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DRAFT BILL.

An Act respecting the Criminal Law.

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THE HOUSE OF COMMONS OF CANADA.

BILL .

An Act respecting the Criminal Law.

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

SHORT TITLE.

Short title. **1.** This Act may be cited as the *Criminal Code*.

INTERPRETATION.

- Definitions. **2.** In this Act, **5**
"Act."
(1) "Act" includes
 (a) an Act of the Parliament of Canada,
 (b) an Act of the legislature of the late province of
 Canada,
 (c) an Act of the legislature of a province, and **10**
 (d) an Act or ordinance of the legislature of a
 province, territory or place in force at the time that
 province, territory or place became a province of
 Canada;
"Attorney
General." (2) "Attorney General" means the Attorney General **15**
or Solicitor General of a province in which proceedings
to which this Act applies are taken and, with respect
to the Northwest Territories and the Yukon Territory,
means the Attorney General of Canada;
"Bank-
note." (3) "bank-note" includes any negotiable instrument **20**
 (a) issued by or on behalf of a person carrying on
 the business of banking in or out of Canada,
 (b) issued under the authority of the Parliament of
 Canada or under lawful authority of the govern-
 ment of a state other than Canada, **25**

EXPLANATORY NOTES.

Unless otherwise indicated, a reference to a section, subsection, paragraph or subparagraph is to the provision in the present *Criminal Code* that corresponds with the provision that appears in the text of the Bill.

1. Section 1.

2. Section 2.

(1) Section 2 (1).

(2) Section 2 (2).

(3) Section 2 (4).

- intended to be used as money or as the equivalent of money, immediately upon issue or at some time subsequent thereto, and includes bank bills and bank post bills;
- "Canadian Forces." (4) "Canadian Forces" means the naval, army and air forces of Her Majesty raised by Canada and consist of three services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force; 5
- "Cattle." (5) "cattle" means neat cattle or an animal of the bovine species by whatever technical or familiar name it is known, and includes a horse, mule, ass, pig, sheep or goat; 10
- "Clerk of the court." (6) "clerk of the court" includes a person, by whatever name or title he may be designated, who from time to time performs the duties of a clerk of the court; 15
- "Counsel." (7) "counsel" means a barrister or solicitor, in respect of the matters or things that barristers and solicitors, respectively, are authorized by the law of the province to do or perform in relation to legal proceedings;
- "Count." (8) "count" means a charge in an information or indictment; 20
- "Court of appeal." (9) "court of appeal" means
- (a) in the province of Ontario, the Court of Appeal,
- (b) in the province of Quebec, the Court of Queen's Bench, appeal side, 25
- (c) in the province of Nova Scotia, the Supreme Court *in banco*,
- (d) in the province of New Brunswick, the Court of Appeal, otherwise known as the Appeal Division of the Supreme Court, 30
- (e) in the province of British Columbia, the Court of Appeal,
- (f) in the province of Prince Edward Island, the Supreme Court,
- (g) in the province of Manitoba, the Court of Appeal, 35
- (h) in the province of Saskatchewan, the Court of Appeal,
- (i) in the province of Alberta, the Appellate Division of the Supreme Court, 40
- (j) in the province of Newfoundland, the Supreme Court, constituted by two or more of the judges thereof,
- (k) in the Yukon Territory, the Court of Appeal for the province of British Columbia, and 45
- (l) in the Northwest Territories
- (i) for those parts of the Territories west of the eighty-ninth meridian of west longitude, the court of appeal for the province of Manitoba, Saskatchewan, Alberta or British Columbia, and 50
- (ii) for those parts of the Territories east of the eighty-ninth meridian of west longitude, the

(4) Section 2 (4a).

(5) Section 2 (5).

(6) New.

(7) New.

(8) Section 2 (17).

(9) Section 2 (7).

- court of appeal for the province of Ontario,
Quebec, Nova Scotia, New Brunswick, Prince
Edward Island or Newfoundland;
- "Court of original jurisdiction."
(10) "court of criminal jurisdiction" means
(a) a court of general or quarter sessions of the 5
peace, when presided over by a superior court judge
or a county or district court judge, or in the cities
of Montreal and Quebec, by a recorder or judge of
the sessions of the peace,
(b) a magistrate or judge acting under Part XVI, and 10
(c) in the province of New Brunswick, the county
court;
- "Day."
(11) "day" means the period between six o'clock in the
forenoon and nine o'clock in the afternoon of the same 15
day;
- "Document of title to goods."
(12) "document of title to goods" includes a bought and
sold note, bill of lading, warrant, certificate or
order for the delivery or transfer of goods or any other
valuable thing, and any other document used in the
ordinary course of business as evidence of the possession 20
or control of goods, authorizing or purporting to autho-
rize, by endorsement or by delivery, the person in
possession of the document to transfer or receive any
goods thereby represented or therein mentioned or
referred to; 25
- "Document of title to lands."
(13) "document of title to lands" includes any writing
that is or contains evidence of the title, or any part of the
title to real property, or to any interest in real property,
and any notarial or registrar's copy thereof, and any
duplicate instrument, memorial, certificate or document 30
authorized or required by any law in force in any part
of Canada with respect to registration of titles, that
relates to title to real property or to an interest in real
property;
- "Dwelling house."
(14) "dwelling house" means the whole or any part of a 35
building or structure that is kept or occupied as a
permanent or temporary residence and includes a build-
ing within the curtilage of a dwelling house that is
connected to it by a doorway or by a covered and en-
closed passageway; 40
- "Every one."
"Person."
"Owner."
(15) "every one," "person," "owner," and similar ex-
pressions include Her Majesty and public bodies, bodies
corporate, societies, companies and inhabitants of
counties, parishes, municipalities or other districts
in relation to the acts and things that they are capable 45
of doing or owning respectively;
- "Explosive substance."
(16) "explosive substance" includes -
(a) anything intended to be used to make an
explosive substance, and

(10) New.

(11) Section 2 (24).

(12) Section 2 (11).

(13) Section 2 (12).

(14) Section 335 (1) (*g*) and section 339, in part.

(15) Section 2 (13).

(16) Section 2 (14).

- (b) anything, or any part thereof, used or intended to be used, or adapted to cause, or to aid in causing an explosion in or with an explosive substance;
- "Feeble-minded person." (17) "feeble-minded person" means a person in whom there exists and has existed from birth or from an early age, mental defectiveness not amounting to imbecility, but so pronounced that he requires care, supervision and control for his protection or for the protection of others; 5
- "Highway." (18) "highway" means a road to which the public has the right of access, and includes bridges over which or tunnels through which a road passes; 10
- "Her Majesty's Forces." (19) "Her Majesty's Forces" means the naval, army and air forces of Her Majesty wheresoever raised, and includes the Canadian Forces; 15
- "Indictment." (20) "indictment" includes
 (a) information, presentment and a count therein,
 (b) a plea, replication or other pleading, and
 (c) any record; 20
- "Justice." (21) "justice" means a justice of the peace or a magistrate, and includes two or more justices where two or more justices are, by law, required to act or, by law, act or have jurisdiction;
- "Magistrate." (22) "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and includes the lawful deputy of each of them; 25
- "Military." (23) "military" shall be construed as relating to all or any of the Canadian Forces; 30
- "Military law." (24) "military law" includes all laws, regulations or orders relating to the Canadian Forces;
- "Motor vehicle." (25) "motor vehicle" means a vehicle that is drawn, propelled or driven by any means, but does not include the cars of an electric or steam railway that operate on rails or a vehicle that is drawn, propelled or driven by muscular power; 35
- "Municipality." (26) "municipality" includes the corporation of a city, town, village, county, township, parish or other territorial or local division of a province, the inhabitants of which are incorporated or are entitled to hold property collectively for a public purpose; 40
- "Newly-born child." (27) "newly-born child" means a person under the age of one year; 45
- "Night." (28) "night" means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;
- "Offensive weapon." (29) "offensive weapon" or "weapon" means
 (a) anything that is designed to be used as a weapon, and 50

(17) Section 2 (15).

(18) Section 285 (9).

(19) Section 2 (16a).

(20) Section 2 (17).

(21) Section 2 (19).

(22) Section 2 (28).

(23) Section 2 (20a):

(24) Section 2 (21).

(25) New.

(26) Section 2 (22).

(27) New.

(28) Section 2 (24).

(29) Section 2 (25).

- (b) anything that a person uses or intends to use as a weapon, whether or not it is designed to be used as a weapon,
and, without restricting the generality of the foregoing, includes a firearm, air-gun or air-pistol and ammunition 5
for a firearm, air-gun or air-pistol;
- "Peace officer."
(30) "peace officer" includes
(a) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace,
(b) a warden, deputy warden, instructor, keeper, 10
gaoler, guard and any other officer or permanent employee of a prison,
(c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service 15
or execution of civil process, and
(d) an officer or person having the powers of a customs or excise officer when performing any duty in the administration of the *Customs Act* or the *Excise Act*; 20
- "Prison."
(31) "prison" includes a penitentiary, common gaol, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody;
- "Property."
(32) "property" includes 25
(a) real and personal property of every description and deeds and instruments relating to or evidencing the title or right to property, or giving a right to recover or receive money or goods,
(b) property originally in the possession or under the 30
control of any person, and any property into or for which it has been converted or exchanged and anything acquired at any time by such conversion or exchange, and
(c) any postal card, postage stamp or other stamp 35
issued or prepared for issue under the authority of the Parliament of Canada or of the legislature of a province for the payment to the Crown or a corporate body of any fee, rate or duty, whether or not it is in the possession of the Crown or of any 40
person;
- "Prosecutor."
(33) "prosecutor" means the Attorney General or, where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies, and includes counsel acting on behalf of either 45
of them;
- "Public department."
(34) "public department" means a department of the Government of Canada or a branch thereof or a board, commission, corporation or other body that is an agent of Her Majesty in right of Canada; 50

(30) Section 2 (27).

(31) Section 2 (29).

(32) Section 2 (31).

(33) New.

(34) Section 2 (32).

- "Public officer." (35) "public officer" includes
 (a) an officer of customs or excise,
 (b) an officer of the Canadian Forces,
 (c) an officer of the Royal Canadian Mounted Police,
 and
 (d) any officer while he is engaged in enforcing the laws of Canada relating to revenue, customs, excise, trade or navigation; 5
- "Public stores." (36) "public stores" includes any movable property that is under the care, supervision, administration or control of a public department or of any person in the service of a public department; 10
- "Steal." (37) "steal" means to commit theft;
- "Superior court of criminal jurisdiction." (38) "superior court of criminal jurisdiction" means
 (a) in the province of Ontario, the Supreme Court, 15
 (b) in the province of Quebec, the Court of Queen's Bench,
 (c) in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland respectively, the Supreme Court, 20
 (d) in the province of British Columbia, the Supreme Court or the Court of Appeal,
 (e) in the province of Prince Edward Island, the Supreme Court of Judicature,
 (f) in the provinces of Manitoba and Saskatchewan respectively, the Court of Appeal or the Court of Queen's Bench, and 25
 (g) in the Yukon Territory, the Territorial Court;
- "Territorial division." (39) "territorial division" includes any province, county, union of counties, township, city, town, parish or other judicial division or place to which the context applies; 30
- "Testamentary instrument." (40) "testamentary instrument" includes any will, codicil or other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be as after his death, whether it relates to real or personal property, or to both; 35
- "Trustee." (41) "trustee" means a person who is declared by any Act to be a trustee or is, by the law of the province, a trustee, and without restricting the generality of the foregoing, includes a trustee on an express trust created by deed, will or instrument in writing, or by parol; 40
- "Valuable security." (42) "valuable security" includes
 (a) an order, exchequer acquittance or other security that entitles or evidences the title of any person 45

(35) Section 2 (33).

(36) Section 2 (34).

(37) New.

(38) Section 2 (38).

(39) Section 2 (39).

(40) Section 2 (40).

(41) Section 2 (42).

(42) Section 2 (43).

- (i) to a share or interest in a public stock or fund or in any fund of a body corporate, company or society, or
 - (ii) to a deposit in a savings bank or other bank,
 - (b) a debenture, deed, bond, bill, note, warrant, order or other security for money or for the payment of money, 5
 - (c) a document of title to lands or goods wheresoever situate,
 - (d) a stamp or writing that secures or evidences title to or an interest in a chattel personal, or that evidences delivery of a chattel personal, and 10
 - (e) a release, receipt, discharge or other instrument evidencing payment of money;
- "Wreck." (43) "wreck" includes the cargo, stores and tackle of a vessel and all parts of a vessel separated from the vessel, and the property of persons who belong to, are on board or have quitted a vessel that is wrecked, stranded or in distress at any place in Canada; and 15
- "Writing." (44) "writing" includes a document of any kind and any mode in which, and any material on which, words or figures, whether at length or abridged, are written, printed or otherwise expressed, or a map or plan is inscribed. 20

(43) Section 2 (36) and (44).

(44) Section 2 (45).

PART I.

GENERAL.

Determina-
tion of age.

3. (1) For the purposes of this Act a person shall be deemed to have been of a given age when the anniversary of his birthday, the number of which corresponds to that age, is fully completed, and until then to have been under that age.

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Postcard a
chattel,
value.

(2) For the purposes of this Act a postal card or stamp referred to in subparagraph (c) of paragraph (32) of section 2 shall be deemed to be a chattel, and to be equal in value to the amount of the postage, rate or duty expressed on its face.

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Value of
valuable
security.

(3) For the purposes of this Act, the following rules apply for the purpose of determining the value of a valuable security where value is material, namely,

(a) where the valuable security is one mentioned in subparagraph (a) or (b) of paragraph (42) of section 2, the value is the value of the share, interest, deposit or unpaid money, as the case may be, that is secured by the valuable security;

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(b) where the valuable security is one mentioned in subparagraph (c) or (d) of paragraph (42) of section 2, the value is the value of the lands, goods, chattel personal or interest in the chattel personal, as the case may be; and

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(c) where the valuable security is one mentioned in subparagraph (e) of paragraph (42) of section 2, the value is the amount of money that has been paid.

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Possession.

(4) For the purposes of this Act,

(a) a person has anything in possession when he has it in his personal possession or knowingly

(i) has it in the actual possession or custody of another person, or

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(ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and

(b) where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

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Meaning of
expressions
taken from
other Acts.

(5) Where an offence that is dealt with in this Act relates to a subject that is dealt with in another Act, the words and expressions used in this Act with respect to that offence have, subject to this Act, the meaning assigned to them in that other Act.

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3. (1) Subsection (2) of section 2.

(2) Section 3.

(3) Section 4.

(4) Sections 5 (1) (b) and (2).

(5) Section 6.

Sexual intercourse.	(6) For the purposes of this Act, sexual intercourse is complete upon penetration to even the slightest degree, notwithstanding that seed is not emitted.	
Canadian Forces not affected.	4. Nothing in this Act affects any law relating to the government of the Canadian Forces.	5
Punishment only after conviction.	5. (1) Where an enactment creates an offence and authorizes a punishment to be imposed in respect thereof, (a) a person shall be deemed not to be guilty of that offence until he is convicted thereof; and	
Punishment only as prescribed.	(b) a person who is convicted of that offence is not liable to any punishment in respect thereof other than the punishment prescribed by this Act or by the enactment that creates the offence.	10
Offences outside of Canada.	(2) Subject to this Act or any other Act of the Parliament of Canada, no person shall be convicted in Canada for an offence committed outside of Canada.	15
Application to territories.	6. The provisions of this Act apply throughout Canada except	
R.S., c. 142.	(a) in the Northwest Territories, in so far as they are inconsistent with the <i>Northwest Territories Act</i> , and	20
R.S., c. 215.	(b) in the Yukon Territory, in so far as they are inconsistent with the <i>Yukon Act</i> .	
Application of criminal law of England.	7. (1) The criminal law of England that was in force in a province immediately before the coming into force of this Act continues in force in the province except as altered, varied, modified or affected by this Act or any other Act of the Parliament of Canada.	25
Common law principles continued.	(2) Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act or any other Act of the Parliament of Canada, except in so far as they are altered by or are inconsistent with this Act or any other Act of the Parliament of Canada.	30
Criminal offences to be under law of Canada.	8. Notwithstanding anything in this Act or any other Act no person shall be convicted	35
	(a) of an offence at common law,	
	(b) of an offence under an Act of the Parliament of England, or of Great Britain, or of the United Kingdom of Great Britain and Ireland, or	40
	(c) of an offence under an Act or ordinance in force in any province, territory or place before that province, territory or place became a province of Canada,	
	but nothing in this section affects the power, jurisdiction or authority that a court, judge, justice or magistrate had, immediately before the coming into force of this Act, to impose punishment for contempt of court.	45

(6) Section 7.

4. Section 8.

5. (1) Sections 1027, 1030 to 1033 and 1051.

(2) New.

6. Section 9.

7. (1) New.

(2) Section 16.

8. New.

Civil
remedy not
suspended.

9. No civil remedy for an act or omission is suspended or affected by reason that the act or omission is a criminal offence.

Offence
punishable
under more
than one Act.

10. Where an act or omission is an offence under more than one Act of the Parliament of Canada, whether punishable by indictment or on summary conviction, a person who does the act or makes the omission is, unless a contrary intention appears, subject to proceedings under any of those Acts, but is not liable to be punished more than once for the same offence. 5 10

Electing
procedure.

11. Where an offence is punishable by indictment or on summary conviction the prosecutor is entitled to elect whether the proceedings shall be by indictment or on summary conviction.

Child under
seven.

12. No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years. 15

Person
between
seven and
fourteen.

13. No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of fourteen years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong. 20

Consent to
death.

14. No person is entitled to consent to have death inflicted upon him, and such consent does not affect the criminal responsibility of any person by whom death may be inflicted upon the person by whom consent is given. 25

Obedience to
de facto law.

15. No person shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and enforced by persons in *de facto* possession of the sovereign power in and over the place where the act or omission occurs. 30

Insanity.

16. (1) No person shall be convicted of an offence in respect of an act or omission on his part while he was insane.

When insane.

(2) For the purposes of this section a person is insane when he is in a state of natural imbecility or has disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong. 35

Delusions.

(3) A person who has specific delusions, but is in other respects sane, shall not be acquitted on the ground of insanity unless the delusions caused him to believe in the existence of a state of things that, if it existed, would have justified or excused his act or omission. 40

9. Section 13.

10. Section 15.

11. New.

12. Section 17.

13. Section 18.

14. Section 67.

15. Section 68.

16. Section 19.

Presumption of sanity. (4) Every one shall, until the contrary is proved, be presumed to be and to have been sane.

Compulsion by threats. **17.** A person who commits an offence under compulsion by threats of immediate death or grievous bodily harm from a person who is present when the offence is committed 5 is excused for committing the offence if he believes that the threats will be carried out and if he is not a party to a conspiracy or association whereby he is subject to compulsion, but this section does not apply where the offence that is committed is treason, murder, piracy, attempted murder, 10 assisting in rape, forcible abduction, robbery, causing bodily harm or arson.

Compulsion of wife. **18.** No presumption arises that a married woman who commits an offence does so under compulsion by reason only that she commits it in the presence of her husband. 15

Ignorance of the law. **19.** Ignorance of the law by a person who commits an offence is not an excuse for committing that offence.

Execution of warrant on Sunday or holiday. **20.** A warrant that is authorized by this Act may be issued or executed on a Sunday or statutory holiday.

PARTIES TO OFFENCES.

Parties to offence. **21.** (1) Every one is a party to an offence who 20
 (a) actually commits it,
 (b) does or omits to do anything for the purpose of aiding any person to commit it, or
 (c) abets any person in committing it.

Common intention. (2) Where two or more persons form an intention in 25 common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out 30 the common purpose is a party to that offence.

Person counselling offence. **22.** (1) Where a person counsels or procures another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled or procured is a party to that offence, notwithstanding 35 that the offence was committed in a way different from that which was counselled or procured.

17. Section 20.

18. Section 21.

19. Section 22.

20. Section 661 (3).

21. Section 69.

22. Section 70.

Idem. (2) Every one who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring. 5

Accessory after the fact. **23.** (1) An accessory after the fact to an offence is one who, knowing that a person has been a party to the offence, receives, comforts or assists him for the purpose of enabling him to escape. 10

Husband or wife, when not accessory. (2) No married person whose spouse has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting the spouse for the purpose of enabling the spouse to escape.

When wife not accessory. (3) No married woman whose husband has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to that offence for the purpose of enabling her husband or that other person to escape. 15 20

Attempts. **24.** (1) Every one who, having an intent to commit an offence, does or omits to do anything for the purpose of carrying out his intention is guilty of an attempt to commit the offence whether or not it was possible under the circumstances to commit the offence. 25

Question of law. (2) The question whether an act or omission by a person who has an intent to commit an offence is or is not mere preparation to commit the offence, and too remote to constitute an attempt to commit the offence, is a question of law. 30

**PROTECTION OF PERSONS
ADMINISTERING AND ENFORCING THE LAW.**

Protection of persons acting under authority. **25.** (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law
 (a) as a private person,
 (b) as a peace officer or public officer, 35
 (c) in aid of a peace officer or public officer, or
 (d) by virtue of his office,
 is, if he acts on reasonable and probable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose. 40

23. Section 71.

24. Section 72.

25. Sections 23 to 27, 29, 30 to 37, 39, 41 to 45.

- Idem.** (2) Where a person is required or authorized by law to execute a process or to carry out a sentence, he or any person who assists him is, if he acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction. 5
- When not protected.** (3) Notwithstanding subsection (1) a person is not justified for the purposes of that subsection in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm. 10
- Excessive force.** **26.** Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. 15
- Use of force to prevent commission of offence.** **27.** Every one is justified in using as much force as is reasonably necessary 20
- (a) to prevent the commission of an offence
- (i) for which, if it were committed, the person who committed it might be arrested without warrant, and
- (ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or 25
- (b) to prevent anything being done that, on reasonable and probable grounds he believes would, if it were done, be an offence mentioned in paragraph (a). 30
- Arrest of wrong person.** **28.** (1) Where a person who is authorized to execute a warrant to arrest believes, in good faith and on reasonable and probable grounds, that the person whom he arrests is the person named in the warrant, he is justified in respect thereof to the same extent as if that person were the person named in the warrant. 35
- Person assisting.** (2) Where a person is authorized to execute a warrant to arrest,
- (a) every one who, being called upon to assist him, believes that the person in whose arrest he is called upon to assist is the person named in the warrant, and 40
- (b) every keeper of a prison who is required to receive and detain a person who he believes has been arrested under the warrant,
- is justified in respect thereof to the same extent as if that person were the person named in the warrant. 45

26. Section 66.

27. Section 52.

28. Section 28.

Duty of
person
arresting.

29. (1) It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so.

Notice.

(2) It is the duty of every one who arrests a person, whether with or without warrant, to give notice to that 5 person, where it is feasible to do so, of

(a) the process or warrant under which he makes the arrest, or

(b) the reason for the arrest.

Failure to
comply.

(3) Failure to comply with subsection (1) or (2) does not 10 of itself deprive a person who executes a process or warrant, or a person who makes an arrest, or those who assist them, of protection from criminal responsibility.

Preventing
breach of
peace.

30. Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal 15 thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than 20 is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.

Arrest for
breach of
peace.

31. (1) Every peace officer who witnesses a breach of the peace and every one who lawfully assists him is justified in arresting any person whom he finds committing 25 the breach of the peace or who, on reasonable and probable grounds, he believes is about to join in or renew the breach of the peace.

