

Prior to Confederation, each province had its own criminal jurisprudence and statutes which caused great and increasing inconvenience until the adoption of various consolidation Acts, the chief of which are the Criminal Law and Amendment Acts of 1869 and the Criminal Procedure Act of 1886. These Acts deal 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.

Codification of the law of crimes by a Criminal Code 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, was introduced by the Minister of Justice, Sir John Thompson, passed both Houses of Parliament and became law on July 1, 1893.

The Criminal Code classifies offences as indictable and non-indictable. Indictable offences include all offences that are not punishable by way of summary convictions. A limited few of such offences are triable by magistrates without the consent of the accused, by virtue of Part XVI of the Criminal Code relating to the summary trial of indictable offences. The majority, however, are triable only in the Superior Court of the province with a jury, or by consent of the accused, either under Part XVIII of the Criminal Code relating to the speedy trial of indictable offences, or under Part XVI of the Criminal Code relating to the summary trial of indictable offences. Cases triable by jury without the consent of the accused are: treason, treasonable offences, assaults on the Queen, 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 by 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, conspiring or attempting to commit, or being accessory after the fact to any of the above offences, also bribery or undue influence, personation or other corrupt practice under the Canada Elections Act. Also, when an offence is punishable with imprisonment for a period exceeding five years, the Attorney General may require the charge to be tried by jury.

Capital offences now include levying war, murder, piracy in cases of violence, rape, and treason. This is a drastic modification of the Code as it stood a century and a half ago. Further details of law and procedure are given in the 1951 Year Book, pp. 256-258.

In the Province of Quebec a district magistrate has powers extending beyond those of a magistrate in any other province. He has the same jurisdiction as a county court judge in Ontario and disposes of cases under Part XVIII of the Criminal Code, whereas the jurisdiction of the magistrates of other provinces extends only to Parts XV and XVI of the Criminal Code.