

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 58

An Act for defraying the expenses of the Administration of Justice in Criminal matters in that part of the Province formerly Upper Canada. 9th June, 1846.

Whereas it is expedient to provide that the expenses of the administration of Criminal Justice in Upper Canada, now paid by local taxation, shall in time to come be paid out of the public funds of this Province, under the provisions hereinafter made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That one third of the expenses of the administration of Criminal Justice in that part of this Province which formerly constituted the Province of Upper Canada, for and during the present year one thousand eight hundred and forty-six, shall be paid out of the Consolidated Revenue Fund of this Province, that two thirds of the expenses of the same for and during the year one thousand eight hundred and forty-seven, shall be paid out of the said Fund, and that, for and during each year thereafter, the whole of the said expenses shall be paid out of the said Fund; and so much of any Act or Law as may be inconsistent with this Act shall be and is hereby repealed.

II. And be it enacted, That all accounts of or relative to the said expenses of the administration of Criminal Justice, shall be examined, audited, vouched, and approved under such regulations as the Governor, or person administering the Government of this Province shall, by and with the advice of the Executive Council thereof, from time to time direct and appoint.

III. And be it enacted, That the several heads of expense mentioned in the Schedule to this Act, shall be deemed expenses of the administration of Criminal Justice within the meaning of this Act.

Schedule.

Clerk of the Peace.

Furnishing annually, Lists of Constables to the Sheriff, and Coroner,

Making up Lists, pursuant to the Statute 4 and 5 Victoria, chapter 3, section 32, of persons qualified by law to serve as Jurors, residing within the limits of each Division Court, specifying the place of residence and addition of each person, including the certificate and the transmission of the list to the Clerk of each Division Court,

Copies of Depositions or Examinations furnished to Prisoners or Defendants, or their Counsel, when proper to be furnished, and required by the party or his Counsel, under the Act 4 and 5 Victoria, chapter 24, sections 12 and 23,

If payable by the Crown; and to be paid by the Crown, or by the party applying, according to the nature of the case.

Receiving and filing each Presentment of the Grand Jury,

If payable by the Crown, and to be paid by the Crown, or by the party, as the case may be.
Arraigning each Prisoner or Defendant indicted, and recording plea,

Empanelling and Swearing the Jury in every case, whether Criminal, or otherwise, where by law a trial by Jury is to be had at the Quarter Sessions, and where no fee is fixed by Statute,

Swearing each Witness for the prosecution, upon any trial by a Jury, or to go before the Grand Jury,

Filing each Exhibit upon a trial,

Charging the Jury with the Prisoner or Defendant upon each indictment,

Receiving and Recording each verdict, of a Jury, in any case of trial by Jury,

Recording each Judgment or Sentence of the Court, upon verdict or confession,

Making out and delivering to the Sheriff a Calendar of the Sentences at each Court,

Certified Copy of Sentences sent with the Prisoner to the Penitentiary, after each Session,

Making up Record of Conviction or Acquittal, in any case where it may be necessary,

If payable by the Crown; and to be paid by the Crown, or by the party, as the case may be.
Discharging any Prisoner by Proclamation,

Drawing out and taking each Recognizance to appear, either of Prosecutor, Defendant or Witness,
Calling parties on their Recognizance and recording their non-appearance,

Making out Lists of forfeited Recognizances and Fines, to submit to the Justices after each Quarter Sessions, in order to their being estreated,

Entering any Order of Sessions to remit an estreat, and recording an entry of the same,

If payable by the Crown; and to be paid by the Crown, or by the party relieved, as the case may be.

Drawing Order of the Justices to estreat and put in process,

Entering an extracting upon a Roll, in duplicate, the Fines, Issues, Americaments and forfeited Recognizances, recorded in each Session, making oath to the same, and transmitting it to the Sheriff,

Making out and delivering to the Sheriff the Write of fieri facias and capias thereon,

Making out and certifying copy of Roll and Return of Sheriff, and transmitting it to Receiver General,

Making up Books of Orders of Sessions, declaring the limits of the Division Courts, and entering the times and places of holding the Courts,

Making out and transmitting a copy thereof to the Government,

Making out and transmitting copies (with letter) to the Clerk of each Division Court, of the Divisions made by the Quarter Sessions,

Drawing Orders of Sessions for altering the limits of Division Courts,

Making out and transmitting copies of such Orders to the Government,

Making out and transmitting copies of such Orders to each Division Court affected by the alteration,

For each Copy of Schedule of Division Courts, with the Order of Sessions for publication,

Swearing each party to an Affidavit, where no charge is elsewhere provided for it,

If payable by the Crown; and to be paid by the Crown, or by the party for whom the Affidavit is sworn, according to the nature of the case.

