



1852.

No. 10.

An Act to provide for the Trial of Offenders without the intervention of Grand Juries.

[Assented to 11th November, 1852.]

WHEREAS it is expedient to provide for the trial of offenders without the intervention of a Grand Jury, and to relieve the persons liable to serve as Grand Jurors from the necessity of serving in that capacity:

Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, no person shall be summoned, or liable to serve upon any Grand Jury, and that so much of an Ordinance, No. 12 of one thousand eight hundred and forty-three, to regulate trials by Jury in South Australia, as provides that no person shall be put on trial on any indictment, at any Criminal Session of the Supreme Court, unless the bill of such indictment shall first have been presented to a Grand Jury, on the prosecution of Her Majesty's Attorney or Advocate-General, and shall have been returned by them a true bill, shall be, and the same is, hereby repealed.

Grand Juries abolished.

Repeal of provision of No. 12, of 1843.

2. And be it Enacted, That any person may be put upon his trial at any Criminal Session of the Supreme Court, for any crime or offence whatsoever, upon an information presented to the said Court, in the name and by the authority of Her Majesty's Advocate or Attorney-General in the same manner as heretofore upon an indictment returned by a Grand Jury; and every provision of the common law, and of Acts of Parliament, and of Ordinances, for the time being in force within the said Province relating to indictments, and to the manner and form of pleading thereto, and to the trial thereon, and generally to all matters subsequent to the finding of the indictment,

Persons may be tried on informations presented by Advocate-General.

indictment, shall apply to any information to be so presented as aforesaid: Provided that in every case in which any person shall have been committed to take his trial at a Criminal Sessions of the Supreme Court by any Special Magistrate, or by two Justices of the Peace for the said Province, it shall be incumbent upon such Advocate or Attorney-General to cause an information to be presented against such person for the offence in respect whereof he shall have been so committed, or for such offence as shall appear by the depositions taken against such person to be chargeable against him, or if upon examining the depositions taken in any case, the said Attorney or Advocate-General shall find that there is no reasonable ground for putting the person accused upon his trial for any offence whatever, then he shall certify such his opinion in writing, under his hand, to the Judge or Judges presiding at the Criminal Session whereat the information against such accused person ought under ordinary circumstances to be presented.

Supreme Court may grant criminal informations.

3. And be it Enacted, That it shall be lawful for the Master or other chief Officer, to be appointed by the Court in that behalf, by leave of such Court, to file a criminal information in any case in which, by leave of the Court, the Clerk of the Crown or Master of the Crown Office may file an information in Her Majesty's Court of Queen's Bench at Westminster, and upon such information being filed, the same recognizances shall be entered into by the party at whose instance it is procured to be exhibited as are required by the law of England in the like case, and which recognizances may be taken before a Judge, or the Master, or such other chief Officer as aforesaid, and shall be returned forthwith into the Supreme Court, or before a Justice of the Peace for the said Province, and thereafter the same proceedings shall as nearly as circumstances will permit be had upon such information as are prescribed by the practice of Her Majesty's Court of Queen's Bench aforesaid, with regard to criminal informations filed therein by leave of the Court.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this second day of
November, one thousand eight hundred
and fifty-two.*

F. C. SINGLETON,
Clerk of the Legislative Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Lieutenant-Governor.

Government House, Adelaide,
November 11, 1852.