
THE SENATE OF CANADA.

K.]

BILL.

[1900

An Act further to amend The Criminal Code, 1892.

HER Majesty, by and with the advice and consent of the Preamble.
Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Criminal Code Amendment* Short title.
5 Act, 1900.

2. *The Criminal Code, 1892, is amended in the manner set* 1892, c. 29.
forth in the following schedule:— amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.

The explanatory notes have been furnished by the Department of Justice.

The matter in plain type comprises the provisions in the Bill of last session as it passed the Senate. The matter in Italics has been since added.

Section 3.—By repealing sub-paragraph (i) of paragraph (e) as that sub-paragraph is enacted by chapter 40 of the statutes of 1895, and substituting the following therefor:—

“(i.) In the Province of Ontario, [the Court of Appeal for Ontario.]”

NOTE.—The sub-paragraph now reads “any Divisional Court of the High Court of Justice.”

“And by repealing sub-paragraph (i) of paragraph (y) and substituting the following therefor:—

“(i.) In the Province of Ontario [the High Court of Justice for Ontario.]”

NOTE.—This amendment is necessary because the provision as it stands relates to “Divisions” of the High Court, and under recent legislation the Divisions of the High Court have no jurisdiction as such.

By inserting the following section immediately after section 166:—

166A. Every one is guilty of an indictable offence and liable to one year’s imprisonment, who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom.”

NOTE.—This clause providing against negligent escape, was contained in the Bill of 1891 (see clause 167), and also in the Bill of 1892 (clause 168), but it was struck out in Committee of the Whole in the House of Commons. The suggestion was that the offence was not essentially a criminal one. From two or three quarters it has been proposed that the Code should contain such a provision. There was a corresponding provision in the pre-existing law (see Revised Statutes, chapter 155, section 7.) The clause now proposed is taken from the Criminal Code Bill (Imp.) of 1880, clause 136.