed-off shotgun or rifle, 85
  - search for, 96
  - seizure, 88, 96
  - selling to minor, 88
  - smuggler carrying, 83
  - soldiers excepted, 97
  - wholesale dealer in, 97
- OFFICE**
  - corruption in, 100-106
  - defined, 99
  - disabilities following, 654
  - sale or purchase of, 105, 106
  - using interest for, for reward, 106
- OFFICIAL**
  - breach of trust by, 103, 282
  - corruption of, 101, 102
  - defined, 99
  - documents, refusal to deliver, 283
  - protection of, 25, 689
  - secrets, disclosing or obtaining, 46(e)
- OIL WELL**
  - fraud relating to, 339
  - mischief to, 372
  - setting fire to, 374, 375
- OMISSION**, *See also* **NEGLECT**
  - causing danger, 188
  - to prevent treason, 50
- ONTARIO**
  - appeal from summary conviction, 719
  - court of appeal in, 2(9)
  - disposal of fines, etc., in, 626(4)
  - forfeiture of recognizance in, 668 and Schedule
  - judge under Part XVI in, 466(a)
  - Superior Court, 2(38)
- OPIUM AND NARCOTIC DRUG ACT**, s.25 replaced, 748
- ORDER**
  - on appeal, 732, 741
  - to bring prisoner, 446, 456, 508
  - for change of venue, 508, 509
  - for compensation or restitution, 171, 373, 432(3), 595, 628-630, 638 (2)
  - in council, proof, 687
  - in court, preserving, 426, 428
  - of court, disobedience to, 108
  - to examine exhibits, 514
  - for new trial, 592, 596, 600
  - prohibiting driving, 225
  - in summary conviction matter, 692 (c), 714, 715, 717
- ORDER IN COUNCIL**, *See* **GOVERNOR GENERAL**
- ORES**
  - evidence of theft of, 563
  - unlawful possession, 337
  - , search in case of, 338
  - when taking of, not theft, 279
- OVERT ACT**
  - conspiracy as, 46(3)
  - in treason, 46, 48(2), 55, 492(4), 510(9)

- OWNER**  
 arrest by, 437  
 definition of, 2(15)  
 presumptions against, 376, 377  
 theft by, 271, 274  
 who deemed to be, 498
- OYSTERS**  
 description of bed in an indictment, 270  
 theft of, 270
- PANEL**  
 calling the, 540-552  
 exhausted, summoning other jurors, 551  
 objection that name not on, 549
- PAPER MONEY**  
 false, included in counterfeit money, 391(b)  
 printing or publishing likeness of, 400
- PARDON**  
 death sentence, 656  
 form and effect of, 655  
 plea of, 516  
 removal of disability by, 654(2)  
 royal prerogative, 658
- PARENT**  
 abandoning child under ten, 189  
 discipline of children by, 43  
 duty to provide necessaries, 186  
 procuring defilement of child, 155
- PARI-MUTUEL MACHINES, 178**
- PARLIAMENT**  
 disobeying acts of, 107  
 intimidation of, 51  
 —, jurisdiction to try, 413(2)  
 sedition in relation to, 61  
 —, jurisdiction to try, 413(2)
- PARLIAMENTARY PAPERS**  
 publishing, 256, 257, 266
- PARTICULARS**  
 delivery of, 497(3)  
 further, may be ordered, 497  
 of indictment or charge, 497  
 giving false, 321(c)  
 in summary conviction matters, 701(2)
- PARTIES TO OFFENCES, 21-23, 334, 335(b), 361(2), 368(3), 412(1)(a)**
- PARTNER**  
 innocent, 334
- theft by, 274  
 transactions by, 331-334
- PASSAGE**  
 obtaining by fraud, 336, 397
- PASSING OFF, fraud by, 351**
- PASSPORT**  
 defined, 58  
 untrue statements to procure, 58
- PEACE OFFICER**  
 assault on, 232(2)(b)  
 bribery of, 101  
 —, jurisdiction to try, 413(2)(a) (viii)  
 corruption of, 101  
 customs or excise officer included, 2(30)  
 defined, 2(30)  
 duty of, when accused remanded, 456  
 —, as to detention of prisoner, 636  
 —, as to person arrested without warrant, 438  
 —, to execute warrant, 29, 445  
 —, to serve summons, 441(3)  
 —, to suppress riot, 70  
 fees and allowances to, 744  
 keeping jury in charge, 556  
 neglecting to assist, 110(b)  
 misconduct of, 26, 109  
 obstructing, 110, 175, 390  
 —, jurisdiction in case of, 467(b)  
 permitting escape, 127  
 personation of, 111  
 power, to arrest, 435-438  
 —, to seize, 88, 96, 171, 173, 405(2), 429, 431  
 —, to search in gaming house, 171  
 —, for timber, etc., 285  
 —, for women in bawdy house, 173  
 —, on vehicle or vessel, 390  
 preventing escape, 25(4)  
 protection of, 25 et seq., 33, 689
- PEDIGREE**  
 falsifying, 328(b)
- PENAL ACTION**  
 limitation, 627(2)  
 when applicable, 627(1)
- PENALTIES. See PUNISHMENT**
- PENITENTIARY**  
 imprisonment in, 129, 534, 665(1)  
 in Newfoundland, 634(5)  
 prison includes, 2(31)
- PEREMPTORY CHALLENGES**  
 by accused, 542



- by prosecution, 543
- where accused tried jointly, 545
- in case of mixed jury, 544
- PERJURY**
  - corroboration on charge of, 115
  - definition of, 112
  - extra-judicial proceeding, in, 114
  - false statement, under oath, 114
  - , not under oath, 99(f)
  - indictment for, particulars of, 497
  - , sufficiency of, 495
  - in judicial proceedings, 112, 116
  - proof of previous trial, 113(2)
  - punishment of, 113
  - witness giving contradictory evidence, 116
- PERMITS, See OFFENSIVE WEAPON; RAFFLES**
- PERSON**
  - defence of the, 34-36
  - defined, 2(15)
  - found in disorderly house, examination of, 174
  - , bawdy house, punishment of, 182(2)
  - having weapons on the, 82-85, 90(2), 202(d)
- PERSONAL INJURY**
  - administering poison, 184, 202, 217, 218
  - assaults, 230-232
  - attempt to strangle, 218
  - by criminal negligence, 193, 228
  - by explosives, 78, 79
  - by motor vehicle, 221
  - causing by neglect of duty, 186, 190, 214
  - on means of transportation, 220
  - threats of, 316, 717
  - wounding, 216
- PERSONAL PROPERTY**
  - false advertisement of sale, 306
- PERSONATION**
  - acknowledging instrument in false name, 348
  - at examination, 347
  - with fraudulent intent, 346
  - of officer, 111
- PHONOGRAPH RECORD**
  - obscene, 150
- PHYSICIAN, See also SURGICAL OPERATION**
  - certificate of, 646
  - justification of, 45, 209(2)
- PICKETING, 52(4), 366**
- PICTURES**
  - obscene, 150
- PIGEONS**
  - killing or injuring of, 386
- PIRACY**
  - causing death in attempt to commit, 202
  - compulsion by threats no excuse, 17
  - jurisdiction to try, 413(2), (vi), (vii)
  - by law of nations, 75(1)
  - , with violence, 75(2)
  - piratical acts, 76
- PISTOL, See OFFENSIVE WEAPON**
- PLACE**
  - as to burglary, defined, 292(4)
  - as to disorderly houses, defined, 168
  - public, defined, 130(b)
  - of trial, changing, 508, 509
- PLAY**
  - cheating at, 181
  - performance of immoral, 152
- PLEAS**
  - autrefois acquit, 516-519, 715(2)
  - autrefois convict, 516-519, 715(2)
  - of corporations, 470, 528
  - guilty, 482, 515, 516
  - inability to plead, 515
  - included in indictment, 2(20)
  - not guilty, 468(4), 482, 515, 516, 521(2), 522
  - , after special pleas disposed of, 516(2)
  - pardon, 516
  - , with autrefois acquit or convict, 516
  - power to regulate pleadings by rule of court, 424(2)(c)
  - refusal to plead, 515
  - special,
    - , autrefois acquit or convict, 516-519
    - , evidence of identity of charges, 517
    - , in libel cases, 516, 520, 521
    - , justification, 520, 521
    - , murder, manslaughter or infanticide, in case of, 519
    - , pleaded together, 516
    - , publication authorized by legislature, 260
    - , similarity, but with aggravation, 519

**PLEAS—continued**

—, statement as to, 516(5)  
 in summary convictions, 708  
 time for, 515

**POISONING, See also DRUGS**

administering poison, 217, 218  
 animals, 385, 386, 387  
 murder by, 202  
 to procure abortion, 238  
 unlawfully administering narcotic,  
 184, 216

**POLICE BADGE, etc.**

unlawful use of, 111

**POLICE MAGISTRATE, See MAGISTRATE****POLYGAMY**

evidence on trial for, 243(2)  
 practice of, 243  
 punishment of, 243

**POOL SELLING, See BETTING****POSSESSION**

assertion of right to  
 —, house or land, 42  
 —, movable property, 39  
 counterfeit mark, 319(2)(b)  
 —, money, 393  
 —, stamp, 319(1)(b)  
 definition of, 3(4)  
 in forgery, 312  
 house-breaking instruments, 295  
 of instruments for counterfeiting,  
 319(1)(c), 401  
 in offences against the currency,  
 393, 394, 401  
 rock, ore, etc., 537(1)(c)  
 things obtained by crime, 296-302  
 —, joint trial of accused, 503  
 —, under \$50. jurisdiction, 467(a)  
 when complete, 300

