

An Act to prevent delay in the administration of justice  
in cases of Misdemeanor, in Upper Canada.

**W**HEREAS great delays have occurred in the administration of Justice in cases of persons prosecuted for misdemeanors, by indictment or information in Her Majesty's Courts of Queen's Bench and Common Pleas for Upper Canada, Sessions of oyer and terminer and of gaol delivery, and Sessions of the Peace in Upper Canada, by reason that the defendants in some of the said causes have, according to the present practice of such respective Courts, an opportunity of postponing their trials to a distant period by means of imparlances in the said several Courts of Queen's Bench and Common Pleas, and by time being given to try in such respective Courts of Session; For remedy thereof, Her Majesty, &c., enacts as follows:

Preamble.

I. From and after the passing of this Act, where any person shall be prosecuted in either of Her Majesty's Courts of Queen's Bench or Common Pleas for Upper Canada, for any misdemeanor, either by information or by indictment there found or removed into the said respective Courts, and shall appear in term time in either of the said Courts respectively, in person, or if a corporation by Attorney, to answer to such indictment or information, such defendant or defendants, upon being charged therewith shall not be permitted to implead to a following term, but shall be required to plead or demur thereto within four days from the time of his, her or their appearance, and in default of his, her or their pleading or demurring within four days as aforesaid, judgment may be entered against the defendant or defendants for want of a plea; and in case such defendant shall appear to such indictment or information by his or her Attorney in Court, it shall not be lawful for such defendant to implead to a following term, but a rule requiring such defendant to plead may forthwith be given, and a plea to such indictment or information enforced, or judgment in default entered thereupon, in the same manner as might have been done before the passing of this Act, in cases where the defendant or defendants had appeared to such indictment or information by his, her or their Attorney in a previous term: Provided always, that it shall be lawful for the said respective Courts or for any Judge of the same respectively, upon sufficient cause shewn for that purpose, to allow further time for such defendant or defendants to plead or demur to such indictment or information.

Defendant in misdemeanor not allowed to postpone trial by imparlance in the Queen's Bench or Common Pleas.

Proviso: Time may be allowed him upon cause shewn.

II. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any session of the peace, session of oyer and terminer, or session of gaol delivery; Provided always, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that the defendant or defendants ought to be allowed a further time either to prepare for his or their defence or otherwise,

Traverse at sessions abolished.

Proviso: Court may on cause shewn allow defendant time for