

An Act to diminish the Expenses for Witnesses, and to facilitate the enforcing of forfeited recognizances, in Criminal Cases in Lower Canada.

WHEREAS it is expedient to restrict the allowance to Witnesses on behalf of the Crown in Criminal Cases in Lower Canada, to such amount as will indemnify them for their actual disbursements; except only in the case of poor and needy witnesses, and to make certain other provisions for diminishing the expense borne by the Province in Criminal Cases in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. No witness at the trial of any case of felony or misdemeanor, shall receive any allowance as such out of any public money, nor shall any order be made by any Court, Judge, Recorder, Inspector and Superintendent of Police, or Justice of the Peace, for the payment of any such witness out of public money, except upon the certificate of the Attorney General or Solicitor General or other prosecuting Officer on the part of the Crown, or of the Clerk of the Peace or other Public Officer prosecuting a felony or other offence in the Court of Quarter Sessions or Recorder's Court, that such witness, being subpoenaed or bound by recognizance to give evidence on the part of the Crown in such case, is entitled under this Act to the sum mentioned in such certificate, which sum shall be ascertained as follows:

Witnesses not to receive allowance out of public money, except in certain cases and on certain conditions.

1. Unless the witness be poor and needy, he shall be entitled only to his actual travelling expenses from the place of his residence to the Court and back, and his actual disbursements for board and lodging while detained in attending the Court at a place where he does not reside;

Disbursements only, unless poor and needy.

2. If the witness makes affidavit before the Court, Judge, Recorder, Inspector and Superintendent of Police, or Justice of the Peace, that he is poor and needy, he may also be allowed a reasonable sum for his trouble and loss of time, not exceeding in any case the rate of _____ per day;

If poor and needy, allowance for loss of time.

3. Any witness may, before receiving such certificate, be required to make affidavit that the sum he demands for disbursements or for trouble and loss of time, or both, are true and correct, and to answer on oath any pertinent question touching the same, which shall be put to him by the Court,

Affidavit that the amount demanded is correct, &c.