



Indictable Offences Act 1848

1848 CHAPTER 42

For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him.

That in all Cases where a Charge or Complaint (A.) shall be made before any One or more of Her Majesty's Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place within' *England* or *Wales*, that any Person has committed or is suspected to have committed any Treason, Felony, or indictable Misdemeanor, or other indictable Offence whatsoever, within the Limits of the Jurisdiction of such Justice or Justices of the Peace, or that any Person guilty or suspected to be guilty of having committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice or Justices is residing or being or is suspected to reside or be within the Limits of the Jurisdiction of such Justice or Justices, then and in every such Case, if the Person so charged or complained against shall not then be in Custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B.) to apprehend such Person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to such Charge or Complaint, and to be further dealt with according to Law:

In what Cases the Party may be summoned instead of issuing a Warrant in the first instance.

Provided always, that in all Cases it shall be lawful for such Justice or Justices to whom such Charge or Complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the Person so charged or complained against, to issue his or their Summons (C.) directed to such Person, requiring him to appear before the said Justice or Justices at a Time and Place to be therein mentioned, or before such other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there, and if after being served with such Summons in manner herein-after mentioned he shall fail to appear at such Time and Place, in obedience to such Summons, then and in every such Case the said Justice or Justices, or any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, may issue his or their Warrant (D.) to apprehend such Person so charged or complained against, and cause such Person to be brought before him or them, or before some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Charge or Complaint, and to be further dealt with according to Law:

If the Summons be not obeyed, then a Warrant may be issued.

Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant herein-before first mentioned at any Time before or after the Time mentioned in such Summons for the Appearance of the said accused Party.

II Warrant to apprehend for Offences committed on the High Seas or abroad.

And be it enacted, That in all Cases of indictable Crimes or Offences of any Kind or Nature whatsoever committed on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of *England* have or claim to have Jurisdiction, and in all Cases of Crimes or Offences committed on Land beyond the Seas, for which an Indictment may legally be preferred in any Place within *England* or *Wales*, it shall be lawful for any One or more of Her Majesty's Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place within *England* or *Wales* in which, any Person charged with having committed or with being suspected to have committed any such Crime or Offence shall reside or be, or shall be supposed or suspected to reside or be, to issue his or their Warrant (E.) to apprehend the Person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

III Warrant to apprehend a Party against whom an Indictment is found. If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas.

And be it enacted, That where any Indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any Person who shall then be at large, and whether such Person shall have been bound by any Recognizance to appear to answer to the same or not, the Person who shall act as Clerk of the Indictments at such Court of Oyer and Terminer or Gaol Delivery, or as Clerk of the Peace at such Sessions, at which the said Indictment shall be found, shall at any Time afterwards, after the End of the Sessions of Oyer and Terminer or Gaol Delivery or Sessions of the Peace at which such Indictment shall have been found, upon Application of the Prosecutor, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, if such Person shall not have already appeared and pleaded to such Indictment, grant unto such Prosecutor or Person a Certificate (F.) of such Indictment having been found; and upon Production of such Certificate to any Justice or Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place in which the Offence shall in such Indictment be alleged to have been committed, or in which the Person indicted in and by such Indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such Person so indicted, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law, and afterwards, if such Person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon Oath or Affirmation before him or them that the Person so apprehended is the same Person who is charged and named in such Indictment, shall, without further Inquiry or Examination, commit (H.) him for Trial, or admit him to Bail, in manner hereinafter mentioned ; or if such Person so indicted shall be confined in any Gaol

or Prison for any other Offence than that charged in the said Indictment, at the Time of such Application, and Production of the said Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices and he and they are hereby required, upon it being proved before him or them upon Oath or Affirmation that the Person so indicted and the Person so confined in Prison are one and the same Person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which the Person so indicted shall then be confined as aforesaid, commanding him to detain such Person in his Custody until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom, for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of his Custody by due Course of Law.

IV Power to Justice to issue Warrants on Sundays.

And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid or any Search Warrant on a Sunday as well as' on any other Day.

V Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another. All Acts of Justice, &c. to be valid. Constables, &c. apprehending Offenders in one such County, &c may take them before such Justice in the adjoining County, &c., if he act as a Justice in both.