**POSTAGE STAMP**

counterfeit, 319  
 deemed to be a chattel, 3(2)  
 property includes, 2(32)(c)

**POSTAL CARD**

deemed to be a chattel, 3(2)  
 property includes, 2(32)(c)

**POWER, See ELECTRICITY****POWER OF ATTORNEY**

theft under, 272, 277, 278

**PRACTICE**

rules of court as to, 424

**PRECIOUS METALS**

salting mine, 339  
 search for, 338  
 seizure of, 337(2), 338  
 tampering with sample, 339  
 unlawful sale of, 337  
 —, possession of, 337, 563

**PRE-CONFEDERATION STATUTE**

no prosecution under, 8

**PREFERRING INDICTMENT,**

485-491

**PRELIMINARY INQUIRY**

address by counsel, 451(h)  
 address by justice to accused, 454  
 adjournment of hearing, 451  
 —, for variance between charge and  
 warrant, 459  
 adjudication, 457(3), 460  
 admission by accused, 455  
 assault, 699  
 attendance of accused, compelling,  
 434 et seq.  
 —, person in prison, 446  
 bail,  
 —, appearance before justice, on,  
 451, 456  
 —, exceptions, 464  
 —, form of, 451  
 —, by one justice, 451  
 —, arrest of bailed person about to  
 abscond, 672  
 —, after committal  
 —, notice of application for, 463  
 —, order on application for, 463,  
 465  
 —, order for discharge, 463  
 —, order for discharge after arrest  
 of person out on, 675  
 —, on remand, 451  
 —, not reviewable on habeas cor-  
 pus, 465(2)  
 —, superior court, by, 463-465  
 committal of accused for trial, 460  
 confession of accused, 455  
 corporation, 452, 470  
 delivery of accused to prison, 636  
 depositions  
 —, copies of, accused entitled to, 512  
 —, taking of, 440, 453-455  
 discharge of accused, 460  
 election in certain cases, 450(2),  
 468(3), 469, 480, 481  
 evidence, for defence, 451(i), 453  
 —, for prosecution, 451(i), 453  
 —, further, after defence, 451(i)  
 —, use of, 619, 620

- hearing private, if justice so orders, 451(j)  
 place of, 456  
 powers of justice, 451  
 recognizance, 451, 463-465, 675  
 —, evidence, to give, 461  
 remand of accused, 450, 451  
 —, bail on, 451  
 —, if offence out of jurisdiction, 456  
 —, for mental examination, 451(c)  
 statement of accused, 454, 455  
 summons for accused  
 —, form of, 441  
 —, information, for, 439, 440  
 —, hearing, 440  
 —, irregularity in, 458  
 —, issue of, 440, 441, 444  
 —, not to prevent warrant, 444  
 —, not to be refused, 440(2)  
 —, service of, 441  
 —, variance between charge and, 458  
 transmission of record, 456, 462  
 warrant for accused  
 —, backing of, 447  
 —, in default, 444  
 —, execution of, 445  
 —, form of  
 —, in default, 445  
 —, formalities of, 442, 443  
 —, information or complaint for, 439, 440  
 —, irregularity in, 458  
 —, taking of, 439, 440  
 —, variance between evidence, etc., and, 458  
 witness  
 —, absconding, warrant for, 609  
 —, defaulting, warrant for, 609  
 —, out of province, 604  
 —, prisoner as, 446  
 —, recognizance by, to give evidence, 461  
 —, refusing to give evidence, 457  
 —, subpoena for, 604  
 —, service of, 441(3), 606  
 —, warrant for  
 —, after subpoena, 603  
 —, in default, 609  
 —, in first instance, 603
- PREROGATIVE**  
 of mercy, 655 et seq.
- PRESENTMENT**  
 included in indictment, 2(20)  
 finding indictment, 485
- PRESERVATION OF LIFE, See also CRIMINAL NEGLIGENCE; ENDANGERING LIFE**  
 abandoning child under ten years, 189  
 bodily harm to servant or apprentice, 190  
 dangerous act, duty of person undertaking, 187  
 dangerous thing, duty of person in charge of, 77  
 necessities, duty to provide, 186, 190
- PRESERVING ORDER**  
 contempt of court, 8  
 in court, 426, 428  
 at public meetings, 87, 96
- PRESUMPTIONS**  
 on charge of bigamy, 240  
 —, of burglary, 292(2), 293  
 —, of failure to provide necessities, 186  
 —, of fraud on hotel, etc., 307  
 —, of salting mine, etc., 339(2)  
 as to capacity, 12, 13, 16(3), 139  
 —, care or control of motor vehicle, 224(2)  
 from cheque without funds, 304(4), 307(2)  
 as to election under Part XVI, 477  
 from failure to stop after accident, 221(3)  
 from fire, 376, 377  
 in gaming house cases, 169, 170  
 as to knowledge of law, 19  
 of law, as to child under seven, 12  
 —, as to child between seven and fourteen, 13, 139  
 of lawful marriage, 186(4), 241(4)  
 from living with prostitutes, 184(2)  
 none as to compulsion of wife by husband, 18  
 of ownership of cattle, 284  
 —, of lumber, 285  
 —, of property, 498  
 from port of shipment, 357  
 from possession, 284, 285, 301(2), 302(2)  
 as to public stores, 364(2)  
 of sanity, 16(4)  
 from slot machine, 170  
 from unlawful presence in dwelling, 298
- PREVENTION**  
 of assault, 34, 35, 37  
 —, breach of the peace, 30, 31

- PREVENTION**—*continued*  
 in defence of property, 38-42  
 of offences generally, 27  
 —, riot, 32  
 —, saving of life, 227  
 —, wreck, 379  
 by self-defence, 34-37
- PREVENTIVE DETENTION**  
 appeal, 667  
 application for order for, 660 et seq.  
 —, consent of Attorney General to, 662  
 Attorney General  
 —, appeal by, 667  
 —, consent of, to application, 662  
 character, evidence of, 660, 663  
 commutation of, 664  
 court defined, 659  
 criminal sexual psychopath, defined, 659(b)  
 defined, 659(c)  
 evidence  
 —, as to criminal sexual psychopath, 661, 663  
 —, as to habitual criminal, 660, 663  
 Governor in Council, commutation by, 664  
 habitual criminal, defined, 660  
 Minister of Justice, review by, 666  
 notice of application for, 662  
 review of sentence of, 666  
 sentence of  
 —, commencement of, 664  
 —, commutation of, 664  
 —, how served, 665(2)  
 —, review of, 666  
 —, where served, 661(2), 665
- PREVIOUS CONVICTION.** *See also*  
**AUTREFOIS CONVICT:**  
**PREVENTIVE DETENTION**  
 as bar, 519, 568  
 driving motor vehicle after, 222, 223  
 evidence of, 572-574  
 indictment charging, 571-573  
 —, on indictment for manslaughter, 519  
 not referred to in indictment, 571  
 —, information, 696  
 possession of things obtained by crime, 302  
 presumption from, 169, 301, 302  
 procedure where, 572-574, 696(2), 712  
 proof of, 574
- PREVIOUS CRIMINAL ACTS**  
 when proof of, admissible to show intent, 199, 301
- PRINCE EDWARD ISLAND**  
 appeal from summary conviction, 719  
 court of appeal in, 2(9)  
 forfeiture of recognizance in, 668 and Schedule  
 judge under Part XVI, 466(a)  
 superior court, in, 2(38)
- PRINCIPAL**  
 agent defrauding, 368  
 defined, 368(4)  
 indictment of accessory, etc., as, 502, 503
- PRINTING LIKENESS OF PAPER MONEY, ETC.,** 400
- PRISON.** *See also* IMPRISONMENT  
 defined, 2(31), 527(5)  
 prison-breach, 124  
 receipt by keeper of, 456(4), 636  
 separate confinement in, 644, 685 (2)
- PRISON OFFICER**  
 permitting escape, 127
- PRISONER.** *See also* ACCUSED;  
**WARRANT**  
 assisting escape of, 127, 128  
 attending hearing of appeal, 594  
 being at large while under sentence, 125, 129  
 bringing up as witness, 446, 602  
 committal of, 636  
 conveyance of, 446, 447, 456(3), 509, 636  
 custody of insane, 523-527  
 escaping from custody, 125  
 habeas corpus, 680, 681, 690, 691  
 out on bail, arrest of, 670, 671  
 permitting escape, 126, 127  
 procuring attendance of, 446  
 procuring discharge of, 126  
 rescue of, 127  
 separate confinement of, 644, 665 (2)  
 of war, assisting escape of, 128
- PRISONER OF WAR**  
 assisting escape of, 128
- PRIZE FIGHT**  
 aiders and abettors, 21, 22, 81  
 attending or promoting, 81  
 definition of, 81(2)  
 principals in, 81  
 when the fight is not prize-fight, 81(2)
- PROBATE**  
 obtained by forgery or perjury, 318

