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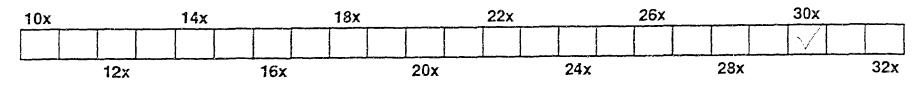
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3d Session, 3d Parliament, 13 & 14 Vict. 1850.

BILL.

An Act to facilitate the administration of justice in certain cases in Lower Canada.

Received and Read a first time, Monday, 8th July, 1850.

Second Reading, Friday, 12th July, 1850.

Mr. Sol. Gen.R DUMMOND.

BILL.

160.

An Act to facilitate the administration of justice in certain cases in Lower Canada.

HEREAS the ends of justice are too often defeated Preamble. by the partiality of jurors when enquiring into or trying offences committed in their vicinage; Be it enacted &c.

5 That whenever upon the application of Her Majesty's Attor- Court of Q. B. ney General or Solicitor General or any other prosecuting Canada may, officer, it shall be made to appear to the satisfaction of the upon applica-tion of the Court of Queen's Bench for Lower Canada, sitting in term, Crown Officer, or to any Judge thereof in vacation, that there exist well order any of fender to be 10 founded apprehensions that a fair and impartial trial of any tried, &c., in offence committed in any District in Lower Canada other a District other than that. than that in which such application shall have been made, in which the cannot be had in the District in which such offence shall offence was have been committed, it shall be lawful for such Court 15 or Judge to order that such offence shall be enquired of,

- tried, determined and punished in the District in which such application shall have been made; and the proceedings had in pursuance of such order shall not be voided by reason of their having taken place in a District other
- 20 than that in which the offence shall have been committed, whether such offence be a felony at common law or by virtue of any statute made or to be made or a misdemeanor, but all such proceedings shall be valid and effectual to all intents and purposes as if the same had taken place in

25 the District in which such offence shall have been committed, any law usage or custom to the contrary notwithstanding; and such application may be made either before or after the finding of a bill of indictment charging any person with such offence, or whether such offence shall 30 have been committed before or after the passing of this

Act.

II. That it shall be the duty of the Clerk of the Crown, Duty of the in and for the District in which any such order shall have Court, and of been made and issued, to transmit without delay, a copy the Sheriff, 35 thereof duly certified, to the Clerk of the Crown in and der being

for the District in which the offence referred to in such made. order shall have been committed, whereupon the Clerk of the Crown in and for the last mentioned District shall, if the person accused of such offence be in custody 40 in the said last mentioned District, require the Sheriff of

such District to cause the person so accused to be removed for trial into the District whence such order shall have

issued, by delivering to him a copy of such order duly certified; and the said Sheriff shall cause such person to be conveyed by such person or persons as he shall appoint, empower and authorize for that purpose, to the common Gaol of the District assigned in such order for the trial of 5 such offence, and shall cause such person to be delivered to the keeper of the Common Gaol of the last mentioned District, together with a certified copy of the commitment of such person and of the order issued as aforesaid, and the keeper of such Common Gaol of such last mentioned 10 District shall safely keep such person until he shall have been discharged in due course of law; and if the person so accused be under recognizance, the Court of Queen's Bench, sitting in the District where the offence was committed, upon the appearance of such per- 15 son, shall, in its discretion, either order him to be removed for trial into the District assigned for such trial, or require him to enter into recognizances for his appearance at the next ensuing term of the Court in the said last mentioned District; and in either case it shall be the duty of 20 the Clerk of the Crown in and for the District in which such offence shall have been committed, to transmit to the Clerk of the Crown in and for the District in which such order shall have been made, all warrants, affidavits, informations, examinations and other papers, and all evidences 25 touching such offence, together with a copy of the warrant of commitment and inquest, if any such there be : Provided always, that nothing herein contained shall prevent or be construed to prevent the said Court or any Judge thereof from admitting any such person to give 30 bail in vacation, for his appearance to stand his trial in the District assigned for the same.

Proviso.

Interpretation.

. III. And be it enacted, That the Interpretation Act shall apply to this Act.