

An Act for diminishing expence and delay in the administration of Criminal Justice in certain cases.

WHEREAS it would tend to diminish expence and delay Preamble.
 in the administration of Justice in certain cases of
 Larceny if the Recorders and certain other Administrators of
 Criminal Justice in Cities were authorized to hear and deter-
 mine such cases summarily: Therefore, Her Majesty, by and
 with the advice and consent of the Legislative Council and
 Assembly of Canada, enacts as follows :

I. Where any person is charged before the Recorder of any
 City with having committed simple larceny, and the value
 10 of the whole of the property alleged to have been stolen does
 not, in the judgment of such Recorder, exceed five shillings,
 or with having attempted to commit larceny from the person,
 or simple larceny, it shall be lawful for such Recorder to hear
 and determine the charge in a summary way; and if the per-
 15 son charged shall confess the same, or if such Recorder, after
 hearing the whole case for the prosecution and for the defence,
 shall find the charge to be proved, then it shall be lawful for
 such Recorder to convict the person charged and commit him
 to the Common Gaol or House of Correction, there to be im-
 20 prisoned, with or without hard labour, for any period not ex-
 ceeding three months; and if he find the offence not proved he
 shall dismiss the charge, and make out and deliver to the per-
 son charged a certificate under his hand stating the fact of such
 dismissal: and every such conviction and certificate respec-
 25 tively may be in the forms A and B, in the Schedule to this
 Act, or to the like effect: Provided always, that if the person
 charged do not consent to have the case heard and determined
 by such Recorder, or if it appear to such Recorder that the
 offence is one which, owing to a previous conviction of the
 30 person charged, is by law a felony, or if such Recorder be of
 opinion that the charge is, from any other circumstances, fit to
 be made the subject of prosecution by indictment, rather than
 to be disposed of summarily, such Recorder shall, instead of
 summarily adjudicating thereon, deal with the case in all res-
 35 pects as if this Act had not been passed: Provided also, that
 if upon the hearing of the charge such Recorder shall be of
 opinion that there are circumstances in the case which render
 it inexpedient to inflict any punishment, he shall have power
 to dismiss the person charged without proceeding to a convic-
 40 tion.

Power to Re-
 corders to try
 persons guilty
 of Larceny,
 &c., summarily.

And to sen-
 tence such
 persons if
 found guilty.

Proviso.

Proviso.

II. Where the Recorder before whom any person is charged
 as aforesaid proposes to dispose of the case summarily under the
Accused to be
 asked whether