And be it enacted, That in Cases where a Justice of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, Riding, Division, Liberty, City, Borough, or Place next adjoining thereto or surrounded thereby, it shall and may be lawful for such Justice of the Peace to act as such Justice for the one County, Riding, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Riding, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned; and that all such Acts of such Justice, and the Acts of any Constable or other Officer in obedience thereto, shall be as valid, good, and effectual in the Law to all Intents and Purposes as if such Justice at the Time he shall so act as aforesaid were in the County, Riding, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall so act as aforesaid are hereby authorized and required to obey the Warrants, Orders, Directions, Act or Acts of such Justice which in that Behalf shall be granted, given, or done, and to do and perform their several Offices and Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty ; and any such Constable or other Peace Officer, or any other Person, apprehending or taking into Custody any Person offending against Law, and whom he lawfully may and ought to apprehend or take into Custody, by virtue of his Office or otherwise, in any such County, Riding, Division, Liberty, City, Borough, or Place, may lawfully take and convey such Person so apprehended and taken as aforesaid to and before any such Justice of the Peace for such County, Riding, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Riding, Division, Liberty, City, Borough, or Place as aforesaid, and the said Constables and other Peace Officers, and all such other Persons as aforesaid, are hereby authorized and required in all such Cases so to act in all things as if the said Justice of the Peace were within the said County, Riding, Division, Liberty, City, Borough, or Place for which he shall so act.

VI Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction. Not to give Power to act &c. in any Matters, &c. arising within the same.

And be it enacted, That it shall be lawful for any Justice or Justices of the Peace acting for any County at large, or for any Riding or Division of such County, to act as such at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to any such County, Riding, or Division respectively, and that all and every such Act and Acts, Matters and Things,- to" be so done by such Justice or Justices within such City, Town, or Precinct, as Justice or Justices for such County, Riding, or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County, Riding, or Division respectively, to all Intents and Purposes whatsoever : Provided always, that nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County, Riding, or Division, not being also Justices for such City, Town, or other Precinct, or not having Authority as Justices of the Peace therein, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

VII For Removal of Doubts as to Powers given to Justices, &c. in detached Parts of Counties under 2 & 3 Vict. c.82.

And whereas Doubts have arisen whether the Powers given to Justices by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Administration of Justice in detached Parts of Counties*, are applicable to Cases of summary Jurisdiction and to Acts merely ministerial : Be it hereby declared and enacted, That all the Acts of any Justice or Justices, and of any Constable or Officer in obedience thereto, shall be as good in relation to any detached Part of any County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act as if the same were to all Intents and Purposes Part of the said County ; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

VIII When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath, to be laid before Justices. If Summons to be issued instead, Information, &c. not necessary to be on Oath. No Objection allowed for alleged Defect in Form.

And be it enacted, That in all Cases where a Charge or Complaint for any indictable Offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the Party or Parties so charged, an Information and Complaint thereof (A.) in Writing, on the Oath or Affirmation of the Informant or of some Witness or Witnesses in that Behalf, shall be laid before such Justice or Justices : Provided always, that in all Cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such Information and Complaint shall be in Writing, or be sworn to or affirmed in manner aforesaid, but in every such Case such Information and Complaint may be by Parol merely, and without any Oath or Affirmation whatsoever to support or substantiate the same: Provided also, that no Objection shall be taken or allowed to any

such Information or Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examination of the Witnesses in that Behalf, as herein-after mentioned.

IX Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged. How Summons to be served. If Party summoned do not attend, Justice may issue a Warrant to compel Attendance. No Objection allowed for alleged Defect in Form, &c.

And be it enacted, That upon such Information and Complaint being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the Person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law; and every such Summons (C.) shall be directed to the Party so charged in and by such Information, and shall state shortly the Matter of such Information, and shall require the Party to whom it is so directed to be and appear at a certain Time and Place therein mentioned before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there, to answer to the said Charge, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer upon the Person to whom it is so directed by delivering the same to the Party personally, or if he cannot conveniently be met with then by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of such Summons; and if the Person so served shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the Party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer the Charge in the said Information and Complaint mentioned, and to be further dealt with according to Law: Provided always, that no Objection shall be taken or allowed to any such Summons or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or admit him to Bail, in manner hereinafter mentioned.

X Warrant to apprehend Parties to be under Hand and Seal of Justice. How Warrant to be directed, and to whom. How and where Warrant may be executed. No Objection allowed for alleged Defect in Form, &c.

And be it declared and enacted, That every Warrant (B.) hereafter to be issued by any Justice or Justices of the Peace to apprehend any Person charged with any indictable

Status: This is the original version (as it was originally enacted).

