

to the jurisdiction in a particular case. Furthermore, it is declared to include also a police magistrate, a stipendiary magistrate, and any person "having the power or authority of two or more justices of the peace." Certain police magistrates and other functionaries are empowered by provincial authority to do alone what the law assigns to be done by two justices, and the power so conferred is what is here referred to and which is adopted in sec. 604 for the purposes of the Criminal Code.

As to these magistrates, section sec. 604, contained in Pt. XII. of the Code, provides, *inter alia*, that every police magistrate, every district magistrate and every stipendiary magistrate appointed for any territorial division may do alone whatever is authorized by the Code to be done by any two or more justices. Similar power is conferred upon every magistrate authorized by the law of the province in which he acts to perform acts usually required to be done by two or more justices.

These provisions of sec. 604 bring within the jurisdiction of a police or stipendiary magistrate offences as to which Pt. XV. is applicable, whether directed to be tried by one justice or by two justices. As to certain offences, any two justices sitting together constitute the statutory tribunal for a summary trial under Pt. XVI.: see sec. 771, sub sec. (a 7), and sec. 773, sub-secs. (a) and (f). Any two justices sitting together have a general power of summary trial in the provinces of British Columbia, Prince Edward Island, Saskatchewan, Alberta, North-West Territories and the Yukon Territory; but in Ontario, Quebec, Manitoba, Nova Scotia and New Brunswick two justices, sitting together, have power of summary trial under Pt. XVI. only in respect of the offences of theft or receiving not exceeding \$10 and with disorderly house cases under sub-secs. (a) and (f) respectively of sec. 773.

As to other offences subject to summary trial in those provinces, the authority is conferred upon police magistrates, district magistrates and other tribunals invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more justices. Certain functionaries are specially empowered in addition to this provision, such as a Recorder in the province of Quebec, a Judge of a county Court in Ontario, Manitoba, Nova Scotia and New Brunswick. The entire proceedings would have to be looked at to determine in any particular case whether the police magistrate or similar functionary had proceeded under Pt. XV. or under Pt. XVI. upon a charge brought under sec. 169. The inclusion of the words "charged before me," which belong pecu-