

Act of 1886. These Acts dealt exhaustively with procedure in respect of indictable and non-indictable offences, jurisdiction of justices of the peace, juvenile offenders, speedy trials, criminal law, schedules and forms, etc.

In the meantime various efforts had been made in England for the reduction of the criminal law of that country into the form of a code, culminating in a draft code, submitted to the Imperial House of Commons in 1880. The question then arose as to the desirability of codifying the Canadian law. Objections were raised that codification would arrest the development of the law and its gradual adaptation to the habits and wants of the community, and would substitute a fixed, inelastic system for one which possessed the power of adjustment to circumstances. The advantages of a codification of the law of crimes were finally so manifest that a Bill founded on the English draft code of 1880, Stephen's Digest of Criminal Law, Burbidge's Digest of the Canadian Criminal Law, and on the Canadian statutory law, and introduced by the then Minister of Justice, Sir John Thompson, passed both Houses and became law July 1, 1893.

Crimes were formerly divided into two main classes: felonies and misdemeanours. A felony was a crime involving forfeiture of property and of civil rights. The Code abolished this distinction and classified offences as indictable and non-indictable. The term "indictable" means an offence which is triable on an indictment, that is to say the legal process by which a bill of indictment is preferred to, and presented by, a grand jury. An indictment differs from an information which rests only on presentation by the prosecuting authority, and properly from a presentment, which is an accusation originating with the grand jury. The word is sometimes loosely used, however, to include an information or presentment or both. Many cases of indictable offences are proceeded with, without a formal indictment. Furthermore, certain cases triable on indictment may also be disposed of summarily by a magistrate, according to the severity or circumstances of the cases.

Non-indictable offences include cases usually dealt with summarily by police magistrates under Part XV of the Criminal Code, and comprise breaches of municipal regulations and other minor offences.

According to the provisions of the Code, indictable offences are triable by jury but, in cases other than those listed below, the accused is accorded the right of election whether he be tried by jury, or before a judge without the intervention of a jury under Part XVIII of the Criminal Code, or before a magistrate under Part XVI of the Criminal Code. The jurisdiction of the magistrate is absolute, however, in certain cases and does not depend on the consent of the accused. Cases triable by jury without the consent of the accused are: treason, treasonable offences, assaults on the King, mutiny, unlawfully obtaining and communicating official information, taking of oath to commit certain crimes, seditious offences, libels on foreign sovereigns, piracy, corruption of officers employed in prosecuting offenders, frauds on the Government, breach of trust of public officers, municipal corruption, selling of appointments to any office, murder, attempt to murder, conspiracy to murder, accessory after the fact to murder, manslaughter, rape, attempt to commit rape, defamatory libel, combination in restraint of trade, for conspiring or attempting to