- PROBATION**  
 binding over person convicted, 637  
 suspended sentence, 638
- PROCEDURE**  
 offence punishable under more than one Act, 10
- PROCESS**, *See also* SEARCH WARRANT; SUMMONS; WARRANT  
 amendment, 704  
 assault on persons executing, 232(d)  
 of court of appeal, 589(3),(4), 732, 741  
 defective, 25(2), 458, 688, 704, 727(4)  
 execution of, 25, 28, 700  
 misconduct of officers executing, 109  
 resistance to, 110  
 under order of Court of Appeal, 589(3)  
 without jurisdiction, 25
- PROCLAMATION**  
 judicial notice of, 687  
 unlawful printing of, 313
- PROCURING**, *See also* DEFILEMENT  
 abortion, 237, 238  
 or counselling offence, 22, 242, 244  
 —, indictment for, 495  
 —, particulars, 497  
 defilement of women, 184  
 feigned marriage, 242  
 feigned marriage, corroboration, 242  
 by householder, 156  
 limitation, 133, 184  
 by parent or guardian, 155  
 person to solemnize unlawful marriage, 244
- PROHIBITED ACT**  
 defined, 52
- PROHIBITION**  
 appeal, 691  
 application for writ of, 680  
 rules of court as to, 424
- PROMISSORY NOTE**, *See* VALUABLE SECURITY
- PROPERTY**, *See also* MISCHIEF  
 assignment of, with intent to defraud, 335  
 compensation for loss of, 595, 629, 630  
 damage to, 372, 373, 382, 385, 386  
 defence of, 38-42  
 definition of, 2(32), 370  
 disposal of, by lot, 179  
 endangering by breach of contract, 365  
 fraudulent dealings with, 282-287, 322 et seq.  
 obtaining  
 —, by crime  
 —, information in respect of, 439  
 —, joint trial in case of, 503  
 —, under S50, jurisdiction, 467(a)  
 —, by forged document, 318  
 —, by personation, 346  
 presumption as to ownership, 498  
 refusing to deliver, 271, 283-285  
 restitution of, 595, 629, 630, 638(2)  
 seizure of, 88, 96, 171, 429-433
- PROPRIETOR OF NEWSPAPER**  
 responsibility for libel, 253
- PROSECUTOR**  
 defined, 2(35), 692(e)  
 may conduct own case, 709  
 non-appearance of, 706, 710(4)  
 preferring indictment, 478, 487  
 summing up, 558
- PROSPECTUS**, 343
- PROSTITUTE**, 164
- PROSTITUTION**, *See also* BAWDY HOUSE; PROCURING  
 living on avails of, 184(1)(j), (k), (2)
- PROTECTION OF PERSON**  
 acting under authority, 25, 33, 43, 689  
 assisting peace officer, 28, 31  
 causing death of child, 209(2)  
 master of ship, 44  
 performing surgical operation, 45  
 suppressing riot, 32, 33
- PROVINCIAL TREASURER**  
 payment of fines, etc., to, 626
- PROVOCATION**  
 reducing murder to manslaughter, 203  
 by words, gesture or act, 36, 203(2)
- PSYCHOPATH, CRIMINAL SEXUAL**, *See* PREVENTIVE DETENTION
- PUBLIC**  
 exclusion of in certain cases, 428
- PUBLIC CONVEYANCE**  
 endangering persons in, 220  
 gambling in, 180

- PUBLIC DEPARTMENT**  
 definition of, 2(34)  
 test by, of goods advertised, 306(4)
- PUBLIC HARBOUR**  
 removing bar to, 381
- PUBLIC MARKET**  
 fraud affecting, 323(2), 325-327
- PUBLIC MEETING**  
 armed attendance at, 87  
 disturbing religious, etc., 161  
 fair report, 258  
 weapons carried at, or on way to, 87  
 —, seizure of, 96
- PUBLIC MISCHIEF, 120**
- PUBLIC PLACE**  
 causing disturbance in, 160  
 definition of, 130(b)  
 indecent acts in, 158  
 indecent exhibition in, 150(2)(b), 160  
 loitering, etc., in, 160(c)  
 nudity in, 159  
 offensive volatile substance in, 163
- PUBLIC OFFICER**  
 assault on, 232(2)(b)  
 breach of trust by, 103, 282, 283  
 corruption of, 101, 102  
 —, jurisdiction to try, 413(2)  
 definition, 2(35)  
 false return by, 342  
 fraud by, 101, 102  
 obstruction of, 110  
 —, jurisdiction in case of, 467(b)  
 pretending to be a, 111  
 protection of, 25 et seq.  
 refusing to aid, 110  
 refusing to deliver up property, 283  
 wounding, 232(b)
- PUBLIC ORDER**  
 offences against, 46-98
- PUBLIC PEACE**  
 break, by act done in presence of Her Majesty, 49
- PUBLIC SEAL**  
 counterfeiting of, 312
- PUBLIC STORES**  
 definition of, 2(36)  
 evidence, 364  
 fraudulent dealing with, 360-363  
 marks on, 359-360
- PUBLIC WORSHIP**  
 disturbing, 161
- PUBLISHING**  
 advertising  
 —, betting information, 177  
 —, counterfeit money, 404  
 —, drugs to cause miscarriage, etc., 150(2)  
 —, lottery, 179  
 —, reward for stolen property, 123  
 answer to inquiries, 263  
 fair comment, 260  
 fair discussion, 259  
 false advertisement, 306  
 information to person interested, 264  
 as to libel, defined, 249  
 libel, 249-266  
 likeness of paper money, etc., 400  
 obscene matter, 150  
 proceedings in, courts of justice, 255  
 —, Parliament, 256, 257, 266  
 —, by order of Parliament, etc., 266(1)  
 reports of judicial proceedings, 151, 257  
 reports of public meetings, 258  
 rules of court, 424(4)  
 seeking remedy for grievance, 265  
 upon invitation, 262
- PUNCH BOARD, 179**
- PUNISHMENT**  
 after conviction, 5(1)(a)  
 as prescribed, 5(1)(b)  
 capital  
 —, arrest of execution in case of pregnancy, 577  
 —, burial, place of, 650  
 —, certificate of prison doctor, 646, 647  
 —, commutation of, to imprisonment, 656  
 —, confinement of prisoner under sentence, 644  
 —, declaration by sheriff and gaoler, 646(2), 647  
 —, deputies of sheriff, 647  
 —, execution, place of, 645  
 —, presence at, 645  
 —, form of, 642  
 —, hanging, 642  
 —, inquest on body, 648  
 —, prison officer or prisoner not to be juror, 648(4)  
 —, irregularities, 651  
 —, in Northwest Territories and Yukon, 643(3)  
 —, regulations as to, 653  
 —, report of execution to Secretary of State, 649

- , report of sentence to Secretary of State, 643(3)
  - , reprieve, 643
  - , sentence of death, commutation of, 656
  - , under other Act, 652
  - compensation, pecuniary
    - , for loss of property, 595, 628-630
    - , to purchaser, in good faith, 629
  - corporal, *see* whipping
  - correction of, 592, 593, 635, 683
  - costs
    - , libel, 631, 632
    - , remission of, 657
  - consecutive, 621(4)
  - court, defined, 620
  - , as to suspended sentence, 640
  - cumulative, 621(4)
  - death, *see* capital *supra*
  - degrees of punishment, 621
  - disability
    - , to contract with government, 654
    - , to hold office, 654
    - , to vote, 654
    - , removal of, 654(2)(4)
  - discretion of court as to, 621
  - fine
    - , amount of, in discretion of court, 621, 622, 623
    - , application of, 626, 714
    - fixed by statute, 5(1)(b)
    - flogging, *see* whipping
    - forfeiture, *q.v.*
    - , recovery of
      - , by action, 627
      - , limit of time for, 627
      - , remission of, 655, 657, 658
    - generally
      - , for disobeying a statute, 107
      - , on indictment, 622, 633, 634
      - , on summary conviction, 694
  - hard labour, 635
  - imprisonment
    - , commencement of, 129, 621, 624
    - , consecutive, 621
    - , cumulative, 621
    - , in default, 621, 622, 624, 694
    - , generally, 634, 635
    - , hard labour, 635
    - , how served, 635
    - , legality of inquiry into, 681
    - , minimum term of, 222, 223, 298, 621(2), 661(3)
    - , penitentiary, 129, 634, 665
    - , preventive detention, 659-667
    - , review of, 666
    - , recapture, on, 129
    - , reduction of, on part payment, 625
    - , second offence, 222, 223
    - , term, less than two years, 634
    - , more than two years, 634
    - , where not otherwise provided, 107, 633, 694
  - liability under different Acts, 11
  - minimum, 222, 223, 298, 621(2), 661(3)
  - mitigation
    - , commutation of sentence, 656, 664
    - , pardon, 655, 658
    - , remission, 655, 657, 658
    - , suspended sentence, 638
  - once only for the same offence, 11
  - penalty
    - , action for, 627
    - , defined, 625(5)
    - , disposal of, 626
  - recognizance
    - , to keep the peace, 637, 717
    - remission of, 655-658
  - restitution, 595, 629, 630, 638
  - on summary conviction, 694
  - suspended sentence, 638-640
  - during transitional period, 746
  - whipping
    - , attempted rape, 139
    - , burglary when armed, 292(3)
    - , choking with intent, 218
    - , drugging with intent, 218
    - , female not to be whipped, 641(4)
    - , indecent assault, 141
    - , infliction of, 641
    - , instrument to be used, 641(4)
    - , rape, 136
    - , robbery, 289
    - , sexual intercourse with girl under 14, 138
    - , strangling, 218
- QUIARRY  
unguarded excavation at, 228(2)
- QUASHING  
indictment, 487(3), 510  
summary conviction, 682, 688
- QUEBEC CITY  
court of criminal jurisdiction in, 2(10)
- QUEBEC PROVINCE OF  
appeal from summary conviction, 719  
court of appeal in, 2(9)  
forfeiture of recognizance in, 677(3), 678(2), 668 and Schedule

