

she caused the death of her child but it is not established that she was mentally disturbed within the definition, she is not entitled to be acquitted unless she establishes that her act was not wilful.

The following new offences are specified:—

- (a) The giving of evidence by a witness in a judicial proceeding contradictory to evidence given by him in a previous judicial proceeding (Sect. 116).
- (b) Trespass at night on property near to a dwelling house thereon (Sect. 162).
- (c) The former Sect. 399, under which it was an offence to receive or retain anything obtained by crime, has been altered (Sect. 297) so as to make it an offence to have anything in possession knowing that it was so obtained.
- (d) The fraudulent use of slugs or other material in machines that vend merchandise or services or collect fares or tolls has been made an offence (Sect. 397).

It will no longer be possible to lay charges at common law nor under English statutes nor under pre-confederation statutes or ordinances (Sect. 7). By way of complement to this provision certain common law offences have been codified, namely, indemnification of bail [Sect. 119(2)(d)], public mischief (Sect. 120), compounding of felony (Sect. 121), and common law conspiracy [Sect. 408(2)].

Treason has been redefined with emphasis on the security of the State, although the traditional elements of the offence are continued. The definition includes the communication of military or scientific information to an agent of a State other than Canada by a person who knows or ought to know that that other State may use it for purposes prejudicial to the safety or defence of Canada, a provision new in this context. Punishment of 14 years' imprisonment is prescribed for such spying in time of peace.

There is an important change in that criminal negligence has been made a distinct offence, the gravamen of which is a wanton or reckless disregard for the lives or safety of others (Sects. 191 to 193). Sect. 221 deals specially with this offence when committed in the operation of a motor-vehicle.

The former Sect. 206 relating to gross indecency has been made to apply to both sexes (Sect. 149).

Breach of contract continues to be a crime under certain circumstances, particularly in reference to public utilities. In this regard the former Sect. 499 has been redrawn with certain savings in the interests of organized labour (Sect. 365). The law with regard to wilful damage to property has been largely consolidated with similar saving clauses in Sects. 52 (sabotage) and 372.

Leaving aside the matter of capital punishment with the observation that the new Code does not continue it for the offence of rape, it may be said that minimum punishments are not prescribed except for thefts from the post office, driving a motor-vehicle while intoxicated or with impaired ability, and for criminal sexual psychopaths. With regard to these motoring offences the power to prohibit driving is made applicable to a person convicted of driving with impaired ability.

Except in cases of defamatory libel and in summary conviction matters, the courts are not empowered to order the payment of costs in criminal cases.