

No. 28.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to amend the Criminal Code,
1892.

First reading, February 15, 1900.

MR. BRITTON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1900

An Act to amend the Criminal Code, 1892.

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

1. The sub-paragraph substituted by chapter 40 of the 1892, c. 29, statutes of 1895 for sub-paragraph (i) of paragraph (e) of section 3 of *The Criminal Code*, 1892, is hereby repealed and the following substituted therefor:—

“(i.) In the province of Ontario “The Court of Appeal for Ontario”

2. Section 182 of the said Code is repealed, and the following is substituted therefor:— New s. 182.

“182. Every one above the age of twenty-one years is guilty of an indictable offence, and liable to two years' imprisonment who, under a promise of marriage, or after a promise of marriage and while they are engaged to be married, seduces and has illicit connection with any unmarried female, of previously chaste character, and under twenty-one years of age.” Seduction under promise of marriage.

3. Section 641 of the said Code is amended by inserting after the word “not” in the second line thereof the following words, “and any person who was complainant or informant in a matter where the person charged has been committed for trial.” Section 641 amended.

4. Section 684 of the said Code is amended by striking out paragraph (c), and substituting the following:— Section 684 amended.

“(c.) Offences under Part XIII., sections 182 to 188 inclusive.”

5. Section 687 of the said Code is repealed, and the following is substituted therefor:— New s. 687.

687. “If upon the trial of an accused person, such facts are proved, upon the oath or affirmation of any credible witness, that it can be reasonably inferred therefrom, that any person whose deposition has been taken in the investigation or previous trial of any charge before a judge or justice, is dead, or so ill as not to be able to travel, or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused, and that he, his counsel or solicitor, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the judge or justice before whom it purports to have been taken, or duly certified by a shorthand reporter, acting as such at the investigation or pre- Depositions on preliminary inquiry may be read in evidence.

vious trial, it shall be read as evidence on any trial of the accused person thereafter on the same charge, without further proof thereof, unless it is proved that such deposition was not in fact signed by the judge or justice purporting to have signed it, or certified by the reporter as aforesaid." 5

New s. 744.

6. Section 744 of the said Code is repealed and the following is substituted therefor :—

Appeal when
no question
is reserved.

"~~744.~~ If the Court refuses to reserve the question, the party applying may move the Court of Appeal as hereinafter provided. 10

"2. The Attorney General or any person who has applied to the court to reserve any such question of law, may, on notice of motion to be given to the accused or prosecutor, as the case may be, move the Court of Appeal for leave to appeal. The Court of Appeal may, upon the motion and upon 15 considering such evidence, if any, as they think fit to require, grant or refuse such leave.

"3. If leave to appeal is granted, a case shall be stated for the opinion of the Court of Appeal as if the question had been reserved. 20

"4. If the sentence is alleged to be one which could not by law be passed, either party may, without leave, upon giving notice of motion to the other side, move the Court of Appeal to pass a proper sentence.

"5. If the court has arrested judgment and refused to pass 25 any sentence, the prosecutor may, without leave, make such a motion."

Section 748
repealed.

7. Section 748 of the said Code is repealed.

Section 773
amended.

8. Section 773 of the said Code is amended by adding thereto the following subsection :— 30

If depositions
disclose
offence other
than that for
which accused
is committed.

"2. In case the depositions taken upon the charge or charges upon which the prisoner has been committed to gaol for trial disclose an offence or offences other than such charge or charges, the judge, upon the application of the county crown attorney, clerk of the peace or other prosecuting officer, may 35 refuse to try the prisoner upon such charge or charges ; and in case of such refusal the prisoner shall remain in custody, or be admitted to bail, to take his trial or be otherwise dealt with at the next court of competent jurisdiction to try the offence or offences so disclosed by the depositions." 40

Section 783
amended.

9. Section 783 of the said Code is amended by striking out paragraphs (d.) and (e.), and by amending subsection (b.) by adding thereto after the word "theft," the following words, "where the value of the property with reference to which the alleged attempt was made does not in the judgment 45 of the magistrate exceed ten dollars,"

Section 788
amended.

10. Section 788 of the said Code is amended by striking out the letters (d) and (e) in the second line.

11. Section 955 of the said Code is amended by inserting at the end of subsection 3, and as a part thereof, the following words:—

“ And provided further that where any person is sentenced for any offence who is at the time of such sentence serving a term of imprisonment in a penitentiary for another offence, he may be sentenced for a term shorter than two years, to imprisonment in the same penitentiary, such sentence to take effect at and from the termination of his existing sentence or sentences.”

Section 955 amended.

If prisoner sentenced is already serving a term.