

SUPPLEMENT TO THE ANNOTATED CRIMINAL CODE

MARCH, 1920

Code sec. 2 (7)—Court of Appeal.—In Ontario, the Appellate Division of the Supreme Court of Ontario. 1913 Can., ch. 50, sec. 1.

Code sec. 2 (16)—“Indictment.”—A formal charge by a private prosecutor for which leave is asked under sec. 873A is included as an indictment for the purposes of a *nolle pros.* by the Attorney General. R. v. Edwards, [1919] 2 W.W.R. 600 (Alta.).

Code sec. 2 (35)—superior court of criminal jurisdiction.—In Ontario, the High Court division of the Supreme Court of Ontario. 1913 Can., ch. 50, sec. 2.

Code sec. 9—Add note: *Mounted Police.* By 1919 Can., 2nd session, ch. 28, the name of the R.N.W. Mounted Police was changed to Royal Canadian Mounted Police.

Code sec. 10—Sub-title “Pre-Confederation provincial statutes” (foot paging 23).—For “Hudson v. South Norwich,” read “Huson v. South Norwich” and add citations: R. v. Lorette [1918] 3 W.W.R. 324, 30 Can. Cr. Cas. 238 (Man.); R. v. Shaw, 7 Man. R. 518; Drapeau v. Recorder's Court (1918) 52 Que. S.C. 505, 30 Can. Cr. Cas. 249.

Code sec. 13—Civil remedy not suspended (foot paging 29).—Add: On the constitutional question compare Standard Bank v. Shuen Wah, [1919] 1 W.W.R. 586 (B.C.).

Where both criminal and civil proceedings are pending for the same cause, the criminal proceedings should be expedited and, if possible, the criminal charge should be disposed of before the trial of the civil action, *Moorehouse v. Connell* (1920) 17 O.W.N. 351.

Code sec. 19—Defence of insanity.—After citation of *McNaughten's case*, 10 Clark & Fin. 200, add: R. v. Keirstead, (1918) 45 N.B.R. 553, 30 Can. Cr. Cas. 175.

Code sec. 30—Arrest by peace officer—Belief on reasonable grounds (foot paging 44).—After citation of R. v. Cloutier, add: *Anderson v. Johnson*, [1918] 3 W.W.R. 620, 30 Can. Cr. Cas. 268. On page 45 citation of *ex parte McCleave* should read: 35 N.B.R. 100, 5 Can. Cr. Cas. 115.

Code sec. 69—Parties to offences—(foot paging 69).—At end of second paragraph, add citation: R. v. Lackman (1918) 28 Que. K.B. 69, 30 Can. Cr. Cas. 400.

Code sec. 74—Treason—Overt acts (foot paging 82).—After citation of R. v. Fehr, add: The overt acts need not in themselves amount to