

## CHAPTER 64.

### Of the Criminal Jurisdiction, Power and Procedure of certain Courts of Quarter Sessions.

#### SECTION

- 1.—Jurisdiction of Courts of Quarter Sessions for Central District and Harbor Grace in cases of larceny, receiving stolen goods, and false pretences, where property does not exceed \$20 in value.
- 2.—Court of Quarter Sessions may be held by a Police Magistrate, alone or with one or more Justices; no formal adjournment necessary.
- 3.—Jurisdiction to try summarily assaults and batteries, cutting and wounding, &c.
- 4.—Courts to forward complaint to Attorney General or Solicitor General, for his consideration.
- 5.—Courts may impose imprisonment for six months.

#### SECTION

- 6.—Courts may, in addition to or in lieu of punishment, fine to the extent of \$100.
- 7.—Courts may adjudge costs.
- 8.—Courts may levy distress for penalties.
- 9.—Fines may be apportioned.
- 10.—Conviction to have effect of conviction upon indictment.
- 11.—No conviction to be quashed for want of form.
- 12.—Where offence not proved, charge to be dismissed and certificate of dismissal given to defendant.
- 13.—Certificate and payment to be a bar to further civil proceedings.
- 14.—Persons found committing offences may be apprehended without warrant.

1. The Courts of General Quarter Sessions of the Peace for the Central District, and for the district of Harbor Grace, shall have full

power, jurisdiction and authority to try and determine in a summary manner without a jury, all cases of larceny, of receiving stolen goods, and of obtaining or attempting to obtain any chattel, money or valuable security under false pretences where the value of the property stolen, or received, or obtained, or attempted to be obtained, does not exceed twenty dollars, and in such case to any amount where the party charged consents.

2. The said Court of Quarter Sessions may be held by a Police Magistrate, sitting alone, or with one or more Justices of the Peace, and may be holden whenever business may require, without formal adjournment or proclamation, except on the opening and closing of the Court at the commencement of each quarter.

3. The said Courts shall also have power to try and determine in a summary manner and without a jury, all cases of assault and battery, cutting and wounding, grievous bodily injury, with or without weapon, also, attempts to commit injury to the person, except attempts to commit murder or rape.

4. It shall be the duty of the said Courts of General Quarter Sessions before proceeding to the trial of any such case as mentioned in the next preceding section to forward to the Attorney General or in his absence to the Solicitor General, a copy of the complaint upon oath for his consideration and determination; and if the said Attorney General, or in his absence the Solicitor General, be of opinion that from any cause the charge is a fit subject for prosecution by indictment rather than to be disposed of summarily, the said Courts of Quarter Sessions shall deal with the case in all respects as if this chapter had not been passed.

5. In all cases mentioned in the foregoing sections the said Courts shall have the power to sentence all persons convicted of any of said offences, to a term of imprisonment not exceeding six calendar months.

6. In all cases mentioned in the third section of this chapter, the said Courts may in addition to or in lieu of any punishment by this chapter authorized, fine the offender to an amount not exceeding one hundred dollars, and require him to enter into his own recognizance and to find sureties for the keeping of the peace and being of good behaviour, or either: and in default of payment or finding such sureties to imprison-ment for any period not exceeding six months.

7. When any person shall be convicted under the provisions of this chapter for any assault, whether with or without battery and wounding, or either of them, such person may, if the Court thinks fit, and on motion of the prosecutor or his counsel, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time and injury as the Court shall,

upon affidavit or other enquiry or examination, ascertain to be reasonable; and unless the sum so awarded shall be sooner paid the offender shall be imprisoned for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment, if any, to which the offender may be sentenced for the offence.

8. The Court may, by warrant under its seal, and signed by the Judge, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale, shall be paid to the owner, and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

9. The fine mentioned in the sixth section of this chapter may be apportioned by the said Court as it shall think fit, of which fine, part may be paid to the prosecutor and the remainder to the Receiver General for the use of the colony. In no case under this chapter shall the offender be required to pay more than one hundred dollars, exclusive of costs, for any offence, nor suffer a longer term of imprisonment than six months.

10. Every conviction under this chapter shall have the same effect as a conviction upon indictment for the same offence would have had.

11. No conviction, sentence or proceeding, under this chapter, shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted of some offence named therein, and there be a good and valid conviction to sustain the same.

12. If in any case of a criminal nature, tried before such Court, the Court finds the offence not proved, it shall dismiss the charge and make out and deliver to the person charged a certificate stating the cause of such dismissal, and in all such cases the Court may in its discretion order the prosecutor to pay costs to the defendant.

13. Every person who obtains a certificate of dismissal or is convicted under this chapter, shall be released from all further criminal proceedings for the same cause, and in all cases where any sum of money is adjudged to the person injured by virtue of the provisions of this chapter, the payment of such money by the offender shall be a bar to all civil proceedings against him for the same offence but not otherwise.

14. Any person found committing any offence against this chapter, may be immediately apprehended without a warrant by any person, and forthwith taken before some neighbouring Justice to be dealt with according to law.