- QUEBEC, PROVINCE OF**—*cont'd.*  
 mixed juries in, 535  
 preferring indictment in, 489  
 superior court in, 2(38)
- QUEEN, HER MAJESTY THE**  
 acts to alarm, 49  
 —, jurisdiction to try, 413(2)  
 treason by killing, etc., 46(1)(a)
- QUEEN CHARLOTTE SOUND,**  
 285(6)
- QUESTION OF LAW**  
 amendment of indictment is, 510(6)  
 appeal on, 583, 584, 597, 743  
 attempt as, 24  
 forcible entry or detainer as, 73(3)  
 legality of order as, 32(5)  
 in sale, etc., of obscene matter,  
 150(4)
- RACE**  
 advertising, etc., information about,  
 177  
 betting on, when and where lawful,  
 178  
 importing racing forms, 177(1)(g)  
 meetings, time limit for, 178  
 regulation of meeting, 178  
 trotting or pacing, 178(1)(d)
- RADIO**  
 false message sent by, 314, 315
- RAFFLES.** *See also* LOTTERY  
 permit for in certain cases, 179(8)  
 when exempt from lottery clauses,  
 179(8)
- RAILWAY.** *See also* MISCHIEF  
 breach of contract by, 365  
 burglary on, 292(4)  
 endangering persons on, 220  
 gaming in, 180  
 obtaining passage by fraud, 336, 397  
 offence on, 419  
 search of premises by peace officer,  
 390  
 transportation of animals by, 387(1)  
 (b), 389, 390
- RANSOM.** *See* KIDNAPPING
- RAPE**  
 age for commission of, 139  
 assisting in, compulsion by threats  
 no excuse, 17  
 attempt, 137  
 causing death in attempt to com-  
 mit, 202  
 committed by means of drugs, etc.,  
 184(1)(i), 218  
 consent of child under 14 imma-  
 terial, 138  
 defined, 135  
 instructions to jury in case of, 134  
 jurisdiction to try, 413(2)  
 previous illicit connection, 131(4)  
 punishment for, 136
- REAL PROPERTY**  
 defence of, 40-42  
 forcible entry or detainer, 73  
 fraudulent hypothecation, 330  
 —, registration of title to, 329  
 —, sale of, 330  
 mischief to, by occupant, 382
- REBUILT GOODS**  
 for sale, 354
- RECEIPTS**  
 Bank Act, under, fraudulent, 333,  
 334  
 intended to mislead, 331, 334, 368  
 to peace officer, 456(4), 636  
 valuable security includes, 2(42)
- RECEIVER**  
 dealer as, 285(3), 364(2)  
 evidence of property dishonestly ob-  
 tained, 301  
 —, finding other stolen property,  
 301  
 of goods obtained by crime, 296-  
 302  
 indictable as principal, 502, 503  
 jurisdiction to try  
 —, where value over \$50, 469  
 —, where value under \$50, 467  
 post letter, etc., 298  
 proceedings against, 502, 503  
 proving previous conviction, 302  
 —, possession of other stolen prop-  
 erty, 301  
 property received from deserting  
 spouse, 275  
 restitution of property, 595, 629,  
 630, 638(2)  
 trial of joint receivers, 503  
 when offence complete, 300  
 of wrecks, 359
- RECEIVER GENERAL**  
 payment of fines, etc., to, 626
- RECOGNIZANCE**  
 acknowledging in false name, 348  
 on appeal, 587, 724



- application for forfeiture, 668, 677-679  
 arrest of accused on other charge, 671  
   —, on appeal, 724(4)  
   —, on stated case, 735(5)  
   —, by surety, 672, 673  
 bail after render, 675  
 binding effect of, 669, 671  
 breach of, 507, 639, 718  
 certiorari, on, 685  
 clerk of the court, defined, 668  
 committal  
   —, of accused, 670(2), 675  
   —, of sureties, 679  
 coroner, before, 448  
 default under, to be endorsed, 676  
   —, certificate of, 676  
   —, proceedings upon, 677 et seq. and Schedule  
   —, transmission of recognizance, 676(2)  
 discharge of  
   —, by committal, 670  
   —, on forfeiture, discretionary, 677(2)  
   —, on petition, 679  
   —, on render, 672, 673, 674  
 effect of, 669-671  
 endorsement on, 670(4), 672(3), 676  
 forfeiture of, on default  
   —, disposal of proceeds, 626, 677  
   —, manner of, 677-679 and Schedule, 685(2)  
   —, order for, 677  
   —, proceeds of, 626, 677, 679  
   —, recovery of, 677-679  
   —, costs of in Quebec, 678(2)  
 fieri facias, writ of, 677-679  
 form of, 451  
 indemnifying bondsman, 119(2)  
 to keep the peace, 637, 717, 718  
 new and sufficient, 670, 724(4), 735(5)  
 Quebec, province of  
   —, costs in, 678(2)  
   —, execution, issue of, 677, 679  
   on remand, 451, 456  
   on summary conviction proceedings, 710(2)  
   —, on appeal, 724  
   —, on stated case, 735, 738  
 sureties  
   —, committal of, 679  
   —, render by, 672-674  
   —, responsibility of, 669, 670  
   on suspension of sentence, 638, 639  
   transmission of deposit, 676(4), 677(4)  
   —, recognizance, 456, 676(2), 726
- RECONDITIONED GOODS**  
 sale of, 354
- RECORD**  
 amendment of, 510(7), 533  
 of conviction, or acquittal, on indictment, 482, 532  
 court of, 473  
 falsifying, 320, 321  
 filing of, in non-jury trial, 473  
 included in indictment, 2(20)  
 of particulars, 497(2)  
 of proceedings on indictment, 532  
 of sales of weapons, 91, 93  
 transmission of, 456, 482, 508, 726
- RECORDER**  
 magistrate includes, 2(22)
- RE-ELECTION**, 475, 481, 592(5)  
 (a)
- REEVE**, *See* PEACE OFFICER
- REFORMATORY**  
 prison includes, 2(31)
- REFUSAL**  
 to assist peace officer, 110  
 to plead, 515(2)  
 of trial without jury  
   —, by judge, 479  
   —, by magistrate, 476, 479  
 of witness to be sworn, etc., 457
- REGISTERING or RECORDING BETS**, *See* BETTING
- REGISTERS**  
 defacing or injuring, 320  
 falsifying, 320  
 falsifying extracts from, 321  
 forging, 320, 321
- REGISTRAR**  
 defined, 581
- REGISTRAR OF FIREARMS**  
 defined, 98
- REGISTRATION**  
 of revolvers and pistols, 89-98
- REGISTRATION OF TITLE**  
 frauds with respect to, 328-330

- REGULATIONS, *See also* GOVERNOR-GENERAL**  
 judicial notice of, 687  
 prison, 635(1)
- RELIGION**  
 blasphemous libel, 246  
 disturbing public worship, 161  
 obstructing divine service, 161
- RELIGIOUS ORGANIZATIONS**  
 games for, 168(2)(b), 179(8)
- REMAND**  
 bail on, 451, 456  
 hearing during time of, 451  
 for mental examination, 451(c)  
 not to exceed eight clear days, 451(b)  
 on preliminary enquiry, 450-451, 456  
 powers of, 450(1), 451  
 verbal, 451  
 warrant of, 451
- REMISSION**  
 of penalties, 655-658  
 suspended sentence, 638-640
- REPEAL, 745, 747-751**
- REPLICATION**  
 included in indictment, 2(20)
- REPLY**  
 of accused, 558  
 Crown's right of, 558  
 to plea of justification in libel, 520
- REPORT**  
 of trial Judge or Magistrate, 588
- REPRIEVE, 643**
- REPUTATION**  
 offences against, 120, 247 et seq., 408(1)(b)
- RESCUE, *See also* ESCAPE**  
 causing death in attempt to, 202  
 of things seized, 232(2)
- RESISTING, *See also* OBSTRUCTING**  
 arrest, 216, 232  
 —, causing death in, 202  
 distress or seizure, 232  
 execution of process, 232  
 peace or public officer, 33, 216, 232
- RESTITUTION**  
 of property, 171, 432(3), 595, 629-630, 638(2)  
 rules of court as to, 424
- RESTRAINT OF TRADE**  
 conspiracy in, 409-412, 416  
 criminal breach of contract, 365  
 intimidation, 366  
 jurisdiction to try cases of, 413(2), 416  
 trade combination, defined, 410(2)
- RETAINING**  
 having in possession, 296
- REVENUE PAPER**  
 defined, 268(f)  
 making or having, 311
- RETURNS**  
 false, by public officer, 342  
 by sheriff, to writ of fieri facias, 679
- REVERSAL**  
 of judgment after verdict, when not allowed, 578, 579
- REVIEW**  
 of bail, 465  
 of order for preventive detention, 666  
 of summary conviction on certiorari, 682 et seq.  
 —, by stated case, 733 et seq.
- REVOLVER, *See* OFFENSIVE WEAPON**
- REWARD**  
 advertising, for return, 123  
 corruptly accepting, 122
- RIFLE, *See* OFFENSIVE WEAPON**
- RIGHT, *See also* ACCUSED**  
 claim of, 39, 42  
 colour of, 73, 269, 371  
 of reply, 558  
 to sum up, 558
- RIOT**  
 continuing after reading of Riot Act, 69  
 —, duty and powers of officers and others, 70  
 definition of, 65  
 punishment for, 66  
 Riot Act  
 —, reading of, 68  
 —, opposing, 69  
 suppression of  
 —, assisting in, 32  
 —, duty and powers respecting, 32, 33, 68, 70

