



CHAPTER 246.

An Act respecting the Observance of Sunday.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Sunday Observance Act.” R.S. Short title. 1911, c. 219, s. 1.

2. This Act applies only to the portion of this Province comprised in the former separate Colony of British Columbia. R.S. 1911, c. 219, s. 2. Act to apply to portion of Province in separate Colony of British Columbia.

3. The law, statutory and otherwise, and the penalties for the enforcement thereof existing and in force in England on the nineteenth day of November, 1858, for the proper observance of the Lord's Day, commonly called Sunday, as referred to in the Schedule hereto, shall be deemed and taken to have been included in the “English Law Act,” and to be in full force and effect in the said portion of the Province, with and under the same penalties, mutatis mutandis, in all respects as if the said laws had been specially mentioned and enacted in the said Act. R.S. 1911, c. 219, s. 3. Declares English Sunday laws in force here.

4. The Schedule hereto shall be deemed part of this Act. R.S. Schedule. 1911, c. 219, s. 4.

SCHEDULE.

1 Car. 1, c. 1, so far as the same is applicable to the said portion of the Province.

3 Car. 1, c. 1, so far as the same is applicable to the said portion of the Province.

29 Car. 2, c. 7, so far as the same is applicable to the said portion of the Province.

So much of 1 & 2 Will. 4, c. 32, s. 3, as forbids the killing or hunting for game on Sunday or Christmas Day, under a penalty of five pounds and the costs of conviction.

13 & 14 Vict., c. 23, repealing 27 Hen. 6, c. 5, so far as the same is applicable to the said portion of the Province.

1 Car. 1, c. 1.

An Act for punishing Divers Abuses committed on the Lord's Day, called Sunday. [A.D. 1625.]

Every person using any unlawful pastime on the Lord's Day to forfeit 3s. 4d. to the poor of the parish.

General issue.

Limitation of action.

The ecclesiastical jurisdiction not abridged.

FORASMUCH as there is nothing more acceptable to God than the true and sincere service and worship of Him according to His holy will, and that the holy keeping of the Lord's Day is a principal part of the true service of God, which in very many places of this realm hath been and now is profaned and neglected by a disorderly sort of people in exercising and frequenting bear-baiting, bull-baiting, interludes, common plays, and other unlawful exercises and pastimes upon the Lord's Day; and for that many quarrels, bloodsheds, and other great inconveniences have grown by the resort and concourse of people going out of their own parishes to such disordered and unlawful exercises and pastimes, neglecting Divine service both in their parishes and elsewhere: Be it enacted, that from and after forty days next after the end of this session of Parliament there shall be no meetings, assemblies, or concourse of people out of their own parishes on the Lord's Day within this realm of England, or any the dominions thereof, for any sports and pastimes whatsoever; nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises and pastimes used by any person or persons within their own parishes; and that every person or persons offending in any the premises shall forfeit for every offence three shillings fourpence, the same to be employed and converted to the use of the poor of the parish where such offence shall be committed; and that if any one Justice of the Peace of the county, or the chief officer or officers of any city, borough, or town corporate, where such offence shall be committed, upon his or their view or confession of the party, or proof of any one or more witnesses by oath, which the said Justice or chief officer or officers shall by virtue of this Act have authority to minister, shall find any person offending in the premises, the said Justice or chief officer or officers shall give warrant under his or their hand and seal to the constables and churchwardens of the parish or parishes where such offence shall be committed, to levy the said penalty so to be assessed by way of distress and sale of the goods of every such offender, rendering to the said offender the overplus of the money raised of the said goods so to be sold; and in default of such distress, that the party offending be set publicly in the stocks by the space of three hours; and that if any man be sued or impeached for execution of this law, he shall and may plead the general issue, and give the said matter of justification in evidence: Provided that no man be impeached by this Act except he be called in question within one month next after the said offence committed; provided also that the ecclesiastical jurisdiction within this realm or any the dominions thereof by virtue of this Act or anything therein contained shall not be abridged, but that the Ecclesiastical Court may punish the said offences as if this Act had not been made.

