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No. 41.

3rd Session, 6th Parliament, 23 Victoria, 1860

BILL.

An Act to Provide for Annual Statistical
Returns of Judicial Matters.

Received and read, 1st time, Monday, 12
March, 1860.

Second reading, Wednesday, 14th Mar
1860.

MR. PICHÉ

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An Act to provide for Annual Statistical Returns of Judicial Matters.

HER Majesty. &c., enacts as follows :

1. Each year, within the fifteen days next after the last day of December of the preceding year, there shall be made for such preceding year :

Certain statements to be annually by

1. By each Clerk of the Commissioners' Courts for the summary decision of Small Causes in Lower Canada, a statement or return, shewing:—

Each Clerk of Commissioners' Court.

1st. The total number of actions instituted before such Court, during such year ; 2nd. The total number of actions settled before return ; 3rd. The number of actions contested ; 4th. The number of actions in which Judgment has been given ; 5th. The number of Writs of Execution issued ; 6th. The number of Oppositions made.

2. By each Clerk of the Circuit Court in Lower Canada, a Statement or Return, shewing:—

Each Clerk of the Circuit Court.

1st. The total number of Actions of £6 5s., and under ; of £15, and under, but over £6 5s. ; of £25, and under, but over £15 ; of £50, and under, but over £25, instituted in such Circuit Court ; 2nd. The total number of Actions settled before Return ; 3rd. The number of Actions by default, or *ex parte* ; 4th. The number of Actions contested *au fonds*, or on the merits ; 5th. The number of Judgments given *instant*, or on the day of hearing of the case ; 6th. The number of Judgments given after *délibéré* not exceeding fifteen days ; 7th. The number of Judgments given after *délibéré* not exceeding one month ; 8th. The number of Judgments given after *délibéré* not exceeding three months ; 9th. The number of Judgments given after *délibéré* not exceeding six months ; 10th. The number of Judgments given after *délibéré* not exceeding a year ; 11th. The number Judgments given after *délibéré* exceeding a year ; 12th. The number of Judgments given, or registered on confession ; 13th. The number of Judgments registered in vacation by default, or *ex parte* ; 14th. The total number of Executions issued against moveables ; 15th. The total number of Executions issued against real property ; 16th. The number of Oppositions *afin d'annuler* ; 17th. The number of Oppositions *afin de distraire* ; 18th. The number of Oppositions *afin de charge* ; 19th. The number of Oppositions *afin de conserver* ; 20th. The total number of Writs of *saisie-arrêt*, issued before judgment ; 21st. The number of Writs of *saisie-revendication* issued ; 22nd. The number of Writs of *saisie-gagerie* issued ; 23rd. The number of applications to such Court for Writs of *certiorari*.

Each Prothonotary.

3. By each Prothonotary, or Clerk of the Superior Court in Lower Canada, a Return shewing:—

1st. The total number of Actions for £75, and under, for £100, and under, but over £75. and of those over £100, instituted in the said Court; 2nd. The total number of Actions settled before return; 3rd. The number of Actions by default, or *ex parte*; 4th. The number of Actions contested *au fonds*, or on the merits; 5th. The total number of Judgments given *instante*, or on the day of hearing; 6th. The number of Judgments given after *délibéré* not exceeding fifteen days; 7th. The number of Judgments given after *délibéré* not exceeding one month; 8th. The number of Judgments given after *délibéré* not exceeding three months; 9th. The number of Judgments given after *délibéré* not exceeding six months; 10th. The number of Judgments given after *délibéré* not exceeding a year; 11th. The number of Judgments given after *délibéré* exceeding a year; 12th. The number of Judgments given or registered on confession; 13th. The number of Judgments registered in vacation by default, or *ex parte*; 14th. The total number of Executions issued against moveables; 15th. The number of Executions issued against real estate; 16th. The number of Oppositions *afin d'annuler*; 17th. The number of Oppositions *afin de distraire*; 18th. The number of Oppositions *a fin de charge*; 19th. The number of Oppositions *afin de conserver*; 20th. The total number of Writs of *saisie-arrêt*, issued before judgment; 21st. The number of Writs of *saisie-revendication*; 22nd. The number of Writs of *saisie-gagerie*; 23rd. The number of Writs of *capias ad respondendum*; 24th. The number of applications for Writs of *certiorari*, *mandamus*, *quo warranto*, and *prohibition*; 25th. The number of Suits under the law regulating the rights of "Lessors and Lessees;" 26th. The number of applications for ratification of titles; 27th. The number of Suits ordered to be tried by jury.

By the Clerk of Appeals.

4. By the Clerk of Appeals and his Deputies, a Return shewing:—

1st. The total number of appeals in civil matters to the Court of Queen's Bench, in Lower Canada; 2nd. The number of appeals in Criminal matters; 3rd. The number of revisions granted in criminal matters to the said Court; 4th. The number of writs of error granted to the said Court; 5th. The total number of judgments rendered *instante*, or on the day of hearing, by the said Court; 6th. The number of judgments rendered after *délibéré* not exceeding fifteen days; 7th. The number of Judgments rendered after *délibéré* not exceeding one month; 8th. The number of Judgments rendered after *délibéré* not exceeding three months; 9th. The number of Judgments rendered after *délibéré* not exceeding six months; 10th. The number of Judgments rendered after *délibéré* not exceeding a year; 11th. The number of Judgments rendered after *délibéré* exceeding a year.

