

Judge, Recorder, Inspector and Superintendent of Police or Justice of the Peace, or by the prosecuting Officer or person who is to sign the certificate.

Order of Judge, &c., to be required to enable defendant in felony to obtain subpoenas without paying fees.

II. The defendant in any case of felony, shall not obtain Subpoenas for necessary witnesses for his defence without payment of fees, in the manner now used, except upon the order of some Judge of the Court in which the case is to be tried, or of the prosecuting Officer in the case, which order shall be granted on the affidavit of the Defendant that he is poor and needy, and that such witnesses are necessary to the defence, and the lawful fees of the proper officer issuing such Subpoenas, shall then (but not otherwise) be paid as they now are; but no expenses of serving such Subpoenas shall hereafter be paid out of any public money; Provided always, that in cases of misdemeanor or other offences less than felony, no expenses for subpoenas or service of subpoenas on the part of the Defendant, shall be paid out of any public money, in whatever Court such case be tried.

Proviso.

Forfeited recognizances to be certified to the Superior Court.

III. Whenever default is made in the condition of any recognizance lawfully entered into or taken in any criminal case, proceeding or matter in Lower Canada, so that the penal sum therein mentioned becomes forfeited and due to the Crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it may be, or a certificate or minute of such recognizance under the seal of the Court shall be made from the records of such Court where the recognizance has been entered into orally in open Court, and such recognizance, certificate or minute, (as the case may be,) shall be transmitted by the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, or Magistrate or Functionary before whom the cognizor (or the principal cognizor where there is a surety or sureties) was bound to appear or to do that by his default to do which the condition of the recognizance is broken, to the Superior Court in the District in which the place where such default was made is included for civil purposes, with the certificate of the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, Magistrate or other Functionary as aforesaid, of the breach of the condition of such recognizance, of which and of the forfeiture to the Crown of the penal sum therein mentioned such certificate shall be conclusive evidence: And the date of the receipt of such recognizance or minute and certificate by the Prothonotary of the said Court shall be indorsed thereon by him, and he shall enter judgment in favor of the Crown against the cognizor (or cognizors) for the penal sum mentioned in such recognizance, and execution may issue therefor after the same delay as in other cases, which shall be reckoned from the time when the recognizance or minute and certificate were received by the Prothonotary of the said Court, and such execution shall issue upon fiat or precept

Judgment to be entered thereon.