

The code rule is that it shall be sufficient if the indictment contains "in substance a statement that the accused has committed some indictable offence therein specified. Such statement may be made in popular language without any technical averments or any allegations of matter not essential to be proved": *Crim Code*, s. 611.

Under our system we cannot hope to rival such an indictment as was recently filed in the State of New York, where the prisoner was charged with murder by poisoning. "The indictment covers every possible point which may arise in the attempt of the prosecution to prove the murder, and charges the administration of chloroform, mercury, chloroform and mercury combined, as well as unknown poisons. The indictment which has been filed is unique in one particular at least, as it is said to be the most voluminous indictment ever filed in a similar charge, consisting of thirteen typewritten pages."

When the complete commission of the offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of such attempt and punished accordingly: s. 711.

So, when a prisoner is charged with an attempt to commit an offence, but the evidence establishes the commission of the full offence, the prisoner may be convicted of the attempt, unless the Court shall think fit to direct him to be indicted for the complete offence: s. 711.

A prisoner charged with an offence, the commission of which is not proved, may be convicted of any other offence included in the original charge which is proved, or of an attempt to commit the offence: ss. 711-713.

Ample powers of amendment and of curing defects are given to the Court in criminal proceedings: ss. 612, 613, 629, 723.

IV. CRIMINAL APPEALS.

The general rule is laid down by Anson (*Law of the Constitution* II. 445) as follows: "The Queen has authority by virtue of the prerogative to review the decisions of all Colonial Courts, whether the proceedings be of a civil or criminal nature, unless Her Majesty has parted with such authority." But no appeal lies to the Privy Council in criminal cases, for sec. 751 of the Code enacts that "notwithstanding any royal prerogative, or anything