Giving
person in
charge.

(2) Every peace officer is justified in receiving into custody any person who is given into his charge as having 30 been a party to a breach of the peace by one who has, or who on reasonable and probable grounds he believes has, witnessed the breach of the peace.

SUPPRESSION OF RIOTS.

Use of force
to suppress
riot.

32. (1) Every peace officer is justified in using or in ordering the use of as much force as he believes, in good 35 faith and on reasonable and probable grounds,

(a) is necessary to suppress a riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

Person bound
by military
law.

(2) Every one who is bound by military law to obey the 40 command of his superior officer is justified in obeying any command given by his superior officer for the suppression of a riot unless the order is manifestly unlawful.

29. Section 40.

30. Section 46.

31. Section 47.

32. Sections 48, 49, 50 and 51.

Obeying order of peace officer.	(3) Every one is justified in obeying an order of a peace officer to use force to suppress a riot if (a) he acts in good faith, and (b) the order is not manifestly unlawful.	
Apprehension of serious mischief.	(4) Every one who, in good faith and on reasonable and probable grounds, believes that serious mischief will result from a riot before it is possible to secure the attendance of a peace officer is justified in using as much force as he believes in good faith and on reasonable grounds, (a) is necessary to suppress the riot, and (b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.	5 10
Question of law.	(5) For the purposes of this section the question whether an order is manifestly unlawful or not is a question of law.	
Duty of officers if rioters do not disperse.	33. (1) Where the proclamation referred to in section 68 has been made or an offence against paragraph (a) or (b) of section 69 has been committed, it is the duty of a peace officer and of a person who is lawfully required by him to assist, to disperse or to arrest persons who do not comply with the proclamation.	15 20
Protection of officers.	(2) No civil or criminal proceedings lie against a peace officer or a person who is lawfully required by a peace officer to assist him in respect of any death or injury that is caused as a result of the performance by the peace officer or that person of a duty that is imposed by subsection (1).	25
Section not restrictive.	(3) Nothing in this section limits or affects any powers, duties or functions that are conferred or imposed by this Act with respect to the suppression of riots.	

DEFENCE OF PERSON.

Self defence against unprovoked assault.	34. (1) Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.	30
Extent of justification.	(2) Every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified if (a) he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purposes, and (b) he believes, on reasonable and probable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm.	35 40

33. Section 93.

34. Section 53 (1) and (2).

Self defence
in case of
aggression.

35. Every one who has without justification assaulted another but did not commence the assault with intent to cause death or grievous bodily harm, or has without justification provoked an assault upon himself by another, may justify the use of force subsequent to the assault if 5

(a) he uses the force

(i) under reasonable apprehension of death or grievous bodily harm from the violence of the person whom he has assaulted or provoked, and

(ii) in the belief, on reasonable and probable grounds, 10 that it is necessary in order to preserve himself from death or grievous bodily harm;

(b) he did not, at any time before the necessity of preserving himself from death or grievous bodily harm arose, endeavour to cause death or grievous bodily 15 harm; and

(c) he declined further conflict and quitted or retreated from it as far as it was feasible to do so before the necessity of preserving himself from death or grievous 20 bodily harm arose.

Provocation.

36. Provocation includes, for the purposes of sections 34 and 35, provocation by blows, words or gestures.

Preventing
assault.

37. (1) Every one is justified in using force to defend himself or any one under his protection from assault, if he uses no more force than is necessary to prevent the assault 25 or the repetition of it.

Extent of
justification.

(2) Nothing in this section shall be deemed to justify the wilful infliction of any hurt or mischief that is excessive, having regard to the nature of the assault that the force used was intended to prevent. 30

DEFENCE OF PROPERTY.

Defence of
movable
property.

38. (1) Every one who is in peaceable possession of movable property, and every one lawfully assisting him, is justified

(a) in preventing a trespasser from taking it, or

(b) in taking it from a trespasser who has taken it, 35

if he does not strike or cause bodily harm to the trespasser.

Assault by
trespasser.

(2) Where a person who is in peaceable possession of movable property lays hands upon it, a trespasser who persists in attempting to keep it or take it from him or from any one lawfully assisting him shall be deemed to 40 commit an assault without justification or provocation.

35. Section 54 (1).

36. Sections 53 (3) and 54 (2).

37. Section 55.

38. Section 56.

Defence with
claim of
right.

39. (1) Every one who is in peaceable possession of movable property under a claim of right, and every one acting under his authority is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary. 5

Defence
without
claim of
right.

(2) Every one who is in peaceable possession of movable property, but does not claim it as of right or act under the authority of a person who claims it as of right, is not justified or protected from criminal responsibility for defending his possession against a person who is entitled by law to possession of it. 10

Defence of
dwelling.

40. Every one who is in peaceable possession of a dwelling house, and every one lawfully assisting him or acting under his authority, is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling house without lawful authority. 15

Defence of
house or
land.

41. (1) Every one who is in peaceable possession of a dwelling house or land and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling house or land, or to remove a trespasser therefrom, if he uses no more force than is necessary. 20

Assault by
trespasser.

(2) A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling house or land or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation. 25

Assertion of
right to house
or land.

42. (1) Every one is justified in peaceably entering a dwelling house or land by day to take possession of it if he, or some person under whose authority he acts, is lawfully entitled to possession of it. 30

Assault in
case of
lawful entry.

(2) Where a person
(a) not having peaceable possession of a dwelling house or land under a claim of right, or
(b) not acting under the authority of a person who has peaceable possession of a dwelling house or land under a claim of right,
assaults a person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be without justification or provocation. 35 40

Trespasser
provoking
assault.

(3) Where a person
(a) having peaceable possession of a dwelling house or land under a claim of right, or 45

39. Sections 57 and 58.

40. Sections 59 and 60.

41. Section 61.

42. Section 62.

(b) acting under the authority of a person who has peaceable possession of a dwelling house or land under a claim of right, assaults any person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be provoked by the person who is entering. 5

PROTECTION OF PERSONS IN AUTHORITY.

43. Every schoolteacher, master, parent or person standing in the place of a parent is justified in using force by way of correction towards a pupil, apprentice or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. 10

44. The master or officer in command of a vessel on a voyage is justified in using as much force as he believes, on reasonable and probable grounds, is necessary for the purpose of maintaining good order and discipline on the vessel. 15

45. Every one is protected from criminal responsibility for performing a surgical operation upon any person for the benefit of that person if

- (a) the operation is performed with reasonable care and skill, and
- (b) it is reasonable to perform the operation, having regard to the state of health of the person at the time the operation is performed and to all the circumstances of the case. 20 25

43. Section 63.

44. Section 64.

45. Section 65.

PART II.

OFFENCES AGAINST PUBLIC ORDER.

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

- Treason.** **46.** (1) Every one commits treason who, in Canada,
(a) kills or attempts to kill Her Majesty;
(b) levies war against Canada or does any act preparatory thereto;
(c) assists an enemy at war with Canada, or any armed 5
forces against whom Canadian forces are engaged in
hostilities whether or not a state of war exists between
Canada and the country whose forces they are;
(d) uses force or violence for the purpose of overthrowing
the government of Canada or a province; 10
(e) conspires with an agent of a state other than Canada
to communicate information or to do an act that is
likely to be prejudicial to the safety or interests of
Canada;
(f) conspires with any person to do anything mentioned 15
in paragraphs *(a)* to *(d)*; or
(g) forms an intention to do anything mentioned in
paragraphs *(a)* to *(e)* and manifests that intention by
an overt act.
- Canadian citizen or person owing allegiance.** (2) Notwithstanding subsection (1), a Canadian citizen 20
or a person who owes allegiance to Her Majesty in right of
Canada commits treason if, while in or out of Canada, he
does anything mentioned in subsection (1).
- Overt act.** (3) Where it is treason to conspire with any person, the 25
act of conspiring is an overt act of treason.
- Punishment.** **47.** (1) Every one who commits treason is guilty of
an indictable offence and is liable
(a) to be sentenced to death, or
(b) to imprisonment for life.
- Corroboration.** (2) No person shall be convicted of treason upon the 30
evidence of only one witness, unless the evidence of that
witness is corroborated in a material particular by evidence
that implicates the accused.
- Limitation.** **48.** (1) No proceedings for an offence of treason as
defined by paragraph *(d)* of subsection (1) of section 46 35
shall be commenced more than three years after the time
when the offence is alleged to have been committed.

46. Sections 74, 75, 77 and 78.

47. (1) Section 74 (2).

(2) Section 1002.

48. (1) Section 1140 (1) (a).

Information
for
reasonable
words.

(2) No proceedings shall be commenced under section 47 in respect of an overt act of treason expressed or declared by open and considered speech unless

(a) an information setting out the overt act and the words by which it was expressed or declared is laid under oath before a justice within six days after the time when the words are alleged to have been spoken, and

(b) a warrant for the arrest of the accused is issued within ten days after the time when the information is laid.

Sabotage.

49. (1) Every one who does a prohibited act for a purpose prejudicial to

(a) the safety or interests of Canada, or

(b) the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada,

is guilty of an indictable offence and is liable to imprisonment for ten years.

"Prohibited
act."

(2) In this section, "prohibited act" means an act or omission that

(a) impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing, or

(b) causes property, by whomsoever it may be owned, to be lost, damaged or destroyed.

Assisting
alien enemy
to leave
Canada.

50. (1) Every one commits an offence who

(a) incites or assists a subject of

(i) a state that is at war with Canada, or

(ii) a state against whose forces Canadian forces are engaged in hostilities, whether or not a state of war exists between Canada and the state whose forces they are,

to leave Canada without the consent of the Crown, unless the accused establishes that assistance to the state referred to in subparagraph (i) or the forces of the state referred to in subparagraph (ii), as the case may be, was not intended thereby, or

Omitting to
prevent
treason.

(b) knowing that a person is about to commit treason does not, with all reasonable dispatch, inform a justice of the peace or other peace officer thereof or make other reasonable efforts to prevent that person from committing treason.

Punishment.

(2) Every one who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Intimidating
Parliament or
legislature.

51. Every one who does an act of violence in order to intimidate the Parliament of Canada or the legislature of a province is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(2) Section 1140 (2).

49. Section 509A.

50. Section 76. Subparagraph (ii) of paragraph (a) of subclause (i) is new.

51. Section 79.

Acts intended to alarm Her Majesty or break public peace.

52. Every one who wilfully, in the presence of Her Majesty,
 (a) does an act with intent to alarm Her Majesty or to break the public peace, or
 (b) does an act that is intended or is likely to cause 5
 bodily harm to Her Majesty,
 is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Inciting to mutiny.

53. Every one who
 (a) attempts, for a traitorous or mutinous purpose, to 10
 seduce a member of the Canadian Forces from his duty and allegiance to Her Majesty, or
 (b) attempts to incite or to induce a member of the Canadian Forces to commit a traitorous or mutinous act, 15
 is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Assisting deserter.

54. Every one who aids, assists, harbours or conceals a person who he knows is a deserter or absentee without leave from the Canadian Forces is guilty of an offence punishable 20
 on summary conviction, but no proceedings shall be instituted under this section without the consent of the Attorney General of Canada.

Evidence of overt acts.

55. In proceedings for an offence against any provision in section 47 or sections 49 to 53, no evidence is admissible 25
 of an overt act unless that overt act is set out in the indictment or unless the evidence is otherwise relevant as tending to prove an overt act that is set out therein.

Resisting execution of search warrant.

56. Every one who resists the execution of a warrant that authorizes a building to be broken open for the purpose 30
 of searching for a deserter or an absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction.

Offences in relation to members of R.C.M.Police.

57. Every one who
 (a) procures, persuades or counsels a member of the 35
 Royal Canadian Mounted Police to desert or absent himself without leave,
 (b) aids, assists, harbours or conceals a member of the Royal Canadian Mounted Police who he knows is a deserter or absentee without leave, or 40
 (c) aids or assists a member of the Royal Canadian Mounted Police to desert or absent himself without leave, knowing that the member is about to desert or absent himself without leave,
 is guilty of an offence punishable on summary conviction. 45

52. Section 80.

53. Section 81.

54. Section 82.

55. Section 847 (1).

56. Section 83.

57. Section 84.

PASSPORTS.

- 58.** (1) Every one who, while in or out of Canada, for the purpose of procuring a passport or a visa thereof or an endorsement thereon for himself or any other person, makes a written or verbal statement that he knows is false or misleading is guilty of an indictable offence and is liable to imprisonment for two years. 5
- "Passport." (2) In this section, "passport" includes
- (a) a document issued by or under the authority of the Secretary of State for External Affairs for the purpose of identifying the holder thereof, and 10
- (b) an emergency certificate authorized by the Secretary of State for External Affairs to be issued in lieu of a passport by a person duly authorized to issue passports outside of Canada.
- 59.** (1) Every one who 15
- (a) uses a certificate of citizenship or a certificate of naturalization for a fraudulent purpose, or
- (b) being a person to whom a certificate of citizenship or a certificate of naturalization has been granted, knowingly parts with the possession of that certificate 20 with intent that it should be used for a fraudulent purpose,
- is guilty of an indictable offence and is liable to imprisonment for two years.
- "Certificate of citizenship." (2) In this section, "certificate of citizenship" and "certificate of naturalization", respectively, mean a certificate of citizenship and a certificate of naturalization as defined by the *Canadian Citizenship Act*. 25
- "Certificate of naturalization."

SEDITION.

- 60.** (1) Seditious words are words that express a seditious intention. 30
- "Seditious words."
- "Seditious libel." (2) A seditious libel is a libel that expresses a seditious intention.
- "Seditious conspiracy." (3) A seditious conspiracy is an agreement between two or more persons to carry out a seditious intention.
- "Seditious intention." (4) For the purposes of this section "seditious intention" 35 means an intention
- (a) to bring into hatred or contempt or to cause disaffection against the administration of justice in Canada, or
- (b) to incite persons to engage in violence or in public 40 disturbance or disorder
- (i) by bringing into hatred or contempt or causing disaffection against
- (A) Her Majesty, or

58. Sections 405A and 405C.

59. Section 405B.

60. Sections 133 and 133A.

- (B) the government or constitution of Canada or a province,
- (ii) by causing discontent or disaffection among, or promoting feelings of ill-will or hostility between, different classes of persons in Canada, or 5
- (iii) by advocating or teaching the use, without the authority of law, of force as a means of accomplishing a change of government or of the institutions of Canada;
- Exception. but no person shall be deemed to have a seditious intention 10
by reason only that he intends, in good faith,
- (c) to show that Her Majesty has been misled or mistaken in her measures,
- (d) to point out errors or defects in
- (i) the government or constitution of Canada or a 15
province,
- (ii) the Parliament of Canada or the legislature of a province, or
- (iii) the administration of justice in Canada,
- (e) to procure, by lawful means, the alteration of any 20
matter of government in Canada, or
- (f) to point out, for the purpose of removal, matters that produce or tend to produce feelings of hostility and ill-will between different classes of persons in Canada.
- Punishment of seditious offences. **61.** Every one who 25
- (a) speaks seditious words,
- (b) publishes a seditious libel, or
- (c) is a party to a seditious conspiracy,
- is guilty of an indictable offence and is liable to imprisonment for fourteen years. 30
- Libel on head of foreign state. **62.** Every one who, without lawful justification, publishes a libel that tends to degrade, revile or expose to hatred and contempt in the estimation of the people of a foreign state any person who exercises sovereign authority over that state is guilty of an indictable offence and 35
is liable to imprisonment for two years.
- Offences in relation to military forces and R.C.M. Police. **63.** (1) Every one who
- (a) interferes with, impairs or influences the loyalty or discipline of a member of a force,
- (b) publishes, edits, issues, circulates or distributes a 40
writing that advises, counsels or urges insubordination, disloyalty, mutiny or refusal of duty by a member of a force, or
- (c) advises, counsels, urges or in any manner causes insubordination, disloyalty, mutiny or refusal of duty 45
by a member of a force,
- is guilty of an indictable offence and is liable to imprisonment for five years.

61. Section 134.

62. Section 135.

63. Section 132A.

- "Member of a force." of (2) In this section, "member of a force" means a member of
- (a) the Canadian Forces,
 - (b) the naval, army or air forces of a state other than Canada that are lawfully present in Canada, or
 - (c) the Royal Canadian Mounted Police.

5

UNLAWFUL ASSEMBLIES AND RIOTS.

"Unlawful assembly." **64.** (1) An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

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- (a) will disturb the peace tumultuously, or
- (b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

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Lawful assembly becoming unlawful.

(2) Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose.

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Exception.

(3) Persons are not unlawfully assembled by reason only that they are assembled to protect the dwelling house of any one of them against persons who are threatening to break and enter it for the purpose of committing an indictable offence therein.

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"Riot."

65. A riot is an unlawful assembly that has begun to disturb the peace tumultuously.

Punishment of rioter.

66. Every one who takes part in a riot is guilty of an indictable offence and is liable to imprisonment for two years.

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Punishment of member of unlawful assembly.

67. Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.

Reading proclamation.

68. A justice, mayor or sheriff or the lawful deputy of a mayor or sheriff who receives notice that, at any place within his jurisdiction, twelve or more persons are unlawfully and riotously assembled together, shall go to that place and, after approaching as near as safely he may do, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect:

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64. Section 87.

65. Section 88.

66. Section 90.

67. Section 89.

68. Section 91.

Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business upon the pain of being guilty of an offence for which, upon conviction, they may be sentenced to imprisonment for life. 5

GOD. SAVE THE QUEEN.

69. Every one is guilty of an indictable offence and is liable to imprisonment for life who

Preventing proclamation.

(a) opposes, hinders or assaults, wilfully and with force, 10 a person who begins to make or is about to begin to make or is making the proclamation referred to in section 68 so that it is not made,

Failure to disperse and depart.

(b) does not peaceably disperse and depart from a place where the proclamation referred to in section 68 is made 15 immediately after it is made, or

Failure to depart.

(c) does not depart from a place immediately when he has reasonable ground to believe that the proclamation referred to in section 68 would have been made in that place if some person had not opposed, hindered or 20 assaulted, wilfully and with force, a person who would have made it.

Neglect by peace officer.

70. A peace officer who receives notice that there is a riot within his jurisdiction and, without reasonable excuse, fails to take all reasonable steps to suppress the riot is 25 guilty of an indictable offence and is liable to imprisonment for two years.

UNLAWFUL DRILLING.

Orders by Governor in Council.

71. (1) The Governor in Council may from time to time by proclamation make orders

(a) to prohibit assemblies, without lawful authority, of 30 persons for the purpose

(i) of training or drilling themselves,

(ii) of being trained or drilled to the use of arms, or

(iii) of practising military exercises; or

(b) to prohibit persons when assembled for any purpose 35 from training or drilling themselves or from being trained or drilled.

General or special order.

(2) An order that is made under subsection (1) may be general or may be made applicable to particular places, districts or assemblies to be specified in the order. 40

Punishment.

(3) Every one who contravenes an order made under this section is guilty of an indictable offence and is liable to imprisonment for five years.

69. Section 92.

70. Section 94.

71. Section 99.

DUELS.

- Duelling. **72.** Every one who
 (a) challenges or attempts by any means to provoke
 another person to fight a duel, or
 (b) attempts to provoke a person to challenge another
 person to fight a duel, 5
 is guilty of an indictable offence and is liable to imprison-
 ment for two years.

FORCIBLE ENTRY AND DETAINER.

- "Forcible
 entry." **73.** (1) A person commits forcible entry when he
 enters real property that is in actual and peaceable posses-
 sion of another in a manner that is likely to cause a breach of 10
 the peace or reasonable apprehension of a breach of the
 peace, whether or not he is entitled to enter.
- "Forcible
 detainer." (2) A person commits forcible detainer when, being
 in actual possession of real property without colour of
 right, he detains it in a manner that is likely to cause a 15
 breach of the peace or reasonable apprehension of a breach
 of the peace, against a person who is entitled by law to
 possession of it.
- Questions of
 law. (3) The questions whether a person is in actual and
 peaceable possession or is in actual possession without 20
 colour of right are questions of law.
- Punishment. **74.** Every one who commits forcible entry or forcible
 detainer is guilty of an indictable offence and is liable to
 imprisonment for two years.

PIRACY.

- Piracy by
 law of
 nations.
 Punishment. **75.** (1) Every one commits piracy who does any act 25
 that, by the law of nations, is piracy.
 (2) Every one who commits piracy while in or out of
 Canada is guilty of an indictable offence and is liable to
 imprisonment for life, but if while committing or attempting
 to commit piracy he murders or attempts to murder another 30
 person or does any act that is likely to endanger the life
 of another person he shall be sentenced to death.
- Piratical
 acts. **76.** Every one who, while in or out of Canada,
 (a) without lawful authority throws overboard or
 destroys anything that is part of the cargo, supplies 35
 or fittings in a Canadian ship,
 (b) steals a Canadian ship or anything therein,

72. Section 101.

73. Section 102.

74. Section 103.

75. Sections 137 and 139.

76. Section 138.

- (c) does or attempts to do a mutinous act on a Canadian ship, or
 (d) counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c),
 is guilty of an indictable offence and is liable to imprisonment for fourteen years. 5

DANGEROUS SUBSTANCES.

- 77.** Every one who wilfully
 (a) causes an explosion of an explosive substance that does bodily harm to any person, or
 (b) causes an explosion of an explosive substance that is likely to endanger life or to cause serious damage to property, whether or not life is endangered or property is damaged thereby,
 is guilty of an indictable offence and is liable to imprisonment for life. 15

- 78.** Every one who
 (a) with intent to do bodily harm to any person
 (i) causes an explosive substance to explode,
 (ii) sends or delivers to a person or causes a person to take or receive an explosive substance or other dangerous substance or thing, or
 (iii) places or throws anywhere or at or upon a person a corrosive fluid, explosive substance or any other dangerous substance or thing; or
 (b) with intent to destroy or damage property places or throws an explosive substance anywhere,
 is guilty of an indictable offence and is liable
 (c) for an offence under paragraph (a), to imprisonment for life, or
 (d) for an offence under paragraph (b), to imprisonment for fourteen years. 20 25 30

- 79.** Every one who wilfully
 (a) does anything with intent to cause an explosion of an explosive substance that is likely to endanger life, or to cause serious damage to property; or
 (b) makes or has in his possession or under his control an explosive substance with intent thereby
 (i) to endanger life or to cause serious damage to property, or
 (ii) to enable another person thereby to endanger life or to cause serious injury to property,
 is guilty of an indictable offence and is liable to imprisonment for fourteen years. 35 40

77. Sections 111 and 279.

78. Sections 112 and 280.

79. Section 113.

Possessing
explosive
without
lawful
excuse.

80. Every one who without lawful excuse, the proof of which lies upon him,
(a) makes or has in his possession or under his control an explosive substance in circumstances that give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful purpose, or
(b) has in his possession a bomb, grenade or other explosive weapon,
is guilty of an indictable offence and is liable to imprisonment for five years.

PRIZE FIGHTS.

Engaging in
prize fight.

81. (1) Every one who
(a) engages as a principal in a prize fight,
(b) advises, encourages or promotes a prize fight, or
(c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,
is guilty of an offence punishable on summary conviction.

"Prize
fight."

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than five ounces each in weight, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

OFFENSIVE WEAPONS.

Possession of
weapon.

82. Every one who carries or has in his custody or possession an offensive weapon for a purpose dangerous to the public peace or for the purpose of committing an offence is guilty of an indictable offence and is liable to imprisonment for five years.

