



No. 159.

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1st Session, 5th Parliament, 18 Victoria, 1854.

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## BILL.

An Act to provide for the appointment  
of Crown Prosecutors in each District,  
and of Associate Coroners in each  
County in Lower Canada.

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Received and Read, First time, Tuesday, 25th  
October, 1854.

Second Reading, Tuesday, 31st Octr., 1854.

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MR. FELTON.

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(159)

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BILL.

[No. 159.]

An Act to provide for the Appointment of Crown Prosecutors in each District, and of Associate Coroners in each County in Lower Canada.

WHEREAS it would conduce to the proper administration of Justice in Criminal matters, that Crown Prosecutors and Associate Coroners should be appointed in Lower Canada: Be it therefore enacted, &c., as follows :

Preamble.

I. There shall be appointed in each District in Lower Canada, by a Commission from the Governor, a Crown Prosecutor, who must be an Advocate regularly admitted to, and of at least five years standing at the Bar of Lower Canada.

Appointment of Crown Prosecutors.

II. The Governor in Council may fix and from time to time alter the salary and remuneration to be paid to the Crown Prosecutor of each District, regard being had to the amount of business and labor which he may be required to perform.

Their remuneration

III. The Crown Prosecutor shall within the limits of his District represent, and exercise all the professional duties of, the Attorney General in all civil or criminal suits, proceedings and matters; and in performing such duties, he shall be held to act for, and to certify all indictments, informations, pleading or other documents, on behalf of the Attorney General.

They shall represent the Attorney General.

IV. It shall be the duty of the Crown Prosecutor to conduct before the Courts of Quarter or General Sessions of the Peace all the duties now performed by the Clerk of the Peace in his capacity of public prosecutor.

And the Clerk of the Peace.

V. In the performance of the duties hereby assigned to them, the Crown Prosecutors shall lay indictments before the Courts of Queen's Bench for the following crimes: Treason, Murder, Manslaughter, Arson, Rape, Forgery and Counterfeiting Coin, Personation, Burglary, Perjury, Robbery, Larceny accompanied by violence or other aggravation, or of value exceeding ten pounds and for all statutable and other felonies not hereinafter assigned to the Quarter or General Sessions of the Peace; and he shall lay indictments before the Quarter or General Sessions of the Peace for the following offences; Larcenies unaccompanied by violence or other serious aggravation, or of value not exceeding Ten Pounds, attempts to commit felonies, misdemeanors and assaults of all kinds not laid as statutable felonies: But this section shall not be construed to divest either of the said Courts of any jurisdiction they or either of them may now possess, but only as directory to the Crown Prosecutor; and provided always, that the Attorney or Solicitor General or Crown Prosecutor may depart from this Rule whenever in his opinion there be good reason for so doing.

Jurisdiction of Courts not to be affected.

Proviso.

Attorney General, &c., may supersede Crown Prosecutor at any time.

VI. The Attorney or Solicitor General may at any time supersede the action of the Crown Prosecutor in any case civil or criminal by appearing in person before the Court, or by giving a written order investing any other person with the authority to conduct any particular case, or by filing any document in the nature of a *Retraxit* or *nolle prosequi* in or respecting any case, and the Crown Prosecutor shall be held and considered to be a subordinate officer of the Attorney General, and shall obey all lawful directions given to him from time to time by the Attorney General. 5

Crown Prosecutor to say how many Jurors will be required, and whether a Term is necessary or not.

VII. It shall be the duty of the Crown Prosecutor to give to the Sheriff of his District, fifteen days at least before every Term of the Court of Queen's Bench and Quarter Sessions, a written statement of the number of Petty Jurors, which in his opinion it will be necessary to summon in order to the transaction of the business which he may have reason to anticipate at any such term; and such statement having been approved by any Judge, shall be an order to the Sheriff respecting the number of Petty Jurors whom he will summon, and if there shall be no necessity for the holding of any Term of any such Court, the Crown Prosecutor shall certify the same to the Sheriff, and with the approval of any Judge, the Sheriff shall abstain from summoning any Jurors, Grand or Petty, for such Term. 15

Justices of the Peace to transmit complaints, &c., to the officers of the Courts.

VIII. It shall be the duty of all Justices of the Peace and Coroners to transmit within three days after the same shall be completed, all complaints, informations or inquisitions respecting indictable offences, together with all the depositions, recognizances and other information touching the same, to the Clerk of the Crown if the offences be cognizable by the Queen's Bench, and to the Clerk of the Peace if cognizable by the Sessions, of the jurisdiction when the said offence may be triable. 25

Appointment of Coroners.

IX. It shall be lawful for the Governor to appoint in and for each City, Town, or County in Lower Canada, or for so many Counties, or for any County and Town or City, as the Governor in Council may think advantageous for the public service, a Coroner, one of whom shall be appointed also Coroner for the District in which he resides. 30

Duty of such Coroners respectively.

X. In all Civil matters the Coroner for the District shall act throughout the same, and in holding inquests and other criminal matters, the Coroners shall each act for the City, County or Town, or Union thereof for which they have been appointed, and within his own jurisdiction each Coroner shall be invested with the same powers, liabilities, and enjoy the same emoluments as now appertain to the office of Coroner, and such Coroners may at any time by an order of the Governor in Council be required to enter into such recognizance or security for the due fulfilment of the duties as may be fixed by such order. 40