

Proceedings had for the removal of a civil officer of the Province, on an impeachment for wilful or corrupt misconduct in office :

2. Proceedings had for the removal of Justices of the Peace, and others holding office at the pleasure of the Crown :

3. Offences arising in the militia :

4. Offences cognizable by Police Courts, Police Justices or Superintendents, or Justices of the Peace :

5. Contempts.

X. The proceeding for the trial and punishment of a public offence, is known as a criminal action.

XI. A criminal action is prosecuted by the title and in the name of the Sovereign for the time being, as a party against the party charged with the offence.

XII. The party prosecuted in a criminal action, is designated in this Code, as the defendant.

XIII. In a criminal action, the defendant is entitled,

1. To a speedy and public trial :

2. To make full answer and defence thereto by himself in person or by counsel learned in the law.

3. To produce witnesses or proof in his behalf, and to be confronted with and cross examine the witnesses against him in the presence of the court ; except that where the charge has been preliminarily examined before a magistrate, and the testimony reduced by him to the form of a deposition in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness ; the deposition of the witness in such case may be read as evidence, upon its being satisfactorily shown to the Court that he is dead or insane, or cannot, with due diligence, be found in the Province.

XIV. No person shall be subjected to a second criminal action for a public offence, for which he has once been duly convicted or acquitted on the merits.

XV. No person can be compelled, in a criminal action, to be a witness against himself ; nor can a person charged with a public offence, be subjected before conviction, to any more restraint than is necessary for his detention to answer the charge.

XVI. No person can be convicted of a public offence, for which he is entitled to a trial by jury, unless by the verdict of a jury accepted and recorded by the Court, or upon a plea or confession of guilty.

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