- , neglect of duty, 70
- , protection of officers, 33(2)
- , use of force in, 32
- ROBBERY**
  - armed, 288
  - assault with intent to rob, 288
  - causing death while committing, etc., 202
  - compulsion by threats no excuse for, 17
  - definition of, 288
  - mail, stopping, with intent to rob, 290
  - punishment for, 289
  - with violence, 288
- R.C.M. POLICE, See also PEACE OFFICER; PUBLIC OFFICER**
  - persuading desertion from, 57
- ROYAL WARRANT**
  - falsely claiming, 356
- RULES OF COURT**
  - as to evidence on commission, 618
  - judicial notice as to, 687
  - publication of, 424(4)
- SABOTAGE**
  - bail on charge of, 464
  - as offence against the State, 52
  - as offence under mischief, 372, 373
- SALE**
  - exaggerated commendation, 303
  - fraudulent, of real property, 330
  - of goods, 351, 353, 354, 356
  - of goods falsely marked, 349-356
  - illegal, of wreck, 358
  - lottery tickets, 179
  - of newspaper or book containing libellous matter, 254
  - obscene publication, etc., 150
  - offensive weapon, 88, 91, 97
  - pistol to minor, 88
  - pool-selling, 177
  - public office or appointment, 105, 106
  - of stock, fraudulent, 323-327
  - unlawful sale of mineral, etc., 337 (1)(b)
- SALTING MINE, 339**
- SANITY**
  - presumption of, 16(4)
- SASKATCHEWAN**
  - appeal from summary conviction, 719, 721
- court of appeal in, 2(9)
  - forfeiture of recognizance in, 668 and Schedule
  - judge under Part XVI in, 466(a)
  - preferring indictment in, 489
  - Superior Court in, 2(38)
- SAWED-OFF SHOT-GUN OR RIFLE, 85**
- SCHOOLTEACHER**
  - correction of pupil by, 43
- SEA**
  - unseaworthy, sending or taking, to sea, 229
  - , consent to prosecute required, 229
- SEALS**
  - forms do not require, 748
  - public, counterfeiting, 312, 319
- SEA MARK**
  - altering, etc., 380
  - making fast to, 380
- SEARCH**
  - for animals in transit, 390
  - for offensive weapons, 96
- SEARCH WARRANT**
  - in betting-house or gaming house, 171
  - for deserter, 56
  - disposal of things seized under, 431, et seq.
  - , appeal, 432
  - endorsement of, 61, 429(2)(4)
  - execution of, 25, 26, 338, 430, 431
  - , obstructing, 175
  - , outside of jurisdiction, 429
  - for explosives, 433
  - , lottery, 171
  - , precious metals, 338
  - , timber, etc., 285
  - , woman in bawdy house, 172
  - form of, 429
  - generally, 429-432
  - information for, 429
  - what may be seized under, 431
- SECOND HAND GOODS, See also DEALER**
  - bearing trade mark, 354
- SECOND OFFENCE**
  - punishment of, 222, 223
- SECRET COMMISSIONS, 102(1) (c), 368**
- SECRETS**
  - official, disclosure of, 46(1)(e)

**SECURITY**

of government or bank, printing or publishing likeness of, 400  
seizure of, 171  
valuable security defined, 2(42), 3(3)

**SEDITION**

conspiracy, seditious, 60, 61  
indictment for, 494  
intention seditious, 60  
—, saving, 61  
jurisdiction to try, 413(2)  
libel, seditious, 60  
—, sufficiency of indictment for, 494  
punishment for, 62  
in relation to military forces, 63  
spreading false news, 166  
words, seditious, 60

**SEDUCTION. See also DEFILEMENT; GIRL**

corroboration, 131  
female employee, 145  
foster or step-child, 145(1)(a)  
girl between 16 and 18, 143  
limit of time for prosecution for, 133  
marriage, under promise of, 144  
passenger on vessel, 146  
subsequent marriage a defence, 131(2)  
unchastity, proof of previous, 131  
ward, by guardian, 145

**SEIZURE**

appeal from order, 432(7)  
in cases of offences against the currency, 405  
in cases of mining offences, 337(2)  
of explosives, 433  
in gaming house, etc., 171  
of goods falsely billed, 344(2)  
of offensive weapon, 88, 96  
resisting, 232(2)  
theft of things under, 271  
where cock pit found, 383

**SELF-DEFENCE. See JUSTIFICATION OR EXCUSE**

on assault, 34-36  
homicide in, 33, 34  
parent for child, etc., 37

**SELLING OFFICE, etc., 105, 106****SENTENCE. See also FINE; IMPRISONMENT**

appeal against, 583, 584, 667, 720  
commencement of, 624, 664  
commutation of, 656, 664  
correction of, 592, 593, 683

of death, 642

deferring, 586, 643  
defined, 581(d), 692(f)  
of hard labour, 635  
on pregnant woman, 577  
pardon, 655, 657  
powers of court of appeal as to, 589, 592, 593, 594, 727  
preventive detention, of,  
—, commencement of, 664  
—, commutation of, 664  
—, how served, 665(2)  
—, review of, 666  
—, where served, 661(2), 665  
question before, 575  
service of, 446(6), 634, 635, 661(2), 665  
service of, after recapture, 129  
special directions on suspended, 638  
suspension, 581(d), 638-640, 692(f)  
on trial without jury, 481, 482, 484  
verdict of guilty on several counts, 576  
whipping, of, 586, 641

**SERVANT**

causing bodily harm to, 190  
liability of master for necessaries, 190  
sale of libellous matter by, 254  
seduction of, 145

**SERVICE. See SUMMONS; WARRANT; NOTICE****SESSIONS COURT**

judges in Montreal and Quebec, 2(10)

**SEVERANCE OF COUNTS, 500, 501****SEXUAL INTERCOURSE**

abduction with intent, 234  
consent of child immaterial, 132  
conspiracy to defile, 408(c)  
conviction for lesser offence, 567-569  
corroboration, 131(1)  
definition, 3(6)  
drugging for purposes of, 184(1)(i), 218  
feeble-minded, etc., 140  
girl under fourteen, 132, 138(1)  
—, between fourteen and sixteen, 138(2)  
—, previous intercourse, 131(4)  
householder permitting, 156  
incest, 142  
instructions to jury in certain cases of, 134

- procuring, 184  
 proof of previous unchastity, 131(3),  
 (4)  
 rape, 135-137, 139  
 seduction, 131, 143-146  
 threats for purposes of, 135, 184(h)  
 when complete, 3(6)  
 whipping, 136, 138, 142
- SEXUAL OFFENDER**  
 loitering near school, etc., 164(1)  
 (e)
- SHARES**  
 fraud in relation to, 323-327  
 obtaining transfer by, personation  
 346
- SHERIFF**  
 certificate of, as to person rendered,  
 672  
 —, as to execution of death sentence,  
 646, 647  
 duty of, after committal, 474, 475  
 —, as to capital punishment, 644 et  
 seq.  
 —, on change of venue, 509  
 —, in case of riot, 68  
 —, as to forfeited recognizance, 677-  
 679  
 —, as to mixed juries, 535, 536  
 —, in non-jury trial proceedings, 474,  
 475
- SHIP**  
 burglary on, 292(4)  
 discipline on, 44  
 endangering persons or property on,  
 220  
 mooring to buoys, etc., 380  
 offence on, 76, 419, 420  
 piracy, 75, 76  
 preventing the saving of wreck, 379  
 seduction of female passenger, 146  
 setting fire to, 374  
 transportation of animals in, 389, 390  
 unseaworthy  
 —, sending or taking to sea, 229  
 —, consent to prosecution for, 229  
 wreck, offences relating to, 358, 379
- SHOOTING**  
 disturbing occupants of dwelling by,  
 160(d)  
 with intent to prevent arrest, 216  
 —, wound, etc., 216
- SHORTHAND**  
 depositions in, 453, 555  
 notes furnished to court of appeal,  
 583, 726, 727
- re-reading the depositions, 453(5)  
 swearing the stenographer, 453(4)
- SICK PERSON**  
 acceleration of death, 199  
 evidence of, 613-615, 619  
 homicide by frightening, 194(5),  
 200
- SIGNATURE, See also EXTORTION;  
 FORGERY**  
 to depositions, 453, 708(3)
- SILENCER**  
 possession of, 85
- SILVER, See COUNTERFEIT  
 MONEY; PRECIOUS  
 METALS**
- SISTER**  
 defined, 142
- SITTINGS OF COURT**  
 adjournment when no jury sum-  
 moned, 418  
 regulating by rule of court, 424
- SLIDE**  
 setting fire to, 374
- SKIPPING BAIL, 125(c)**
- SLOT MACHINE, 170**
- SLUGS, ETC.**  
 fraudulent use of, 397
- SMOKE SCREEN, 226**
- SMUGGLERS**  
 carrying offensive weapons, 83
- SODOMY, See BUGGERY**
- SOLDIERS**  
 enticing to desert, 56, 63  
 may carry weapons, 98(3),(4)  
 military law, 2(24)  
 receiving military stores from, 363,  
 364  
 suppressing riot, 32, 33  
 unlawfully wearing decorations, etc.,  
 362
- SOLEMN DECLARATION, See  
 DECLARATION**
- SOLEMNIZATION**  
 of marriage contrary to law, 245  
 without lawful authorization, 244
- SOLICITOR**  
 fraudulently concealing encumb-  
 rance, etc., 328