Carrying
weapon
while in
possession of
anything
liable to
seizure.

83. Every one who, while carrying an offensive weapon, has custody or possession of anything that he knows is liable to seizure under any law relating to customs, excise, trade or navigation is guilty of an indictable offence and is liable to imprisonment for ten years.

Carrying
concealed
weapon.

84. Every one who carries concealed an offensive weapon other than a pistol or revolver is guilty of an offence punishable on summary conviction.

80. Section 114.

81. (1) Sections 105 and 106.

(2) Section 2 (30).

82. Sections 115 and 463.

83. Section 116.

84. Section 117.

- 85.** (1) Every one who carries or has in his custody or possession a sawed-off shot-gun or sawed-off rifle, with a barrel less than twenty inches in length, is guilty of an indictable offence and is liable to imprisonment for five years. 5
- Short-barrel shot-gun or rifle.
- (2)** Every one who, without lawful excuse, the proof of which lies upon him, has in his possession any device or contrivance designed or intended to muffle or stop the sound or report of a firearm is guilty of an offence punishable on summary conviction. 10
- Silencers.
- 86.** Every one who, without lawful excuse, points at another person a firearm, air-gun or air-pistol, whether loaded or unloaded, is guilty of an offence punishable on summary conviction.
- Pointing firearm.
- 87.** Notwithstanding anything in this Act, every one who has an offensive weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction. 15
- While attending public meeting.
- 88.** (1) Every one who sells, barter, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor to a person under the age of fourteen years who does not have a valid permit in Form 45 is guilty of an offence punishable on summary conviction. 20
- Delivering firearms to minors.
- (2)** Notwithstanding section 96, a peace officer who finds a person under the age of fourteen years in possession of a firearm, air-gun, air-pistol or ammunition therefor without a valid permit in Form 45 relating to that firearm, air-gun, air-pistol or ammunition may seize it, and upon seizure it is forfeited to Her Majesty and may be disposed of as the Attorney General may direct. 30
- Seizure.
- 89.** Every one who, not being a local registrar of firearms or a person authorized to issue permits, purports to issue a firearms registration certificate or permit, as the case may be, is guilty of an offence punishable on summary conviction. 35
- Unauthorized issue of certificates or permits.
- 90.** (1) Every one commits an offence who has an unregistered firearm in his dwelling house or place of business.
- Unregistered firearm in dwelling house.
- (2)** Every one commits an offence who has a firearm elsewhere than in his dwelling house or place of business, unless he has a valid permit in Form 42 or Form 44 relating to that firearm. 40
- Firearm elsewhere than in dwelling house without permit.
- (3)** Every one who is an occupant of a motor vehicle in which he knows there is a firearm commits an offence unless some occupant of the motor vehicle has a valid permit in Form 42 or Form 44 relating to that firearm. 45
- Firearm in motor vehicle.
- (4)** Every one commits an offence who conducts, operates, or engages in the business of buying or selling firearms at retail unless he has a permit in Form 43.
- Buying and selling firearms.

85. (1) Section 118.

(2) New.

86. Section 119.

87. New.

88. Section 120.

89. Section 121.

90. Section 122.

- Transfer of
firearm. (5) Every one who sells, barter or makes a gift of a
firearm commits an offence if he delivers it before
(a) it is registered in the name of the purchaser or the
person to whom it is bartered or given, or
(b) the purchaser or the person to whom it is bartered 5
or given has a valid permit, as contained in Form 44,
relating to that firearm.
- Accepting
firearm. (6) Every one who buys or accepts in barter or as a
gift a firearm commits an offence if he receives delivery of
it before 10
(a) it is registered in his name, or
(b) he has a valid permit, as contained in Form 44,
relating to that firearm.
- Finding
firearm. (7) Every one commits an offence who, upon finding
a firearm that he has reasonable grounds to believe has 15
been lost or abandoned, does not forthwith
(a) deliver it to a peace officer, or
(b) report to a peace officer that he has found it.
- Tampering
with serial
number,
certificate or
permit. (8) Every one commits an offence who, without lawful
authority, the proof of which lies upon him, 20
(a) alters, defaces or removes a serial number on a
firearm, or
(b) alters, defaces or falsifies a firearms registration
certificate or permit.
- Punishment. (9) Every one who commits an offence under this section 25
is guilty of
(a) an indictable offence and is liable to imprisonment
for two years, or
(b) an offence punishable on summary conviction.
- Retail
transactions
in
firearms. **91.** (1) Every one who conducts, operates or engages in 30
the business of buying and selling firearms at retail
(a) shall keep a record of every transaction that he
enters into with respect to firearms, and
(b) shall produce that record for inspection at the request
of a peace officer. 35
- Punishment. (2) Every one who fails to comply with subsection (1)
is guilty of an offence punishable on summary conviction.
- Onus of
proof. **92.** (1) Where, in proceedings under section 88 or
90, any question arises with respect to permits or registra-
tion certificates, the onus lies upon the accused to prove that 40
he has the permit or registration certificate.
- Evidence. (2) A permit or registration certificate is *prima facie*
evidence of its contents and of the signature and official
character of the person by whom it purports to be signed.
- Registry. **93.** (1) The Commissioner shall cause a registry to be 45
maintained in which shall be kept a record of every fire-
arms registration certificate that is issued under the
authority of this Act.

91. Section 123.

92. New.

93. Section 124.

Application for registration.	(2) An application for registration of a firearm shall be made on Form 44 to a local registrar of firearms.	
Duties of local registrar.	(3) A local registrar of firearms who receives an application for registration of a firearm shall, after signing the application,	5
	(a) send one copy thereof to the Commissioner,	
	(b) deliver one copy thereof to the applicant, and	
	(c) retain one copy thereof.	
Duty of Commissioner.	(4) The Commissioner shall, upon receipt of an application for registration of a firearm signed by the applicant and a local registrar of firearms, cause a firearms registration certificate to be issued in the name of the applicant in respect of the firearm described in the application.	10
Form of certificate.	(5) Firearms registration certificates shall be in a form to be prescribed by the Commissioner.	15
Refusal of application.	(6) A local registrar of firearms shall refuse to accept an application for registration of a firearm that does not bear a serial number sufficient, in his opinion, to distinguish it from other firearms.	
Exception.	(7) Subsection (6) does not apply to firearms that, in the opinion of a local registrar of firearms, are useful or valuable only as antiques.	20
Evidence of registration.	(8) A firearms registration certificate is <i>prima facie</i> evidence that the firearm to which it relates is registered.	
Who may issue permits in Form 42.	94. (1) A permit in Form 42 may be issued by	25
	(a) the Commissioner or a person authorized in writing by him, or	
	(b) the Attorney General of a province or a person authorized in writing by him.	
In Form 43.	(2) A permit in Form 43 may be issued by a local registrar of firearms.	30
In Form 44.	(3) A permit to convey, as contained in Form 44, may be issued by a local registrar of firearms to authorize a person who buys, accepts in barter, accepts as a gift or finds a firearm that is not registered in his name, to convey the firearm from the place where he takes delivery of it or from his place of residence or business to the office of the local registrar of firearms and thence to his place of residence or business.	35
Permit in Form 42—when issued.	(4) A permit in Form 42 shall be issued only where the person who issues it is satisfied that the applicant for the permit requires the firearm to which it relates	
	(a) to protect his life or property,	
	(b) for use in connection with his profession or occupation, or	45
	(c) for use in target practice in connection with a shooting club approved by the Attorney General of the province in which the shooting club is situated.	

94. Section 125.

- Validity of permit in Form 42 or 45. (5) A permit in Form 42 or Form 45 is valid until
 (a) the expiration of the period for which it is expressed to be issued,
 (b) it is revoked, or
 (c) the expiration of the calendar year in which it is issued, 5
 whichever is the earliest.
- Validity of permit in Form 43. (6) A permit in Form 43 is valid until it is revoked.
- Validity of permit in Form 44. (7) A permit as contained in Form 44 is valid only during the period for which it is expressed to be valid. 10
- Permits supplied by Commissioner. (8) Permits shall be supplied in blank by the Commissioner to persons who are authorized to issue them.
- Revocation. **95.** Permits may be revoked by any person who is authorized to issue them.
- Search and seizure. **96.** (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of sections 82 to 91 he may search, without warrant, a person or vehicle, or premises other than a dwelling house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed. 15
 20
- Detention. (2) Anything seized pursuant to subsection (1) may be detained for a period of two months following the time of seizure unless during that period proceedings are instituted, in which case it may be further detained until the proceedings are concluded. 25
- Forfeiture. (3) Where a person is convicted of an offence against any of the provisions of sections 82 to 91, anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any punishment imposed, is forfeited to Her Majesty and may be disposed of as the Attorney General may direct. 30
- Persons who do not commit offences. Wholesalers. **97.** (1) A person does not commit an offence under subsection (1) or (5) of section 90 by doing anything mentioned in those subsections in the ordinary course of conducting, operating or engaging in the business of buying and selling firearms at wholesale. 35
- Exception. (2) A person does not commit an offence under subsection (1) of section 90 by doing anything mentioned in that subsection in the ordinary course of conducting, operating or engaging in 40
- Repairers. (a) the business of repairing firearms, or
 Retailers. (b) the business of buying and selling firearms or revolvers at retail, if he has a permit in Form 43. 45

95. Section 126.

96. Sections 127 and 634.

97. Section 128.

- Members of Forces.
- (3) Notwithstanding anything in sections 82 to 90,
 (a) a member of the Canadian Forces or of the naval, army or air forces of a state other than Canada that are lawfully present in Canada,
 (b) a peace officer or public officer, or
 (c) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*,
- Peace officers, public officers. Other officers.
- 5
 10
- is not guilty of an offence under any of the provisions of those sections by reason only that he has in his possession an offensive weapon for the purpose of his duties or employment.
- Definitions.
- "Commissioner."
- "Firearm."
- "Local registrar of firearms."
98. For the purposes of sections 89 to 97,
 (a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police,
 (b) "firearm" means a pistol, revolver, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and
 (c) "local registrar of firearms" means
 (i) the Commissioner or a person appointed in writing by him, or
 (ii) the Attorney General of a province or a person appointed in writing by him.
- 15
 20

98. Section 129.

PART III
OFFENCES AGAINST THE ADMINISTRATION
OF LAW AND JUSTICE.

INTERPRETATION.

- 99.** In this Part,
- "Evidence." (a) "evidence" means an assertion of fact, opinion, belief or knowledge whether material or not and whether admissible or not;
- "Government." (b) "government" means 5
 (i) the Government of Canada,
 (ii) the government of a province, or
 (iii) Her Majesty in right of Canada or in right of a province;
- "Judicial proceeding." (c) "judicial proceeding" means a proceeding 10
 (i) in or under the authority of a court of justice or before a grand jury,
 (ii) before the Senate or House of Commons of Canada or a committee of the Senate or House of Commons, or before a legislative council, legislative assembly or house of assembly or a committee thereof that is authorized by law to administer an oath, 15
 (iii) before a court, judge, justice, magistrate or coroner, 20
 (iv) before an arbitrator or umpire, or a person or body of persons authorized by law to make an inquiry and take evidence therein under oath, or
 (v) before a tribunal by which a legal right or legal liability may be established, 25
 whether or not the proceeding is invalid for want of jurisdiction or for any other reason;
- "Office." (d) "office" includes 30
 (i) an office or appointment under the government,
 (ii) a civil or military commission, and
 (iii) a position or employment in a public department;
- "Official." (e) "official" means a person who
 (i) holds an office, or
 (ii) is appointed to discharge a public duty; and
- "Witness." (f) "witness" means a person who gives evidence orally 35
 under oath or by affidavit in a judicial proceeding, whether or not he is competent to be a witness, and includes a child of tender years who gives evidence but does not give it under oath, because, in the opinion of the person presiding, the child does not understand the 40
 nature of an oath.

99. Sections 155, 170, 171 and 1033 (3).

CORRUPTION AND DISOBEDIENCE.

Bribery of
judicial
officers, etc.

100. (1) Every one who
 (a) being the holder of a judicial office, or being a member
 of the Parliament of Canada or of a legislature, corruptly
 (i) accepts or obtains, 5
 (ii) agrees to accept, or
 (iii) attempts to obtain,
 any money, valuable consideration, office, place or
 employment for himself or another person in respect of
 anything done or omitted or to be done or omitted by
 him in his official capacity; or 10
 (b) gives or offers corruptly to a person who holds a
 judicial office, or is a member of the Parliament of
 Canada or of a legislature, any money, valuable con-
 sideration, office, place or employment in respect of
 anything done or omitted or to be done or omitted by 15
 him in his official capacity for himself or another person,
 is guilty of an indictable offence and is liable to imprison-
 ment for fourteen years.

Consent of
Attorney
General.

(2) No proceedings against a person who holds a judicial
 office shall be instituted under this section without the 20
 consent in writing of the Attorney General of Canada.

Bribery of
officers.

101. Every one who
 (a) being a justice, police commissioner, peace officer,
 public officer, or officer of a juvenile court, or being
 employed in the administration of criminal law, cor- 25
 ruptly
 (i) accepts or obtains,
 (ii) agrees to accept, or
 (iii) attempts to obtain,
 for himself or any other person any money, valuable 30
 consideration, office, place or employment with intent
 (iv) to interfere with the administration of justice,
 (v) to procure or facilitate the commission of an
 offence, or
 (vi) to protect from detection or punishment a 35
 person who has committed or who intends to
 commit an offence; or

dem.

(b) gives or offers, corruptly, to a person mentioned in
 paragraph (a) any money, valuable consideration,
 office, place or employment with intent that the person 40
 should do anything mentioned in subparagraph (iv),
 (v) or (vi) of paragraph (a),
 is guilty of an indictable offence and is liable to imprison-
 ment for fourteen years.

Frauds upon
the Govern-
ment.Offer or
gift to
influence
official.

102. (1) Every one commits an offence who 45
 (a) directly or indirectly

100. Sections 156 and 593.

101. Section 157.

102. Section 158.

- (i) gives, offers, or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or
- (ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person, 5
a loan, reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with
- (iii) the transaction of business with or any matter 10
of business relating to the government, or
- (iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,
whether or not, in fact, the official is able to co-operate, 15
render assistance, exercise influence or do or omit to do what is proposed, as the case may be;
- Giving reward or commission to official without consent.** (b) having dealings of any kind with the government, pays a commission or reward to or confers an advantage or benefit of any kind upon an employee or official 20
of the government with which he deals, or to any member of his family, or to any one for the benefit of the employee or official, with respect to those dealings, unless he has the consent in writing of the head of the branch of government with which he deals, the proof 25
of which lies upon him;
- Acceptance of commission or gift without consent.** (c) being an official or employee of the government, demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind 30
directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies upon him; 35
- Compensation for procuring settlement of claim, etc.** (d) having or pretending to have influence with the government or with a minister of the government or an official, demands, accepts or offers or agrees to accept for himself or another person a reward, advantage or benefit of any kind as consideration for co-operation, 40
assistance, exercise of influence or an act or omission in connection with
- (i) anything mentioned in subparagraph (iii) or (iv) of paragraph (a), or
- (ii) the appointment of any person, including him- 45
self, to an office;
- Offer of reward for appointment.** (e) offers, gives or agrees to offer or give to a minister of the government or an official a reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission 50
in connection with

- Reward for withdrawal of tender.
- (i) anything mentioned in subparagraph (iii) or (iv) of paragraph (a), or
 - (ii) the appointment of any person, including himself, to an office; or
 - (f) having made a tender to obtain a contract with the government 5
 - (i) gives, offers or agrees to give to another person who has made a tender, or to a member of his family, or to another person for the benefit of that person, a reward, advantage or benefit of any kind 10 as consideration for the withdrawal of the tender of that person, or
 - (ii) demands, accepts or agrees to accept from another person who has made a tender a reward, advantage or benefit of any kind as consideration for the 15 withdrawal of his tender.
- Contractor subscribing to election fund.
- (2) Every one commits an offence who, being a party to a contract with the government directly or indirectly subscribes, gives, or agrees to subscribe or give, to any person any valuable consideration 20
 - (a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Parliament of Canada or a legislature, or
 - (b) with intent to influence or affect in any way the result of an election conducted for the purpose of 25 electing persons to serve in the Parliament of Canada or a legislature.
- Punishment.
- (3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for five years. 30
- Breach of trust by public officer.
- 103.** Every official who, in connection with the duties of his office, commits fraud or a breach of trust is guilty of an indictable offence and is liable to imprisonment for five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private 35 person.
- Municipal corruption.
- 104.** (1) Every one who
- (a) gives, offers or agrees to give or offer to a municipal official, or
 - (b) being a municipal official, demands, accepts or 40 offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind as consideration for the official
 - (c) to abstain from voting at a meeting of the municipal council or a committee thereof, 45
 - (d) to vote in favour of or against a measure, motion or resolution,
 - (e) to aid in procuring or preventing the adoption of a measure, motion or resolution, or

103. Section 160.

104. Section 161.

(*f*) to perform or fail to perform an official act, is guilty of an indictable offence and is liable to imprisonment for two years.

Influencing municipal official.

(2) Every one who by threats, deceit, suppression of the truth or other means, influences or attempts to influence a municipal official to do anything mentioned in paragraphs (*c*) to (*f*) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for two years.

"Municipal official."

(3) In this section "municipal official" means a member of a municipal council or a person who holds an office under a municipal government.

Selling office.

105. Every one who

(*a*) purports to sell or agrees to sell an appointment to or resignation from an office, or a consent to any such appointment or resignation, or receives, or agrees to receive a reward or profit from the purported sale thereof, or

Purchasing office.

(*b*) purports to purchase or gives a reward or profit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so, is guilty of an indictable offence and is liable to imprisonment for five years.

Reward for influencing appointment.

106. Every one who

(*a*) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for co-operation, assistance or exercise of influence to secure the appointment of any person to an office;

Reward for negotiating appointment.

(*b*) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit; or

Establishment for dealing in offices.

(*c*) keeps without lawful authority, the proof of which lies upon him, a place for transacting or negotiating any business relating to

- (i) the filling of vacancies in offices,
- (ii) the sale or purchase of offices, or
- (iii) appointments to or resignations from offices,

is guilty of an indictable offence and is liable to imprisonment for five years.

Disobeying a statute.

107. Every one who, without lawful excuse, contravenes an Act of the Parliament of Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

105. Section 162.

106. Section 163.

107. Section 164.

Disobeying
order of
court.

108. Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money is, unless some penalty or punishment or other mode of proceeding is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years. 5

Misconduct
of officers
executing
process.

109. Every peace officer or coroner who, being entrusted with the execution of a process, wilfully
(a) misconducts himself in the execution of the process, or 10
(b) makes a false return to the process,
is guilty of an indictable offence and is liable to imprisonment for two years.

Obstructing
public or
peace officer.

110. Every one who
(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer, 15

Neglect to
aid public or
peace officer.

(b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, 20
or

Resisting
execution of
process.

(c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, 25
is guilty of an indictable offence and is liable to imprisonment for two years.

Personating
peace officer.

111. Every one who
(a) falsely represents himself to be a peace officer or a public officer, or 30
(b) not being a peace officer or public officer uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he is a peace officer or a public officer, as the case may be,
is guilty of an offence punishable on summary conviction. 35

MISLEADING JUSTICE.

Perjury.

112. Every one commits perjury who, being a witness in a judicial proceeding, with intent to mislead gives false evidence, knowing that the evidence is false.

Punishment
for perjury.

113. (1) Every one who commits perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years, but if he commits perjury to procure the conviction of a person for an offence punishable by death, he is liable to imprisonment for life. 40

108. Section 165.

109. Section 166.

110. Sections 95, 167 and 168.

111. Section 169.

112. Section 170.

113. (1) Sections 172 and 174.

Proof of former trial upon trial of indictment for perjury.

(2) Where a person is charged with an offence under section 112 or 116, a certificate specifying with reasonable particularity the proceeding in which that person is alleged to have given the evidence in respect of which the offence is charged, is *prima facie* evidence that it was given in a judicial proceeding, without proof of the signature or official character of the person by whom the certificate purports to be signed if it purports to be signed by the clerk of the court or other official having the custody of the record of that proceeding or by his lawful deputy. 5 10

False statements in extra-judicial proceedings.

114. Every one who, not being a witness in a judicial proceeding but being permitted, authorised or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorised by law to permit it to be made before him, an assertion with respect to a matter of fact, opinion, belief or knowledge, knowing that the assertion is false, is guilty of an indictable offence and is liable to imprisonment for fourteen years. 15

Corroboration.

115. No person shall be convicted of an offence under section 113 or 114 upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused. 20

Witness giving contradictory evidence.

116. (1) Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and is liable to imprisonment for fourteen years, whether or not the prior or the later evidence or either of them is true, unless he establishes that none of the evidence was given with intent to mislead. 25 30

"Evidence."

(2) Notwithstanding paragraph (a) of section 99, "evidence", for the purposes of this section, does not include evidence that is not material. 35

Fabricating evidence.

117. Every one who, with intent to mislead, fabricates evidence for the purpose of a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years. 40

Signing pretended affidavit.

118. Every one who (a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration, 45

(2) Section 979.

114. Sections 173, 175 and 176.

115. Section 1002.

116. New.

117. Section 177.

118. Section 179.

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- Using pretended affidavit. (b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or 5
- Writing purporting to be affidavit. (c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared, is guilty of an indictable offence and is liable to imprisonment for two years. 10
- Obstructing justice. **119.** (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice is guilty of an indictable offence and is liable to imprisonment for two years. 15
 (2) Without restricting the generality of subsection (1), every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,
- Corrupting witness. (a) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence, 20
- Corrupting juror. (b) influences or attempts to influence by threats, bribes or other corrupt means, a person in his conduct as a juror, 25
- Accepting bribe. (c) accepts a bribe or other corrupt consideration to abstain from giving evidence, or to do or to refrain from doing anything as a juror, or
- Indemnifying bondsman. (d) having been released from custody under recognizance, indemnifies or agrees to indemnify in any way, in whole or in part, his bondsman. 30
- Public mischief. **120.** Every one who causes a peace officer to enter upon an investigation by wilfully
 (a) making a false statement that accuses some other person of having committed an offence, 35
 (b) doing anything that is intended to cause some other person to be suspected of having committed an offence that he has not committed, or to divert suspicion from himself, or
 (c) reporting that an offence has been committed when it has not been committed, 40
 is guilty of an indictable offence and is liable to imprisonment for five years.
- Compounding indictable offence. **121.** Every one who asks or obtains or agrees to receive or obtain any valuable consideration for himself or any other person by agreeing to compound or conceal an indictable offence is guilty of an indictable offence and is liable to imprisonment for two years. 45

119. Section 180.

120. New.

121. New.

Corruptly
taking
reward for
recovery
of goods.

122. Every one who corruptly accepts any valuable consideration, directly or indirectly, under pretence or upon account of helping any person to recover any thing obtained by the commission of an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years. 5

Advertising
reward and
immunity.

123. Every one who
(a) publicly advertises a reward for the return of anything that has been stolen or lost, and in the advertisement uses words to indicate that no questions will be asked if it is returned, 10

Idem.

(b) uses words in a public advertisement to indicate that a reward will be given or paid for anything that has been stolen or lost, without interference with or inquiry about the person who produces it, 15

Advertising
return of
money
advanced on
stolen
property.

(c) promises or offers in a public advertisement to return to a person who has advanced money by way of loan on, or has bought, anything that has been stolen or lost, the money so advanced or paid, or any other sum of money for the return of that thing, or 20

Printing
advertisement.

