

An Act to amend the Law relating to Criminal Procedure.

**W**HEREAS it is desirable in the interests of justice, that persons accused of crime should have the same means of adducing evidence before Courts having Criminal Jurisdiction, on their trial, as are afforded in civil cases: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Any person who is committed or held to bail for trial at any Court of Criminal Jurisdiction, for any offence, shall be permitted to make application to such Court, or any Judge thereof, or to any Judge of a Superior Court of common law, in the Province where he is so committed, for a commission to examine witnesses on his behalf for such trial, and such commission may be granted, and the evidence taken thereunder shall be read in evidence on such trial, and be used in the same manner as if the witnesses so examined were examined *vivâ voce* in open court at such trial.

Commissions may issue for examination of witnesses for defence in criminal cases.

2. Before granting any such commission the Court or Judge to which or to whom application is made therefor, shall be satisfied that such commission is not sought for the purpose of delay, but that the evidence of the witnesses to be examined thereunder is *bonâ fide* required for the defence of the accused, and the interrogatories to be administered to the witnesses and the proceedings to be taken under such commission, shall be subject to the same practice as in civil suits in the Province in which such commission is granted, and such commission shall be open to the same objections at the trial, as similar commissions in civil cases are open to by the laws of such Province.

Preliminary proceedings, and conditions.

3. Whenever any such commission is applied for in any case, such notice shall be given to the Law Officers of the Crown in the Province, or the County Attorney of the County in which such person charged is held for trial, as the Court or Judge shall determine.

Notice to law officers of the Crown.

4. No person shall be excluded from giving evidence on any case by reason of his conviction of any crime for which he has been sentenced, and is under going on such sentence.

Convicts undergoing their punishment competent as witnesses in any case.

5. No person shall be convicted on any Court of criminal offense on the evidence of an accomplice, without such evidence of corroboration, as shall be deemed sufficient to be left to the Jury by the Court or Judge by whom such offence is tried.

No conviction on evidence of accomplice uncorroborated.