An Act for the Further Reformation of Sundry 3 Car. 1, c. 1.
 Abuses committed on the Lord's Day, commonly
 called Sunday. [A.D. 1627.]

FORASMUCH as the Lord's Day, commonly called Sunday, is much broken and profaned by carriers, waggoners, carters, wainmen, butchers, and drovers; of cattle, to the great dishonour of God and reproach of religion: Be it therefore enacted, that no carrier with any horse or horses, nor waggonmen with any waggon or waggons, nor carman with any cart or carts, nor wainman with any wain or wains, nor drovers with any cattle, shall, after forty days next after the end of this present session of Parliament, by themselves or any other, travel upon the said day upon pain that every person and persons so offending shall lose and forfeit twenty shillings for every such offence; or if any butcher by himself, or any other for him by his privity or consent, shall, after the end of the said forty days, kill or sell any victual upon the said day, that then every such butcher shall forfeit and lose for every such offence the sum of six shillings and eightpence; the said offences and every of them being done in view of any Justice of the Peace, Mayor, or other head officer of any city or town corporate, within their limits respectively, or being proved upon oath by two or more witnesses, or by the confession of the party offending, before any such Justice, Mayor, or head officer within their several limits respectively, wherein such offence shall be committed: to which end every such Justice, Mayor, or head officer shall have power by this Act to minister an oath to such witness or witnesses: all which sums or penalties shall or may be levied by any constable or churchwarden by warrant from any such Justice or Justices of the Peace, Mayor, or other head officer as aforesaid within their several limits where such offence shall be committed or done, by distress and sale of the offender's goods, rendering to the party the overplus, or shall be recovered by any person or persons that will sue for the same by bill, plaint, or information in any of His Majesty's Courts of Record in any city or town corporate, before His Majesty's Justices of the Peace in their general sessions of the peace: all which forfeitures shall be employed to and for the use of the poor of the parishes where the said offences shall be committed or done, saving only that it shall be lawful to and for any such Justice, Mayor, or head officer, out of the said forfeitures, to reward any such person or persons that shall inform or otherwise prosecute any person or persons offending against this present Act according to their discretions, so that such reward exceed not the third part of the forfeiture: provided that such bill, plaint, or information shall be commenced, sued, and prosecuted in the county, city, or town corporate where such offence shall be committed and done, and not elsewhere; wherein no essoin, protection, or wager of law shall be allowed to the defendant: Provided always that it shall be lawful for any constable or churchwarden that shall have any suit or action brought against them for any distress by them or any of them to be taken by force of this present Act to plead the general issue and to give the special matter in evidence; provided likewise that no person or persons whatsoever shall be impeached by this Act, unless he be thereof questioned within six months after the offence committed: Provided further that this Act shall not in any sort abridge or take away the authority of the Courts Ecclesiastical.

A carrier, etc., that travels on the Lord's Day shall forfeit 20s.

Butchers that kill or sell victuals upon that day shall forfeit 6s. 8d.

After conviction and by warrant from a Justice, etc., the constables, etc., may levy the said forfeitures to the use of the poor, or they may be recovered by suit.

29 Car. 2, c. 7.

An Act for the Better Observation of the Lord's Day, commonly called Sunday. [A.D. 1676.]

Tradesmen,
artificer, and
labourers.

None shall cry or
expose to sale
wares.

Drovers, horse-
coursers, waggoners,
butchers, and
higlers, boats, and
barges.

In what manner the
conviction shall be.

The penalty, how to
be levied.

In case of insuffi-
ciency, the offender
shall be set in the
stocks.

The forfeitures, how
to be disposed of.

A provision for
private families,
victualling-houses,
etc.