Offence shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables or Peace Officers in the County or other District within which the Justice or Justices issuing such Warrant has or have Jurisdiction, or generally to all the Constables or Peace Officers within such last-mentioned County or District, and it shall state shortly the Offence on which it is founded, and shall name or otherwise describe the Offender, and it shall order the Person or Persons to whom it is directed to apprehend the Offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the Charge contained in the said Information, and to be further dealt with according to Law ; and it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the Offender at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justice or Justices issuing the same shall have Jurisdiction, or in case of fresh Pursuit at any Place in the next adjoining County or Place, and within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or other Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction it shall be lawful for any Constable, Headborough, Tithingman, Borsholder, or other Peace Officer for any Parish, Township, Hamlet, or Place within such County or District to execute the said Warrant within any Parish, Township, Hamlet, or Place situate within the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer: Provided always, that no Objection shall be taken or allowed to any such Warrant for any Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or to admit him to Bail, in manner herein-after mentioned.

XI Regulations as to the Backing of Warrants. Proviso.

And be it enacted, That if the Person against whom any such Warrant shall be issued as aforesaid shall not be found within the Jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in *England* or *Wales* out of the Jurisdiction of the Justice issuing such Warrant, it shall and may be lawful for any Justice of the Peace for the County or Place into which such Person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon Proof alone being made on Oath of the Handwriting of the Justice issuing such Warrant, to make an Indorsement (K.) on such Warrant, signed with his Name, authorizing the Execution of such Warrant within the Jurisdiction of the Justice making such Indorsement, and which Indorsement shall

be sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same in such other County or Place, and to carry the Person against whom such Warrant shall have issued, when apprehended, before the Justice and Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, Riding, Division, Liberty, City, Borough, or Place where the Offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor, or any of the Witnesses upon the Part of the Prosecution, shall then be in the County or Place where such Person shall have been so apprehended, the Constable or other Person or Persons who shall have so apprehended such Person may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County or Place; and the said Justice or Justices may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect in manner herein-after directed with respect to Persons charged before a Justice or Justices of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Persons have been apprehended.

XII English Warrants may be backed in Ireland, and vice versa, in the event of Parties escaping. Warrants so indorsed to be valid.

And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justice of Oyer and Terminer or Gaol Delivery, for any indictable Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County or Place in that Part of the United Kingdom called *Ireland*, or if any Person against whom a Warrant shall be issued in any County or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench there, or any Justice of Oyer and Terminer or Gaol Delivery, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *England* or *Wales*, it shall and may be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant in manner herein-before mentioned, or to the like Effect, and which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where the Justice so indorsing it shall have Jurisdiction, by apprehending the Person against whom such Warrant shall have been granted, and to convey him before the Justice or Justices who granted the same, or before some other Justice or Justices of the Peace in and for the same County or Place, and which said Justice or Justices before whom he shall be so brought shall thereupon proceed in such Manner as if the said Person had been apprehended in the said last-mentioned County or Place.

XIII English Warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versa. Warrants so indorsed to be valid.

And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer or Gaol Delivery, for any indictable Offence, shall escape, go into, reside, or be, or be supposed or suspected to be, in any of the Isles of *Man, Guernsey, Jersey, Alderney, or Sark*, it shall be lawful for any Officer within the District into which such accused Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders within such District, to indorse (K.) such Warrant in the Manner herein-before mentioned, or to the like Effect; or if any Person against whom any Warrant, or Process in the Nature of a Warrant, shall be issued in any of the Isles aforesaid, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant or Process in manner herein-before mentioned, and every such Warrant or Process, so indorsed, shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same respectively was originally directed, and also to all Constables and Peace Officers in the County, District, or Jurisdiction within which such Warrant or Process shall be so indorsed, to execute the same within the County, District, or Place where the Justice or Officer indorsing the same has Jurisdiction, and to convey such Offender, when apprehended, into the County or District wherein the Justice or Person who issued such Warrant or Process shall have Jurisdiction, and carry him before such Justice or Person, or before some other Justice or Person within the same County or District who shall have Jurisdiction to commit such Offender to Prison for Trial, and such Justice or Person may thereupon proceed in such and the same Manner as if the said Offender had been apprehended within his Jurisdiction.

XIV English or Irish Warrants may be backed in Scotland. Warrants so indorsed to be valid.

And be it declared and enacted, That if any Person against whom a Warrant shall be issued by any Justice of the Peace for any County or Place within *England* or *Wales* or *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *England* or *Ireland*, for any Crime or Offence against the Laws of those Parts respectively of the United Kingdom of *Great Britain* and *Ireland*, shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in that Part of the said United Kingdom called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall go into, reside, or be, or be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, or to the like Effect, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same within the County or Place where it shall have been so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *England, Wales, or Ireland* where the Justice or Justices who first issued the said Warrant shall have Jurisdiction in that Behalf, and

to carry him before such Justice or Justices, or before any other Justice or Justices of the Peace of and for the same County or Place, to be there dealt with according to Law, and which said Justice or Justices are hereby authorized and required thereupon to proceed in such and the same Manner as if the said Offender had been apprehended within his or their Jurisdiction.

