



ADMINISTRATION

OF

CRIMINAL JUSTICE.

4 & 5 VICT. CAP. 24.—1841.

An Act for improving the administration of Criminal Justice in this Province.

WHEREAS it is expedient, with a view to improve the administration of Justice in Criminal Cases in this Province, to define under what circumstances persons may be admitted to bail in cases of Felony; and to make better provision for taking examination, informations, bailments and recognizances, and returning the same to the proper tribunals; and to relax in some instances the technical strictness of criminal proceedings, so as to insure the punishment of the guilty without depriving the accused of any just means of defence; and to abolish the benefit of Clergy and some matters of form which impede the due administration of Justice; and to make better provision for the punishment of offenders in certain cases: Be it therefore enacted &c. that where any person shall be taken on a charge of Felony or suspicion of Felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted, shall, in the opinion of the Justice or Justices raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such Justice or Justices in the manner hereinafter mentioned; but if there shall be only one Justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt, nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody, and such person shall be taken before two Justices at the least; and where any person so taken, or any person in the first instance taken before two Justices of the Peace, shall be charged with Felony or on suspicion of Felony, and the

Preamble.

See with reference to this Act 14, 15 V. c. 96, which, tho' it does not expressly repeal any part of this Act, yet makes more ample provisions in some cases, which provisions will supersede those of this Act which may differ from them.

Who may be admitted to bail on a charge of Felony, and who may not.

evidence