(d) prints or publishes any advertisement referred to in paragraph (a), (b) or (c),
is guilty of an offence punishable on summary conviction.

ESCAPES AND RESCUES.

Prison-
breach.

124. Every one who
(a) by force or violence breaks a prison with intent to set at liberty himself or any person confined therein, or
(b) with intent to escape forcibly breaks out of, or makes any breach in, a cell or other place within a prison in which he is confined,
is guilty of an indictable offence and is liable to imprisonment for five years. 25 30

Escape.
Being
unlawfully
at large.

125. Every one who
(a) escapes from lawful custody,
(b) is, before the expiration of a term of imprisonment to which he was sentenced, at large within Canada without lawful excuse, the proof of which lies upon him, or 35

Skipping bail.

(c) having been charged with a criminal offence and being at large on recognizance fails, without lawful excuse, the proof of which lies upon him, to appear in accordance with the recognizance at the proper time and place for his preliminary inquiry, to stand his trial, to receive sentence or for the hearing of an appeal, as the case may be,
is guilty of an indictable offence and is liable to imprisonment for two years. 40 45

122. Section 182.

123. Section 183.

124. Sections 187 and 188.

125. Sections 185, 189 and 190.

- 126.** Every one who
- Permitting escape. (a) permits a person whom he has in lawful custody to escape, by failing to perform a legal duty,
- Conveying things into prison. (b) conveys or causes to be conveyed into a prison, anything, with intent to facilitate the escape of a person imprisoned therein, or 5
- Discharge under pretended authority. (c) directs or procures, under colour of pretended authority, the discharge of a prisoner who is not entitled to be discharged,
- is guilty of an indictable offence and is liable to imprisonment 10 for two years.
- 127.** Every one who
- Rescue. (a) rescues any person from lawful custody or assists any person in escaping or attempting to escape from lawful custody, 15
- Peace officer permitting escape. (b) being a peace officer, wilfully permits a person in his lawful custody to escape, or
- Prison officer permitting escape. (c) being an officer of or an employee in a prison, wilfully permits a person to escape from lawful custody therein, is guilty of an indictable offence and is liable to imprisonment 20 for five years.
- 128.** Every one who knowingly and wilfully
- Assisting prisoner of war to escape. (a) assists a prisoner of war in Canada to escape from a place where he is detained, or
- (b) assists a prisoner of war, who is permitted to be at large on parole in Canada, to escape from the place where he is at large on parole, 25
- is guilty of an indictable offence and is liable to imprisonment for five years.
- 129.** (1) A person who escapes while undergoing 30 imprisonment is, after undergoing any punishment to which he is sentenced for that escape, required to serve the portion of his term that he had not served at the time of his escape.
- Full term to be served when retaken. (2) For the purposes of subsection (1), the portion of a person's term that he had not served at the time of his escape shall be served 35
- Service of remanet. (a) in the prison from which the escape was made, if imprisonment for the escape is not awarded, or
- (b) in the prison to which he is sentenced for the escape, if imprisonment for the escape is awarded. 40
- Imprisonment for escape. (3) Where a person is sentenced to imprisonment for an escape he may, for the purposes of this section, be sentenced to imprisonment in a penitentiary or in the prison from which the escape was made, whether the imprisonment is for less than two years or for two years or more. 45
- "Escape." (4) For the purposes of this section, "escape" means breaking prison, escaping from lawful custody or, without lawful excuse, being at large within Canada before the expiration of a term of imprisonment to which a person has been sentenced. 50

126. Sections 193, 194 and 195.

127. Sections 191 and 192.

128. Section 186.

129. Section 196.

PART IV.

SEXUAL OFFENCES, PUBLIC MORALS AND
DISORDERLY CONDUCT.

INTERPRETATION.

- 130.** In this Part,
- "Guardian." (a) "guardian" includes any person who has in law or in fact the custody or control of another person;
- "Public place." (b) "public place" includes any place to which the public have access as of right or by invitation, express or implied; and 5
- "Theatre." (c) "theatre" includes any place that is open to the public where entertainments are given, whether or not any charge is made for admission.

SPECIAL PROVISIONS.

- Corroboration. **131.** (1) No accused shall be convicted of an offence 10 under section 140, 143, 144, 145, 146 or 155 upon the evidence of only one witness unless the evidence of the witness is corroborated in a material particular by evidence that implicates the accused.
- Marriage a defence. (2) No accused shall be convicted of an offence under 15 section 144, paragraph (b) of section 145 or section 146 where he proves that, subsequent to the time of the alleged offence, he married the person in respect of whom he is alleged to have committed the offence.
- Burden of proof. (3) In proceedings for an offence under subsection (2) 20 of section 138 or section 143, 144 or paragraph (b) of section 145 the burden of proving that the female person in respect of whom the offence is alleged to have been committed was not of previously chaste character is upon the accused.
- Previous - sexual intercourse with accused. (4) In proceedings for an offence under subsection (2) of 25 section 138 or under section 143 or paragraph (b) of section 145, evidence that the accused had, prior to the time of the alleged offence, sexual intercourse with the female person in respect of whom the offence is alleged to have been committed shall be deemed not to be evidence that she 30 was not of previously chaste character.

130. Section 197.

131. (1) Section 1002.

(2) Section 214(2).

(3) Section 210.

(4) Sections 211(2), 213(2) and 301(4).

Consent of
child under
fourteen
no defence.

132. Where an accused is charged with an offence under section 138, 141 or 148 in respect of a person under the age of fourteen years, the fact that the person consented to the commission of the offence is not a defence to the charge.

Limitation.

133. No proceedings for an offence under section 143, 144, paragraph (b) of section 145, or under section 155, 156 or 157 shall be commenced more than one year after the time when the offence is alleged to have been committed. 5

Instruction to
jury.

134. Notwithstanding anything in this Act or any other Act of the Parliament of Canada, where an accused is charged with an offence under section 136, 137 or subsection (1) or (2) of section 138, the judge shall, if the only evidence that implicates the accused is the evidence, given under oath, of the female person in respect of whom the offence is alleged to have been committed, instruct the jury that it is not safe to find the accused guilty in the absence of evidence that corroborates the evidence of that female person, but that they are entitled to find the accused guilty if they are satisfied beyond a reasonable doubt that her evidence is true. 10 15 20

SEXUAL OFFENCES.

Rape.

135. A male person commits rape when he has sexual intercourse with a female person who is not his wife,
(a) without her consent, or
(b) with her consent if the consent
(i) is extorted by threats or fear of bodily harm, 25
(ii) is obtained by personating her husband, or
(iii) is obtained by false and fraudulent representations as to the nature and quality of the act.

Punishment
for rape.

136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life and to be whipped. 30

Attempt to
commit
rape.

137. Every one who attempts to commit rape is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped.

Sexual
intercourse
with female
under
fourteen.

138. (1) Every male person who has sexual intercourse with a female person who
(a) is not his wife, and
(b) is under the age of fourteen years,
whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life and to be whipped. 35 40

132. Section 294.

133. Sections 215 (7) and 1140 (1) (c).

134. New.

135. Section 298(1).

136. Section 299.

137. Section 300.

138. Section 301.

- Sexual intercourse with female between fourteen and sixteen. (2) Every male person who has sexual intercourse with a female person who
 (a) is not his wife,
 (b) is of previously chaste character, and
 (c) is fourteen years of age or more and is under the age of sixteen years, 5
 whether or not he believes that she is sixteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for five years.
- Acquittal where accused not chiefly to blame. (3) Where an accused is charged with an offence under subsection (2), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is wholly or chiefly to blame. 10
- Age. **139.** No male person shall be deemed to commit an offence under section 136, 137 or 138 while he is under the age of fourteen years. 15
- Sexual intercourse with feeble-minded, etc. **140.** Every male person who, under circumstances that do not amount to rape, has sexual intercourse with a female person 20
 (a) who is not his wife, and
 (b) who is and who he knows or has good reason to believe is feeble-minded, insane, or is an idiot or imbecile,
 is guilty of an indictable offence and is liable to imprisonment for five years. 25
- Indecent assault on female. **141.** (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years and to be whipped.
 (2) An accused who is charged with an offence under subsection (1) may be convicted if the evidence establishes that the accused did anything to the female person with her consent that, but for her consent, would have been an indecent assault, if her consent was obtained by false and fraudulent representations as to the nature and quality of the act. 30 35
- Consent by false representations. 30
- Incest. **142.** (1) Every one commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be; has sexual intercourse with that person. 40
- Punishment. (2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, and in the case of a male person is liable, in addition, to be whipped.

139. Section 298(2).

140. Section 219.

141. Section 292 (*a*) and (*b*).

142. Section 204.

Compulsion of female.

(3) Where a female person is convicted of an offence under this section and the court is satisfied that she committed the offence by reason only that she was under restraint, duress or fear of the person with whom she had the sexual intercourse, the court is not required to impose any punishment upon her. 5

"Brother."
"Sister."

(4) In this section, "brother" and "sister", respectively, include half-brother and half-sister.

Seduction of female between sixteen and eighteen.

143. Every male person who, being eighteen years of age or more, seduces a female person of previously chaste character who is sixteen years or more but less than eighteen years of age is guilty of an indictable offence and is liable to imprisonment for two years. 10

Seduction under promise of marriage.

144. Every male person, being twenty-one years of age or more, who, under promise of marriage, seduces an unmarried female person of previously chaste character who is less than twenty-one years of age is guilty of an indictable offence and is liable to imprisonment for two years. 15

Sexual intercourse with step-daughter, etc.
Sexual intercourse with female employee.

145. Every male person who
(a) has illicit sexual intercourse with his step-daughter, foster daughter or female ward; or 20
(b) has illicit sexual intercourse with a female person of previously chaste character and under the age of twenty-one years who
(i) is in his employment, 25
(ii) is in a common, but not necessarily similar, employment with him and is, in respect of her employment or work, under or in any way subject to his control or direction, or
(iii) receives her wages or salary directly or indirectly from him, 30

is guilty of an indictable offence and is liable to imprisonment for two years.

Seduction of female passengers on vessels.

146. Every male person who, being the owner or master of, or employed on board a vessel, seduces, or by threats or by the exercise of his authority, has illicit sexual intercourse on board the vessel with a female passenger is guilty of an indictable offence and is liable to imprisonment for two years. 35

Buggery or bestiality.

147. Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment for fourteen years. 40

143. Section 211 (1).

144. Section 212.

145. Section 213 (1).

146. Section 214 (1).

147. Section 202.

Indecent assault on male.

148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped.

Acts of gross indecency.

149. Every one who commits an act of gross indecency with another person is guilty of an indictable offence and is liable to imprisonment for five years. 5

OFFENCES TENDING TO CORRUPT MORALS.

Obscene matter.

150. (1) Every one commits an offence who
(a) makes, prints, publishes, distributes, circulates, or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever, or 10

Crime comic.

(b) makes, prints, publishes, distributes, sells or has in his possession for such a purpose, a crime comic.

(2) Every one commits an offence who knowingly, without lawful justification or excuse, 15

Selling obscene matter.

(a) sells, exposes to public view or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever,

Indecent show.

(b) publicly exhibits a disgusting object or an indecent show, 20

Offering to sell contraceptives.

(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception or causing abortion or miscarriage, or 25

Offering to sell other drugs.

(d) advertises or publishes an advertisement of any means, instructions, medicine, drug or article intended or represented as a method for restoring sexual virility or curing venereal diseases or diseases of the generative organs. 30

Defence of public good.

(3) No person shall be convicted of an offence under this section if he establishes that the public good was served by the acts that are alleged to constitute the offence and that the acts alleged did not extend beyond what served the public good. 35

Question of law and question of fact.

(4) For the purposes of this section it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good. 40

Motives irrelevant.

(5) For the purposes of this section the motives of an accused are irrelevant.

148. Section 293.

149. Section 206.

150. Section 207.

Ignorance of
nature no
defence.

(6) Where an accused is charged with an offence under subsection (1) the fact that the accused was ignorant of the nature or presence of the matter, picture, model, phonograph record, crime comic or other thing by means of or in relation to which the offence was committed is not a defence to the charge. 5

"Crime
comic."

(7) In this section, "crime comic" means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious. 10

Restriction
on
publication of
reports of
judicial pro-
ceedings.

151. (1) A proprietor, editor, master printer or publisher commits an offence who prints or publishes

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details that, if published, are calculated to injure public morals; 15

(b) in relation to any judicial proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, any particulars other than 20

(i) the names, addresses and occupations of the parties and witnesses,

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given, 25

(iii) submissions on a point of law arising in the course of the proceedings, and the decision of the court in connection therewith, and

(iv) the summing up of the judge, the finding of the jury and the judgment of the court and the observations that are made by the judge in giving judgment. 30

Saving.

(2) Nothing in paragraph (b) of subsection (1) affects the operation of paragraph (a) of that subsection.

Consent of
Attorney
General.

(3) No proceedings for an offence under this section shall be commenced without the consent of the Attorney General. 35

Exceptions.

(4) This section does not apply to a person who

(a) prints or publishes any matter for use in connection with any judicial proceedings or communicates it to persons who are concerned in the proceedings; 40

(b) prints or publishes a notice or report pursuant to directions of a court; or

(c) prints or publishes any matter

(i) in a volume or part of a *bona fide* series of law reports that does not form part of any other publication and consists solely of reports of proceedings in courts of law, or 45

151. Section 207A.

(ii) in a publication of a technical character that is *bona fide* intended for circulation among members of the legal or medical professions.

Immoral
theatrical
performance.

152. (1) Every one commits an offence who, being the lessee, manager, agent or person in charge of a theatre, presents or gives or allows to be presented or given therein an immoral, indecent or obscene performance, entertainment or representation. 5

Person
taking
part.

(2) Every one commits an offence who takes part or appears as an actor, performer, or assistant in any capacity, in an immoral, indecent or obscene performance, entertainment or representation in a theatre. 10

Mailing
obscene
matter.

153. Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous. 15

Punishment.

154. Every one who commits an offence under section 150, 151, 152 or 153 is guilty of
(a) an indictable offence and is liable to imprisonment for two years, or
(b) an offence punishable on summary conviction. 20

Parent or
guardian
procuring
defilement.

155. Every one who, being the parent or guardian of a female person,
(a) procures her to have illicit sexual intercourse with a person other than the procurer, or
(b) orders, is party to, permits or knowingly receives the avails of, the defilement, seduction or prostitution of the female person, 25
is guilty of an indictable offence and is liable to
(c) imprisonment for fourteen years, if the female person is under the age of fourteen years, or 30
(d) imprisonment for five years, if the female person is fourteen years of age or more.

Householder
permitting
defilement.

156. Every one who
(a) being the owner, occupier or manager of premises, or 35
(b) having control of premises or assisting in the management or control of premises,
knowingly permits a female person under the age of eighteen years to resort to or to be in or upon the premises for the purpose of having illicit sexual intercourse with a particular male person or with male persons generally is guilty of an indictable offence and is liable to imprisonment for five years. 40

152. Section 208.

153. Section 209 (a) and (b).

154. New.

155. Section 215 (1).

156. Section 217.

Corrupting children.	157. (1) Every one who, in the home of a child, participates in adultery or sexual immorality or indulges in habitual drunkenness or any other form of vice, and thereby endangers or is likely to endanger the morals of the child or renders or is likely to render the home an unfit place for the child to be in, is guilty of an indictable offence and is liable to imprisonment for two years.	5
Child's lack of understanding no defence.	(2) In proceedings under subsection (1) it is not a defence that a child is not old enough to understand or appreciate the nature of the conditions that prevail in the home or the nature of the acts that are alleged to have taken place in the home, or to be immediately affected thereby.	10
"Child."	(3) For the purposes of this section, "child" means a person who is or appears to be under the age of eighteen years.	15
Who may institute prosecutions.	(4) No proceedings shall be commenced under subsection (1) without the consent of the Attorney General, unless they are instituted by or at the instance of a recognized society for the protection of children or by an officer of a juvenile court.	20

DISORDERLY CONDUCT.

Indecent acts.	158. Every one who wilfully does an indecent act (a) in a public place in the presence of one or more persons, or (b) in any place, with intent thereby to insult or offend any person, is guilty of an offence punishable on summary conviction.	25
Nudity.	159. (1) Every one who, without lawful excuse, (a) is nude in a public place, or (b) is nude and exposed to public view while on private property, whether or not the property is his own, is guilty of an offence punishable on summary conviction.	30
"Nude."	(2) For the purposes of this section a person is nude who is so clad as to offend against public decency or order.	
Causing disturbance.	160. Every one who (a) not being in a dwelling house causes a disturbance in or near a public place, (i) by fighting, screaming, shouting, swearing, singing or using insulting or obscene language, (ii) by being drunk, or (iii) by impeding or molesting other persons; (b) openly exposes or exhibits an indecent exhibition in a public place;	35 40
Indecent exhibition.		

157. Section 215 (2) to (6).

158. Section 205.

159. Section 205A (1).

160. Sections 100, 222B and 238.

Loitering in public place. (c) loiters in a public place and in any way obstructs persons who are there; or
 Disturbing occupants of dwelling. (d) disturbs the peace and quiet of the occupants of a dwelling house by discharging firearms or by other disorderly conduct in a public place, 5
 is guilty of an offence punishable on summary conviction.

DISTURBING RELIGIOUS SERVICES.

Obstructing officiating clergyman. **161.** (1) Every one who
 (a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling; 10
 Violence to or arrest of officiating clergyman. (b) knowing that a clergyman or minister is about to perform, is on his way to perform, or is returning from the performance of any of the duties or functions mentioned in paragraph (a) 15
 (i) assaults or offers any violence to him, or
 (ii) arrests him upon a civil process, or under the pretence of executing a civil process,
 is guilty of an indictable offence and is liable to imprisonment for two years. 20
 Disturbing religious worship or certain meetings. (2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.
 Idem. (3) Every one who, at or near a meeting referred to in subsection (2), does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction. 25

Trespassing at night. **162.** Every one who, without lawful excuse, the proof of which lies upon him, loiters, prowls or wanders upon the property of another person at night is guilty of an offence punishable on summary conviction. 30

Offensive volatile substance. **163.** Every one other than a peace officer engaged in the discharge of his duty who has in his possession in a public place or who deposits, throws or injects or causes to be deposited, thrown or injected in, into or near any place, 35
 (a) an offensive volatile substance that is likely to alarm, inconvenience, discommode or cause discomfort to any person or to cause damage to property, or
 (b) a stink or stench bomb or device from which any substance mentioned in paragraph (a) is or is capable of being liberated, 40
 is guilty of an offence punishable on summary conviction.

161. Sections 199, 200 and 201.

162. New.

163. Section 510A.

No apparent means of support.	164. (1) Every one commits vagrancy who	
	(a) not having any apparent means of support	
	(i) lives without employment, or	
	(ii) is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found;	5
Begging.	(b) begs from door to door or in a public place;	
Prostitute or night walker.	(c) being a common prostitute or night walker is found in a public place and does not, when required, give a good account of herself;	10
Living by gaming or crime.	(d) supports himself in whole or in part by gaming or crime and has no lawful profession or calling by which to maintain himself; or	
Sexual offenders loitering near schools, etc.	(e) having at any time been convicted of an offence under a provision mentioned in paragraph (a) or (b) of subsection (1) of section 661, is found loitering or wandering in or near a school ground, playground, public park or bathing area.	15
Punishment.	(2) Every one who commits vagrancy is guilty of an offence punishable on summary conviction.	20
Aged or infirm persons.	(3) No person who is aged or infirm shall be convicted of an offence under paragraph (a) of subsection (1).	

NUISANCES.

Criminal common nuisance.	165. (1) Every one commits a criminal common nuisance who does an unlawful act or fails to discharge a legal duty and thereby	25
	(a) endangers the lives, safety or health of the public, or	
	(b) causes physical injury to any person.	
Punishment.	(2) Every one who commits a criminal common nuisance is guilty of an indictable offence and is liable to imprisonment for two years.	30
Spreading false news.	166. Every one who wilfully publishes a tale or news that he knows is false and that causes or is likely to cause injury or mischief to a public interest is guilty of an indictable offence and is liable to imprisonment for two years.	
Not burying dead.	167. Every one who	35
	(a) neglects, without lawful excuse, to perform any duty that is imposed upon him by law or that he undertakes with reference to the burial of a dead human body or human remains, or	
Indignity to dead body.	(b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not,	40
	is guilty of an indictable offence and is liable to imprisonment for five years.	

164. Sections 238 and 239.

165. Sections 221 and 222.

166. Section 136.

167. Section 237.

PART V.
DISORDERLY HOUSES, GAMING AND BETTING.

INTERPRETATION.

- "Bet." **168.** (1) In this Part,
- (a) "bet" means a bet that is placed on any contingency or event that is to take place in or out of Canada, and without restricting the generality of the foregoing, includes a bet that is placed on any contingency relating to a horse-race, fight, match or sporting event that is to take place in or out of Canada; 5
- "Common bawdy-house." (b) "common bawdy-house" means a place that is
- (i) kept or occupied, or 10
- (ii) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency;
- "Common betting house." (c) "common betting house" means a place that is opened, kept or used for the purpose of
- (i) enabling, encouraging or assisting persons who resort thereto to bet between themselves or with the keeper, or 15
- (ii) enabling any person to receive, record, register, transmit or pay bets or to announce the results of betting; 20
- "Common gaming house." (d) "common gaming house" means a place that is
- (i) kept for gain to which persons resort for the purpose of playing games; or
- (ii) kept or used for the purpose of playing games
- (A) in which a bank is kept by one or more but not all of the players, 25
- (B) in which all or any portion of the bets on or proceeds from a game is paid, directly or indirectly, to the keeper of the place,
- (C) in which, directly or indirectly, a fee is charged to or paid by the players for the privilege of playing or participating in a game or using gaming equipment, or 30
- (D) in which the chances of winning are not equally favourable to all persons who play the game, including the person, if any, who conducts the game; 35
- "Disorderly house." (e) "disorderly house" means a common bawdy-house, a common betting house or a common gaming house;
- "Game." (f) "game" means a game of chance or mixed chance and skill; 40

168. (1) (a) New.

(b) Section 225.

(c) Section 227.

(d) Section 226.

(e) Section 2 (9) (a).

(f) New.

- "Gaming equipment." (g) "gaming equipment" means anything that is or may be used for the purpose of playing games or for betting;
- "Keeper." (h) "keeper" includes a person who
 (i) is an owner or occupier of a place,
 (ii) assists or acts on behalf of an owner or occupier 5
 of a place,
 (iii) appears to be, or to assist or act on behalf of
 an owner or occupier of a place,
 (iv) has the care or management of a place, or
 (v) uses a place permanently or temporarily, with 10
 or without the consent of the owner or occupier;
 and
- "Place." (i) "place" includes any place, whether or not
 (i) it is covered or enclosed,
 (ii) it is used permanently or temporarily, or 15
 (iii) any person has an exclusive right of user with
 respect to it.
- Exception. (2) A place is not a common gaming house within the
 meaning of subparagraph (i) or clause (B) or (C) of sub-
 paragraph (ii) of paragraph (d) of subsection (1) 20
 (a) while it is occupied and used by an incorporated
bona fide social club or branch thereof if
 (i) the whole or any portion of the bets on or pro-
 ceeds from games played therein is not directly or
 indirectly paid to the keeper thereof, and 25
 (ii) no fee in excess of ten cents an hour or fifty
 cents a day is charged to persons for the right or
 privilege of participating in the games played
 therein; or
- Charitable organizations. (b) while occasionally it is used by charitable or religious 30
 organizations for the purpose of playing games for
 which a direct fee is charged to persons for the right
 or privilege of playing, if the proceeds from the games
 are to be used for a charitable or religious object.
- Onus. (3) The onus of proving that, by virtue of subsection (2), 35
 a place is not a common gaming house is on the accused.
 (4) A place may be a common gaming house notwith-
 standing that
- Effect when game partly played on premises. (a) it is used for the purpose of playing part of a game
 and another part of the game is played elsewhere; or 40
 (b) the stake that is played for is in some other place.

