

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x			14x			18x			22x			26x			30x					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12x			16x			20x			24x			28x			32x					

No. 221.

---

3rd Session, 5th Parliament, 20 Victoria, 1857.

---

**BILL.**

An Act to prevent delay in the administration  
of Justice in cases of misdemeanor in Upper  
Canada.

---

Received and read, first time, Friday, 17th  
April, 1857.

Second reading, Tuesday, 21st April, 1857.

---

MR. SOL. GENL. SMITH.

---

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to prevent delay in the administration of justice  
in cases of Misdemeanor, in Upper Canada.

**W**HEREAS great delays have occurred in the administration of Justice in cases of persons prosecuted for misdemeanors, by indictment or information in Her Majesty's Courts of Queen's Bench and Common Pleas for Upper Canada, Sessions of oyer and terminer and of gaol delivery, and Sessions of the Peace in Upper Canada, by reason that the defendants in some of the said causes have, according to the present practice of such respective Courts, an opportunity of postponing their trials to a distant period by means of imparlances in the said several Courts of Queen's Bench and Common Pleas, and by time being given to try in such respective Courts of Session; For remedy thereof, Her Majesty, &c., enacts as follows:

Preamble.

I. From and after the passing of this Act, where any person shall be prosecuted in either of Her Majesty's Courts of Queen's Bench or Common Pleas for Upper Canada, for any misdemeanor, either by information or by indictment there found or removed into the said respective Courts, and shall appear in term time in either of the said Courts respectively, in person, or if a corporation by Attorney, to answer to such indictment or information, such defendant or defendants, upon being charged therewith shall not be permitted to implead to a following term, but shall be required to plead or demur thereto within four days from the time of his, her or their appearance, and in default of his, her or their pleading or demurring within four days as aforesaid, judgment may be entered against the defendant or defendants for want of a plea; and in case such defendant shall appear to such indictment or information by his or her Attorney in Court, it shall not be lawful for such defendant to implead to a following term, but a rule requiring such defendant to plead may forthwith be given, and a plea to such indictment or information enforced, or judgment in default entered thereupon, in the same manner as might have been done before the passing of this Act, in cases where the defendant or defendants had appeared to such indictment or information by his, her or their Attorney in a previous term: Provided always, that it shall be lawful for the said respective Courts or for any Judge of the same respectively, upon sufficient cause shewn for that purpose, to allow further time for such defendant or defendants to plead or demur to such indictment or information.

Defendant in misdemeanor not allowed to postpone trial by imparlance in the Queen's Bench or Common Pleas.

Proviso: Time may be allowed him upon cause shewn.

II. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any session of the peace, session of oyer and terminer, or session of gaol delivery; Provided always, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that the defendant or defendants ought to be allowed a further time either to prepare for his or their defence or otherwise,

Traverse at sessions abolished.

Proviso: Court may on cause shewn allow defendant time for

preparing de-  
fence.

such Court may adjourn the trial of such defendant or defendants to the next subsequent session, upon such terms as to bail or otherwise, as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case such prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session without entering into any fresh recognizances for that purpose. 5

In Crown  
prosecutions  
for misde-  
meanor, not  
brought to  
trial in 12  
months after  
plea of not  
guilty, Court  
may order  
trial unless a  
*nolle prosequi*  
be entered.

III. In case any prosecution for a misdemeanor instituted by Her Majesty's Attorney or Solicitor General in any of the Courts aforesaid, shall not be brought to trial within twelve calendar months next after the plea of not guilty shall have been pleaded therein, it shall be lawful for the Court in which such prosecution shall be depending, upon application to be made on the behalf of any defendant in such prosecution, of which application twenty days previous notice shall have been given to Her Majesty's Attorney or Solicitor General, to make an order, if the said Court shall see just cause so to do, authorizing such defendant to bring on the trial in such prosecution; and it shall thereupon be lawful for such defendant to bring on such trial accordingly, unless a *nolle prosequi* shall have been entered in such prosecution. 10 15