

A general penalty in summary conviction matters has been provided [Sect. 694(2)] leaving it to the courts to apply it appropriately in individual cases.

The former Sect. 1081 provided that in certain instances a court could not suspend sentence without the consent of the Crown. This requirement has been eliminated.

Under the new Code a peace officer will be able to seize not only things mentioned in a search warrant but also things not so mentioned that "on reasonable grounds he believes have been obtained by or have been used in the commission of an offence" (Sect. 431). There is also a provision whereby a person interested in goods under seizure may obtain an order permitting him to examine them and to appeal against an order of forfeiture.

The former detailed provisions limiting the time in which prosecutions should be begun have largely disappeared. They are continued only with reference to treason [Sect. 48(1)], certain sexual offences [Sect. 184(4)] and summary conviction matters [Sect. 693(2)]. Sect. 672(2) prescribes a limitation for the bringing of penal actions.

A new provision (Sect. 671) will prevent the discharge of sureties under a recognizance by reason of the arrest of their principal for an offence committed while he is on bail.

With respect to evidence, there has been codification of a common law rule to require that on charges of rape and other sexual offences the judge must charge the jury that it is unsafe to convict on the evidence of the prosecutrix unless it is corroborated or unless they are satisfied of its truth beyond a reasonable doubt. Other changes in respect of corroborative evidence are that it is to be required in cases of incest but not upon charges of living on the avails of prostitution, of a householder permitting defilement, or of conspiracy to defile.

Provision to facilitate the proof of marriage in cases of bigamy is provided in Sect. 241. By Subsection (2) a certificate of marriage issued under the authority of law becomes *prima facie* evidence of the marriage or form of marriage to which it relates, without formal proof of signature.

It is perhaps with reference to trial procedure that the most far-reaching changes have been made. A rule of practice in England, not grounded in statute, whereby an accused may ask that outstanding offences be taken into consideration in passing sentence upon him, has been placed in the Code [Sect. 421(3)]. This will apply to permit that offences committed by the accused in one province may be taken into consideration in proceedings against him in another, provided that the Attorney General of the province first mentioned consents to this being done.

There is provision that an offence committed on a vehicle, vessel or aircraft during the course of a journey may be tried in any jurisdiction through or over which the journey proceeded (Sect. 419). This modifies the former Sect. 584(c).

The absolute jurisdiction of magistrates under Part XVI has been changed by taking out the cases of indecent assault which were formerly subject to it, and by adding to it the offences in respect of lotteries, and cheating at play.

There will be a right to elect for a non-jury trial in cases of spreading false news, fraud on government, breach of trust by public officer, municipal corruption and defamatory libel. This is the effect of removing these offences from the list of