

1914

## c 97 Crown Witnesses Act

Ontario

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CHAPTER 97.

An Act to provide for the Payment of Witnesses for the Crown.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Crown Witnesses Act*. Short title.  
10 Edw. VII. c. 42, s. 1.

2. In this Act,

Interpre-  
tation.

“Court,” shall mean and include the High Court Division, the Court of General Sessions of the Peace, the County or District Court Judge’s Criminal Court, and Courts for the summary trial of indictable offences under *The Criminal Code*. R.S.C. c. 146.  
10 Edw. VII. c. 42, s. 2.

3. The Judge who holds the Court before which a prosecution or trial for an indictable offence takes place, may grant to any person who attends on recognizance or subpoena, or on the request of the Crown Counsel, to give evidence, or who gives evidence, on the part of the Crown, an order for payment of such sum as to the Judge seems reasonable and sufficient to compensate the witness for his costs and charges in attending as such witness; but in no case other than that of an expert witness shall such sum exceed the amount payable in civil cases in the Supreme Court. Compensation to Crown witnesses in certain cases for attendance on prosecution or trial.  
10 Edw. VII. c. 42, s. 3.

4. Where a bill of indictment has not been preferred, or where the trial has not been proceeded with, the Judge may make a similar order in favour of any person who, in his opinion, *bona fide* attended the Court in obedience to a recognizance or subpoena. Or where no indictment preferred or trial had.  
10 Edw. VII. c. 42, s. 4.

5.—(1) The order shall not be made except on a certificate by the Counsel for the Crown, and by the Crown Attorney unless the Crown Attorney acts as Counsel for the Crown; and the certificate shall contain the particulars necessary in the affidavit required in civil cases to entitle a party to disbursements to witnesses, and shall be to the like effect, but the Judge may require further evidence and may grant or refuse the order. Certificate whereon order to be made. Discretion as to order.

Certificate in absence of Crown Attorney.

(2) If some other person is acting for the Crown Attorney the certificate may be given by him. 10 Edw. VII. c. 42, s. 5.

Order, how made out and to whom directed.

6. The order shall be forthwith made out by the proper officer of the Court and shall be directed to the treasurer of the county in which the offence was committed or was supposed to have been committed; or, if the offence was committed or was supposed to have been committed in a city, or in a town separated for municipal purposes from the county, the order shall be directed to the treasurer of the city or town. 10 Edw. VII. c. 42, s. 6.

Payment by the treasurer.

7. The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated in the certificate, on his signing a receipt therefor in person. 10 Edw. VII. c. 42, s. 7.

Payment by a treasurer on whom order is not made.

8. Where the trial takes place in a county other than the county in which the offence was committed the treasurer of the county in which the trial takes place, if applied to by the witness, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer to whom the order is directed. 10 Edw. VII. c. 42, s. 8.

Re-imbusement by Province of one-third.

9. One-third of the amount paid to witnesses under this Act shall be repaid to the municipality out of the Consolidated Revenue Fund, except as is hereinafter mentioned. 10 Edw. VII. c. 42, s. 9.

Idem: in full where witnesses sent from unorganized districts.

10. In respect of witnesses in cases sent from the unorganized districts for trial in any county the expenses of the witnesses shall be repaid in full out of the Consolidated Revenue Fund. 10 Edw. VII. c. 42, s. 10.

Witness in cases tried in unorganized districts.

11. The like fees shall be paid out of the Consolidated Revenue Fund to witnesses attending a sitting of any Court held in any unorganized district, upon the prosecution or trial of an indictable offence, and shall be so paid under such regulations as the Lieutenant-Governor in Council may prescribe. 10 Edw. VII. c. 42, s. 11.

On recovery from prosecutor or defendant, the municipality to be repaid.

12. Where witness fees paid under the provisions of this Act are, by virtue of the judgment of the Court, afterwards recovered from the prosecutor or defendant, the same shall be repaid to the municipality, and one-third accounted for by the municipality to the Crown. 10 Edw. VII. c. 42, s. 12.

Fee to Crown Attorney in respect of certificate.

13.—(1) The Crown Attorney shall be entitled to receive from the corporation of the county in which the Court is held a fee of \$1, in respect of every prosecution or trial on

which a witness is examined, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the certificate, or the inquiry whether a certificate should be granted.

(2) One-third of such fee shall be repaid to the corporation out of the Consolidated Revenue Fund. 10 Edw. VII. c. 42, s. 13. Re imbursement.

14. In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of His Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property whereto His Majesty claims to be entitled for the use of Ontario, the witnesses shall be entitled to be paid the like witness fees as are payable in actions between subject and subject. 10 Edw. VII. c. 42, s. 14. Witness fees payable on prosecution of claims, etc., by His Majesty.

15. Nothing herein shall entitle a witness to require payment of any sum previous to the determination by adjournment or otherwise at the Court of the prosecution or trial at which he attends as a witness. 10 Edw. VII. c. 42, s. 15. Compensation not payable before determination of the case.