FOR the better observation and keeping holy the Lord's Day, commonly called Sunday: Be it enacted, that all the laws enacted and in force concerning the observation of the Lord's Day, and repairing to the church thereon, be carefully put in execution; and that all and every person and persons whatsoever shall on every Lord's Day apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion, publicly and privately; and that no tradesman, artificer, workman, labourer, or other person whatsoever shall do or exercise any worldly labour, business, or work of their ordinary callings upon the Lord's Day, or any part thereof (works of necessity and charity only excepted); and that every person being of the age of fourteen years or upwards offending in the premises shall for every such offence forfeit the sum of five shillings; and that no person or persons whatsoever shall publicly cry, show forth, or expose to sale any wares, merchandises, fruit, herbs, goods, or chattels whatsoever upon the Lord's Day, or any part thereof, upon pain that every person so offending shall forfeit the same goods so cried or showed forth or exposed to sale.

2. That no drover, horse-courser, waggoner, butcher, higler, their or any of their servants, shall travel or come into his or their inn or lodging upon the Lord's Day, or any part thereof, upon pain that each and every such offender shall forfeit twenty shillings for every such offence; and that no person or persons shall use, employ, or travel upon the Lord's Day with any boat, wherry, lighter, or barge, except it be upon extraordinary occasion, to be allowed by some Justice of the Peace of the county, or head officer, or some Justice of the Peace of the city, borough, or town corporate where the fact shall be committed; upon pain that every person so offending shall forfeit and lose the sum of five shillings for every such offence. And that if any person offending in any of the premises shall be thereof convicted, before any Justice of the Peace of the county, or the chief officer or officers, or any Justice of the Peace of or within any city, borough, or town corporate where the said offences shall be committed, upon his or their view or confession of the party, or proof of any one or more witnesses by oath (which the said Justices, chief officer or officers is by this Act authorized to administer), the said Justice or chief officer or officers shall give warrant under his or their hand and seal, to the constables or churchwardens of the parish or parishes where such offence shall be committed, to seize the said goods cried, showed forth, or put to sale as aforesaid, and to sell the same and to levy the said other forfeitures or penalties by way of distress and sale of the goods of every such offender distrained, rendering to the said offenders the overplus of the moneys raised thereby; and in default of such distress, or in case of insufficiency or inability of the said offender to pay the said forfeitures or penalties, that then the party offending be set publicly in the stocks by the space of two hours. And all and singular the forfeitures or penalties aforesaid shall be employed and converted to the use of the poor of the parish where the said offences shall be committed, saving only that it shall and may be lawful to and for any such Justice, Mayor, or head officer or officers, out of the said forfeitures or penalties, to reward any person or persons that shall inform of any offence against this Act, according to their discretions, so as such reward exceed not the third part of the forfeitures or penalties.

3. Provided that nothing in this Act contained shall extend to the prohibiting of dressing of meat in families, or dressing or selling of meat in inns, cooks' shops, or victualling-houses, for such as otherwise cannot be provided,

nor to the crying or selling of milk before nine of the clock in the morning or after four of the clock in the afternoon.

4. Provided also that no person or persons shall be impeached, prosecuted, or molested for any offence before mentioned in this Act, unless he or they be prosecuted for the same within ten days after the offence committed.

Prosecution to be within ten days.

5. Provided that if any person or persons whatsoever which shall travel upon the Lord's Day shall be then robbed, that no hundred or the inhabitants thereof shall be charged with or answerable for any robbery so committed, but the person or persons so robbed shall be barred from bringing any action for the said robbery, any law to the contrary notwithstanding; nevertheless, the inhabitants of the counties and hundreds (after notice of any such robbery to them or some of them given, or after hue and cry for the same to be brought) shall make or cause to be made fresh suit and pursuit after the offenders, with horsemen and footmen, according to the Statute made in the twenty-seventh year of the reign of Queen Elizabeth, upon pain of forfeiting to the King's Majesty, his heirs and successors, as much money as might have been recovered against the hundred by the party robbed if this law had not been made.