Sheriff.

Notice of appointment to the Associate Justices of Oyer and Terminer,

Attending the Assizes,

Attending the Quarter Sessions,

Summoning each Grand jury for the Assizes or Quarter Sessions,

Summoning each Petit Jury for the Assizes or Quarter Sessions,

For every Prisoner discharged from Gaol, having been committed by Warrant for trial at the Assizes or Quarter Sessions, or Mayor's Court,

Bringing up each Prisoner for arraignment, trial and sentence, whether convicted or acquitted,

Drawing Calendar of Prisoners for Trial at the Assizes, including copies,

Drawing Calendar of Prisoners for trial at the Quarter Sessions, including copies,

Advertising the holding the Assizes or Quarter Sessions,

Every Annual or General Return, required by law, or by the Government, respecting the Gaol or the Prisoners therein,

Every other Return made to the Government or to the Sessions, required by Statute or by order of the Court,

Returning Precept to the Assizes or Sessions,

Conveying Prisoners to the Penitentiary, or to another District, and disbursements,

If payable by the Crown; and to be paid by the Crown, or by the party, as the case may be.

Arrest of each individual upon a Warrant,

Serving Subpoena for the Crown upon each person,

Conveying Prisoners on Attachment or Habeas Corpus to another District, and disbursements,

Making return upon Attachment or Writ of Habeas Corpus,

Levying Fines or Issues on Recognizance estreated, and mileage,

To be levied according to 8 Vict. chap.38, sec 2.

Carrying into execution the Sentence of the Court in capital cases,

Attending and superintending the Execution in such cases,

Summoning each Constable to attend the Assizes or Sessions,

Every notice to a Magistrate, under the Statute, 8 Victoria, chapter 14, section 6, and mileage,

Keeping a Record of Jurors who have served at each Court,

All disbursements actually and necessarily made in guarding Prisoners, or in their conveyance to the Penitentiary, to any other District or elsewhere, or for other purposes in the discharge of the duties of the Office, (when not provided for by law nor hereinbefore specifically,) to be allowed by the Justices in Sessions,

Coroner.

Precept to summon Jury,

Empanelling a Jury,

Summons for Witnesses,

Information or Examination of each Witness,

Taking every Recognizance,

Necessary travel to take an Inquests,

Taking Inquisition and making Return,

Every Warrant,

Constable.

Arrest of each individual upon a Warrant,

If payable by the Crown; and to be paid by the Crown, or by the party, as the case may be.

Serving Summons or Subpoena,

Mileage,

If payable by the Crown; and to be paid by the Crown, or by the party, as the case may be.

Attending Assizes or Sessions,

Attending any Justice on the examination of Prisoners charged with any crime,

If payable by the Crown; and to be paid by the Crown, or by the party, as the case may be.

Mileage in going to serve Summons or Warrant when the service has not been effected; the Justices in Session to be satisfied that due diligence has been used,

Taking Prisoners to Gaol,—and disbursements necessarily expended in their conveyance,

Summoning Jury for inquest,

Attending Inquest for each day other than the first,

Serving notice of appointment of Constables, when personally served,

Crier.

Making Proclamation for opening or adjourning the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery and Quarter Sessions,

Making every other Proclamation,

Calling and Swearing Grand Jury,

Calling and Swearing every Petit Jury,

Calling and swearing every Witness or Constable,

Attending Assizes and Quarter Sessions,

Other Matters.

The maintenance of Prisoners confined upon Criminal charges,

A proportion of the Salary of the Gaoler of each District Gaol, and of the payment of Turnkeys,

Medicines, Fuel and other similar necessaries for the Gaol, and the Prisoners confined on Criminal charges,

Disbursements in transporting Prisoners to the Penitentiary, and for carrying other Sentences of the Courts into effect,

Together with all other charges relating to Criminal Justice payable to the foregoing Officers specially authorized by an Act of the Legislature, and heretofore payable out of District funds,