(g) New.

(h) Sections 227 (2) and 229 (3).

(i) Section 227 (2).

(2) Section 226 (1) (b) (ii) in part.

(3) New.

(4) Section 226 (2).

PRESUMPTIONS.

- 169.** In proceedings under this Part,
- (a) evidence that a peace officer who was authorized to enter a place was wilfully prevented from entering or was wilfully obstructed or delayed in entering is *prima facie* evidence that the place is a disorderly house; 5
 - (b) evidence that a place was found to be equipped with gaming equipment or any device for concealing, removing or destroying gaming equipment is *prima facie* evidence that the place is a common gaming house or a common betting house, as the case may be; 10
 - (c) evidence that gaming equipment was found in a place entered under a warrant issued pursuant to this Part, or on or about the person of anyone found therein, is *prima facie* evidence that the place is a common gaming house and that the persons found therein were playing games, whether or not any person acting under the warrant observed any persons playing games therein; and 15
 - (d) evidence that a person was convicted of keeping a disorderly house is, for the purpose of proceedings against any one who is alleged to have been an inmate or to have been found in that house at the time the person committed the offence of which he was convicted, *prima facie* evidence that the house was, at that time, a disorderly house. 20 25
- 170.** (1) For the purpose of proceedings under this Part, a place that is found to be equipped with a slot machine shall be conclusively presumed to be a common gaming house.
- (2) In this section "slot machine" means any automatic machine or slot machine 30
- (a) that is used or intended to be used for any purpose other than vending merchandise or services; or
 - (b) that is used or intended to be used for the purpose of vending merchandise or services if 35
 - (i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator,
 - (ii) as a result of a given number of successive operations by the operator the machine produces different results, or 40
 - (iii) on any operation of the machine it discharges or emits a slug or token.

169. Sections 985 and 986 (1), (2) and (3).

170. Section 986 (4).

SEARCH.

Warrant to search.

171. (1) A justice who receives from a peace officer a report in writing that he has reasonable ground to believe and does believe that an offence under section 176, 177, 179 or 182 is being committed at any place within the jurisdiction of the justice, may issue a warrant under his hand authorizing a peace officer to enter and search the place by day or night and seize anything found therein that may be evidence that an offence under section 176, 177, 179 or 182, as the case may be, is being committed at that place, and to take into custody all persons who are found in or at that place and requiring those persons and things to be brought before him or before another justice having jurisdiction, to be dealt with according to law.

Search without warrant, seizure and arrest.

(2) A peace officer may, whether or not he is acting under a warrant issued pursuant to this section, take into custody any person whom he finds keeping a common gaming house and any person whom he finds therein, and may seize anything that may be evidence that such an offence is being committed and shall bring those persons and things before a justice having jurisdiction, to be dealt with according to law.

Disposal of property seized.

(3) Except where otherwise expressly provided by law, a court, judge, justice or magistrate before whom anything that is seized under this section is brought may

(a) declare that any money or security for money so seized is forfeited, and

(b) direct that anything so seized, other than money or security for money, shall be destroyed, but anything that is required as evidence in any proceedings shall not be dealt with pursuant to the forfeiture or be destroyed, as the case may be, until it is no longer required in those proceedings.

Telephones exempt from seizure.

(4) Nothing in this section authorizes the seizure, forfeiture or destruction of telephone, telegraph or other communication facilities or equipment owned by a person engaged in providing telephone, telegraph or other communication service to the public or forming part of the telephone, telegraph or other communication service or system of such a person.

Search for woman in bawdy-house.

172. A justice who is satisfied by information upon oath that there is reasonable ground to believe that a female person has been enticed to or is concealed in a common bawdy-house may issue a warrant under his hand authorizing a peace officer or other person named therein to enter and search the place, by day or night, and requiring her and the keeper of the place to be brought before him or another justice having jurisdiction to be kept in custody or released as he considers proper.

171. Section 641.

172. Section 640.

- Use of force.** **173.** A peace officer may, for the purpose of executing a warrant issued under section 171 or 172, use as much force as is necessary to effect entry into the place in respect of which the warrant is issued.
- Examination of persons arrested in disorderly houses.** **174.** (1) A justice before whom a person is taken pursuant to a warrant issued under section 171 or 172 may require that person to be examined on oath and to give evidence with respect to
 (a) the purpose for which the place referred to in the warrant is or has been used, kept or occupied, and
 (b) any matter relating to the execution of the warrant.
- Person refusing to be examined.** (2) A person to whom this section applies who
 (a) refuses to be sworn, or,
 (b) refuses to answer a question,
 may be dealt with in the same manner as a witness appearing before a superior court of criminal jurisdiction pursuant to a subpoena, and section 5 of the *Canada Evidence Act* applies in respect of a person to whom this section applies.

OBSTRUCTION.

- Obstructing execution of warrant.** **175.** Every one who, for the purpose of preventing, obstructing or delaying a peace officer who is executing a warrant issued under this Part in respect of a disorderly house or who is otherwise authorized to enter a disorderly house, does anything, or being the keeper of the disorderly house, permits anything to be done to give effect to that purpose is guilty of an offence punishable on summary conviction.

GAMING AND BETTING.

- Keeping gaming or betting house.** **176.** (1) Every one who keeps a common gaming house or common betting house is guilty of an indictable offence and is liable to imprisonment for two years.
- Person found in gaming or betting house.** (2) Every one who
 (a) is found, without lawful excuse, in a common gaming house or common betting house, or
 (b) as owner, landlord, lessor, tenant, occupier or agent, knowingly permits a place to be let or used for the purposes of a common gaming house or common betting house,
 is guilty of an offence punishable on summary conviction.
- Owner permitting use.** (3) Every one who, as owner, landlord, lessor, tenant, occupier or agent, knowingly permits a place to be let or used for the purposes of a common gaming house or common betting house, is guilty of an offence punishable on summary conviction.
- Betting, pool selling, book-making, etc.** **177.** Every one commits an offence who
 (a) uses or knowingly allows a place under his control to be used for the purpose of recording or registering bets or selling a pool;
 (b) imports, makes, buys, sells, rents, leases, hires or keeps, exhibits, employs or knowingly allows to be kept, exhibited or employed in any place under his

173. Section 641 (1).

174. Section 642.

175. Section 230.

176. Sections 228 and 229.

177. Section 235 (1).

control a device or apparatus for the purpose of recording or registering bets or selling a pool, or any machine or device for gambling or betting;

(c) has under his control any money or other property relating to a transaction that is an offence under this section; 5

(d) records or registers bets or sells a pool;

(e) engages in pool-selling or book-making, or in the business or occupation of betting, or makes any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information 10 that is intended to assist in book-making, pool-selling or betting;

(f) prints, provides or offers to print or provide information intended for use in connection with book-making, pool-selling or betting upon any horse-race, 15 fight, game or sport whether or not it takes place in or out of Canada or has or has not taken place;

(g) imports or brings into Canada any information or writing that is intended or is likely to promote or be of use in gambling, book-making, pool-selling or 20 betting upon a horse-race, fight, game or sport, and where this paragraph applies it is immaterial

(i) whether the information is published before, during or after the race, fight, game or sport, or

(ii) whether the race, fight, game or sport takes 25 place in Canada or elsewhere,

but this paragraph does not apply to a newspaper, magazine or other periodical published in good faith primarily for a purpose other than the publication of such information; 30

(h) advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of a contest, or a result of or contingency relating to any contest; 35

(i) wilfully and knowingly sends, transmits, delivers or receives any message by telegraph, telephone, mail or express that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting 40 or wagering; or

(j) aids or assists in any manner in anything that is an offence under this section.

Punishment. (2) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years. 45

Exemption. **178.** (1) Sections 176 and 177 do not apply to

(a) any person or association by reason of his or their becoming the custodian or depository of any money, property or valuable thing staked, to be paid to 50

178. Section 235 (2) to (6).

- (i) the winner of a lawful race, sport, game or exercise,
 - (ii) the owner of a horse engaged in a lawful race, or
 - (iii) the winner of any bets between not more than 5 ten individuals;
- (b) a private bet between individuals not engaged in any way in the business of betting;
- (c) bets made or records of bets made through the agency of a pari-mutuel system only as hereinafter provided, 10 upon the race course of an association
- (i) incorporated before May 19, 1947, if
 - (A) the association has conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister 15 of Agriculture at any time after January 1, 1938 but before May 19, 1947, or
 - (B) the Minister of Agriculture has, before May 19, 1947, made a determination under this section that the provisions of sections 176 and 20 177 shall not extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by the association on a race course of another association, or
 - (ii) incorporated on or after May 19, 1947 by special 25 Act of the Parliament of Canada or of the legislature of a province,

during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, 30 the following provisions are complied with, namely,

 - (iii) no race meeting shall continue for more than fourteen consecutive days on days on which racing may be lawfully carried on and there shall be not more than eight races on any of those days, 35 and
 - (iv) no association shall hold, and on any one track there shall not be held, except as hereinafter provided, in any one calendar year more than one race meeting, at which there are running races, 40 of more than seven and not exceeding fourteen such days or two such race meetings having an interval of at least twenty days between them of not more than seven such days each;
- (d) race meetings at which there are trotting or pacing 45 races exclusively where pool-selling, betting or wagering is permitted by an association incorporated in any manner before March 20, 1912, or incorporated after that day by special Act of the Parliament of Canada or of the legislature of a province, on a race course 50

during the actual progress of the race meetings conducted by the association, if the following provisions are complied with, namely,

- (i) the race meetings shall not in any one calendar year be conducted for more than fourteen days or fourteen nights or a total of fourteen days and nights on which racing may be lawfully carried on, 5
- (ii) no more than eight races or dashes, or four heat races of three heats each, or six heat races of two heats each shall be held during any twenty-four hour period, and 10
- (iii) any pari-mutuel system of betting used upon the race course shall be used as hereinafter provided; 10

or

- (e) the operation of a pari-mutuel system with respect to running races at a race meeting conducted by an association on a race course of another association, if
 - (i) the provisions of sections 176 and 177 do not extend to the operation of a pari-mutuel system with respect to running races on the race courses of both associations, 20
 - (ii) both race courses are in the same province, and
 - (iii) the Minister of Agriculture so determines in a particular case. 20

Operation of pari-mutuel system.

(2) No pari-mutuel system of betting shall be used upon any race course unless the system has been approved by and its operation is carried on under the supervision, at the expense of the association, of an officer appointed by the Minister of Agriculture, whose duty it shall be to stop the betting before each race and to see that no further amounts are deposited. 30

Idem.

(3) Where any person or association becomes a custodian or depository of any money, bet or stakes under a pari-mutuel system during the actual progress of a race meeting conducted by and on the race course of an association in accordance with this section, upon races being run thereon, the percentage deducted and retained by the person or association in respect of each race from the total amount of money so deposited, or of which the person or association becomes the custodian, shall not exceed the following: 40

- (a) where the total amount staked or deposited on each race is \$20,000 or under. 9 per cent,
- (b) over \$20,000 but not over \$30,000, 9 per cent on \$20,000 and on the excess. 8 per cent,
- (c) over \$30,000 but not over \$40,000, 9 per cent on the first \$20,000, 8 per cent on the next \$10,000, and on the excess. 7 per cent, 45
- (d) over \$40,000 but not over \$50,000, 9 per cent on the first \$20,000, 8 per cent on the next \$10,000, 7 per cent on the next \$10,000, and on the excess. 6 per cent, 50

(e) over \$50,000, 9 per cent on the first \$20,000, 8 per cent on the next \$10,000, 7 per cent on the next \$10,000, 6 per cent on the next \$10,000, and on the excess.....5 per cent, and in addition to those percentages, the person or association is also entitled to retain the odd cents over any multiple of five cents, and the odd cents may be eliminated from the amount to be paid to any bettor. 5

Purses. (4) Where the Minister of Agriculture is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting or that the provisions of this section are being carried out in good faith by the person or association conducting the race meeting, he may at any time order the betting to be stopped for any period that he considers proper. 10 15

Regulations. (5) The Minister of Agriculture may make regulations with respect to the carrying out of the provisions of paragraphs (c), (d) and (e) of subsection (1) and subsections (2) and (3), and may, by the regulations, impose such fines, not exceeding in any one case five hundred dollars for any violation of any such regulations, as he considers necessary to ensure compliance with the regulations. 20

Lotteries. **179.** (1) Every one is guilty of an indictable offence and is liable to imprisonment for two years who 25

Publishing lottery scheme. (a) makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of any property, by lots, cards, tickets, or any mode of chance whatsoever; 30

Disposing of lottery tickets. (b) sells, barter, exchanges or otherwise disposes of, or causes or procures, or aids or assists in, the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device for advancing, lending, giving, selling or otherwise disposing of any property, by lots, tickets or any mode of chance whatsoever; 35

Conveyance of material for lottery. (c) knowingly sends, transmits, mails, ships, delivers or allows to be sent, transmitted, mailed, shipped or delivered, or knowingly accepts for carriage or transport or conveys any article that is used or intended for use in carrying out any device, proposal, scheme or plan for advancing, lending, giving, selling or otherwise disposing of any property by any mode of chance whatsoever; 40 45

Conducting lottery scheme. (d) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining

179. Sections 236 and 442 (*b*).

Conducting scheme for disposal of property.	<p>who, or the holders of what lots, tickets, numbers or chances, are the winners of any property so proposed to be advanced, loaned, given, sold or disposed of;</p> <p>(e) conducts, manages or is a party to any scheme, contrivance or operation of any kind by which any person, upon payment of any sum of money, or the giving of any valuable security, or by obligating himself to pay any sum of money or give any valuable security, shall become entitled under the scheme, contrivance or operation, to receive from the person conducting or managing the scheme, contrivance or operation, or any other person, a larger sum of money or amount of valuable security than the sum or amount paid or given, or to be paid or given, by reason of the fact that other persons have paid or given, or obligated themselves to pay or give any sum of money or valuable security under the scheme, contrivance or operation;</p>	5
Disposal of goods by game of chance.	<p>(f) disposes of any goods, wares or merchandise by any game of chance or any game of mixed chance and skill in which the contestant or competitor pays money or other valuable consideration;</p>	20
Inducing persons to stake money.	<p>(g) induces any person to stake or hazard any money or other valuable property or thing on the result of any dice game, three-card monte, punch board, coin table or on the operation of a wheel of fortune;</p>	25
Playing three-card monte.	<p>(h) for valuable consideration carries on or plays or offers to carry on or to play, or employs any person to carry on or play in a public place or a place to which the public have access, the game of three-card monte;</p>	30
Receiving bets on three-card monte.	<p>(i) receives bets of any kind on the outcome of a game of three-card monte; or</p>	30
Permitting three-card monte.	<p>(j) being the owner of a place, permits any person to play the game of three-card monte therein.</p>	35
"Three-card monte."	<p>(2) In this section "three-card monte" means the game commonly known as three-card monte and includes any other game that is similar to it, whether or not the game is played with cards and notwithstanding the number of cards or other things that are used for the purpose of playing.</p>	35
Exemption of Agricultural fairs.	<p>(3) Paragraphs (f) and (g) of subsection (1), in so far as they do not relate to a dice game, three-card monte, punch board or coin table, do not apply to an agricultural fair or exhibition, or to any operator of a concession leased by an agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair on those grounds.</p>	40
Offence.	<p>(4) Every one who buys, takes or receives a lot, ticket or other device mentioned in subsection (1) is guilty of an offence punishable on summary conviction.</p>	45

Lottery sale void.	(5) Every sale, loan, gift, barter or exchange of any property, by any lottery, ticket, card or other mode of chance depending upon or to be determined by chance or lot, is void, and all property so sold, lent, given, bartered or exchanged, is forfeited to Her Majesty.	5
Bona fide purchase.	(6) Subsection (5) does not affect any right or title to property acquired by any <i>bona fide</i> purchaser for valuable consideration without notice.	
Foreign lottery included.	(7) This section applies to the printing or publishing, or causing to be printed or published, of any advertisement, scheme, proposal or plan of any foreign lottery, and the sale or offer for sale of any ticket, chance or share, in any such lottery, or the advertisement for sale of such ticket, chance or share, and the conducting or managing of any such scheme, contrivance or operation for determining the winners in any such lottery.	10 15
Saving.	(8) This section does not apply to	
Dividing property by lot.	(a) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests in any such property;	20
Raffles at church bazaars.	(b) raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held, and the articles raffled for thereat have first been offered for sale and none of them has a value exceeding fifty dollars;	25
Rewards to promote thrift.	(c) the distribution by lot of premiums given as rewards to promote thrift by punctuality in making periodical deposits of weekly savings in any chartered savings bank; or	30
Recalling securities by lot.	(d) bonds, debentures, debenture stock or other securities recallable by drawing of lots and redeemable with interest and providing for payment of premiums upon redemption or otherwise.	35
Gambling in public conveyances.	180. (1) Every one who obtains or attempts to obtain anything from any person by playing a game in a vehicle, aircraft or vessel used as a public conveyance for passengers is guilty of an indictable offence and is liable to imprisonment for two years.	40
Arrest without warrant.	(2) Every person in charge of a vehicle, aircraft or vessel and any person authorized by him may arrest, without warrant, a person who he has good reason to believe has committed or attempted to commit or is committing or attempting to commit an offence under this section.	45

180. Section 234.

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Posting up
section.

(3) Every person who owns or operates a vehicle, aircraft or vessel to which this section applies shall keep posted up, in some conspicuous part thereof, a copy of this section or a notice to the like effect, and in default thereof is guilty of an offence punishable on summary conviction. 5

Cheating
at play.

181. Every one who, with intent to defraud any person, cheats while playing a game or in holding the stakes for a game or in betting is guilty of an indictable offence and is liable to imprisonment for two years.

BAWDY-HOUSES.

Keeping
common
bawdy-
house.

182. (1) Every one who keeps a common bawdy- 10
house is guilty of an indictable offence and is liable to imprisonment for two years.

Inmate.

(2) Every one who

Person
found.

(a) is an inmate of a common bawdy-house, 15
(b) is found, without lawful excuse, in a common bawdy-
house, or

Liability of
landlord.

(c) as owner, landlord, lessor, tenant, occupier, agent or
otherwise having charge or control of any place, know-
ingly permits the place or any part thereof to be let or
used for the purposes of a common bawdy-house, 20
is guilty of an offence punishable on summary conviction.

Notice of
conviction to
be served on
owner.

(3) Where a person is convicted of an offence under
subsection (1), the court shall cause a notice of the con-
viction to be served upon the owner, landlord or lessor
of the place in respect of which the person in convicted or 25
his agent, and the notice shall contain a statement to the
effect that it is being served pursuant to this section.

Duty of
landlord on
notice.

(4) Where a person upon whom a notice is served under
subsection (3) fails forthwith to exercise any right he 30
may have to determine the tenancy or right of occupation
of the person so convicted, and thereafter any person is
convicted of an offence under subsection (1) in respect of
the same premises, the person upon whom the notice was
served shall be deemed to have committed an offence under
subsection (1) unless he proves that he has taken all reason- 35
able steps to prevent the recurrence of the offence.

Transporting
person to
bawdy-house.

183. Every one who knowingly takes, transports,
directs, or offers to take, transport, or direct any other
person to a common bawdy-house is guilty of an offence
punishable on summary conviction. 40

181. Section 442 (a).

182. Sections 228 and 229 (2), (4), (6) and (7).

183. Section 229 (8).

PROCURING.

Procuring.

184. (1) Every one who

- (a) procures, attempts to procure or solicits a female person to have illicit sexual intercourse with another person, whether in or out of Canada,
- (b) inveigles or entices a female person who is not a common prostitute or a person of known immoral character to a common bawdy-house or house of assignation for the purpose of illicit sexual intercourse or prostitution,
- (c) knowingly conceals a female person in a common bawdy-house or house of assignation,
- (d) procures or attempts to procure a female person to become, whether in or out of Canada, a common prostitute,
- (e) procures or attempts to procure a female person to leave her usual place of abode in Canada, if that place is not a common bawdy-house, with intent that she may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,
- (f) on the arrival of a female person in Canada, directs or causes her to be directed, or takes or causes her to be taken, to a common bawdy-house or house of assignation,
- (g) procures a female person to enter or leave Canada, for the purpose of prostitution,
- (h) for the purposes of gain, exercises control, direction or influence over the movements of a female person in such manner as to show that he is aiding, abetting or compelling her to engage in or carry on prostitution with any person or generally,
- (i) applies or administers to a female person or causes her to take any drug, intoxicating liquor, matter, or thing with intent to stupefy or overpower her in order thereby to enable any person to have illicit sexual intercourse with her, or
- (j) being a male person, lives wholly or in part on the avails of prostitution,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption.

(2) Evidence that a male person lives with or is habitually in the company of prostitutes, or lives in a common bawdy-house or house of assignation is *prima facie* evidence that he lives on the earnings of prostitution.

Corroboration.

(3) No person shall be convicted of an offence under subsection (1), other than an offence under paragraph (j) of that subsection, upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Limitation.

(4) No proceedings for an offence under this section shall be commenced more than one year after the time when the offence is alleged to have been committed.

184. Sections 216, 1002 and 1140 (1) (c).

PART VI.
OFFENCES AGAINST THE PERSON AND
REPUTATION.

INTERPRETATION.

- 185.** In this Part,
- "Abandon."
"Expose." (a) "abandon" or "expose" includes
- (i) a wilful omission to take charge of a child by a person who is under a legal duty to do so, and
- (ii) dealing with a child in a manner that is likely to leave that child exposed to risk without protection;
- "Child." (b) "child" includes an adopted child and an illegitimate child;
- "Form of marriage." (c) "form of marriage" includes a ceremony of marriage that is recognized as valid
- (i) by the law of the place where it was celebrated, or
- (ii) by the law of the place where an accused is tried, notwithstanding that it is not recognized as valid by the law of the place where it was celebrated; and
- "Guardian." (d) "guardian" includes a person who has in law or in fact the custody or control of a child.

DUTIES TENDING TO PRESERVATION OF LIFE.

- 186.** (1) Every one is under a legal duty
- "Duty of persons to provide necessaries." (a) as a parent, foster parent, guardian or head of a family, to provide necessaries of life for a child under the age of sixteen years;
- (b) as a husband, to provide necessaries of life for his wife; and
- (c) to provide necessaries of life to a person under his charge if that person
- (i) is unable, by reason of detention, age, illness, insanity or other cause, to withdraw himself from that charge, and
- (ii) is unable to provide himself with necessaries of life.
- "Neglect of duty." (2) Every one who, being under a legal duty within the meaning of subsection (1) fails, without lawful excuse, the proof of which lies upon him, to perform that duty, is guilty of
- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

185. Section 240.

186. Sections 241, 242 and 244.

Presump-
tions.

