

received final passage on June 15, 1954. The new Code, in force on Apr. 1, 1955, effects changes in all the categories outlined above, but before making any comment upon them, there should be some mention of the system that existed under the repealed Code.

Offences under the Criminal Code were made either indictable or non-indictable, that is to say, punishable on summary conviction, instead of being, as under English law, felonies or misdemeanours. A few, for example, common assault and driving while intoxicated, were triable under either procedure.

Trial by jury was the accepted mode of trial of indictable offences, but this was subject to such exceptions that in practice the proportion of indictable offences so tried was very small. Over a few, a magistrate acting under Part XVI of the Code without a jury had absolute jurisdiction. In all but a few of the other cases the accused might choose summary trial before such a magistrate, or he might choose speedy trial, again without a jury, before a judge defined in Sect. 823 to include a judge of the county or district court and, in the Province of Quebec, a judge of the Sessions of the Peace or a district magistrate. However, this right to elect was subject to a prerogative of the Attorney General to require trial by jury where the offence charged was punishable by imprisonment for more than five years. The offences which did not permit this election were treason and treasonable offences, assaults on the Sovereign, mutiny, unlawfully obtaining and communicating official information, the taking of oaths to commit certain crimes, seditious offences, libels on foreign sovereigns, spreading false news, piracy, corruption of judicial officers or officers employed in prosecuting offenders, frauds on the government, breach of trust by public officers, municipal corruption, the selling of appointments to any office, murder, attempt to murder, conspiracy to murder, accessory after the fact to murder, manslaughter, rape, or attempt to commit rape, defamatory libel, combination in restraint of trade, conspiring or attempting to commit or being accessory after the fact to the other offences mentioned, also offences against the Canada Election Act including bribery or undue influence, personation or other corrupt practice.

Capital offences included treason as defined, murder, piracy in cases of violence, and rape. This is a drastic modification of the criminal law 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.

Although the new Code effects changes in detail it continues the general features of the former system.

Turning now to the changes effected by the new Code, the following will indicate the most important, although by no means all of them.

With reference to the capacity to commit crime, the exemption of persons under 14 years of age from a charge of rape is expanded to include some other sexual offences. The law concerning infanticide, which had been the subject of some judicial criticism, has been modified by definition, and provision is made whereby a justice holding a preliminary hearing may remand the accused woman for mental examination. However, if at her trial on such a charge it appears that