



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

No. V.

An Ordinance to abolish Grand Juries, and to substitute other provisions in lieu thereof.

WHEREAS a general opinion prevails that the maintenance of ^{Preamble,}
the Institution of Grand Juries in this colony is not necessary
to the due administration of Justice;—Be it therefore enacted, by
the Governor of Western Australia and its Dependencies, by and
with the advice and consent of the Legislative Council thereof:—

I. THAT a Grand Jury shall not henceforth be summoned for
any General Quarter Sessions of the Peace for the said colony, or for
any

any district thereof, excepting only in such cases as the Governor for the time being shall by proclamation direct.

Information.

II. THAT whenever a magistrate shall commit to custody or hold to bail any person for trial at any General Quarter Sessions of the Peace, an information shall be filed in lieu of a Bill of Indictment presented to the Grand Jury.

Same as Indictment.

III. THAT such information, when filed with the Clerk of the Peace or other proper officer for the time being, shall have the like effect, in all respects as an indictment as to trial or otherwise.

Legal definition given by a magistrate may be altered.

IV. THAT no such information shall be quashed, nor an acquittal taken, by reason that the offence charged therein differs in its legal definition from the offence specified in the commitment or detainer, or for which the prisoner was held to bail; provided such information shall apply to some act or offence disclosed or to be inferred from the depositions, or from the commitment or recognizance.

V. THAT no objection shall be allowed to any information, except such as may be made to indictment; and it shall not be necessary in the information, or in making up the record, to set forth any proceedings before the committing or bailing Magistrates.

Law Officers to be the Grand Jury.

VI. THAT the Law Officers of the Crown, or Law Officer of the Crown, acting for the time being as Public Prosecutor, as hereinafter provided, may exercise every function in regard to criminal trials and proceedings hereinbefore exercised by Grand Juries: and that in the district of Albany, or such other district as the Governor may by proclamation appoint, such functions may be exercised by the Chairman of Quarter Sessions.

VII. THAT the Advocate-General and Crown Solicitor for the time being respectively, or either of them, shall act as public prosecutor on criminal trials held at Perth; and no such information shall be filed by the Clerk of the Peace, unless such information shall have been approved in writing, endorsed thereon by the Public Prosecutor.

VIII.

1855.

18th Vict. No. 5.

VIII. THAT the word "magistrate" used in this Ordinance shall be construed to include every judge, person or court having power to commit or hold to bail for trial for any criminal offence.

IX. THAT this Ordinance shall commence and take effect from and after the first day of June next.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council }
this 13th day of April, 1855. }*

A. O'GRADY LEFROY,
Clerk of the Council.