

PROPOSED LEGISLATION IN NOVA SCOTIA.

diction within the respective Counties with the Supreme Court, of all crimes and offences, which are not capital, committed within their respective Counties, which crimes and offences shall be triable by whichever Court, the Supreme or County, shall first hold Court in the County, next after the committal of the party charged with such crime and offence, and the judges shall have full power and authority to hear, enquire into, try, determine, deal with and punish all such crimes, offences and misdemeanors aforesaid, in manner prescribed by law, provided always that the Attorney-General of the Province may, at any time and in any stage of the proceedings, relating to all crimes and offences, except misdemeanors proceeded under in any County Court, take charge of, and control such proceedings, as fully as if cognizance were being had in the Supreme Court of such crimes and offences, and may at any time, previous to the commencement of any trial, in any County Court for any crime and offence, cognizable in such Court, except misdemeanors, issue his fiat, and transmit the same to the Clerk of the County Court, where such crime or offence would be triable, which shall have the effect of determining the jurisdiction of said County Court as far as regards such crime and offence, and giving to the Supreme Court of the said County exclusive jurisdiction over such crime or offence. All acts, and part of acts, touching and concerning the criminal laws and the administration of criminal justice in the Province, or relating to jurors, witnesses, evidence or proceedings of any kind now in force, and applicable to the Supreme Court, when exercising criminal jurisdiction, shall be in force and apply to the several County Courts, except as herein modified or altered; and the County Courts shall be clothed with and exercise all the like powers, rights and privileges, in all cases cognizable by them as now appertain to, or are exercised by the Supreme Court, as Courts of criminal jurisdiction; provided that no grand jury shall be summoned to attend any County Court, except upon the order of the Judge of such court directed to the Sheriff for that purpose, who upon receiving such order shall immediately summon seven grand jurors to attend such court, who shall be sworn and charged and due presentment make of any matter submitted to them by the Judge of such court.

2. All warrants of committal issued by, and all examinations and recognizances taken by any justice of the peace, or relating to parties committed for trial for any offence or crimes which are not capital, shall be by him immediately after transmitted to the Clerk of the County Courts of the County within which such crimes

and offences have been committed—if such court shall sit in said county—previous to the Supreme Court; and all warrants of commitment issued by, and all examinations and recognizances taken by any justice of the peace, or relating to persons committed for trial at any County Court, for misdemeanors, shall immediately thereafter be transmitted to the Clerk of such County Court.

3. The several Judges of the County Court may admit to bail any person charged with any offence (except capital offences) in the same manner and to the same extent as may be now done by a Judge of the Supreme Court.

4. In any and every case of summary or other conviction, before any justice or justices of the peace for any county, or the Stipendiary Magistrate for the city of Halifax, an appeal from such justice, or justices or Stipendiary Magistrate may be made to any Judge of the County Courts—which appeal the said justice or justices or Stipendiary Magistrate shall grant, on the party so committed giving bonds, with sureties, in such sum as the justice or justices or Stipendiary Magistrate shall deem proper, to appear and prosecute said appeal at the next sittings of the County Court in the county, and the Judge thereof shall try the matter, *de novo*, summarily, and the justice or justices or Stipendiary Magistrate shall bind over, by recognizance, the witnesses to appear and give evidence at such court.

5. No petit jury shall be summoned, or hereafter attend at any General Session of the Peace for the county of Halifax.

6. [Special provisions as to County of Halifax.]

7. The Judge of the County Court may, upon good cause shewn, from time to time, postpone the trial of any criminal matter to any future sittings of the court, and in such case shall bind over the offender, by recognizance, (and if at his instance with sureties) in such sum as he thinks proper, to appear and take his trial at such future court; and he shall also bind over, by recognizance, the witnesses to appear and give evidence at such court.

8. [The County Judge may order the examination *de bene esse* of all witnesses sick or infirm or about to leave the Province before the Clerk of the Court.]

9. The jury for the trial of criminal offences in the County Court shall be seven, all of whom must agree upon the verdict.

10. The senior Queen's Counsel resident in the county, and if no Queen's Counsel reside in the county, the senior or Queen's Counsel present at the opening of the County Court, and in their absence the senior practising attorney shall be appointed by the Judge to conduct all criminal