

on, I think the appellant is precluded from saying that he is aggrieved by what was his own act."

Where a prosecution under a special Act may be brought only by "a person aggrieved," a summary conviction will be quashed unless the informant be a person who has sustained a loss or liability recognized by law by reason of the alleged offence: *R. v Frankforth* (1904), 8 Can. Cr. Cas. 57.

Section 749 is by its terms limited to the following adjudications made by a justice:—

- (a) Convictions;
- (b) Orders made by the justice for the payment of money;
- (c) Orders dismissing informations or complaints.

The party who may appeal from any of the above is described in sec. 749 in the following terms: "Any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant as well as the defendant."

Part XV. of the Code outlines a general scheme of procedure applicable to summary conviction matters, and its provisions are not limited to such matters arising under other provisions of the Criminal Code. Part XV. applies, subject to any special provision to the contrary, wherever any person commits an offence for which he is liable under Federal law on summary conviction to punishment, and it also applies to cases where a justice can under Federal authority make any order "for payment of money or otherwise." See Code sec. 706.

It will be noted that the words "or otherwise" are not carried into sec. 749 which gives the right of appeal. Section 749 applies to an order made by the justice "for the payment of money." There are various enactments where justices may make orders of forfeiture or orders for the destruction of property and which are not orders for the payment of money, and could not be made the subject of appeal either under that heading or under the heading of convictions. See Code sec. 623 as to seizure and forfeiture of copper coin unlawfully imported; sec. 622, as to orders for impounding and destroying weapons carried by persons convicted under secs. 122 to 124 inclusive; and see the Canada Temperance Act as to orders for destruction of intoxicating liquors seized under process of search under that Act, and similar provisions under Code secs. 613 and 614 as to liquors found in proclaimed districts in the vicinity of public works.

The words "persons aggrieved," as applied to appeals from justices' orders seem to have come down through the various statutes of Canada above referred to from English statutes under which the right of appeal was not so limited as that given under