

throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval.”]

NOTE.—See section 331A *ante*.

Section 729. *By substituting the following therefor :—*

“729. *The taking of the verdict of the jury or other proceeding of the court shall not be invalid by reason of its happening on Sunday [or on any other holiday.]”*

NOTE.—The words in square brackets are new and the amendment proposed is desirable to remove doubt.

Section 760.—By substituting the following therefor :—

“760. In the province of Nova Scotia a calendar of the criminal cases shall be sent by the Clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses.”

NOTE.—This section applies only to Nova Scotia. The amendment consists in striking out the last two lines of the section which read thus : “And the indictments shall not be made out, except in Halifax, until the grand jury so directed.” One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary and is very inconvenient in practice. Practitioners have communicated the same view.

Section 763.—By inserting after the word “includes” in the second line of paragraph (b) thereof, the following words :—
[“In the province of Ontario the County Crown Attorney.”]

NOTE.—The County Crown Attorney is the prosecuting officer in that province.

Section 765.—By substituting the following therefor :—

“765. Every person committed to jail for trial on a charge of being guilty of any of the offences which are mentioned in section 539 as being within the jurisdiction of the General or Quarter Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried in any province under the following provisions out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, is or is not then in session, and if such person is convicted, he may be sentenced by the judge.

[2. A person who has been bound over by a justice under the provisions of section 601 and has either been unable to find bail or been surrendered by his sureties, and is in custody on such a charge, or who is otherwise in custody awaiting trial on such a charge, shall be deemed to be committed for trial within the meaning of this section.”]

NOTE.—The Supreme Court of Nova Scotia has held that the present section only applies where the person is actually and formally “committed for trial,” and not to the other cases to which it is now proposed to extend it, so that in that province, the advantage of speedy trial cannot be had in those cases.

Section 766.—By adding thereto the following subsection :

“2. Where the judge does not reside in the county in which the prisoner is committed, the notification required by this section may be given to the prosecuting officer, instead of to