

subject should "... forthwith surrender himself into the custody of the Keeper of the Common Gaol . . . to serve the remainder of the term of imprisonment . . .". So the question arose as to how to get him back in jail.

He was served with a copy of the Full Bench decision and advised that he must surrender himself to the Jail Keeper; the intention was that should he fail to do so he would be charged under s. 185 of the Cr. Code. In due course, however, before such an unusual step became necessary he followed the advice and surrendered. However, before he definitely surrendered to the jail authorities, through his solicitors he made a strong bid for leniency. In his request to the Attorney-General's Department he pleaded that as a result of his Overseas service he had become a sufferer of chronic asthmatic bronchitis. His solicitor earnestly suggested that if this man had to be confined for any

period of time that consideration be given to allowing him to spend whatever period of incarceration the Crown had decided to inflict upon him in a veterans' hospital. Needless to say this manoeuvre failed to have the desired effect, and our bootlegging friend finally commenced to serve his jail sentence.

Just possibly all this might have been avoided if, in the Appeal Hearing in County Court, the subject had been called upon to plead; such action had been omitted and furnished the grounds for the Writ (along with the subject not being questioned as to whether he was previously convicted). It is of interest to note that according to R. v. Wood (1951) 4 W.W.R. 152 the Court of Appeal of Manitoba held that on a summary conviction appeal it was necessary for the accused to plead before the County Court Judge.

(By S/Sgt. J. Edge, RCMP, Halifax, N.S.)

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R. v. Cunningham

Acceptance by the Court of plea of guilty to murder, establishes a precedent in British Columbia legal history.

ALBERT Thorsen, a 72-year-old widower and pensioner, lived alone in his one-room cabin near Savory, a flag stop on the Canadian National Railway close to the section point of Endako, 120 miles west of Prince George. Thorsen, a familiar figure in the district with his horse-drawn two-wheel cart, was seen in the neighborhood on Sept. 14 and 16, 1951, accompanied by a stranger. The latter was judged to be a man of about 65 years, as he was heard discussing with Thorsen the possibility of applying for the Old Age Pension. Ernest Mould, a local section foreman, learned from Thorsen that he was planning to visit Vanderhoof for medical treatment and he seemed pleased that the stranger, a new-found acquaintance, had agreed to look after his horse and the cabin while he was away. Mould saw

him again the next day, again with the stranger, whose name Thorsen did not mention.

Four days later, neighbors noticed that Thorsen's horse was loose on the range, but although this was unusual it was thought that he had gone to Vanderhoof and was still there. However, the elderly man's daily activities were usually common knowledge and on October 2, after it had been learned that he had not been to Vanderhoof, Theodore Jacobsen, a store-keeper of Endako, telephoned the RCMP at Burns Lake Detachment, some 30 miles west, and expressed his fears for Thorsen's well-being. Acting on the Police suggestion, Jacobsen with two companions made a trip to the cabin which they found with the front door padlocked on the outside; the side door, secured by a nail on the