XV Scotch Warrants may be backed in England or Ireland. Warrants indorsed to be valid.

And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord Chief Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, or Justice of the Peace, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or shall be supposed or suspected to be, in any County or Place in *England* or in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or shall be supposed or suspected to be, to indorse (K.) the said Warrant in manner hereinbefore mentioned, and which said Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where the Justice so indorsing such Warrant shall have Jurisdiction, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Scotland* next adjoining to that Part of the United Kingdom called *England*, and carry him before the Sheriff or Steward Depute or Substitute, or One of the Justices of the Peace, of such County or Place, and which said Sheriff, Steward Depute or Substitute, or Justice of the Peace, is hereby authorized and required thereupon to proceed in such and the same Manner, according to the Rules and Practice of the Law of *Scotland*, as if the said Offender had been apprehended within such County or Place in *Scotland* last aforesaid.

XVI Power to Justices to summon Witnesses to attend and give Evidence. If Summons not obeyed, Warrant may be issued to compel Attendance. In certain Cases Warrant may be issued in the first instance. Persons appearing on Summons, &c. refusing to be examined may be committed.

And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence for the Prosecution, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Examination of the Witnesses against the Accused, such Justice may and is hereby required to issue his Summons (L. 1.) to such Person, under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Charge made against such accused Party; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode,) it shall be lawful for the

Justice or Justices before whom such Person should have appeared to issue a Warrant (L. 2.) under his or their Hands and Seals to bring and have such Person at a Time and Place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (L. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

XVII As to the Examination of Witnesses. Justice to administer Oath or Affirmation. Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.

And be it enacted, That in all Cases where any Person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable Offence, whether committed in *England* or *Wales*, or upon the High Seas, or on Land beyond the Sea, or whether such Person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in Custody for the same or any other Offence, such Justice or Justices, before he or they shall commit such accused Person to Prison for Trial, or before he or they shall admit him to Bail, shall, in the Presence of such accused Person, who shall be at liberty to put Questions to any Witness produced against him, take the Statement (M.) on Oath or Affirmation of those who shall know the Facts and Circumstances of the Case, and shall put the same into Writing, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such Witness shall appear to be examined as aforesaid shall, before such Witness is examined, administer to such Witness the usual Oath or Affirmation, which such Justice or Justices shall have full Power and Authority to do ; and if upon the Trial of the Person so accused as first aforesaid it shall be proved, by the Oath or Affirmation of any credible Witness, that any Person whose Deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, and if also it be proved that such Deposition was taken in the Presence of the Person so accused, and that he or his Counsel or Attorney had a full Opportunity of cross-examining the Witness, then, if such Deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such Deposition as Evidence in such Prosecution, without further Proof thereof,

unless it shall be proved that such Deposition was not in fact signed by the Justice purporting to sign the same.

XVIII After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make ; and inform him that he has nothing to hope or fear from either Promise or Threat.

And be it enacted, That after the Examinations of all the Witnesses on the Part of the Prosecution as aforesaid shall have been completed, the Justice of the Peace or One of the Justices by or before whom such Examination shall have been so completed as aforesaid shall, without requiring the Attendance of the Witnesses, read or cause to be read to the Accused the Depositions taken against him, and shall say to him these Words, or Words to the like Effect: " Having heard the Evidence, do you wish to say any thing in answer to the Charge you are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" and whatever the Prisoner shall then say in answer thereto shall be taken down in Writing (N.), and read over to him, and shall be signed by the said Justice or Justices, and kept with the Depositions of the Witnesses, and shall be transmitted with them as herein-after mentioned; and afterwards upon the Trial of the said accused Person the same may, if necessary, be given in Evidence against him, without further Proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same : Provided always, that the said Justice or Justices before such accused Person shall make any Statement shall state to him, and give him clearly to understand, that he has nothing to hope from any Promise of Favour, and nothing to fear from any Threat which may have been holden out to him to induce him to make any Admission or Confession of his Guilt, but that whatever he shall then say may be given in Evidence against him upon his Trial, notwithstanding such Promise or Threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the Prosecutor in any Case from giving in Evidence any Admission or Confession or other Statement of the Person accused or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

XIX Place where Examination taken not to be deemed an open Court, and no Person to remain without Consent.

And be it declared and enacted, That the Room or Building in which such Justice or Justices shall take such Examinations and Statement as aforesaid shall not be deemed an open Court for that Purpose; and it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person shall have Access to or be or remain in such Room or Building without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be best answered by so doing.

