

No. 160.

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

BILL.

An Act to facilitate the administration of
justice in certain cases in Lower Can-
ada.

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

Second Reading, Friday, 12th July, 1850.

Mr. Sol. Gen. R. DUMMOND.

LEO RANTOOL... ..

BILL.

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

WHEREAS 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 for Lower
officer, it shall be made to appear to the satisfaction of the Canada may,
Court of Queen's Bench for Lower Canada, sitting in term, upon applica-
or to any Judge thereof in vacation, that there exist well tion of the
10 founded apprehensions that a fair and impartial trial of any Crown Officer,
offence committed in any District in Lower Canada other order any of-
than that in which such application shall have been made, fender to be
cannot be had in the District in which such offence shall tried, &c., in
15 have been committed, it shall be lawful for such Court a District
or Judge to order that such offence shall be enquired of, other than that,
20 tried, determined and punished in the District in which in which the
such application shall have been made; and the proceed- offence was
ings had in pursuance of such order shall not be voided committed.
by reason of their having taken place in a District other
25 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
30 all intents and purposes as if the same had taken place in
the District in which such offence shall have been com-
mitted, any law usage or custom to the contrary notwith-
standing; 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
35 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 Officer of the
40 been made and issued, to transmit without delay, a copy Court, and of
thereof duly certified, to the Clerk of the Crown in and the Sheriff,
for the District in which the offence referred to in such upon such or-
order shall have been committed, whereupon the Clerk der being
of the Crown in and for the last mentioned District made.
shall, if the person accused of such offence be in custody
45 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 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 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 person, 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 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 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 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.