

altogether too lengthy to undertake, to touch even briefly upon the more important questions that arise out of this Act, but a consideration of one or two may be interesting, and in the end perhaps useful.

We often hear, and we continually read of the "suspended sentence" supposed to be introduced by the Code, but it will be found on examination that no such words appear in the Code. The section (971) that permits this line of action provides for an offender being "released on probation of good conduct, and in the margin of the original Act that is called a "conditional release." We are aware that, prior to the passing of this Act, many judges were in the habit of "suspending sentence," there being nothing either in the written or the unwritten law requiring an immediate sentence after conviction, nor incarceration till sentence passed.

The provision in the Code was no doubt intended to help those judges who had declined to act in this way without warrant, but who would have done so, had their wishes prevailed. The amendment to this section passed last year, by which in the sentence "regard being had to the youth, character, and antecedents of the offender," the word "age" is substituted for "youth," permits of a wider application of this benevolent and useful provision.

That most excellent measure "The Speedy Trials Act," by which the procedure in the County Judge's Criminal Court (or "Interim Sessions" as it sometimes, though improperly called), was established, has been incorporated in the Code. The words used are "the County *Court* Judge's Criminal Court" as in the original Act, though by c. 57 of the R.S.O. 1897, the local legislature in constituting the judge of the County Court a Court of Record styles it "the County Judge's Criminal Court."

The section (768) which empowers the judge in his discretion to remand all the prisoners for trial by jury, in a case where one of two or more prisoners charged with the same offence demands a trial by jury, is in the language of the original section. The words "in his discretion" have been the cause of two different procedures, as they *appear* to (though perhaps they do not) permit a judge either to try without a jury the prisoner so electing, or to remand him, with the other or others who do not so elect, for trial by jury

The following is a case where by the remand of all the prisoners for a jury, a great hardship was imposed upon one of them. A. & B. we will call them, were charged with the same offence. A.