

No. 12.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act further to amend the Criminal
Code, 1892.

First reading, February 9, 1898.

Mr. BRITTON.

OTTAWA

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An Act to further 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. Paragraph (c) of section 684 of *The Criminal Code*, 1892, c. 29, s. 684 amend-
5 1892, is hereby repealed and the following substituted there- ed.
for:—

“(c). Offences under Part XIII., sections one hundred and eighty-two to one hundred and eighty-eight inclusive.”

2. Section 744 of the said Code is hereby repealed and the
10 following is substituted therefor:— New section 744.

“**744.** If the court refuses to reserve the question, the party
applying may move the Court of Appeal as hereinafter pro- Appeal when no question reserved.
vided.

“**2.** The Attorney General or any person who has applied to
15 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 considering such evidence (if any) as they think fit to require, grant or
20 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.

“**4.** If the sentence is alleged to be one which could not by
25 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 any sentence, the prosecutor may, without leave, make such a
30 motion.”

3. Section 748 of the said Code is hereby repealed.

Section 748 repealed.