

more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions ;”

NOTE.—This clause was added by the Senate. It supplies words which are obviously necessary to complete the sense.

NOTE.—Under the present practice the preliminary investigation, where a coroner's inquest has been held, is often a work of supererogation, and could be dispensed with advantageously at a great saving in the expense of the administration of justice.

Section 589.—By substituting the following therefor :—

“589. If the accused person does not afterwards appear at the time and place mentioned in the recognizance the said justice, or any other justice who is then and there present, having certified upon the back of the recognizance the non-appearance of such accused person, in the form R in schedule one hereto, may transmit the recognizance to the proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *prima facie* evidence of the non-appearance of the accused person.

[“2. The proper officer to whom the recognizance and certificate of default are to be transmitted in the province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the Court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court. In the province of British Columbia, such proper officer shall be the clerk of the County Court having jurisdiction at the place where such recognizance is taken, and such recognizance shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such County Court; and in the other provinces of Canada such proper officer shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act, and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected.”]

NOTE.—Difficulty in applying present section pointed out by the Attorney General Office, British Columbia. The change suggested adopts the practice under the Summary Convictions Part, s. 878.

[Section 601. By adding thereto to the following subsection :

“3. Where the offence is one triable by the Court of General or Quarter Sessions of the Peace and the justice is of opinion that it may better or more conveniently be so tried, the condition of the recognizance may be for the appearance of the accused at the next sittings of that court notwithstanding that a sittings of a superior court of criminal jurisdiction capable of trying the offence intervenes.”]

NOTE.—It is doubtful whether this can be done at present, and as a consequence petty cases are frequently sent to the assizes which might very well be tried by the sessions.

Section 641.—By substituting the following therefor :—

“641. Any one who is bound over to prosecute any person, whether committed for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed,