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No. 110.

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

BILL.

An Act to provide for the appointment
of Crown Prosecutors in the Counties
of Upper Canada.

Received and Read First time, Tuesday, 10th
October, 1854.

Second Reading, Tuesday, 17th Oct., 1854.

MR. MCKERLIE.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to provide for the appointment of Crown Prosecutors for the Counties and Unions of Counties in Upper Canada.

WHEREAS for the better administration of Justice in the Criminal Courts of Upper Canada, it is expedient that a Prosecutor in Criminal cases should be appointed for each County and Union of Counties in Upper Canada: Be it therefore enacted, &c., as follows:—

Preamble.

5 I. Immediately after this Act comes into force, a Crown Prosecutor shall be appointed by the Governor for each County and Union of Counties in Upper Canada, and shall hold office during pleasure.

Crown Prosecutor to be appointed in each Court.

10 II. It shall be the duty of such Crown Prosecutor to prepare all indictments and lay the same before the Grand Juries, and to conduct to Judgment all prosecutions in which true bills are found against persons charged with criminal offences, in the County or Union of Counties for which he is so appointed, as well in the Courts of Oyer and Terminer and General Jail delivery, as in the Courts of General Quarter Sessions of the Peace, Recorders Courts, and Mayors Courts.

Duties of Crown Prosecutors.

15 III. The said Crown Prosecutors shall receive the sum of one pound for preparing each indictment, and the sum of one pound ten shillings for prosecuting each case to Judgment.

Their fees.

20 IV. In all cases prosecuted in the Courts of General Quarter Sessions of the Peace, the said above mentioned sums shall be paid to the Crown Prosecutor by the Treasurer of the County or Union of Counties in which the Court is held, and in all cases brought or tried in a Mayor's Court or Recorder's Court the same shall be paid by the Chamberlain of the City or Town, upon the Crown Prosecutor's filing with such Treasurer or Chamberlain, as the case may be, a statement shewing the name or names of the defendant or 25 defendants in any such prosecution, the nature of the offence, the verdict of the Petit Jury, and the sentence of the Court, accompanied by an affidavit made by himself and sworn to before a Justice of the Peace: and in all cases prosecuted in the Courts of Oyer and Terminer and General Jail Delivery, he shall be paid the said above mentioned sums in the same manner 30 as Queen's Counsel are now paid their fees.

How their fees shall be paid.

35 V. The said Crown Prosecutors shall in all cases prosecuted in the Court of General Quarter Sessions of the Peace, and in the Recorder's and Mayor's Courts, file all papers connected therewith in the office of the Clerk of the Peace of the County or Union of Counties, in which the prosecution is held: and in all cases prosecuted in the Courts of Oyer and Terminer, and General Jail Delivery, and finally disposed of by that Court, they shall be forthwith transmitted by him to the Clerk of the Crown at Toronto, to-

Return to be made by Crown Prosecutors.

gether with a schedule in the form hereunto annexed, marked "A", and an affidavit in the form as near as may be in the form of affidavit annexed to this Act, made by the Crown Prosecutor and sworn to before a Justice of the Peace, which said papers shall be filed in the Crown office by the Clerk of the Crown.

6

Qualification. VI. No person shall be appointed a Crown Prosecutor under this Act unless he is a Barrister of at least three years standing.

Commence-
ment of Act. VII. This Act shall come into force and effect, upon, from and after the first day of January, 1855.

SCHEDULE A, referred to in the 5th section of this Act.

Name of the Defendant.	Offence.	Finding of Grand Jury.	Verdict.	Sentence.	Remarks.

FORM of Affidavit referred to in section 5 of this Act.

I, A. B., of the _____ of _____, Crown Prosecutor for the County (or Union of Counties *as the case may be*) of _____ do solemnly swear that the Schedule hereunto annexed is just and true, and contains a true statement of the facts therein set forth; and that the cases mentioned therein were prosecuted, as appears by said Schedule; at the Courts of Oyer and Terminer and General Jail Delivery, held at _____ in the County of _____ in the month of _____ 1855.

Sworn before me at _____ the _____ day of _____, A.D. 1855
C. D.
Commr. for receiving affidavits in B. R. or C. P. (*as the case may be.*)

Signed, A. B.