



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

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No. VI.

**An Ordinance for the more speedy trial and  
punishment of offences in cases of larceny,  
under £5 Sterling.**

**W**HEREAS in order to promote the more speedy trial of per- Preamble.  
sons' charged with the simple larceny of property under the  
the

value of £5 Stirling, and to avoid their long imprisonment previously to trial, and the expence of sending many witnesses to the Quarter Sessions, it is expedient to allow of such persons being proceeded against in a more summary manner than is now by law provided;— Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

Under £5.

I. THAT every person who shall, subsequently to the taking effect of this Ordinance, be charged with having committed, or having attempted to commit, or with having been an aider, abettor, counsellor, or procurer in the commission of any offence which now is, or hereafter may be by law deemed or declared to be simple larceny, and if the property stolen or attempted to be stolen be under the value of £5 Stirling, shall, upon conviction thereof on his own confession, or upon proof before any two or more Justices of the Peace for the said colony, in petty sessions assembled, be committed to any gaol within the said colony, there to be imprisoned with or without hard labour, as the bench shall deem fit, for any term not exceeding six calendar months: Provided always, that if such justices upon the hearing of any such case, shall deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the person or persons so charged, on their finding surety for his or their good behaviour, or without such sureties. Provided also, that after the information had been read and before any evidence be given in support thereof, the said justices, or one of them, shall say to the person so charged as follows, or words to the like effect—“If you object to the Bench deciding this case at once, and demand to be tried by a Jury at the Sessions, now is your time to say so, for after this you will not be allowed any choice;” such question, and the answer thereto to be recorded in the minutes. And if the person so charged shall demand to be committed for trial, the said Justices, if they do not see cause to dismiss the case, shall proceed to deal with the same as if this Ordinance had not been passed. Provided further, that notwithstanding such election by the prisoner to be summarily tried, it shall be lawful for the bench, at any time before the person charged be called upon for his defence, to announce to him that the case will absolutely be sent to the Sessions for trial, if they should be of opinion that it is a fit and proper subject for prosecution by indictment or by information, in which case they shall proceed as usual, the same as if this Ordinance had not passed.

Warning to prisoner.

II.

1855.

18th Vict. No. 6.

II. THAT the Justices before whom any person shall be summarily convicted of any such offence, may cause the conviction to be drawn up in the form of words set forth in the schedule to this Ordinance annexed, or in any other form of words to the same effect, which conviction shall be good and effectual to all intents and purposes. *Form of Schedule.*

III. THAT no conviction shall be quashed for want of form, or be removed by certiorari or otherwise, into any superior court of record, and no warrant of commitment shall be held void by reason of any defect therein; provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. *No certiorari, &c.*

IV. THAT the justices before whom any person shall be convicted under the provisions of this Ordinance shall forthwith thereafter transmit the conviction and recognizances to the Clerk of the Peace, to be by him kept among the records of the Court of Quarter Sessions. *Record.*

V. THAT it shall be lawful for the presiding Justice to order restitution of the property in respect of which such offence shall have been committed, the owner thereof or his representative, on conviction of the party charged. *Restitution.*

VI. THAT this Ordinance shall commence and take effect immediately after it shall have received the royal assent, and notice of such royal assent shall have been published by proclamation in the Government Gazette. *Royal assent.*

VII. THAT this Ordinance may be cited as the Larceny Summary Conviction Ordinance, 1855.

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.

## SCHEDULE.

*Form of Conviction.*

Western Australia }  
to wit. }

Be it remembered that on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ in the said colony, A B is convicted before us J P and G R two of Her Majesty's Justices of the Peace for the said colony, for that he the said A B did [specify the offence, the value of the property stolen, and the time and place where and when the same was committed, as the case may be, but without setting forth the evidence] and we the said J P and G R adjudge the said A B for his said offence to be imprisoned in the \_\_\_\_\_ [or be imprisoned in the \_\_\_\_\_ and there kept to hard labor] for the space of \_\_\_\_\_

Given under our hands and seals the day and year first above mentioned.