- (3) For the purpose of proceedings under this section,
 (a) evidence that a man has cohabited with a woman or has in any way recognized her as being his wife is *prima facie* evidence that they are lawfully married;
 (b) evidence that a person has in any way recognized a child as being his child is *prima facie* evidence that the child is his child;
 (c) evidence that a man has left his wife and has failed, for a period of any one month subsequent to the time of his so leaving, to make provision for her maintenance or for the maintenance of any child of his under the age of sixteen years, is *prima facie* evidence that he has failed without lawful excuse to provide necessaries of life for them; and
 (d) the fact that a wife or child is receiving or has received necessaries of life from another person who is not under a legal duty to provide them is not a defence.

Duty of
persons
undertaking
acts
dangerous to
life.

187. Every one who undertakes to administer surgical or medical treatment to another person or to do any other lawful act that may endanger the life of another person is, except in cases of necessity, under a legal duty to have and to use reasonable knowledge, skill and care in so doing.

Duty of
persons
undertaking
acts.

188. Every one who undertakes to do an act is under a legal duty to do it if an omission to do the act is or may be dangerous to life.

Abandoning
child.

189. Every one who unlawfully abandons or exposes a child who is under the age of ten years, so that its life is or is likely to be endangered or its health is or is likely to be permanently injured, is guilty of an indictable offence and is liable to imprisonment for two years.

Causing
bodily harm
to apprentice
or servant.
Master failing
to provide
necessaries.

190. Every master who
 (a) unlawfully does, or causes to be done, bodily harm to his apprentice or servant so that his life is endangered or his health is or is likely to be permanently injured, or
 (b) omits, without lawful excuse, to provide necessaries of life for an apprentice or servant in accordance with any contract that he has entered into with respect to that apprentice or servant,
 is guilty of an indictable offence and is liable to imprisonment for two years.

187. Section 246.

188. Section 248.

189. Section 245.

190. Sections 243, 244 and 249.

CRIMINAL NEGLIGENCE.

- 191.** (1) Every one is criminally negligent who shows a wanton or reckless disregard for the lives or safety of other persons
- (a) by doing anything, or
 (b) by omitting to do anything that it is his duty to do. 5
- "Duty."** (2) For the purposes of this section, "duty" means
- (a) a duty imposed by law, or
 (b) a duty for the breach of which a person may be found liable in civil proceedings.
- Causing death by criminal negligence. **192.** Every one who by criminal negligence causes death to another person is guilty of an indictable offence and is liable to imprisonment for life. 10
- Causing bodily harm by criminal negligence. **193.** Every one who by criminal negligence causes bodily harm to another person is guilty of an indictable offence and is liable to imprisonment for ten years. 15

HOMICIDE.

- Homicide. **194.** (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.
- Kinds of homicide. (2) Homicide is culpable or not culpable.
 Non culpable} (3) Homicide that is not culpable is not an offence. 20
 Culpable homicide. (4) Culpable homicide is murder or manslaughter or infanticide.
- Idem. (5) A person commits culpable homicide when he causes the death of a human being,
- (a) by means of an unlawful act, 25
 (b) by criminal negligence,
 (c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death, or
 (d) by wilfully frightening that human being, in the 30 case of a child or sick person.
- Exception. (6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death 35 of that human being by sentence of the law.
- When child becomes human being. **195.** (1) A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother whether or not
- (a) it has breathed, 40
 (b) it has an independent circulation, or
 (c) the navel string is severed.

191. New.

192. New.

193. Sections 283, 284 and new.

194. (1) Section 250.

(2) Sections 252 (1).

(3) Section 252 (4).

(4) Section 252(3).

(5) Section 252 (2).

(6) Section 253.

195. Section 251.

- Killing child. (2) A person commits homicide when he causes injuries to a child before or during its birth as a result of which the child dies.
- Death which might have been prevented. **196.** Where a person, by an act or omission, does any thing that results in the death of a human being, he causes the death of that human being notwithstanding that death from that cause might have been prevented by resorting to proper means. 5
- Death from treatment of injury. **197.** Where a person causes to a human being a bodily injury that is of itself of a dangerous nature and from which death results, he causes the death of that human being notwithstanding that the immediate cause of death is proper or improper treatment that is applied in good faith. 10
- Death within year and a day. **198.** No person commits culpable homicide or the offence of causing the death of a human being by criminal negligence unless the death occurs within one year and one day commencing with the time of the occurrence of the last event by means of which he caused or contributed to the cause of death. 20
- Acceleration of death. **199.** Where a person causes bodily injury to a human being that results in death, he causes the death of that human being notwithstanding that the effect of the bodily injury is only to accelerate his death from a disease or disorder arising from some other cause. 25
- Killing by influence on the mind. **200.** No person commits culpable homicide by reason only that he causes the death of a human being
 (a) by influencing his mind, or
 (b) by disorder or disease resulting from influencing his mind, 30
 but this section does not apply where a person causes the death of a child or sick person by wilfully frightening him.

MURDER, MANSLAUGHTER AND INFANTICIDE.

- Murder. **201.** Culpable homicide is murder
 (a) where the person who causes the death of a human being 35
 (i) means to cause his death, or
 (ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;
 (b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless 40

196. Section 257.

197. Section 258.

198. Section 254.

199. Section 256.

200. Section 255.

201. Section 259.

whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or

- (c) where a person, for an unlawful object, does anything 5
that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

Murder in
commission
of offences.

202. Culpable homicide is murder where a person 10
causes the death of a human being while committing or attempting to commit treason or an offence mentioned in section 52, piracy, escape or rescue from prison or lawful custody, resisting lawful arrest, rape, indecent assault, forcible abduction, robbery, burglary or arson, whether or 15
not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

Intention to
cause bodily
harm.

- (a) he means to cause bodily harm for the purpose of
(i) facilitating the commission of the offence, or 20
(ii) facilitating his flight after committing or attempting to commit the offence,
and the death ensues from the bodily harm;

Admin-
istering over-
powering
thing.

- (b) he administers a stupefying or overpowering thing
for a purpose mentioned in paragraph (a), and the 25
death ensues therefrom;

Stopping the
breath.

- (c) he wilfully stops, by any means, the breath of a
human being for a purpose mentioned in paragraph
(a), and the death ensues therefrom; or

Using
weapon.

- (d) he uses a weapon or has it upon his person 30
(i) during or at the time he commits or attempts to
commit the offence, or
(ii) during or at the time of his flight after com-
mitting or attempting to commit the offence,
and the death ensues as a consequence. 35

Murder
reduced to
man-
slaughter.

203. (1) Culpable homicide that otherwise would be
murder may be reduced to manslaughter if the person who
committed it did so in the heat of passion caused by sudden
provocation.

What is
provocation.

(2) A wrongful act or insult that is of such a nature as 40
to be sufficient to deprive an ordinary person of the power
of self-control is provocation for the purposes of this section
if the accused acted upon it on the sudden and before there
was time for his passion to cool.

Questions of
fact.

(3) For the purposes of this section the questions 45
(a) whether a particular wrongful act or insult amounted
to provocation, and

202. Section 260.

203. Section 261.

- (b) whether the accused was deprived of the power of self-control by the provocation that he alleges he received,
are questions of fact, but no one shall be deemed to have given provocation to another by doing anything that he had a legal right to do, or by doing anything that the accused incited him to do in order to provide the accused with an excuse for causing death or bodily harm to any human being. 5
- Death during illegal arrest. (4) Culpable homicide that otherwise would be murder is not necessarily manslaughter by reason only that it was committed by a person who was being arrested illegally, but the fact that the illegality of the arrest was known to the accused may be evidence of provocation for the purpose of this section. 10 15
- Infanticide. **204.** A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed. 20
- Man-slaughter. **205.** Culpable homicide that is not murder or infanticide is manslaughter.
- Punishment for murder. **206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to death. 25
- Punishment for man-slaughter. **207.** Every one who commits manslaughter is guilty of an indictable offence and is liable to imprisonment for life.
- Punishment for infanticide. **208.** Every female person who commits infanticide is guilty of an indictable offence and is liable to imprisonment for five years. 30
- Killing unborn child. **209.** (1) Every one who causes the death of a child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life. 35
- Saving. (2) This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child that has not become a human being, causes the death of the child. 40
- Attempt to commit murder. **210.** Every one who attempts by any means to commit murder is guilty of an indictable offence and is liable to imprisonment for life.

204. Section 262 (2).

205. Section 262 (1).

206. Section 263.

207. Section 268.

208. Section 268A.

209. Section 306.

210. Section 264.

Accessory
after fact to
murder.

211. Every one who is an accessory after the fact to murder is guilty of an indictable offence and is liable to imprisonment for life.

SUICIDE.

Counselling
or aiding
suicide.

212. Every one who
(a) counsels or procures a person to commit suicide, 5
or
(b) aids or abets a person to commit suicide,
whether suicide ensues or not, is guilty of an indictable
offence and is liable to imprisonment for fourteen years.

Attempt to
commit
suicide.

213. Every one who attempts to commit suicide is 10
guilty of an indictable offence and is liable to imprisonment
for two years.

NEGLECT IN CHILDBIRTH AND CONCEALING DEAD BODY.

Neglect to
obtain
assistance in
childbirth.

214. A female person who, being pregnant and about to
be delivered, with intent that the child shall not live
or with intent to conceal the birth of the child, fails to 15
make provision for reasonable assistance in respect of her
delivery is, if the child is permanently injured as a result
thereof or dies immediately before, during or in a short
time after birth, guilty of an indictable offence and is liable
to imprisonment for five years. 20

Concealing
body of child.

215. Every one who in any manner disposes of the dead
body of a child, with intent to conceal the fact that its
mother has been delivered of it, whether the child died
before, during or after birth, is guilty of an indictable
offence and is liable to imprisonment for two years. 25

BODILY HARM AND ACTS AND OMISSIONS CAUSING DANGER TO THE PERSON.

Causing
bodily harm
with intent.

216. Every one who, with intent
(a) to wound, maim or disfigure any person,
(b) to endanger the life of any person, or
(c) to prevent the arrest or detention of any person,
discharges a firearm, air gun or air pistol at or causes bodily 30
harm in any way to any person, whether or not that person
is the one mentioned in paragraph (a), (b) or (c), is guilty
of an indictable offence and is liable to imprisonment for
fourteen years.

211. Section 267.

212. Section 269.

213. Section 270.

214. Section 271.

215. Section 272.

216. Section 273.

- Admin- 217.** Every one who administers or causes to be
 istering administered to any person or causes any person to take
 noxious thing. poison or any other destructive or noxious thing is guilty
 of an indictable offence and is liable
- Causing 5**
 bodily harm. (a) to imprisonment for fourteen years, if thereby he
 endangers the life of or causes bodily harm to that
 person, or
- Intent to 10**
 annoy. (b) to imprisonment for two years, if he aggrieves or
 annoys that person or does it with intent thereby to
 aggrieve or annoy that person.
- Overcoming 15**
 resistance to commission of offence. **218.** Every one who, with intent to enable or assist
 himself or another person to commit an indictable offence,
 (a) attempts, by any means, to choke, suffocate or
 strangle another person, or by any means calculated to
 choke, suffocate or strangle, attempts to render another
 person insensible, unconscious or incapable of resistance,
 or
 (b) administers, or causes to be administered to any
 person, or attempts to administer to any person, or
 causes or attempts to cause any person to take a
 stupefying or overpowering drug, matter or thing,
 is guilty of an indictable offence and is liable to imprisonment
 for life and to be whipped.
- Traps likely 25**
 to cause bodily harm. **219.** (1) Every one who, with intent to cause death or
 bodily harm to persons, whether ascertained or not, sets
 or places or causes to be set or placed a trap, device or other
 thing whatsoever that is likely to cause death or bodily
 harm to persons is guilty of an indictable offence and is
 liable to imprisonment for five years.
- Permitting 30**
 traps on premises. (2) A person who, being in occupation or possession of a
 place where anything mentioned in subsection (1) has been
 set or placed, knowingly and wilfully permits it to remain
 there, shall be deemed, for the purposes of that subsection,
 to have set or placed it with the intent mentioned therein.
- Interfering 35**
 with trans- portation facilities. **220.** Every one who, with intent to endanger the safety
 of any person, places anything upon or does anything to
 the property of a common carrier that is likely to cause
 death or bodily harm to persons is guilty of an indictable
 offence and is liable to imprisonment for life.
- Criminal 40**
 negligence in operation of motor vehicle. **221.** (1) Every one who is criminally negligent in the
 operation of a motor vehicle is guilty of
 (a) an indictable offence and is liable to imprisonment
 for five years, or
 (b) an offence punishable on summary conviction.

217. Sections 277 and 278.

218. Section 276.

219. Section 281.

220. Section 282.

221. (1) New.

Failing to
stop at scene
of accident.

(2) Every one who, having the care, charge or control of a vehicle that is involved in an accident with a person, horse or vehicle, with intent to escape civil or criminal liability fails to stop his vehicle, offer assistance and give his name and address is guilty of

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(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Prima facie
evidence.

(3) In proceedings under subsection (2), evidence that an accused failed to stop his vehicle, offer assistance and give his name and address is *prima facie* evidence of an intent to escape civil and criminal liability.

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Driving
while
intoxicated.

222. Every one who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

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(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Driving
while
ability
to drive
is impaired

223. Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an offence punishable on summary conviction.

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Conviction
under
section
223
when
charged
with offence
under
section 222.

224. (1) Where an accused is charged with an offence under section 222, and the evidence does not establish that he committed an offence under that section, but establishes that he committed an offence under section 223, the accused may be convicted of an offence under section 223 and the conviction bars further proceedings for any such offence under section 222 or 223.

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Presumption
of care or
control.

(2) For the purpose of sections 222 and 223, where a person occupies the seat ordinarily occupied by the driver of a motor vehicle he shall be deemed to have the care or control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion.

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Chemical
analysis.

(3) In any proceedings under section 222 or 223, the result of a chemical analysis of a sample of the blood, urine, breath or other bodily substance of a person may be admitted in evidence on the issue whether that person was intoxicated or under the influence of a narcotic drug or whether his ability to drive was impaired by alcohol or a

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(2) Section 285 (2).

(3) Section 285 (2).

222. Section 285 (4).

223. Section 285 (4) (*a*).

224. Section 285 (4) (*b*) to (4) (*e*).

drug, notwithstanding that he was not, before he gave the sample, warned that he need not give the sample or that the results of the analysis of the sample might be used in evidence.

No obligation to give sample.

(4) No person is required to give a sample of blood, urine, 5
breath or other bodily substance for chemical analysis for the purposes of this section and evidence that a person refused to give such a sample or that such a sample was not taken is not admissible nor shall such a refusal or the fact that a sample was not taken be the subject of comment by 10
any person in the proceedings.

Order prohibiting driving.

225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) of section 221 or under section 222 or 223, the court, judge, 15
justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada

(a) during any period that the court, judge, justice or 20
magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence. 25

Copy of order for registrar.

(2) Where an order is made pursuant to subsection (1), a copy of the order certified under the hand of the justice or magistrate or under the hand of the judge or the clerk of the court and sealed with the seal, if any, of the court, shall 30

(a) where the accused holds a permit or licence to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the licence or permit was issued, or

(b) where the accused does not hold a permit or licence 35
to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the accused resides.

Driving while disqualified.

(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor 40
vehicle by reason of

(a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or

(b) an order made pursuant to subsection (1), 45
is guilty of an offence punishable on summary conviction.

225. Section 285 (7) and (8).

- 226.** Every one who owns or has the care, charge or control of a motor vehicle or vessel equipped with an apparatus for making a smoke screen is guilty of an offence punishable on summary conviction.
- 227.** Every one who
- (a) prevents or impedes or attempts to prevent or impede any person who is attempting to save his own life, or
- (b) without reasonable cause prevents or impedes or attempts to prevent or impede any person who is attempting to save the life of another person,
- is guilty of an indictable offence and is liable to imprisonment for ten years.
- 228.** (1) Every one who makes or causes to be made an opening in ice that is open to or frequented by the public is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident or is adequate to warn them that the opening exists.
- (2) Every one who leaves an excavation on land that he owns or of which he has charge or supervision is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident or is adequate to warn them that the excavation exists.
- (3) Every one who fails to perform a duty imposed by subsection (1) or (2)
- (a) is guilty of manslaughter, if the death of any person results therefrom,
- (b) is guilty of an offence under subsection (2) of section 231, if bodily harm to any person results therefrom, or
- (c) is guilty of an offence punishable on summary conviction.
- 229.** (1) Every one who sends or attempts to send or being the master knowingly takes a Canadian ship
- (a) on a voyage from a place in Canada to any other place, whether that voyage is by sea or by coastal or inland waters, or
- (b) on a voyage from a place on the inland waters of the United States to a place in Canada,
- in an unseaworthy condition from any cause, and thereby endangers the life of any person, is guilty of an indictable offence and is liable to imprisonment for five years.
- (2) An accused shall not be convicted of an offence under this section where he proves
- (a) that he used all reasonable means to ensure that the ship was in a seaworthy state, or

Motor vehicle equipped with smoke screen.

Impeding attempt to save life.

Duty to safeguard dangerous places.

Idem.

Offences.

Sending or taking unseaworthy ship to sea.

Defences.

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226. Section 285 (5).

227. Section 286.

228. Section 287.

229. Sections 288, 289 and 595.

(b) that to send or take the ship in that unseaworthy condition was, under the circumstances, reasonable and justifiable.

Consent of
Attorney
General.

(3) No proceedings shall be instituted under this section without the consent in writing of the Attorney General of 5
Canada.

ASSAULTS.

"Assault."

230. A person commits an assault when, without the consent of another person or with consent, where it is obtained by fraud,

(a) he applies force intentionally to the person of the 10
other, directly or indirectly, or

(b) he attempts or threatens, by an act or gesture, to apply force to the person of the other, if he has or causes the other to believe upon reasonable grounds that he has present ability to effect his purpose. 15

Punishment
for common
assault.

231. (1) Every one who commits a common assault is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction. 20

Causing
bodily
harm by
assault or
otherwise.

(2) Every one who unlawfully causes bodily harm to any person or commits an assault that causes bodily harm to any person is guilty of an indictable offence and is liable to imprisonment for two years.

Assault
with intent.

232. (1) Every one who assaults a person with intent 25
to commit an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years.

Other
assaults.

(2) Every one who

(a) assaults a public officer or peace officer engaged in the execution of his duty, or a person acting in aid of 30
such an officer;

(b) assaults a person with intent to resist or prevent the lawful arrest or detention of himself or another person;
or

(c) assaults a person 35

(i) who is engaged in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, or

(ii) with intent to rescue anything taken under a lawful process, distress or seizure, 40

is guilty of an indictable offence and is liable to imprisonment for two years.

230. Section 290.

231. Sections 274, 291 and 295.

232. Section 296.

KIDNAPPING AND ABDUCTION.

- Kidnapping.** **233.** (1) Every one who kidnaps a person with intent
 (a) to cause him to be confined or imprisoned against
 his will,
 (b) to cause him to be unlawfully sent or transported out
 of Canada against his will, or 5
 (c) to hold him for ransom or to service against his will,
 is guilty of an indictable offence and is liable to imprisonment
 for life.
- Forcible
 confinement.** (2) Every one who, without lawful authority, confines,
 imprisons or forcibly seizes another person is guilty of an 10
 indictable offence and is liable to imprisonment for five
 years.
- Non-
 resistance.** (3) In proceedings under this section the fact that the
 person in relation to whom the offence is alleged to have been 15
 committed did not resist is not a defence unless the accused
 proves that the failure to resist was not caused by threats,
 duress, force or exhibition of force.
- Abduction of
 female.** **234.** Every one who takes away or detains a female
 person, against her will, with intent
 (a) to marry her or to have illicit sexual intercourse 20
 with her, or
 (b) to cause her to marry or to have illicit sexual inter-
 course with a male person,
 is guilty of an indictable offence and is liable to imprisonment
 for ten years. 25
- Abduction of
 female under
 sixteen.** **235.** (1) Every one who, without lawful authority,
 takes or causes to be taken an unmarried female person
 under the age of sixteen years out of the possession of and
 against the will of her parent or guardian or of any other 30
 person who has lawful care or charge of her is guilty of an
 indictable offence and is liable to imprisonment for five years.
 (2) For the purpose of proceedings under this section it is
 not material whether
- Consent
 immaterial.** (a) the female person is taken with her own consent or at 35
 her own suggestion, or
**Belief as to
 age
 immaterial.** (b) the accused believes that the female person is sixteen
 years of age or more.
- Abduction
 of child
 under
 fourteen.** **236.** (1) Every one who, with intent to deprive a parent
 or guardian or any other person who has lawful care or charge 40
 of a child under the age of fourteen years of the possession
 of that child, or with intent to steal anything on or about
 the person of such a child, unlawfully
 (a) takes or entices away or detains the child, or

233. Section 297.

234. Section 313.

235. Section 315.

236. Section 316.

(b) receives or harbours the child, is guilty of an indictable offence and is liable to imprisonment for ten years.

Bona fide
claim of
right.

(2) This section does not apply to a person who, claiming in good faith a right to possession of a child, obtains possession of the child. 5

ABORTION.

Procuring
miscarriage.

237. (1) Every one who, with intent to procure the miscarriage of a female person, whether or not she is pregnant, uses any means for the purpose of carrying out his intention is guilty of an indictable offence and is liable to imprisonment for life. 10

Woman
procuring her
own mis-
carriage.

(2) Every female person who, being pregnant, with intent to procure her own miscarriage, uses any means or permits any means to be used for the purpose of carrying out her intention is guilty of an indictable offence and is liable to imprisonment for two years. 15

"Means"
defined.

(3) In this section, "means" includes
(a) the administration of a drug or other noxious thing,
(b) the use of an instrument, and
(c) manipulation of any kind. 20

Supplying
noxious
things.

238. Every one who unlawfully supplies or procures a drug or other noxious thing or an instrument or thing, knowing that it is intended to be used or employed to procure the miscarriage of a female person, whether or not she is pregnant, is guilty of an indictable offence and is liable to imprisonment for two years. 25

VENEREAL DISEASES.

Venereal
disease.

239. (1) Every one who, having venereal disease in a communicable form, communicates it to another person is guilty of an offence punishable on summary conviction.

Defence.

(2) No person shall be convicted of an offence under this section where he proves that he had reasonable grounds to believe and did believe that he did not have venereal disease in a communicable form at the time the offence is alleged to have been committed. 30

Corrobor-
ation.

(3) No person shall be convicted of an offence under this section upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused. 35

"Venereal
disease."

(4) For the purposes of this section, "venereal disease" means syphilis, gonorrhoea or soft chancre. 40

237. Sections 303 and 304.

238. Section 305.

239. Section 307.

OFFENCES AGAINST CONJUGAL RIGHTS.