- SORCERY, 308
- SPECIAL PROPERTY OR INTEREST  
theft from person having a, 269, 274
- SPECIAL VERDICT  
acquittal on account of insanity, 523
- SPEEDY TRIAL OF INDICTABLE OFFENCES, *See* Part XVI
- SPREADING FALSE NEWS, 166
- SPRING KNIFE, 88(3)
- SPYING, 46
- STAKE-HOLDER, 177, 178
- STAMPS  
counterfeiting, 319, 391(c), 401, 403-405  
defined, 319(3)  
property includes, 2(32)(c)
- STANDING BY  
directing juror to, 541, 543, 546, 550
- STATED CASE  
bars other mode of appeal, 742  
by justice, 733-742  
procedure when magistrate unable to act, 736  
—, or refuses to, 737, 738  
recognizance on, 735
- STATEMENT  
by accused, 454, 455, 564  
evidence of contradictory, 113(2), 116
- STATUTE  
disobedience to, 107  
Imperial, offence against, 8  
pre-Confederation, 8
- STATUTORY DECLARATION,  
*See* DECLARATION
- STAY  
where accused insane, 525  
arrest of judgment, 578  
of death sentence upon pregnant woman, 577  
of execution of sentence, 586(3)  
of proceedings by Attorney-General, 490
- STEAL  
defined, 2(37)
- STEALING, *See* BREAKING AND ENTERING; THEFT; ROBBERY
- STENCH BOMB, ETC., 163
- STENOGRAPHER  
depositions in writing by, 453, 555  
notes supplied on appeal, 588, 726(3)
- STEP-DAUGHTER  
sexual intercourse with, 145(1)(a)
- STOCK BROKER  
fraudulent manipulation, 327
- STOCK EXCHANGE TRANSACTION  
fraudulent manipulation of, 325
- STOCKS  
affecting market price by fraud, 323(2)  
evidence of gaming in, 326(2)  
fraud in relation to, 323-327  
gaming in, 326
- STOLEN GOODS,  
*See also* RECEIVER  
advertising reward for, 123  
bringing into Canada, 299  
compensation for loss, 595, 625, 628-630, 638(2)  
evidence as to, 301, 302  
having in possession, 296  
proceedings against receivers, 502, 503  
restitution of, 595, 629, 630, 638(2)
- STOPPING  
the breath, 202, 218  
mail, 288
- STORES, *See* MILITARY;  
PUBLIC STORES
- STRIKES, 52(3),(4), 365, 366, 372
- STRANGLING  
attempt to strangle, 218  
with intent to commit certain offences, 202
- SUBORNATION OF PERJURY,  
*See* INCITEMENT
- SUBPOENA, *See* WITNESS
- SUBSTITUTED CHARGE  
on non-jury trial, 478
- SUICIDE  
aiding and abetting, 212  
attempt to commit, 213

## SUMMARY CONVICTION,

*See also* CERTIORARI

adjournment, 704(6), 707, 710, 728  
 adjudication by justice, 711-716  
 admission of charge, 708(2)  
 amendment, 704, 727(4)  
 agent, appearance by, 707  
 appeal  
 —, abandonment of, 729, 730  
 —, certiorari not to lie after, 682  
 —, conviction or order, 720  
 —, affirmation of, 683, 727, 740  
 —, evidence of, 725(2)  
 —, return of, to justice, 732  
 —, transmission of, to court of appeal, 726  
 —, costs, order as to, 730, 740  
 —, committal for non-payment of, 731(4)  
 —, deposit for, 724  
 —, application of, 731(2)  
 —, schedule of, 744  
 —, when appeal not prosecuted, 730  
 —, court of, 719, 721, 733  
 —, evidence in, 726(3), 727  
 —, issue of process by, 732, 741  
 —, failure of proceedings in, 732  
 —, form, on matters of, 727(4)  
 —, hearing of, 721, 723, 727  
 —, judgment, 727  
 —, none when case stated, 742  
 —, notice of, 722  
 —, powers of court, 727, 732  
 —, presumption, 725(2)  
 —, procedure on, 730-732  
 —, on question of law, 743  
 —, recognizance, 724  
 —, setting down, 723  
 —, time for, 722  
 appearance  
 —, of accused, compelling, 700, 710(3), 717  
 —, by agent or counsel, 707  
 —, of both parties, 707  
 application of provisions, 693(1)  
 arraignment, 708  
 assault, charge of, 699  
 bail, 710(2)  
 certificate of dismissal, 715  
 clerk of the court, definition of, 2(6)  
 committal, warrant of, 713  
 common assault, 699  
 compensation, 373, 714  
 complaint, 692(b)  
 conviction or order against accused, 711

—, affirmation of, 683, 727, 740  
 —, evidence of, 725(2)  
 —, minute or memorandum of, 713  
 —, not quashed for defects of form, 683, 684, 727(4)  
 —, procedure when previous, 712  
 corporations, 707  
 costs  
 —, of appeal, 730  
 —, on conviction or order, 716  
 —, defined, 716(5)  
 —, part of penalty, 716  
 —, of stated case, 740  
 counsel for parties, 707  
 counts, separate trial of, 708(4)  
 court, definition of, 692(g)  
 defects in procedure, 701-704  
 definitions, 692  
 dismissal,  
 —, appeal, 727, 729  
 —, certificate of, 715  
 —, order of, 711  
 disobedience to order of justice, 108  
 evidence  
 —, on appeal, 725(2), 727  
 —, burden of proof, as to appeal, 725(2)  
 —, as to exception, etc., 702  
 —, commission, on, 613  
 —, oath, on, 453, 708  
 —, reply in, 451(i), 708  
 —, taking of, 708, 709  
 fees and allowances on, 744  
 fines  
 —, payment of, not waiver, 724(5)  
 —, time for payment, 694(3)  
 hearing in open court, 428  
 informalities, 683, 684, 686, 701-704, 727(4)  
 informant, defined, 692(a)  
 information, 692(b), 695, 696  
 —, limit of time for making, 693(2)  
 —, motion to quash, 704  
 —, need not negative exception, 702  
 —, previous offence, 696(2)  
 joint offenders, penalties in case of, 714  
 jurisdiction, 696-698, 705  
 —, exceeding, 25(2), 683, 689  
 —, waiver of, 697(4),(5)  
 justice unable to continue, 698, 736  
 magistrate may act, 692(g)  
 non-appearance of accused, 710(3)  
 non-appearance of prosecutor, 706, 710(4)  
 objections to proceedings, 701-704

**SUMMARY CONVICTION**—*cont'd.*  
 one justice before or after hearing, 697  
 order, defined, 692(c)  
 particulars, 701(2)  
 penalties, enforcing payment of, 694  
 —, in case of joint offenders, 714  
 previous conviction, procedure where, 696(2), 712  
 proceedings, defined, 692(d)  
 prosecutor, defined, 692(e)  
 punishment on, 694  
 recognizance for appeal, 724  
 —, stated case, 735, 738  
 sentence, defined, 692(f)  
 —, suspended, 638, 692(f)  
 statement of case by justice for review, 733-742  
 —, amendment of, 740(1)  
 —, appeal to court of appeal, 743  
 —, appeal precluded by, 742  
 —, no stated case if no right to appeal, 742  
 —, application for, 734, 738  
 —, certiorari, etc., not required, 739  
 —, costs, none against justice, 740(1)  
 —, court, power of, 740(1)  
 —, enforcement of conviction, 741  
 —, no action against justice for, 689  
 —, fees on application for, 735(2)  
 —, hearing, 740  
 —, recognizance by applicant, 735, 738  
 —, refusal of, 737  
 —, application to compel statement, 738  
 —, rules as to, 424(2), 734(2)  
 subpoena, 603-605, 606, 607(2)  
 summary conviction court, defined, 692(g)  
 summons for accused, 441, 700  
 sureties to keep the peace, 637, 717  
 territorial division, definition of, 2(39)  
 • trial, 692(h), 705 et seq.  
 —, de novo on appeal, 727  
 variance or defects, 701-704  
 warrant for accused, 700, 707(2)  
 —, backing of, 700  
 warrant for witness, 604, 608, 610  
 witnesses, attendance of, 602 et seq.

**SUMMONS**

accused, to, 695, 700  
 against corporation, 441  
 contents and requisites of, 441  
 for indictable offences, 440, 441  
 irregularity in, 458, 727(4)

issue of, on Sunday, etc., 20  
 on breach of recognizance, 639  
 proof of service, 441(6)  
 service of, 20, 441  
 —, upon corporation, 441(4)  
 —, municipality, 441(5)  
 substitutional service, 441(3)  
 warrant, notwithstanding issue of, 441(1)  
 —, when summons disobeyed, 444

**SUNDAY**

issue and execution of warrants on, 20  
 proceedings on, 561

**SUPERIOR COURT**

defined, 2(38)  
 jurisdiction of, 413, 446, 463-465, 733  
 rules of court by, 424

**SUPREME COURT OF CANADA**

appeal to, 597, et seq.  
 application for habeas corpus, 690(2)

**SURETIES**

committal of, 679  
 for keeping the peace, 637, 717  
 petition by, 679(4)  
 on recognizance, tender by, 673, 674  
 responsibility of, 669-671

**SURGICAL OPERATION**

duty in performance of, 187  
 killing child to save mother, 209(2)  
 persons performing, 45

**SUSPENDED SENTENCE**

conditions, 638(2)  
 recognizance, 638  
 —, breach of, 639  
 sentence includes, 581(d), 692(f)  
 when permitted, 638-640  
 who may grant, 640

**SWITCH KNIFE, 88(3)****TALES**

ordering, 551

**TELEGRAM**

sending false, 315  
 —, in false name, 314

**TELEGRAPH**

equipment, exempt from seizure, 171(4)  
 services, theft of, 273  
 use of for book-making, etc., 177(1)  
 (i)



