

that Government bears the cost of prosecution, and the proceeds of all recognizances estreated in connection with such proceedings, shall belong to Her Majesty for the public uses of Canada, and shall be paid by the Magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada.

Provided that nothing in this section contained shall affect any right of a private person suing as well for Her Majesty as for himself, to the moiety of any fine, penalty or forfeiture recovered in his suit."

NOTE:—Makes general provision covering all fines, etc. In result of correspondence with the several Provincial Governments, Ss. 806 and 827, making partial provision, it is proposed to repeal.

Section 943.—By substituting the following therefor:—

"943. The duties imposed upon the sheriff, jailer, medical officer or surgeon by the [three] sections next preceding, may be, and, in his absence, shall be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, or discharging the duties of any such officer."

NOTE:—The section as it stands has "two" instead of "three" in the second line which is obviously a mistake.

Section 955.—By adding at the end of subsection 3 thereof the following:—

["and provided further that where any one is sentenced for any offence who is, at the date of such sentence, serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years to imprisonment in the same penitentiary, such sentence to take effect from the termination of his existing sentence or sentences."]

NOTE.—Suggested by Mr. Whiting, County Crown Attorney at Kingston. Would apply to attempts at escape, assaults on officers, &c.

Section 957.—By substituting the following therefor:—

"957. Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison, or if there be no such officer, or if the medical officer be for any reason unable to be present, then, under the supervision of a surgeon or physician to be named by the Minister of Justice, in the case of prisons under the control of the Dominion, and in the case of other prisons by the Attorney General of the province in which such prison is situated.

2. The number of strokes shall be specified in the sentence; [and the instrument to be used for whipping shall be a cat of nine tails unless some other instrument is specified in the sentence.]

3. Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

4. Whipping shall not be inflicted on any female."