- "Bigamy." **240.** (1) Every one commits bigamy who
- (a) in Canada,
- (i) being married, goes through a form of marriage with another person,
- (ii) knowing that another person is married, goes through a form of marriage with that person, or
- (iii) on the same day or simultaneously, goes through a form of marriage with more than one person; or
- (b) being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in 5
subparagraphs (i) to (iii) of paragraph (a) and, pursuant thereto, does outside of Canada anything mentioned in those subparagraphs in circumstances mentioned therein. 10
- (2) No person commits bigamy by going through a 15
form of marriage if
- (a) that person in good faith and on reasonable grounds believes that his spouse is dead,
- (b) the spouse of that person has been continuously absent from him for seven years immediately preceding 20
the time when he goes through the form of marriage, unless he knew that his spouse was alive at any time during those seven years,
- (c) that person has been divorced from the bond of the first marriage, or 25
- (d) the former marriage has been declared void by a court of competent jurisdiction.
- (3) Where a person is alleged to have committed bigamy, it is not a defence that the parties would, if unmarried, have been incompetent to contract marriage under the law 30
of the place where the offence is alleged to have been committed.
- (4) Every marriage or form of marriage shall, for the purpose of this section, be deemed to be valid unless the accused establishes that it was invalid. 35
- (5) No act or omission on the part of an accused who is charged with bigamy invalidates a marriage or form of marriage that is otherwise valid.
- Punishment. **241.** (1) Every one who commits bigamy is guilty of an indictable offence and is liable to imprisonment for five 40
years.
- (2) For the purposes of this section a certificate of marriage is *prima facie* evidence of the marriage or form of marriage to which it relates without proof of the signature or official character of the person by whom it purports 45
to be signed.
- Matters of defence. 5
Belief that spouse dead. 10
Absence for seven years. 15
Divorce. 20
Annulment. 25
Incompetency no defence. 30
Validity presumed. 35
Act or omission by accused does not invalidate. 40
Certificate of marriage. 45

240. Section 308.

241. (1) Section 309 (1).

(2) New.

Procuring feigned marriage.	242. (1) Every male person who (a) procures, or (b) knowingly aids in procuring, a feigned marriage between himself and a female person is guilty of an indictable offence and is liable to imprisonment for five years. 5
Corroboration.	(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused. 10
Polygamy. Conjugal union.	243. (1) Every one who (a) practises or enters into or in any manner agrees or consents to practise or enter into (i) any form of polygamy, or (ii) any kind of conjugal union with more than one person at the same time, whether or not it is by law recognized as a binding form of marriage; or 15
Celebrating rite.	(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (i) or (ii) of paragraph (a), 20
Evidence in case of polygamy.	is guilty of an indictable offence and is liable to imprisonment for five years. (2) Where an accused is charged with an offence under this section, no averment or proof of the method by which the alleged relationship was entered into, agreed to or consented to is necessary in the indictment or upon the trial of the accused, nor is it necessary upon the trial to prove that the persons who are alleged to have entered into the relationship had or intended to have sexual intercourse. 25 30

UNLAWFUL SOLEMNIZATION OF MARRIAGE.

Pretending to solemnize marriage.	244. Every one who (a) solemnizes or pretends to solemnize a marriage without lawful authority, the proof of which lies upon him, or 35
Procuring unlawful marriage.	(b) procures a person to solemnize a marriage knowing that he is not lawfully authorized to solemnize the marriage, is guilty of an indictable offence and is liable to imprisonment for two years. 40
Marriage contrary to law.	245. Every one who, being lawfully authorized to solemnize marriage, knowingly and wilfully solemnizes a marriage in violation of the laws of the province in which the marriage is solemnized is guilty of an indictable offence and is liable to imprisonment for two years. 45

242. Sections 309 (2) and 1002 (d).

243. (1) Section 310.

(2) Section 948.

244. Section 311.

245. Section 312.

BLASPHEMOUS LIBEL.

- Offence.** **246.** (1) Every one who publishes a blasphemous libel is guilty of an indictable offence and is liable to imprisonment for two years.
- Question of fact.** (2) It is a question of fact whether or not any matter that is published is a blasphemous libel. 5
- Saving.** (3) No person shall be convicted of an offence under this section for expressing in good faith and in decent language, or attempting to establish by argument used in good faith and conveyed in decent language, an opinion upon a religious subject. 10

DEFAMATORY LIBEL.

- "Newspaper."** **247.** In sections 248 to 267, "newspaper" means any paper, magazine or periodical containing public news, intelligence or reports of events, or any remarks or observations thereon, printed for sale and published periodically or in parts or numbers, at intervals not exceeding thirty-one parts between the publication of any two such papers, parts or numbers, and any paper, magazine or periodical printed in order to be dispersed and made public, weekly or more often, or at intervals not exceeding thirty-one days, that contains advertisements, exclusively or principally. 15
20
- Definition.** **248.** (1) A defamatory libel is matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or that is designed to insult the person of or concerning whom it is published. 25
- Mode of expression.** (2) A defamatory libel may be expressed directly or by insinuation or irony
(a) in words legibly marked upon any substance, or
(b) by any object signifying a defamatory libel otherwise than by words. 30
- "Publishing."** **249.** A person publishes a libel when he
(a) exhibits it in public,
(b) causes it to be read or seen, or
(c) shows or delivers it, or causes it to be shown or delivered, with intent that it should be read or seen by the person whom it defames or by any other person. 35
- Punishment of libel known to be false.** **250.** Every one who publishes a defamatory libel that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of five thousand dollars or to both. 40

246. Section 198.

247. Section 2 (23).

248. Section 317.

249. Section 318.

250. Section 333.

- Punishment for defamatory libel.** **251.** Every one who publishes a defamatory libel is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of one thousand dollars or to both.
- Extortion by libel.** **252.** (1) Every one commits an offence who, with intent
 (a) to extort money from any person, or 5
 (b) to induce a person to confer upon or procure for another person an appointment or office of profit or trust,
 publishes or threatens to publish or offers to abstain from publishing or to prevent the publication of a defamatory 10
 libel.
- Idem.** (2) Every one commits an offence who, as the result of the refusal of any person to permit money to be extorted or to confer or procure an appointment or office of profit or trust, publishes or threatens to publish a defamatory 15
 libel.
- Punishment.** (3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of six hundred dollars or to both. 20
- Proprietor of newspaper presumed responsible.** **253.** (1) The proprietor of a newspaper shall be deemed to publish defamatory matter that is inserted and published therein, unless he proves that the defamatory matter was inserted in the newspaper without his knowledge and without negligence on his part. 25
- General authority to manager when negligence.** (2) Where the proprietor of a newspaper gives to a person general authority to manage or conduct the newspaper as editor or otherwise, the insertion by that person of defamatory matter in the newspaper shall, for the purposes of subsection (1), be deemed not to be negligence 30
 on the part of the proprietor unless it is proved that
 (a) he intended the general authority to include authority to insert defamatory matter in the newspaper, or
 (b) he continued to confer general authority after he knew that it had been exercised by the insertion of 35
 defamatory matter in the newspaper.
- Selling newspapers.** (3) No person shall be deemed to publish a defamatory libel by reason only that he sells a number or part of a newspaper that contains a defamatory libel, unless he knows that the number or part contains defamatory matter 40
 or that defamatory matter is habitually contained in the newspaper.
- Selling book containing defamatory libel.** **254.** (1) No person shall be deemed to publish a defamatory libel by reason only that he sells a book, magazine, pamphlet or other thing, other than a newspaper 45
 that contains defamatory matter if, at the time of the sale, he does not know that it contains the defamatory matter.

251. Section 334.

252. Section 332.

253. Section 329.

254. Section 330.

Sale by
servant.
Exemption
of master.

(2) Where a servant, in the course of his employment, sells a book, magazine, pamphlet or other thing, other than a newspaper, the employer shall be deemed not to publish any defamatory matter contained therein unless it is proved that the employer authorized the sale knowing that

(a) defamatory matter was contained therein, or
(b) defamatory matter was habitually contained therein, in the case of a periodical.

Publishing
proceedings
of courts of
justice.

255. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

(a) in a proceeding held before or under the authority of a court exercising judicial authority, or
(b) in an inquiry made under the authority of an Act or by order of Her Majesty, or under the authority of a public department or a department of the government of a province.

Parliamentary papers.

256. No person shall be deemed to publish a defamatory libel by reason only that he

(a) publishes to the Senate or House of Commons or to a legislature, defamatory matter contained in a petition to the Senate or House of Commons or to the legislature, as the case may be,
(b) publishes by order or under the authority of the Senate or House of Commons or of a legislature, a paper containing defamatory matter, or
(c) publishes, in good faith and without ill-will to the person defamed, an extract from or abstract of a petition or paper mentioned in paragraph (a) or (b).

Fair reports
of parlia-
mentary or
judicial
proceedings.

257. (1) No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, for the information of the public, a fair report of the proceedings of the Senate or House of Commons or a legislature, or a committee thereof, or of the public proceedings before a court exercising judicial authority, or publishes, in good faith, any fair comment upon any such proceedings.

Divorce
proceedings
an exception.

(2) This section does not apply to a person who publishes a report of evidence taken or offered in any proceeding before the Senate or House of Commons or any committee thereof, upon a petition or bill relating to any matter of marriage or divorce, if the report is published without authority from or leave of the House in which the proceeding is held or is contrary to any rule, order or practice of that House.

255. Section 320.

256. Section 321.

257. Section 322.

Fair report
of public
meeting.

258. No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, in a newspaper, a fair report of the proceedings of any public meeting if

- (a) the meeting is lawfully convened for a lawful purpose 5
and is open to the public,
- (b) the report is fair and accurate,
- (c) the publication of the matter complained of is for
the public benefit, and
- (d) he does not refuse to publish in a conspicuous 10
place in the newspaper a reasonable explanation or
contradiction by the person defamed in respect of the
defamatory matter.

Public
benefit.

259. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter 15
that, on reasonable grounds, he believes is true, and that is
relevant to any subject of public interest, the public dis-
cussion of which is for the public benefit.

Fair
comment.

260. No person shall be deemed to publish a defamatory libel by reason only that he publishes fair comments 20

On public
person.

- (a) upon the public conduct of a person who takes part
in public affairs, or

On work of
art or
literature.

- (b) upon a published book or other literary production,
or on any composition or work of art or performance
publicly exhibited, or on any other communication 25
made to the public on any subject, if the comments are
confined to criticism thereof.

When truth
a defence.

261. No person shall be deemed to publish a defamatory libel where he proves that the publication of the defamatory matter in the manner in which it was published was for 30
the public benefit at the time when it was published and
that the matter itself was true.

Publication
invited or
necessary.

262. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

- (a) on the invitation or challenge of the person in respect 35
of whom it is published, or

- (b) that it is necessary to publish in order to refute
defamatory matter published in respect of him by
another person,

if he believes that the defamatory matter is true and it is 40
relevant to the invitation, challenge or necessary refutation,
as the case may be, and does not in any respect exceed what
is reasonably sufficient in the circumstances.

258. Section 323.

259. Section 324.

260. Section 325.

261. Section 331.

262. Section 319.

Answer to
inquiries.

263. No person shall be deemed to publish a defamatory libel by reason only that he publishes, in answer to inquiries made to him, defamatory matter relating to a subject matter in respect of which the person by or on whose behalf the inquiries are made has an interest in knowing the truth or who, on reasonable grounds, the person who publishes the defamatory matter believes has such an interest, if 5

(a) the matter is published, in good faith, for the purpose of giving information in answer to the inquiries,

(b) the person who publishes the defamatory matter believes that it is true, 10

(c) the defamatory matter is relevant to the inquiries, and

(d) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances. 15

Giving
information
to person
interested.

264. No person shall be deemed to publish a defamatory libel by reason only that he publishes to another person defamatory matter for the purpose of giving information to that person with respect to a subject matter in which the person to whom the information is given has, or is believed on reasonable grounds by the person who gives it to have, an interest in knowing the truth with respect to that subject matter if 20

Conditions.

(a) the conduct of the person who gives the information is reasonable in the circumstances, 25

(b) the defamatory matter is relevant to the subject matter, and

(c) the defamatory matter is true, or if it is not true, is made without ill-will towards the person who is defamed and is made in the belief, on reasonable grounds, that it is true. 30

Publication
in good faith
for redress
of wrong.

265. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter in good faith for the purpose of seeking remedy or redress for a private or public wrong or grievance from a person who has, or who on reasonable grounds he believes has the right or is under an obligation to remedy or redress the wrong or grievance, if 35

(a) he believes that the defamatory matter is true,

(b) the defamatory matter is relevant to the remedy or redress that is sought, and 40

(c) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances.

Proving
publication
by order of
legislature.

266. (1) An accused who is alleged to have published a defamatory libel may, at any stage of the proceedings, adduce evidence to prove that the matter that is alleged to be 45

263. Section 327.

264. Section 328.

265. Section 326.

266. Sections 912, 913 and 947.

defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature.

Directing
verdict.

(2) Where at any stage in proceedings referred to in subsection (1) the court, judge, justice or magistrate is satisfied that matter alleged to be defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature, he shall direct a verdict of not guilty to be entered and shall discharge the accused. 5 10

Certificate
of order.

(3) For the purposes of this section a certificate under the hand of the Speaker or clerk of the Senate or House of Commons or a legislature to the effect that the matter that is alleged to be defamatory was contained in a paper published by order or under the authority of the Senate, House of Commons or legislature, as the case may be, is conclusive evidence thereof. 15

VERDICTS.

Verdicts
in cases
of defama-
tory libel.

267. Where, on the trial of an indictment for publishing a defamatory libel, a plea of not guilty is pleaded, the jury that is sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon the indictment, and shall not be required or directed by the judge to find the defendant guilty merely on proof of publication by the defendant of the alleged defamatory libel, and of the sense ascribed thereto in the indictment, but the judge may, in his discretion, give a direction or opinion to the jury on the matter in issue as in other criminal proceedings, and the jury may, on the issue, find a special verdict. 20 25

267. Section 956.

PART VII.

OFFENCES AGAINST RIGHTS OF PROPERTY.

INTERPRETATION

- 268.** In this Part,
- "Break." (a) "break" means
 (i) to break any part, internal or external, or
 (ii) to open any thing that is used or intended to be used to close or to cover an internal or external opening; 5
- "Document." (b) "document" means any paper, parchment or other material used for writing or printing, marked with matter capable of being read, but does not include trade-marks on articles of commerce or inscriptions on stone or metal or other like material; 10
- "Exchequer bill." (c) "exchequer bill" means a bank note, bond, note, debenture or security that is issued or guaranteed by Her Majesty under the authority of the Parliament of Canada or the legislature of a province; 15
- "Exchequer bill paper." (d) "exchequer bill paper" means paper that is used to manufacture exchequer bills; 15
- "False document." (e) "false document" means a document
 (i) the whole or some material part of which purports to be made by or on behalf of a person 20
 (A) who did not make it or authorize it to be made, or
 (B) who did not in fact exist;
 (ii) that is made by or on behalf of the person who purports to make it but is false in some material particular; 25
 (iii) that is made in the name of an existing person, by him or under his authority, with a fraudulent intention that it should pass as being made by some person, real or fictitious, other than the person who makes it or under whose authority it is made; and 30
- "Revenue paper." (f) "revenue paper" means paper that is used to make stamps, licences or permits or for any purpose connected with the public revenue. 35

THEFT.

- "Theft." **269.** (1) Every one commits theft who fraudulently and without colour of right takes, or fraudulently and

268. Section 335.

269. Sections 345 and 347.

without colour of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent,

- (a) to deprive, temporarily or absolutely, the owner of it or a person who has a special property or interest in it, of the thing or of his property or interest in it, 5
- (b) to pledge it or deposit it as security,
- (c) to part with it under a condition with respect to its return that the person who parts with it may be unable to perform, or 10
- (d) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time it was taken or converted.

Time when theft completed. (2) A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, 15 or begins to cause it to become movable.

Secrecy. (3) A taking or conversion of anything may be fraudulent notwithstanding that it is effected without secrecy or attempt at concealment.

Purpose of taking. (4) For the purposes of this Act the question whether 20 anything that is converted is taken for the purpose of conversion, or whether it is, at the time it is converted, in the lawful possession of the person who converts it is not material.

Living creature wild by nature. (5) For the purposes of this section a person who has a 25 wild living creature in captivity shall be deemed to have a special property or interest in it while it is in captivity and after it has escaped from captivity.

Oysters. **270.** (1) Where oysters and oyster brood are in oyster beds, layings or fisheries that are the property of any person 30 and are sufficiently marked out or known as the property of that person, he shall be deemed to have a special property or interest in them.

Oyster bed. (2) An indictment is sufficient if it describes an oyster bed, laying or fishery by name or in some other way, 35 without stating that it is situated in a particular territorial division.

Theft by bailee of things under seizure. **271.** Every one who is a bailee of anything that is under lawful seizure by a peace officer or public officer in the execution of the duties of his office, and who is obliged 40 by law or agreement to produce and deliver it to that officer or to another person entitled thereto at a certain time and place, or upon demand, steals it if he does not produce and deliver it in accordance with his obligation, but he does not steal it if his failure to produce and deliver it is not the 45 result of a wilful act or omission by him.

270. Sections 346 and 864 (*e*).

271. Section 348.

Agent
pledging
goods, when
not theft.

272. A factor or agent does not commit theft by pledging or giving a lien on goods or documents of title to goods that are entrusted to him for the purpose of sale or for any other purpose, if the pledge or lien is for an amount that does not exceed the sum of 5

- (a) the amount due to him from his principal at the time the goods or documents are pledged or the lien is given, and
- (b) the amount of any bill of exchange that he has accepted for or on account of his principal. 10

Theft of
services.

273. Every one commits theft who fraudulently

- (a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted, or
- (b) uses a telephone or telegraph line or obtains telephone or telegraph service. 15

Theft by or
from person
having special
property or
interest.

274. A person may be convicted of theft notwithstanding that anything that is alleged to have been stolen was stolen

- (a) by the owner of it from a person who has a special property or interest in it, 20
- (b) by a person who has a special property or interest in it from the owner of it,
- (c) by a lessee of it from his reversioner,
- (d) by one of several joint owners, tenants in common or partners of or in it from the other persons who have 25 an interest in it, or
- (e) by the directors, officers or members of a company, body corporate, unincorporated body or of a society associated together for a lawful purpose from the company, body corporate, unincorporated body or 30 society, as the case may be.

Husband or
wife.

275. (1) Subject to subsection (2), no husband or wife, during cohabitation, commits theft of anything that is by law the property of the other.

Theft by
spouse
while living
apart.

(2) A husband or wife commits theft who, intending 35 to desert or on deserting the other or while living apart from the other, fraudulently takes or converts anything that is by law the property of the other in a manner that, if it were done by another person, would be theft.

Theft by
person
assisting
spouse.

(3) Every one commits theft who, during cohabitation 40 of a husband and wife, knowingly,

Receiving
property of
spouse.

- (a) assists either of them in dealing with anything that is by law the property of the other in a manner that would be theft if they were not married, or
- (b) receives from either of them anything that is by 45 law the property of the other and has been obtained from the other by dealing with it in a manner that would be theft if they were not married.

272. Section 349 (1).

273. Section 351.

274. Section 352.

275. Section 354.

Theft by
person
required to
account.

276. (1) Every one commits theft who, having received anything from any person on terms that require him to account for or pay it or the proceeds of it or a part of the proceeds to that person or another person, fraudulently fails to account for or pay it or the proceeds of it or the part of the proceeds of it accordingly. 5

Effect of
entry in
account.

(2) Where subsection (1) otherwise applies, but one of the terms is that the thing received or the proceeds or part of the proceeds of it shall be an item in a debtor and creditor account between the person who receives the thing and the person to whom he is to account for or to pay it, and that the latter shall rely only on the liability of the other as his debtor in respect thereof, a proper entry in that account of the thing received or the proceeds or part of the proceeds of it, as the case may be, is a sufficient accounting therefor, and no fraudulent conversion of the thing or the proceeds or part of the proceeds of it thereby accounted for shall be deemed to have taken place. 10 15

Theft by
person
holding power
of attorney.

277. Every one commits theft who, being entrusted, whether solely or jointly with another person, with a power of attorney for the sale, mortgage, pledge or other disposition of real or personal property, fraudulently sells, mortgages, pledges or otherwise disposes of the property or any part of it, or fraudulently converts the proceeds of a sale, mortgage, pledge or other disposition of the property, or any part of the proceeds, to some purpose other than that for which he was entrusted by the power of attorney. 20 25

Misappropriation of money held under direction.

278. (1) Every one commits theft who, having received, either solely or jointly with another person, money or valuable security or a power of attorney for the sale of real or personal property, with a direction that the money or a part of it, or the proceeds or a part of the proceeds of the security or the property shall be applied to a purpose or paid to a person specified in the direction, fraudulently and contrary to the direction applies to any other purpose or pays to any other person the money or proceeds or any part of it. 30 35

Effect of
entry in
account.

(2) This section does not apply where a person who receives anything mentioned in subsection (1) and the person from whom he receives it deal with each other on such terms that all money paid to the former would, in the absence of any such direction, be properly treated as an item in a debtor and creditor account between them, unless the direction is in writing. 40

Taking ore
for scientific
purpose.

279. No person commits theft by reason only that he takes, for the purpose of exploration or scientific investigation, a specimen of ore or mineral from land that is not enclosed and is not occupied or worked as a mine, quarry or digging. 45

276. Section 355.

277. Section 356.

278. Section 357.

279. Section 378 (2).

Punishment
for theft.

280. Except where otherwise prescribed by law, every one who commits theft is guilty of an indictable offence and is liable

- (a) to imprisonment for ten years, where the alleged value of what is alleged to have been stolen exceeds fifty dollars, or
- (b) to imprisonment for two years, where the alleged value of what is alleged to have been stolen does not exceed fifty dollars.

OFFENCES RESEMBLING THEFT.

Taking motor
vehicle
without
consent.

281. Every one who, without the consent of the owner, takes a motor vehicle with intent to drive or use it or cause it to be driven or used is guilty of an offence punishable on summary conviction.

Criminal
breach of
trust.

282. Every one who, being a trustee of anything for the use or benefit, whether in whole or in part, of another person, or for a public or charitable purpose, converts, with intent to defraud and in violation of his trust, that thing or any part of it to a use that is not authorized by the trust is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Public
servant
refusing to
deliver
property.

283. Every one who, being or having been employed in the service of Her Majesty in right of Canada or in right of a province, or in the service of a municipality, and entrusted by virtue of that employment with the receipt, custody, management or control of anything, refuses or fails to deliver it to a person who is authorized to demand it and does demand it, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Fraudulently
taking
cattle.

Defacing
brand on
cattle.

Evidence of
property in
cattle.

- 284.** (1) Every one who, without the consent of the owner,
- (a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, cattle that are found astray; or
 - (b) fraudulently, in whole or in part,
 - (i) obliterates, alters or defaces, a brand or mark on cattle, or
 - (ii) makes a false or counterfeit brand or mark on cattle,

is guilty of an indictable offence and is liable to imprisonment for five years.

(2) In any proceedings under this Act, evidence that cattle are marked with a brand or mark that is recorded or registered in accordance with any Act is *prima facie* evidence that the cattle are owned by the registered owner of that brand or mark.

280. New.

281. Section 285 (3).

282. Section 390.

283. Section 391.

284. (1) Section 392.

(2) and (3). Section 989.

Presumption
from
possession.

(3) Where an accused is charged with theft of cattle or with an offence under subsection (1), the burden of proving that the cattle came lawfully into the possession of the accused or his employee or into the possession of another person on behalf of the accused is on the accused, if the accused is not the registered owner of the brand or mark with which the cattle are marked, unless it appears that possession of the cattle by an employee of the accused or by another person on behalf of the accused was without the knowledge and authority, sanction or approval of the accused.

Taking
possession
etc., of drift
timber.

285. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who, without the consent of the owner,

(a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells,

(b) defaces a mark or number on, or

(c) refuses to deliver up to the owner or to the person in charge thereof on behalf of the owner or to a person authorized by the owner to receive it,

any lumber or lumbering equipment that is found adrift, cast ashore or lying upon or embedded in the bed or bottom, or on the bank or beach of a river, stream or lake in Canada, or in the harbours or any of the coastal waters of Canada.