The hundred not responsible to persons travelling on the Lord's Day; but shall make fresh suit after the offenders.

6. Provided also that no person or persons upon the Lord's Day shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment, or decree (except in cases of treason, felony, or breach of the peace), but that the service of every such writ, process, warrant, order, judgment, or decree shall be void to all intents and purposes whatsoever; and the person or persons so serving or executing the same shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment, or decree at all.

Service of process on the Lord's Day shall be void.

An Act to amend the Laws in England relative to 1 & 2 W. 4, c. 32. Game. [5th October, 1831.]

WHEREAS it is expedient to repeal the following Statutes in that part of the United Kingdom called England, relative to game, and to substitute other provisions in lieu thereof: Be it therefore enacted, that [reciting 13 Ric. 2, st. 1, c. 13; 22 Edw. 4, c. 6; 11 Hen. 7, c. 17; 19 Hen. 7, c. 11; 14 & 15 Hen. 8, c. 10; 25 Hen. 8, c. 11; 33 Hen. 8, c. 6; 23 Eliz., c. 10; 2 Jac. 1, c. 27; 7 Jac. 1, c. 11; 22 & 23 Car. 2, c. 25; 4 Will. & M., c. 23; 5 Anne, c. 14; 9 Anne, c. 25; 8 Geo. 1, c. 19; 10 Geo. 2, c. 32; 26 Geo. 2, c. 2; 28 Geo. 2, c. 12; 2 Geo. 3, c. 19; 13 Geo. 3, c. 55; 13 Geo. 3, c. 80; 39 Geo. 3, c. 34; 43 Geo. 3, c. 112; 48 Geo. 3, c. 93; 50 Geo. 3, c. 67; 58 Geo. 3, c. 75; 59 Geo. 3, c. 102] the said recited Acts and all Acts continuing or perpetuating any of the Acts or parts of Acts hereinbefore referred to, so far only as relates to the continuing or perpetuating the same respectively, shall be and continue in force until and throughout the thirty-first day of October in the present year, and shall from and after that day, as to that part of the United Kingdom called England, be repealed (except so far as any of the said Acts may repeal the whole or any part of any other Acts, and except as to any offences which may have been committed against any of the said Acts before or upon the said thirty-first day, and as to any penalties which may have been incurred thereunder before or upon the said thirty-first day, which offences shall be dealt with and punished, and the penalties recovered, as if this Act had not been made, and except as to any matters done by any persons

Recited Acts repealed.

Commencement of
this Act.

What shall be
deemed game.

Days and seasons
during which game
shall not be killed.

under the authority of any of the said Acts before or upon the said thirty-first day, with respect to whom every privilege and protection given by any of the said Acts shall continue in force as if this Act had not been made); and this Act shall commence and take effect (except as is hereinafter excepted) on the first day of November in the present year.

2. That the word "game" shall for all the purposes of this Act be deemed to include hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards.

3. That if any person whatsoever shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking any game, on a Sunday or Christmas Day, such person shall, on conviction thereof before two Justices of the Peace, forfeit and pay for every such offence such sum of money, not exceeding five pounds, as to the said Justices shall seem meet, together with the costs of the conviction.

13 & 14 Vict., c. 23. An Act to repeal an Exception in an Act of the Twenty-seventh Year of King Henry the Sixth concerning the Days whereon Fairs and Markets ought not to be kept. [10th June, 1850.]

27 Hen. 6, c. 5.

WHEREAS by an Act passed in the twenty-seventh year of King Henry the Sixth, intituled "Certain Days wherein Fairs and Markets ought not to be kept," it was provided that all fairs and markets on certain principal feasts therein mentioned, and Sundays and Good Fridays, should cease as therein mentioned (the four Sundays in harvest excepted): And whereas it is expedient that the said exception should be repealed: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the exception of the four Sundays in harvest contained in the said Act shall be repealed, and the said Act shall be construed as if such exception were not inserted therein.

R.S. 1911, c. 219, Sch.

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