- TELEPHONE**  
 equipment, exempt from seizure, 171(4)  
 services, theft of, 273  
 use of for book-making, etc., 177(1)(i)
- TENANTS**  
 injuries to buildings by, 382  
 theft by, 274
- TENDER**  
 corrupt withdrawal of, 102(1)(f)
- TERRITORIAL DIVISION**  
 defined, 2(39)  
 of magisterial jurisdiction, 419  
 offence in new, 422(3)
- TERRITORIAL WATERS**  
 offences on, 419, 420
- TERRITORIES.** *See* NORTHWEST TERRITORIES; YUKON
- TEST**  
 of exhibits, 514  
 of goods advertised, 306(2)-(5)
- TESTAMENTARY INSTRUMENT**  
 defined, 2(40)  
 destroying, 286  
 obtained by crime, 297  
 —, using to obtain property, 318  
 obtained by false pretence, punishment, 304  
 theft of, 280
- THEATRE**  
 definition of, 130(c)  
 immoral play, etc., 152
- THEFT**  
 advertising reward and immunity, 123  
 attempt to commit, jurisdiction, 467(a)  
 bringing stolen property into Canada, 299  
 by agent, 272  
 —, bailee, 271, 277  
 conversion, fraudulent, 276-278, 630(5)  
 —, husband or wife, living apart, 275  
 —, misappropriation of proceeds, 276-278  
 —, owner, 271, 274  
 —, person required to account, 276, 278  
 —, with power of attorney, 277, 278  
 —, tenant, 382  
 compensation order, 595, 628-630, 638(2)  
 definition of, 2(37), 269  
 exceeding \$50, 280  
 —, not exceeding \$50, 280, 467(a)  
 from mint, 402  
 importing stolen property, 299  
 of animals, 269, 270, 282  
 —, boom chains, etc., 285  
 —, possession of, by second-hand dealer, 285(2)  
 —, letters, etc., post, 298  
 —, mail matter other than letters, 298  
 —, minerals from mines, 279, 563  
 —, movable things, 269  
 —, ores, 563  
 —, oysters, 270  
 —, testamentary instrument, 280, 297, 304  
 —, timber, etc., 285  
 —, unspecified thing, 280  
 offences resembling theft  
 —, cattle  
 —, defacing brand on, 284  
 —, stray, appropriation of, 264  
 —, concealment, fraudulent, 287  
 —, document of title, destroying, etc., 286  
 —, goods, fraudulent disposal of, 331-335  
 —, public officer refusing to give up property, 283  
 —, taking motor vehicle without consent, 281  
 —, timber, drift, taking, or defacing marks on, 285  
 —, trustee, fraudulent, 282  
 punishment of, 280  
 reward  
 —, offering, with immunity, 123  
 —, taking, on pretence of recovering property, 123  
 seizure, of things under, 271
- THREATS,**  
*See also* INTIMIDATION  
 compulsion by, 17  
 —, as rape, 135  
 extortion by, 291, 252(1)  
 intimidation, 366, 367  
 obstructing clergyman by, 161  
 order for sureties after, 717  
 to injure animals, 316  
 to murder, 316  
 —, jurisdiction to try, 413(2)  
 to publish libel, 252(1)  
 verbal, 316, 717

- THREE-CARD MONTE**, 179(h),  
(i), (j), (2)
- TICKETS**  
fraud in relation to, 336  
lottery, 179  
obtaining passage by false ticket, 397
- TIMBER**  
defacing marks, 285  
—, evidence of property in, 285  
found adrift, theft of, 285  
mark, 285(3)  
refusing to deliver, 285  
setting fire to, 374, 377  
unlawfully detained, search for,  
285(3)
- TIME**, *See also* **LIMITATION**  
for action for penalty, 627  
for appeal, 586, 597, 598  
—, from summary conviction, 722,  
723  
clock, punching with intent, 341(b)  
for commencement of sentence, 129,  
624  
of death, in homicide, 198  
for execution of sentence, fixing,  
586(4)  
for hearing appeal in habeas corpus,  
691(3)  
—, when offence complete, 3(6),  
269(4), 300, 309(3)  
for payment of fine, 694(3)  
for re-election, 475(5)  
for stated case, 734
- TITLE TO LAND**  
document of, defined, 2(13)  
—, property includes, 2(32)  
—, valuable security includes, 2(42)  
frauds respecting, 329-330
- TOKEN OF VALUE**  
counterfeit, defined, 391(c)  
—, advertising, 403  
fraudulent use of, 397
- TRADE**  
article, defined, 411(2)  
breach of contract, 365  
combination, definition of, 410(2)  
conspiracy in restraint of, 409  
—, exceptions:  
—, trade union, 409(2), 410  
—, workman's protective combin-  
ation, 411(3)  
—, trial of, 413  
—, without jury, option of, 416  
discrimination in, 412
- jurisdiction to try restraint of, 413  
(2), 416  
intimidation, 366, 367  
offences relating to, 322 et seq.  
trading stamps, 322(d), 369
- TRADE COMBINATION**  
defined, 410(2)  
not a conspiracy, 410(1)
- TRADE MARKS**  
bottles with trade mark, 353  
defacing or removing, 353  
falsifying, 349(b)  
false trade description, 350-354  
foreign goods, marks on, 357  
forgery of, 349 et seq.  
goods, defined, 322  
offences relating to, 349 et seq.  
—, forfeiture in case of, 355(2)  
possession of dies, etc., for, 352  
—, defence in case of, 352(2)  
re-conditioned goods bearing, 354  
royal warrant, etc., claiming, 356  
seizure under search warrant, 429
- TRADER**  
concealing property, 335  
falsifying books, 340  
—, failure to keep accounts, 345  
transfer made to defraud, 335
- TRADE UNION**  
certain strikes illegal, 365  
employer refusing to employ member  
of, 367(a)  
intimidation and violence, 365, 366  
intimidation to prevent workmen  
from belonging, 367  
not unlawful, 409, 410  
picketing, 366  
refusal to work, 52, 365, 372, 410  
refusing to employ members of, 367  
trade conspiracies generally, 409-412,  
416  
watching and besetting, 366
- TRADING STAMPS**  
definition of, 322(d)  
issuing, 369
- TRANSCRIPT**  
of evidence, to Court of Appeal,  
588(2)
- TRANSITIONAL PROVISIONS**,  
745-747
- TRANSPORTATION**  
interfering with means of, 220  
obtaining by fraud, 336

- TRAPS**  
 setting or permitting, 219
- TRAP SHOOTING**, 387(1)(f)
- TREASON**  
 assault on the Sovereign, 49  
 assisting alien enemies to leave Canada, 50(1)(a)  
 bail, 464  
 by causing death or bodily harm to Sovereign, 46(1)(a)  
 —, communicating information, 49(1)(e)  
 —, conspiring, 46(1)  
 —, insurrection, 46(3)  
 causing death in attempt to commit, 202  
 compulsion by threats no excuse, 17  
 corroboration, 47(2)  
 disability on conviction, 654  
 indictment for, 492(4), 510(9)  
 information for, 48(2)  
 intention to commit, 48(f)  
 jurisdiction to try, 413(2)  
 levying war, 46(1)(b)  
 limit of time for prosecution for, 48  
 misprision of, 50(1)(b)  
 overt acts, 46, 48(2), 55  
 punishment for, 47  
 restraint of Sovereign, 46(1)(a)  
 right of accused, before arraignment, 512, 513  
 treasonable offences, 49-52
- TREES**  
 setting fire to, 374  
 —, by negligence, 377
- TRESPASSER**  
 at night, 162  
 defence of movable property against, 38  
 —, real property against, 40-42  
 removal of, 41
- TRIAL**, *See also* INDICTABLE OFFENCE — trial without jury; INDICTMENT, PROCEDURE BY: SUMMARY CONVICTION  
 of accessories, etc., 502, 503  
 where more than one accused, 479  
 in Alberta, 417, 541, 552  
 adjournment of, 483, 536(2), 554  
 —, for view, 559  
 continuance of, 481, 553, 554, 698  
 of corporation, 528, 531  
 court defined, 561(e)  
 de novo, 727  
 evidence to be transcribed, 555  
 exclusion of public from, 426, 428  
 fixing date of, 468(4), 474(1)  
 generally, 428, 484  
 by jury, required by Attorney General, 480  
 new, 592, 600  
 —, on order of Minister of Justice, 596  
 in Northwest Territories, 6, 541, 552, 553  
 of trade conspiracy, 416  
 venue of, in libel, 421(2)  
 in Yukon, 6, 541, 552, 553
- TRUSTEE**  
 breach of trust by  
 —, public officer, 103, 283  
 —, trustee, 282, 630(5)  
 defined, 2(41)
- UNBORN CHILD**  
 offence of killing, 209  
 —, justification, 209(2)
- UNCHASTITY**  
 burden of proof, 131(3)  
 previous intercourse with accused  
 not evidence of, 131(4)
- UNGUARDED**  
 holes and excavations, 228
- UNIFORMS, MEDALS, ETC.**  
 of unlawful use of, 111, 362
- UNITED KINGDOM**  
 no prosecution under statute of, 8
- UNORGANIZED TERRITORY**  
 offences in, 422, 423
- USED GOODS**  
 for sale, 354
- UTTERING**  
 counterfeit money, 395-400  
 —, when offence complete, 404  
 definition of, 391(e)  
 document executed without authority, 317  
 false certificate, etc., 321  
 forged documents, 311
- VAGRANCY**  
 begging, 164  
 defined, 164  
 exception as to aged or infirm person, 164  
 living by gaming or crime, 164  
 no visible means of support, 164

