

## CHAP. XLVIII.

*AN ACT to allow Persons indicted for Felony a full Defence by Counsel, and for other purposes therein-mentioned.*

[The Royal Assent promulgated by Proclamation, 29th September, 1836.]

Preamble.

**WHEREAS** nothing is more just and reasonable, than that Persons prosecuted for Felony, whereby their liberties, lives and characters, may be lost and destroyed, should be justly and equally tried, and that persons accused as offenders therein, should not be debarred of just and equal means for defence of their innocencies in such cases, in order thereunto and for the better regulation of trials of Persons prosecuted for Felony or Misdemeanor: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person tried for Felony in this Province, to be heard in full defence before the Court and Jury, either personally or by Counsel, at his or her election.

Full Defence by Counsel allowed to Prisoners charged with Felony.

Copy of Indictment to be delivered to Prisoner, on payment of certain charges.

*II. And be it further enacted by the authority aforesaid*, That whenever any person shall be indicted in any of His Majesty's Courts of this Province, for any Felony or Misdemeanor, and shall apply to such Court for a copy of the said Indictment, the same shall, with all convenient expedition, be made out and delivered to the person so applying: *Provided*, nevertheless, that the Clerk or Officer shall be entitled to demand and receive for the same, of such person, the following and no other fee, that is to say—At the rate of ninepence for every hundred words contained in said Indictment: *Provided always*, that such copy shall not be received in evidence upon any trial for a malicious prosecution.

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