

Section 680.—By substituting the following therefor :—

“680. When the attendance of any person confined in any prison in Canada, or upon the limits of any jail, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court or of any superior court or county court, [or any chairman of General Sessions,] may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden or jailer of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(a.) to deliver such prisoner to the person named in such order to receive him ; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet ; or

[(b.) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet ; and in such latter case, on being served with the order and being paid or tendered his reasonable charges, such warden, jailer, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order.”]

NOTE.—The only change is in the insertion of the words in square brackets and the addition of paragraph (b). See Impl. Act, 16 & 17 Vict., ch. 30 ; Taylor on Evidence 9th Ed., ss. 1275, 1276.

This paragraph was suggested by the late Chief Justice Davie of British Columbia, and will, especially in that province, effect a considerable saving of expense.

Section 687.—By substituting the following therefor :—

“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 of any charge 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 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 the same purports to have been taken, it shall be read as evidence in the prosecution 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 the same.

[(2) In this section the word “deposition” includes the evidence of a witness given at a trial.”]

NOTE.—Under the section as it stands, it is doubtful if depositions at a previous trial can be read. See Article Canada Law Journal of Feb., 1899, p. 91.
Rejected by Senate in 1897.

By inserting the following section immediately after section 701 :—

[“701A. In order to prove the age of a girl or child or young person for the purposes of sections 181, 186, 210, 211, 216, 261, 269, 270, 283 and 284, the following shall be sufficient *prima facie* evidence :—

(a.) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about