By each Sheriff.

5. By the Sheriff of each District in Lower Canada, a Return shewing:—

1st. The Lands sold in his District under writs of execution, and the situation thereof; 2nd. The number of acres contained in each property sold; 3rd. The name of the party whose property has been seized or sold; 4th. Name of the purchaser or *adjudicataire*; 5th. The total sum for which such property was sold; 6th. The amount retained by the sheriff for costs of seizure and sale of such property.

6. By each Clerk of the Courts of Criminal Jurisdiction in Lower Canada, a return shewing:—1st. The names of all persons against whom a charge has been made, whether a true bill has been found by the grand jury, or not; 2nd. The name of the Crown prosecutor; 3rd. The nature of the offence; 4th. The date of the trial; 5th. The verdict of the jury and the sentence; 6th. The position, at the end of each year, of all cases in which Judgment has not been given.

By the Clerk of every Criminal Court.

7. By each Inspector or Superintendent of Police in Lower Canada, and by each Recorder, a Return of all prosecutions before them, shewing:—1st. The total number of actions instituted; 2nd. The nature of the offences; 3rd. The convictions, committals and discharges; 4th. In cases of summary conviction, the punishment awarded, and the number of sentences of each class, excepting in relation to cases decided under the provisions of the Act 20 Vic., cap. 27, and of the Act 22 Vic. cap. 27 which there shall be made a special return, shewing:—1st. The name of every person prosecuted under either of the said Acts; 2nd. The nature of the offence; 3rd. The date of the trial; 4th. The verdict and sentence.

By each Inspector, &c., of Police.

8. By each Justice of the Peace in Lower Canada, a return of all prosecutions for offences of a public nature, or for the recovery of penalties for such offences, instituted before him (whether sitting alone, or with one or more other Justices of the Peace), shewing:—

By each Justice of the Peace.

1st. The name of the Justice or Justices of the Peace (if any), who sat with the Justice by whom the return is made;
2nd. The place where the sitting was held.
3rd. The name of the prosecutor.
4th. The name of the defendant.
5th. The offence.
6th. The result, whether conviction or acquittal.
7th. The Judgment, and the amount of the penalty, if any.
8th. The costs awarded to the party gaining the cause.
9th. The costs awarded against the party losing, by reason of any thing done at his instance in or concerning the prosecution.
10th. The amount of the penalty paid.
11th. The amount paid to the Receiver General therefrom, or appropriated to any public object, or remaining to be so paid or appropriated, and in whose hands.

II. The Provincial Secretary shall provide printed forms suitable for the return required by the Act, and shall furnish two copies thereof to each of the functionaries above mentioned, at least fifteen days before the first day of the time appointed for proposing the said returns.

Provincial Secretary to provide forms.

III. Every such return shall be dated of the place where it is made, and shall be signed by the functionary making it.

Date of return to be certified.

IV. Every such return shall be certified by the officer making the same, under his oath of office as follows:—

I (name of officer) hereby certify, under my oath of office, that the above return is correct, and that there has been nothing omitted or exaggerated therein. So help my God.

(Date and Place)

A. B. (name of officer)

And any false statement wilfully made in any such affidavit shall be perjury and punishable as such.

False statement.

Penalty on failure to make such return.

V. The said Returns shall be forwarded to the Provincial Secretary by the Officers making them, and any officer hereby required to make such Returns, who shall fail to make the same within the time hereinbefore appointed, shall be liable to a penalty of not less than ten nor more than fifty dollars, which shall be recoverable before any Court of competent jurisdiction, on the complaint of the Provincial Secretary or of any other person. 5

Return as to exercise of Royal Prerogative.

VI. It shall be the duty of the Provincial Secretary to prepare annually, within the delay above mentioned, a return of all cases in which the Royal prerogative shall have been exercised, during the preceding year, in behalf of persons sentenced in Lower Canada, containing the names of the criminals, the place and date of the sentence, the name of the court before which the criminal has been tried, the nature of the offence, the sentence, the nature of the pardon granted, whether conditional or unconditional, and in cases of conditional pardon the manner in which the conditions shall have been fulfilled, and the reasons for granting such pardon or commutation of sentence, 10 15

Publication of returns.

VII. The Provincial Secretary shall publish all such returns in the first number of the Canada Gazette issued during the month next after that in which they shall have been made. 20

Similar returns to be made for the three years last past.

VIII. Within the period of three months next after the passing of this Act, returns similar to the above shall be made and furnished, under the same conditions and penalties, in each of the cases hereinbefore provided, by the proper officers, justices, magistrates and courts specified separately, for each of the three following periods, namely:— 25

- 1o. The period of time between the sixth day of March, and the last day of December, both inclusive, of the year 1857;
- 2o. For the year 1858.
- 3o. For the year 1859.

Publication thereof

IX. The last mentioned returns shall be published in the Canada Gazette, in the course of the fourth month from the passing of this Act. 30