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AN ACT

For Rendering the Administration of Justice in Minor Criminal Cases more Speedy and Certain.

WHEREAS, many persons charged with minor Criminal Offences, often escape from punishment, by reason of the delays now occurring in the Administration of Justice in Criminal Cases;

Be it enacted by the Governor on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies:

I. That from and after the passage of this Act, any Justice or Justices of the Peace in Vancouver Island, or its Dependencies, may, in lieu of committing any prisoner to be tried at Quarter Sessions for any of the offences heretofore triable at Sessions, commit such prisoner to be tried by eight men, presided over by two or more Justices of the Peace, of whom such Committing Magistrate may be one.

II. Such commitment shall, however, be made by such Justice, or Justices, in the event only of some material witness, or witnesses, deposing that he, or they, are about to leave the Colony before the day appointed for the next sitting of the Court of Quarter Sessions; provided, that the trial aforesaid shall in no case take place until after the expiration of seven clear days from the day of commitment.

III. The Justice or Justices committing, shall cause a precept to issue to the Sheriff, requiring him to empanel a Jury of fourteen (14) duly qualified men, to appear upon the day fixed for the trial or trials. Provided, that only three Jurors shall be subject to challenge by the prosecution and defence respectively.

IV. The Sheriff shall, three clear days at least previously to the day fixed for such trial or trials, summon such Jury to appear as aforesaid.

V. The Justices presiding, shall have power to inflict such fine on any Juryman, so summoned and not appearing, as he or they shall think fit, not exceeding the sum of five pounds sterling; such fine, in case of non-payment, to be recoverable by distress.

VI. The Court over which such Justices shall preside, shall be a Court of Record.

VII. An indictment shall be preferred in each case so committed for summary trial as aforesaid, but no true bill shall be required to be found upon the charge, and the prisoner shall be directly arraigned and tried on such indictment as fully as he might have been before a Court of Quarter Sessions with a true bill found.

VIII. The Justices presiding shall have the power of inflicting the same punishment as a Court of Quarter Sessions would have.

IX. This Act may be cited as "The Minor Offences Act, 1860."

Passed the House of Assembly, the 8th day of August, A. D. 1860.

Passed the Council, the 21st day of November, A. D. 1860.

Received my assent, the 19th day of December, A. D. 1860.

JAMES DOUGLAS,
Governor.