

REX v. VOORLOOPER YOLO.

1910. December 17. WARD, J.

*Criminal law.—Sentence.—Review.—Remitted as single case.—Sec. 85 of Magistrates' Courts Ordinance of 1902.*

Where a criminal case was remitted under sec. 85 of the Magistrates' Courts Ordinance as a single case, and the magistrate imposed a sentence on each of three counts exceeding in the aggregate his jurisdiction under the section, the sentences were reduced on review so as to bring the aggregate within the magistrate's jurisdiction.

*R. v. Sampson and Bacon* (6 S.C. 277) and *R. v. Mdityana* (18 E.D.C. 213) followed.

WARD, J.: The accused had been charged before the acting detached Assistant Resident Magistrate, Koffyfontein, with contravening sec. 22 of Ordinance 1 of 1904 and sentenced to pay a fine of £20 or to two months' imprisonment with hard labour on each of three counts, the sentences to run consecutively—that is, a fine of £60 or six months' imprisonment with hard labour. This is a case remitted by the Attorney-General under sec. 85 of the Magistrates' Courts Ordinance (7 of 1902) as a single case. The penalty cannot, therefore, exceed that laid down in sec. 85 of the Ordinance—namely, a fine of £50 or twelve months' imprisonment with hard labour. The sentence is amended by substituting a fine of £50 for the three fines of £20. See the cases of *R. v. Sampson and Bacon* (6 S.C. 277) and *R. v. Mdityana* (18 E.D.C. 213).

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