

Columbia, Prince Edward Island, Saskatchewan, Alberta, North-West Territories and the Yukon.

The forms of summary conviction are Code forms 31, 32 and 33, and the forms of conviction on summary trial are Code forms 55 and 56. The distinction between the two classes of forms is that the latter recite that the accused is "charged" before the magistrate; an expression which does not appear in the summary conviction forms. Of course, where the consent is necessary to summary trial, the bracketed words in forms 55 and 56 indicating that the consent had been given will also appear on a conviction under Pt. XVI. as for the indictable offence.

The question of procedure is made important because of the varying limits of punishment applicable to the different methods of trial. If the accused is convicted on indictment, the punishment may be two years' imprisonment. The term "indictment" includes a formal charge, which under sec. 873A initiates a criminal prosecution in the Supreme Courts of Alberta and Saskatchewan respectively, and takes the place of a true bill found by the grand jury in other provinces.

If the trial takes place under Pt. XVI. before a "summary trials" magistrate acting under sec. 773, the accused is liable on conviction to imprisonment for six months or a fine not exceeding, with the costs in the case, \$200, or to both fine and imprisonment: sec. 781, as amended, 1913, Canada Statutes, ch. 13, sec. 27.

If the defendant is found guilty on a summary conviction made under the procedure of Pt. XV., the penalty may be six months' imprisonment or a fine which must not exceed \$100, but there is no power to impose both imprisonment and fine. The justices making the summary conviction have, under sec. 735, a discretion to order payment of costs by the defendant to the complainant.

Section 707 provides that where there is no direction as to the number of justices necessary to try the case under Pt. XV., in the law under which the complaint is laid, one justice may do so; but every complaint is to be tried by one justice or two or more justices, as directed by the Act or law upon which the information is framed.

Section 169 makes special provision that a summary conviction under it shall be before two justices, and by sec. 708 such justices shall be present and acting together during the holding and determination of the case. The definition of a "justice" in Code sec. 2, sub-sec. 18, gives it the singular or plural meaning in Pt. XV., according as one or more justices may be necessary