Dealer in
second hand
goods.

(2) Every one who, being a dealer in second-hand goods of any kind, trades or traffics in or has in his possession for sale or traffic any lumbering equipment that is marked with the mark, brand, registered trade mark, name or initials of a person, without the written consent of that person, is guilty of an offence punishable on summary conviction.

Search for
timber
unlawfully
detained.

(3) A peace officer who suspects, on reasonable grounds, that any lumber owned by any person and bearing the registered trade-mark of that person is kept or detained in or on any place without the knowledge or consent of that person, may enter into or upon that place to ascertain whether or not it is detained there without the knowledge or consent of that person.

Evidence of
property in
timber.

(4) Where any lumber or lumbering equipment is marked with a timber mark or a boom chain brand registered under any Act, the mark or brand is *prima facie* evidence, in proceedings under subsection (1), that it is the property of the registered owner of the mark or brand.

Presumption
from
possession.

(5) Where an accused or his servants or agents are in possession of lumber or lumbering equipment marked with the mark, brand, registered trade mark, name or initials of another person, the burden of proving that it came lawfully into his possession or into possession of his servants or agents is, in proceedings under subsection (1), on the accused.

285. (1) Section 394.

(2) Section 431 (4).

(3) Section 638.

(4) and (5). Section 990.

- "Coastal waters." (6) In this section,
 (a) "coastal waters of Canada" includes all of Queen Charlotte Sound, all the Strait of Georgia and the Canadian waters of the Strait of Juan de Fuca,
- "Lumber." (b) "lumber" means timber, mast, spar, sawlog or lumber of any description, and 5
- "Lumbering equipment." (c) "lumbering equipment" includes a boom chain, chain, line and shackle.
- Destroying documents of title. **286.** Every one who, for a fraudulent purpose, destroys, cancels, conceals or obliterates 10
 (a) a document of title to goods or lands,
 (b) a valuable security or testamentary instrument, or
 (c) a judicial or official document,
 is guilty of an indictable offence and is liable to imprisonment for ten years. 15
- Fraudulent concealment. **287.** Every one who, for a fraudulent purpose, takes, obtains, removes or conceals anything is guilty of an indictable offence and is liable to imprisonment for two years.

ROBBERY AND EXTORTION.

- "Robbery." **288.** Every one commits robbery who
 (a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property, 20
 (b) steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, 25
 beats, strikes or uses any personal violence to that person,
 (c) assaults any person with intent to steal from him, or
 (d) steals from any person while armed with an offensive weapon or imitation thereof. 30
- Punishment for robbery. **289.** Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.
- Stopping mail with intent. **290.** Every one who stops a mail conveyance with intent to rob or search it is guilty of an indictable offence 35 and is liable to imprisonment for life.
- Extortion. **291.** (1) Every one who, without reasonable justification or excuse and with intent to extort or gain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the 40

(6) Section 394.

286. Section 396.

287. Section 397.

288. Sections 445, 446 and 448.

289. Section 447.

290. Section 449.

291. Sections 450 to 454.

person threatened, accused or menaced or to whom violence is shown, to do anything or to cause anything to be done, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Saving. (2) A threat to institute civil proceedings is not a threat 5
for the purposes of this section.

BREAKING AND ENTERING.

- 292.** (1) Every one who
- (a) breaks and enters a place with intent to commit an indictable offence therein;
 - (b) breaks and enters a place and commits an indictable 10
offence therein; or
 - (c) breaks out of a place after
 - (i) committing an indictable offence therein, or
 - (ii) entering the place with intent to commit an
indictable offence therein, 15
- is guilty of an indictable offence and is liable
- (d) to imprisonment for life, if the offence is committed
in relation to a dwelling house, or
 - (e) to imprisonment for fourteen years, if the offence is
committed in relation to a place other than a dwelling 20
house.
- (2) For the purposes of proceedings under this section,
evidence that an accused
- (a) broke and entered a place is *prima facie* evidence
that he broke and entered with intent to commit an 25
indictable offence therein; or
 - (b) broke out of a place is *prima facie* evidence that he
broke out after
 - (i) committing an indictable offence therein, or
 - (ii) entering with intent to commit an indictable 30
offence therein.
- (3) Every one who is convicted of an offence under this
section who had upon his person, at the time he committed
the offence or was arrested therefor, an offensive weapon or
imitation thereof, is liable to be whipped in addition to any 35
other punishment that may be imposed in respect of the
offence for which he is convicted.
- "Place."
- (4) For the purposes of this section, "place" means
 - (a) a dwelling house,
 - (b) a building or structure or any part thereof, other 40
than a dwelling house,
 - (c) a railway vehicle, vessel, aeroplane or trailer, or
 - (d) a pen or enclosure in which fur-bearing animals
are kept in captivity for breeding or commercial
purposes. 45

292. Sections 455 to 461.

- Being unlawfully in dwelling house. **293.** (1) Every one who without lawful excuse, the proof of which lies upon him, enters or is in a dwelling house with intent to commit an indictable offence therein is guilty of an indictable offence and is liable to imprisonment for ten years. 5
- Presumption. (2) For the purposes of proceedings under this section, evidence that an accused, without lawful excuse, entered or was in a dwelling house is *prima facie* evidence that he entered or was in the dwelling house with intent to commit an indictable offence therein. 10
- "Entrance." **294.** For the purposes of sections 292 and 293, (a) a person enters as soon as any part of his body or any part of an instrument that he uses is within any thing that is being entered; and (b) a person shall be deemed to have broken and entered if 15 (i) he obtained entrance by a threat or artifice or by collusion with a person within, or (ii) he entered without lawful justification or excuse, the proof of which lies upon him, by a permanent or temporary opening. 20
- Possession of housebreaking instruments. Disguise. **295.** Every one who without lawful excuse, the proof of which lies upon him, (a) has in his possession any instrument for house-breaking, vault-breaking or safe-breaking, or (b) has his face masked or coloured or is otherwise 25 disguised, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

RECEIVING AND RETAINING.

- Receiving property obtained by crime. **296.** Every one who receives anything knowing that it was obtained 30 (a) by the commission in Canada of an offence punishable by indictment, or (b) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment, 35 is guilty of an indictable offence and is liable (c) to imprisonment for ten years, where the alleged value of what is alleged to have been received exceeds fifty dollars, or (d) to imprisonment for two years, where the alleged 40 value of what is alleged to have been received does not exceed fifty dollars.
- Retaining property obtained by crime. **297.** Everyone who retains in his possession anything knowing that it was obtained (a) by the commission in Canada of an offence punish- 45 able by indictment, or

293. Section 462.

294. Section 340.

295. Section 464.

296. Section 399.

297. Section 399.

- (b) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment,
 is guilty of an indictable offence and is liable
 (c) to imprisonment for ten years, where the alleged value of what is alleged to have been retained exceeds fifty dollars, or
 (d) to imprisonment for two years, where the alleged value of what is alleged to have been retained does not exceed fifty dollars.

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298. (1) Every one whoTheft
from
mail.

(a) steals

- (i) anything sent by post, after it is deposited at a post office and before it is delivered,
 (ii) a bag, sack or other container or covering in which mail is conveyed, whether it does or does not contain mail, or
 (iii) a key suited to a lock adopted for use by the Canada Post Office,

(b) receives anything in respect of which he knows that an offence has been committed under paragraph (a), or
 (c) retains in his possession anything in respect of which he knows that an offence has been committed under paragraph (a),

is guilty of an indictable offence and is liable to imprisonment for ten years.

Allegation
of value not
necessary.

(2) In proceedings for an offence under this section it is not necessary to allege in the indictment or to prove on the trial that anything in respect of which the offence was committed had any value.

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Bringing into
Canada
property
obtained by
crime.

299. Every one who brings into or has in Canada anything that he has obtained outside of Canada by an act that, if it had been committed in Canada, would have been theft or receiving, is guilty of an indictable offence and is liable to imprisonment for ten years.

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Receiving
or retaining
when
complete.

300. For the purposes of sections 296, 297 and paragraphs (b) and (c) of subsection (1) of section 298, receiving or retaining is complete when a person has, alone or jointly with another person, possession of or control over anything mentioned in those sections or when he aids in concealing or disposing of it, as the case may be.

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Evidence
against
persons
receiving or
retaining.

301. (1) Where an accused is charged with an offence under section 296, 297 or paragraph (b) or (c) of subsection (1) of section 298, evidence is admissible at any stage of the proceedings to show that property other than the property that is the subject matter of the proceedings

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- (a) was found in the possession of the accused, and
 (b) was obtained within twelve months before the proceedings were commenced by the commission in Canada

298. Sections 364, 365, 400 and 869.

299. Section 398.

300. Section 402.

301. Section 993.

of an offence punishable by indictment or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment,

and that evidence may be considered for the purpose of proving that the accused knew that the property forming the subject matter of the proceedings was obtained by the commission in Canada of an offence punishable by indictment or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment.

Notice to accused.

(2) Subsection (1) does not apply unless

(a) at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove that property other than the property that is the subject matter of the proceedings was found in his possession, and

(b) the notice sets out the nature or description of the property and describes the person from whom it is alleged to have been obtained.

Evidence of previous conviction.

302. (1) Where an accused is charged with an offence under section 296, 297 or paragraph (b) or (c) of subsection (1) of section 298 and evidence is adduced that the subject matter of the proceedings was found in his possession, evidence that the accused was, within five years before the proceedings were commenced, convicted of an offence involving theft, receiving or retaining is admissible at any stage of the proceedings and may be taken into consideration for the purpose of proving that the accused knew that the property that forms the subject matter of the proceedings was unlawfully obtained.

Notice to accused.

(2) Subsection (1) does not apply unless at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove the previous conviction.

FALSE PRETENCES.

"False pretence."

303. (1) A false pretence is a representation of a matter of fact either present or past, made by words or otherwise, that is known by the person who makes it to be false and that is made with a fraudulent intent to induce the person to whom it is made to act upon it.

Exaggeration.

(2) Exaggerated commendation or depreciation of the quality of anything is not a false pretence unless it is carried to such an extent that it amounts to a fraudulent misrepresentation of fact.

Question of fact.

(3) For the purposes of subsection (2) it is a question of fact whether commendation or depreciation amounts to a fraudulent misrepresentation of fact.

302. Section 994.

303. Section 404.

Obtaining by false pretence.	<p>304. (1) Every one commits an offence who <i>(a)</i> by a false pretence, whether directly or through the medium of a contract obtained by a false pretence, obtains anything in respect of which the offence of theft may be committed or causes it to be delivered to another person; 5</p>
Obtaining credit by false pretence.	<p><i>(b)</i> obtains credit by a false pretence or by fraud;</p>
False statement in writing.	<p><i>(c)</i> knowingly makes or causes to be made, directly or indirectly, a false statement in writing with intent that it should be relied upon, with respect to the financial condition or means or ability to pay of himself or any person, firm or corporation that he is interested in or that he acts for, for the purpose of procuring, in any form whatsoever, whether for his benefit or the benefit of that person, firm or corporation, 15</p> <p style="padding-left: 2em;">(i) the delivery of personal property, (ii) the payment of money, (iii) the making of a loan, (iv) the extension of credit, (v) the discount of an account receivable, or 20 (vi) the making, accepting, discounting or endorsing of a bill of exchange, cheque, draft, or promissory note; or</p>
Idem.	<p><i>(d)</i> knowing that a false statement in writing has been made with respect to the financial condition or means or ability to pay of himself or another person, firm or corporation that he is interested in or that he acts for, procures upon the faith of that statement, whether for his benefit or for the benefit of that person, firm or corporation, anything mentioned in subparagraphs (i) to (vi) of paragraph (c). 25 30</p>
Punishment.	<p>(2) Every one who commits an offence under paragraph (a) of subsection (1) is guilty of an indictable offence and is liable</p> <p style="padding-left: 2em;"><i>(a)</i> to imprisonment for ten years, where the alleged value of what is alleged to have been obtained exceeds fifty dollars, or 35 <i>(b)</i> to imprisonment for two years, where the alleged value of what is alleged to have been obtained does not exceed fifty dollars. 40</p>
Punishment.	<p>(3) Every one who commits an offence under paragraph (b), (c) or (d) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years.</p>
Presumption from cheque issued without funds.	<p>(4) Where, in proceedings under paragraph (a) of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence 45 50</p>

304. Sections 405 and 407 (2).

that when the accused issued the cheque he had reasonable grounds to believe and did believe that it would be honoured if presented for payment within a reasonable time after it was issued.

Obtaining execution of valuable security by fraud.

305. Every one who, with intent to defraud or injure another person, by a false pretence causes or induces any person

(a) to execute, make, accept, endorse or destroy the whole or any part of a valuable security, or

(b) to write, impress or affix a name or seal on any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security,

is guilty of an indictable offence and is liable to imprisonment for five years.

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Publication of false advertisements.

306. (1) Every one who publishes or causes to be published an advertisement containing a statement that purports to be a statement of fact but that is untrue, deceptive or misleading or is intentionally so worded or arranged that it is deceptive or misleading, is guilty of an indictable offence and is liable to imprisonment for five years, if the advertisement is published

(a) to promote, directly or indirectly, the sale or disposal of property or any interest therein, or

(b) to promote a business or commercial interest.

Publication of statement without proper test.

(2) Every one who publishes or causes to be published in an advertisement a statement or guarantee of the performance, efficacy or length of life of anything that is not based upon an adequate and proper test of that thing, the proof of which lies upon the accused, is, if the advertisement is published to promote, directly or indirectly, the sale or disposal of that thing, guilty of an offence punishable on summary conviction.

Saving.

(3) Subsections (1) and (2) do not apply to a person who publishes an advertisement that he accepts in good faith for publication in the ordinary course of his business.

What is proper test.

(4) For the purposes of subsection (2), a test that is made by the National Research Council of Canada or by any other public department is an adequate and proper test, but no reference shall be made in an advertisement to indicate that a test has been made by the National Research Council or other public department unless the advertisement has, before publication, been approved and permission to publish it has been given in writing by the president of the National Research Council or by the deputy head of the public department, as the case may be.

Idem.

(5) Nothing in subsection (4) shall be deemed to exclude, for the purposes of this section, any other adequate or proper test.

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305. Section 406 (1).

306. Section 406 (2) and (3).

- 307.** (1) Every one who fraudulently obtains food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house is guilty of an offence punishable on summary conviction.
- (2) In proceedings under this section, evidence that an accused obtained food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house, and did not pay for it and
- (a) made a false or fictitious show or pretence of having baggage,
 - (b) had any false or pretended baggage,
 - (c) surreptitiously removed or attempted to remove his baggage or any material part of it,
 - (d) absconded or surreptitiously left the premises,
 - (e) knowingly made a false statement to obtain credit or time for payment, or
 - (f) offered a worthless cheque, draft or security in payment for his food, lodging or other accommodation,
- is *prima facie* evidence of fraud.

WITCHCRAFT.

- 308.** Every one who
- (a) pretends to exercise or to use any kind of witchcraft, sorcery, enchantment or conjuration,
 - (b) undertakes, for a consideration, to tell fortunes, or
 - (c) pretends from his skill in or knowledge of an occult or crafty science to discover where or in what manner anything that is supposed to have been stolen or lost may be found,
- is guilty of an offence punishable on summary conviction.

FORGERY AND OFFENCES RESEMBLING FORGERY.

- 309.** (1) Every one commits forgery who makes a false document, knowing it to be false, with intent
- (a) that it should in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or
 - (b) that some person should be induced by the belief that it is genuine to do or to refrain from doing anything,
- whether within Canada or not.
- (2) Making a false document includes
- (a) altering a genuine document in any material part,
 - (b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material, or
 - (c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.
- (3) Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not

307. Section 407 (3).

308. Section 443.

309. Section 466.

	intend that any particular person should use or act upon it as genuine or be induced, by the belief that it is genuine, to do or refrain from doing anything.	
Forgery complete though document incomplete.	(4) Forgery is complete notwithstanding that the false document is incomplete or does not purport to be a document that is binding in law, if it is such as to indicate that it was intended to be acted upon as genuine.	5
Punishment for forgery.	310. (1) Every one who commits forgery is guilty of an indictable offence and is liable to imprisonment for fourteen years.	10
Corroboration.	(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.	
Uttering forged document.	311. (1) Every one who, knowing that a document is forged, (a) uses, deals with, or acts upon it, or (b) causes or attempts to cause any person to use, deal with, or act upon it, as if the document were genuine, is guilty of an indictable offence and is liable to imprisonment for fourteen years.	15 20
Wherever forged.	(2) For the purposes of proceedings under this section, the place where a document was forged is not material.	
Exchequer bill paper.	312. Every one who, without lawful authority or excuse, the proof of which lies upon him,	25
Making, etc.	(a) makes, uses or knowingly has in his possession (i) any exchequer bill paper, revenue paper, or paper that is used to make bank notes, or (ii) any paper that is intended to resemble paper mentioned in subparagraph (i);	30
Instruments.	(b) makes, offers or disposes of or knowingly has in his possession any plate, die, machinery, instrument or other writing or material that is adapted and intended to be used to commit forgery; or	
Counterfeiting public seals.	(c) makes, reproduces or uses a public seal of Canada or of a province, or the seal of a public body or authority in Canada, or of a court of law, is guilty of an indictable offence and is liable to imprisonment for fourteen years.	35
Printing counterfeit proclamation.	313. Every one who knowingly (a) prints a proclamation, order, regulation or appointment, or notice thereof, and causes it falsely to purport to have been printed by the Queen's Printer for Canada, or the Queen's Printer for a province, or	40
Tendering in evidence.	(b) tenders in evidence a copy of a proclamation, order, regulation or appointment that falsely purports to	45

310. Sections 468 and 1002.

311. Section 467.

312. Sections 471, 472 and 473.

313. Section 474.

have been printed by the Queen's Printer for Canada
or the Queen's Printer for a province,
is guilty of an indictable offence and is liable to imprison-
ment for five years.

Telegram,
etc., in false
name.

314. Every one who, with intent to defraud, causes 5
or procures a telegram, cablegram or radio message to be
sent or delivered as being sent by the authority of another
person, knowing that it is not sent by his authority and
with intent that the message should be acted on as being
sent by his authority, is guilty of an indictable offence 10
and is liable to imprisonment for five years.

False
messages.

315. Every one who, with intent to injure or alarm
any person sends or causes or procures to be sent by
telegram, letter, radio, cable or otherwise a message that
contains matter that he knows is false is guilty of an 15
indictable offence and is liable to imprisonment for two years.

Threatening
letters.

316. (1) Every one commits an offence who sends,
delivers, utters or directly or indirectly causes any person
to receive

(a) a letter or writing that he knows contains a threat 20
to cause the death of any person; or

(b) a letter or writing that he knows contains a threat

(i) to burn, destroy or damage real or personal
property, or

(ii) to kill, maim, wound, poison or injure an animal 25
or bird that is the property of any person.

Punishment.

(2) Every one who commits an offence under paragraph
(a) of subsection (1) is guilty of an indictable offence and is
liable to imprisonment for ten years.

(3) Every one who commits an offence under paragraph 30
(b) of subsection (1) is guilty of

(a) an indictable offence and is liable to imprisonment
for two years, or

(b) an offence punishable on summary conviction.

Drawing
document
without
authority.

317. Every one who 35

(a) with intent to defraud and without lawful authority
makes, executes, draws, signs, accepts or endorses a
document in the name or on the account of another
person by procuration or otherwise, or

Uttering.

(b) makes use of or utters a document knowing that it 40
has been made, executed, signed, accepted or endorsed
with intent to defraud and without lawful authority,
in the name or on the account of another person, by
procuration or otherwise,

is guilty of an indictable offence and is liable to imprison- 45
ment for fourteen years.

314. Section 475.

315. Section 476.

316. Sections 265, 516, 537 (1) (*c*) and 538.

317. Section 477.

Obtaining,
etc., by
instrument
based on
forged
document.

318. Every one who demands, receives, or obtains anything, or causes or procures anything to be delivered or paid to any person under, upon, or by virtue of any instrument issued under the authority of law, knowing that it is based on a forged document, is guilty of an indictable offence and is liable to imprisonment for fourteen years. 5

Counterfeit-
ing stamp.

Using.

Possessing.

319. (1) Every one who
(a) fraudulently uses, mutilates, affixes, removes or counterfeits a stamp or part thereof; 10
(b) knowingly and without lawful excuse, the proof of which lies upon him, has in his possession
(i) a counterfeit stamp or a stamp that has been fraudulently mutilated, or
(ii) anything bearing a stamp of which a part has been fraudulently erased, removed or concealed; or 15
(c) without lawful excuse, the proof of which lies upon him, makes or knowingly has in his possession a die or instrument that is capable of making the impression of a stamp or part thereof, 20
is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Counter-
feiting mark.

Selling.

Affixing false
mark.

Affixing
counterfeit
mark.

"Mark."

"Stamp."

(2) Every one who, without lawful authority,
(a) makes a mark, 25
(b) sells, or exposes for sale, or has in his possession a counterfeit mark, or
(c) affixes a mark to anything that is required by law to be marked, branded, sealed or wrapped other than the thing to which the mark was originally affixed or was intended to be affixed, or 30
(d) affixes a counterfeit mark to anything that is required by law to be marked, branded, sealed or wrapped,
is guilty of an indictable offence and is liable to imprisonment for fourteen years.
(3) In this section, 35
(a) "mark" means a mark, brand, seal, wrapper or design used by or on behalf of
(i) the Government of Canada or of a province,
(ii) the government of a state other than Canada,
or 40
(iii) a department, board, commission or agent established by a government mentioned in subparagraph (i) or (ii) in connection with the service or business of that government; and
(b) "stamp" means an impressed or adhesive stamp used 45
for the purpose of revenue by the Government of Canada or of a province or by the government of a state other than Canada.

318. Section 478.

319. Section 479.

Injuring
documents.

320. (1) Every one who unlawfully

(a) destroys, defaces or injures a register, or any part of a register of births, baptisms, marriages, deaths or burials that is required or authorized by law to be kept in Canada, or a copy or any part of a copy of such a register that is required by law to be transmitted to a registrar or other officer, 5

(b) inserts or causes to be inserted in a register or copy referred to in paragraph (a) an entry, that he knows is false, of any matter relating to a birth, baptism, marriage, death or burial, or erases any material part from such a register or copy, 10

(c) destroys, damages or obliterates an election document or causes an election document to be destroyed, damaged or obliterated, or 15

(d) makes or causes to be made an erasure, alteration or interlineation in or upon an election document,

is guilty of an indictable offence and is liable to imprisonment for five years.

"Election
document."

(2) In this section, "election document" means any document or writing relating to an election held under the authority of an Act of the Parliament of Canada or of a legislature. 20

False copy
from register.

321. Every one who

(a) being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, knowingly makes or issues a false certified copy, extract or certificate, 25

Fraudulent
copy by
person not
authorized.

(b) not being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, fraudulently makes or issues a copy, extract or certificate that purports to be certified as authorized or required by law, or 30 35

Giving false
particulars.

(c) being authorized or required by law to make a certificate or declaration concerning any particular required for the purpose of making entries in a register, record or document, knowingly and falsely makes the certificate or declaration, 40

is guilty of an indictable offence and is liable to imprisonment for five years.

320. Sections 480 to 483 and 528.

321. Sections 480 to 483.