

thereupon by leave of the judge amended by substituting separate charges covering the amount specified in the original charge.

Defendant pleaded not guilty to each of said charges and was tried upon the first charge and found guilty of fraudulently not accounting, but acquitted as to so much of the charge as referred to his omission to pay. The prisoner was sentenced to one week's imprisonment on the first charge and the hearing of the remaining charges was adjourned until Nov. 27, when the learned judge directed the prisoner to be tried at the same time upon the 16th, 29th and 28th charges.

*Held*, overruling objections taken on the part of the prisoner, that the charge was sufficiently and legally set forth, it being clear that it was the object of the Code (s. 852, sub-ss. 2, 3; s. 853, sub-s. 2; s. 854, and form 64) to do away with all technical objections of this character, and that the count or charge should be valid provided it was sufficient, to indicate to the accused clearly the offence with which he was charged.

2. In view of ss. 834, 839, 854 and other sections conferring upon the judge ample power to amend and to substitute other charges, the trial judge had power to amend the original charge in the manner above set out.

3. The rules in the Code regulating procedure under the Speedy Trials Act, so far as applicable, gave the procedure in trials before the County Court judge especially as regards the sufficiency of the charges and the evidence, and in that view the provisions of s. 856 and following section on the subject must govern him.

4. In the present case the judge had full authority to try the whole 62 charges together, and s. 857 merely restricted his power in cases of theft except for special cause when alleged to have been committed within six months.

5. As the charges numbered 16, 28 and 38 shewed on their face that they were in no respect identical with the first charge upon which the prisoner was tried and convicted, but were for the theft of a different sum at a different date, and pleas of autrefois acquit and autrefois convict, which were disallowed by the judge, could not have in any way availed the prisoner.

6. The three several charges upon which the prisoner was tried were to be regarded only as separate counts of one general charge, namely, the continuous embezzlement of money from the one corporation during a specified period, and that it was therefore competent for the judge to try the prisoner upon all at the same time.

*J. A. McLean, K.C.*, for the prisoner. *Power, K.C.*, and *Paton*, for the Crown.