- VAGRANCY**—*continued*  
 penalty for, 164  
 sexual offenders committing, 164(1)(e)
- VALUABLE SECURITY**  
 defined, 2(42), 3(3)  
 extorting by threats, 291  
 falsifying, 340  
 forgery of, 305(b), 309  
 fraudulent concealment, etc., of, 286  
 —, transaction in relation to, 323 et seq.  
 obtaining by false pretences, 305  
 —, fraud, 323
- VARIANCE**  
 amending indictment, 510  
 between count and evidence, 510  
 —, information and evidence, etc., 458  
 remedial provisions as to, 458  
 in summary convictions, 704
- VEGETABLE PRODUCTS**  
 destroying or damaging by fire, 374
- VEHICLE**  
 breaking and entering, 292  
 offence committed on, 419
- VENEREAL DISEASE**  
 advertising, etc., cure for, 150(1)(d)  
 communicating, 239  
 defined, 239
- VENUE**  
 change of, 508, 509  
 in libel, 421(2)  
 statement of, in indictment, 491
- VERDICT**  
 on appeal, 592, 593, 727, 740  
 appeal from, 583, 584  
 attempt, 567, 568  
 cures certain defects, 578  
 on holiday, 561  
 in case of infanticide, 569, 570  
 on issue of insanity, 523-525  
 jury discharged, if unable to agree, 560  
 —, retiring to consider, 556  
 in libel cases, 266(2), 267  
 motion in arrest of judgment after, 578  
 not impeached for certain omissions, 579, 580  
 of concealment of birth, murder charged, 569  
 —, infanticide, murder charged, 569  
 —, lesser offence included in offence charged, 569  
 —, manslaughter, on trial for murder, 569  
 —, manslaughter, 569  
 special verdict, 267, 523  
 —, appeal in case of, 592(1)(c),(d)  
 —, record of, 482  
 substituted on appeal, 592(3)  
 on Sunday, 561
- VESSEL**, *See also* SHIP  
 burglary on, 292(4)  
 endangering persons on, 220  
 impeding saving of, 379  
 mooring, to buoys, 380  
 offence committed on, 419, 420  
 setting fire to, 374  
 transportation of animals in, 387(1)(b), 389, 390  
 'wreck' includes cargo, etc., 2(43)
- VIEW**  
 by jury, 559
- VIOLENCE**, *See* ROBBERY
- VISA**, *See* PASSPORT
- VOLATILE SUBSTANCE**  
 throwing, etc., 79, 163
- WAIVER**  
 of jurisdiction by justice, 697  
 payment of fine not a, 725
- WAR**  
 levying, 46
- WARD**  
 procuring defilement of, 155  
 sexual intercourse with, 145(1)(a)
- WARDEN**, *See* PEACE OFFICER
- WARRANT**, *See also* SEARCH WARRANT  
 arrest with or without, 434-438  
 backing, 429, 447, 609, 713  
 bench warrant, 444, 451(g), 507, 610, 707(2)  
 of committal,  
 —, for appeal costs, 731(4)  
 —, in default of finding sureties, 717  
 —, execution of, 636, 679  
 —, review of, on certiorari, 683, 688  
 —, for trial, 460  
 —, of witness, 611  
 coroner's warrant, 448  
 document of title to goods, 2(12)

- endorsement of, 429, 447, 609, 713  
 execution of, 20, 29, 445, 636  
 —, erroneous, 25(2)  
 —, in summary convictions, 604, 606, 700  
 for arrest of person about to abscond, 672  
 —, prisoner out on bail, 507  
 —, witness, 603, 606, 608  
 formalities of, 442, 443  
 information or complaint for, 440  
 —, hearing, 440  
 irregularity in  
 —, generally, 26-29, 635  
 —, on preliminary inquiry, 458, 459  
 —, on summary conviction, 683, 684, 688, 727(4)  
 issue of, 440, 442-444  
 —, discretion of justice as to, 440  
 —, without jurisdiction, 25, 689  
 issued and executed on Sunday or holiday, 20  
 for payment, valuable security includes, 2(42)  
 production of, in making arrest, 29, 700(2)  
 in summary conviction proceedings, 700, 710, 713  
 royal, 356  
 when summons disobeyed, 451(g)  
 for witness, 603, 609, 610
- WATCHING AND BESETTING**  
 when an offence, 52(4), 366
- WATER**  
 breach of contract to supply, 365
- WEAPON, See OFFENSIVE WEAPON**
- WHIPPING**  
 as punishment for  
 —, attempted rape, 139  
 —, burglary, armed, 392(3)  
 —, choking, drugging, etc., 218  
 —, incest, 142  
 —, indecent assault on female, 141  
 —, indecent assault on male, 148  
 —, rape, 136  
 —, robbery, 289  
 —, sexual intercourse with female under 14 years, 138  
 —, strangling, etc., 218  
 sentence of  
 —, instrument to be used, 641(4)  
 —, not upon female, 641(6)  
 —, number of strokes, 641(2)
- , stay on appeal, 586  
 —, when and where executed, 641(3), (5)
- WHITE SLAVE TRAFFIC, 184**
- WIFE, See also MARRIED WOMAN; WOMEN**  
 not accessory, 23  
 failure to support, 186  
 no presumption of compulsion, 18  
 stealing husband's property, 275
- WILD ANIMALS**  
 cruelty to, 387  
 when subject to theft, 269(5)
- WILFULLY**  
 defined, 371
- WILL, See TESTAMENTARY INSTRUMENT**
- WITCH-CRAFT**  
 fraudulently pretending to practise, 308
- WITNESS, See also EVIDENCE; PERJURY**  
 absconding, 609-612  
 attendance of, 605(2), 610  
 bail on arrest of, 611  
 becoming insane, 619  
 bench warrant for, 610  
 committal of, 457, 461, 611  
 commission, evidence on, 613-618  
 —, application of rules of court, 618  
 compelling attendance of, 446, 602 et seq.  
 contempt of court, 8, 9, 612  
 contradictory evidence by, 116  
 corroboration, *q.v.*  
 corrupting, 119  
 in court of appeal, 589, 727  
 death of, 619  
 default by, 609-612  
 defined, 99  
 deposit for appearance of, 461  
 in disorderly house case, 174  
 duty of, 605(2)  
 evidence of  
 —, before grand jury, 504-506  
 —, on preliminary inquiry, 453, 454  
 —, on summary conviction, 708, 709  
 —, on trial, 484, 555  
 —, of witness who is ill, 613, 615-619  
 —, who is out of Canada, 613 et seq.  
 fees of, on summary conviction, 744

**WITNESS—continued**

giving false evidence, 112, 116  
 hearing, before issue of process, 440  
 out of jurisdiction but in Canada, 604  
 previous evidence of, 619  
 prisoner as, 446, 602  
 recognizance by, 461, 611  
 refusing to be bound, 461(4)  
 —, sworn, etc., 457  
 subpoena, contents of, 605  
 —, effect of, 607  
 —, issue of, by court of record, 604  
 —, by justice, 604  
 —, by magistrate, 604  
 —, service of, 606, 607  
 warrant  
 —, for absconding witness, 609  
 —, effect of, 608, 610(3)  
 —, endorsement of, 609(2)  
 —, execution of, 20, 608, 609  
 —, before or after subpoena, 603  
 —, for witness in default, 610  
 —, committal of, 611

**WOMEN, See also CHILD; GIRL; HUSBAND AND WIFE**

abandoning child under ten, 189  
 abduction of, 234, 235  
 bawdy-house, *q.v.*  
 bigamy, 240  
 concealment of birth, 214, 215, 569  
 conspiracy to defile, 408(1)(c)  
 exempt from whipping, 641(4)  
 gross indecency, 149  
 indecent assault on, 141  
 infanticide, 204, 208, 451(c), 519, 569, 570  
 incest, 142  
 neglecting duty to provide necessities, 186  
 passenger on ship, seduction of, 146  
 polygamy, 243  
 procuring abortion, 237, 238  
 procuring, 184  
 rape, 135  
 sentenced to death while pregnant, 577  
 unlawfully defiling, 155, 156, 184  
 vagrancy offences, 164  
 warrant to search bawdy house for woman concealed, 172  
 white slave traffic, 184

**WORDS**

blasphemous, 246, 494

false pretence by, 303  
 insulting, 160(a)  
 obscene, 160  
 provocation by, 36, 303  
 seditious, 60-62, 494  
 used in other Acts, meaning, 3(5)

**WORKMEN**

intimidating, 366, 367  
 stoppage of work by, 52, 365, 372, 410

**WORSHIP**

public, disturbing, 161

**WOUNDING, See also BODILY HARM; ROBBERY**

animals, 385, 386  
 with intent, 216

**WRECK**

boarding, without authority, 358  
 defined, 2(43)  
 interfering with signals, 380  
 keeping, 358(d)  
 preventing the saving of, 379  
 selling without title, 358  
 secreting, 358(a)  
 receiving, 358(b)

**WRIT, See also PREROGATIVE WRIT**

assault on person executing, 232  
 fieri facias, 677  
 misconduct in execution of, 109

**WRITING**

defined, 2(44)  
 false statement in, 304(1)(c)  
 threats in, 316

**YOUNG PERSONS**

proof of age, 565

**YUKON**

application of Code, to, 6  
 Attorney General of, 2(2)  
 court of appeal in, 2(9)  
 —, from summary conviction, 719, 721  
 forfeiture of recognizance in, 668  
 and Schedule  
 indictment in, 489  
 judge under Part XVI in, 466(a)  
 magistrate under Part XVI in, 466  
 (b)  
 jury in, 541, 552, 553  
 sentence of death in, 643(3)  
 superior court in, 2(38)