101), establish any additional courts for the better administration of the laws of Canada. It should be noted that the Statute of Westminster, 1931 effected important changes, particularly by abrogating the Colonial Laws Validity Act, 1865 (Br.) and confirming the right of a dominion to make laws having extraterritorial operation. Particulars of the federal judiciary are given in Chapter II, pp. 103-104, and provincial judiciaries are dealt with briefly at p. 105.

At the time of Confederation each of the colonies affected had its own body of statutes relating to the criminal law. In 1869, in an endeavour to assimilate them into a uniform system applicable throughout Canada, Parliament passed a series of Acts, some of which dealt with offences of special kinds and others with procedure. Most notable of the latter was the Criminal Procedure Act, but other Acts provided for the speedy trial or summary trial of indictable offences, the powers and jurisdiction of justices of the peace in summary conviction matters and otherwise, and the procedure in respect of juvenile offenders.

Codification of the criminal law through a Criminal Code Bill founded on the English draft code of 1878, Stephen's *Digest of Criminal Law*, Burbidge's *Digest of the Canadian Criminal Law*, and the relevant Canadian statutes was brought about by the Minister of Justice, Sir John Thompson, in 1892. This Bill became the Criminal Code of Canada and came into force on July 1, 1893. It must be remembered, however, that the Criminal Code was not exhaustive of the criminal law. It was still necessary to refer to English law in certain matters of procedure and it was still possible to prosecute for offences at common law. Moreover, Parliament has declared offences against certain other Acts, e.g., the Narcotic Control Act, to be criminal offences and the same was done in the Defence of Canada Regulations and the Wartime Prices and Trade Board Regulations (neither now in force) promulgated under the authority of the War Measures Act.

It is often difficult to distinguish between 'law' and 'procedure' Procedure may be interpreted to relate simply to the organic working of the courts but, in a wider sense, it may also affect the rights or alter the legal relations arising out of any given state of facts. For present purposes it will be useful to note that writers on jurisprudence describe law as being substantive or adjective. "Substantive law is concerned with the ends which the administration of justice seeks; procedural (adjective) law deals with the means and instruments by which these ends are to be obtained."* With reference to the criminal law, the former may be taken to include the provisions concerning criminal responsibility, the definition of 'offences' and the punishment for those offences, and the latter to include provisions for enforcement, e.g., powers to search and to arrest, for the modes of trial and for the proof of facts. Broadly speaking, the Criminal Code observes the distinction although it might appear that the provisions for preventive detention of habitual criminals and dangerous sexual offenders partake of the nature of both classes.

An examination and study of the Criminal Code was authorized by Order in Council dated Feb. 3, 1949, and the Commission assigned the task of revising the Code presented its report with a draft Bill in February 1952. After coming before successive sessions of Parliament it was finally enacted on June 15, 1954 and the new Criminal Code (SC 1953-54, c. 51) came into effect on Apr. 1, 1955. Since the new Code came into force several amendments have been made, for the most part in relation to procedure. Among the most notable of these, as well in point of procedure as of substance, are: an amendment in 1956 providing that motions for leave to appeal to the Supreme Court of Canada in criminal cases should be heard by a quorum (at least five) of judges of that Court instead of a single judge; amendments effected by SC 1959, c. 41, providing a statutory extension of the definition of "obscenity" and making provision for seizure and condemnation of offending material without a charge necessarily being laid against any person; extensive amendments relating to the allowing of time for payment of fines; amendments dealing with offences committed in aircraft in flight over the high seas; an amendment forbidding the publication in a news-

* Salmond on *Jurisprudence*, 7th Edition, p. 496.