

THE CRIMINAL CODE

(CANADA)

An Act Respecting the Criminal Law

(R.S.C. 1906, ch. 146, and amendments 1907-1918.)

SHORT TITLE.

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1. This Act may be cited as the Criminal Code.

Origin—Criminal Code 1892, 55-56 Viet. Can., ch. 29; draft English Criminal Code as reported 1880 by Royal Commissioners to the British Parliament but not adopted; various Canadian statutes dealing with criminal law and procedure.

General effect as a Code—The Criminal Code was intended to make complete and exhaustive provision as to the subjects with which it deals, in so far, at all events, as its provisions relate to procedure. It is explicitly called a code by the first section of the chapter in which it is embodied and its utility as a code will be greatly impaired if it cannot be so considered. *R. v. Snelgrove*, 12 Can. Cr. Cas. 189, per Russell, J.; *Vagliano Case*, [1891] 1 A.C., 144.

Sec. 16 (Section 7 of the 1892 Code) which expressly makes common law justifications and excuses applicable to charges under the Act, implies that, in the absence of such a provision, the common law was meant to be superseded by the Act or else expressly embodied in it in the terms of a statute. For this reason sec. 999 of the Code is held to provide exhaustively for the cases in which and the conditions under which the depositions taken on the preliminary examination can be used on the trial in the event of the deponent's decease, and that the common law procedure as to this matter has been superseded.

See also notes to secs. 15 and 16.

Citation of Code in other statutes—In the general Interpretation Act for the statutes of Canada there was introduced, 6 Edw. 7, ch. 21, sec. 6 (now R.S.C., ch. 1, sec. 39), this provision: "any such citations of, or reference to any Act (in any Act, instrument or document)