XX Power to Justice to bind over the Prosecutors and Witnesses by Recognizance. Recognizance, Depositions, &c. to be transmitted to the Court in which the Trial is to be had. Witnesses refusing to enter into Recognizances, may be committed.

And be it enacted, That it shall be lawful for the Justice or Justices before whom any such Witness shall be examined as aforesaid to bind by Recognizance (O. 1.) the Prosecutor and every such Witness to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Court of a County Palatine, or Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute,

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or to prosecute and give Evidence, or to give Evidence, as the Case may be, against the Party accused, which said Recognizance shall particularly specify the Profession, Art, Mystery, or Trade of every such Person entering into or acknowledging the same, together with his Christian and Surname, and the Parish, Township, or Place of his Residence, and if his Residence be in a City, Town, or Borough, the Recognizance shall also particularly specify the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof or a Lodger therein; and the said Recognizance, being duly acknowledged by the Person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (O.2.) thereof, signed by the said Justice or Justices, shall at the same Time be given to the Person bound thereby; and the several Recognizances so taken, together with the written Information (if any), the Depositions, the Statement of the Accused, and the Recognizance of Bail (if any) in every such Case, shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered, to the proper Officer of the Court in which the Trial is to be had, before or at the opening of the said Court on the First Day of the Sitting thereof, or at such other Time as the Judge, Recorder, or Justice who is to preside in such Court at the said Trial shall order and appoint: Provided always, that if any such Witness shall refuse to enter into or acknowledge such Recognizance as aforesaid it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (P.1.), to commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place in which the accused Party is to be tried, there to be imprisoned and safely kept until after the Trial of such accused Party, unless in the meantime such Witness shall duly enter into such Recognizance as aforesaid before some One Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, from Want of sufficient Evidence in that Behalf or other Cause, the Justice or Justices before whom such accused Party shall have been brought shall not commit him or hold him to Bail for the Offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, Riding, Division) Liberty, City, Borough, or Place, by his or their Order (P. 2.) in that Behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such Witness shall be so in Custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

XXI Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant. If Remand be for Three Days only, by verbal Order. Party accused may be admitted to Bail, on the Examination being adjourned. If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

And be it enacted, That if, from the Absence of Witnesses, or from any other reasonable Cause, it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful to and for the Justice or Justices before whom the Accused shall appear or be brought, by his or their Warrant (Q.I.), from Time to Time to remand the Party accused for such Time as by such Justice or Justices in their Discretion shall be deemed reasonable, not exceeding Eight clear Days, to the Common Gaol or House of Correction, or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall then be acting; or if the Remand be for a Time not exceeding Three clear Days it shall be lawful for such Justice or Justices verbally to order the Constable or other Person in whose Custody such Party accused may then be, or any other Constable or Person to be named by the said Justice or

Justices in that Behalf, to continue or keep such Party accused in his Custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the Time appointed for continuing such Examination : Provided always, that any such Justice or Justices may order such accused Party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough or Place, at any Time before the Expiration of the Time for which such accused Party shall be so remanded, and the Gaoler or Officer in whose Custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused Party in Custody during the Period for which he shall be so remanded, any One Justice of the Peace before whom such accused Party shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (Q. 2. 3.), with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination ; and if such accused Party shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q.4.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient prima facie Evidence of such Nonappearance of the said accused Party.

XXII If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former ; and if Evidence be deemed sufficient may be committed to Prison. If insufficient, to be brought before some Justice in the latter County. As to Payment of Expenses of conveying the Accused into the proper County, &c.

And whereas it often happens that a Person is charged before a Justice of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Person has been apprehended or in which such Justice has Jurisdiction, and it is necessary to make Provision as to the Manner of taking the Examinations of the Witnesses, and of committing the Party accused, or admitting him to Bail, in such a Case; be it therefore enacted, That whenever a Person shall appear or shall be brought before a Justice or Justices of the Peace in the County, Riding, Division, Liberty, City, Borough, or Place wherein such Justice or Justices shall have Jurisdiction, charged with an Offence alleged to have been committed by him in any County or Place within *England* or *Wales* wherein such Justice or Justices shall not have Jurisdiction, it shall be lawful for such Justice or Justices and he and they are hereby required to examine such Witnesses, and receive such Evidence in Proof of such Charge as shall be produced before him or them, within his or their Jurisdiction ; and if in his or their Opinion such Testimony and Evidence shall be sufficient Proof of the Charge made against such accused Party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence is alleged to have been committed, or shall admit him to Bail, as herein-after mentioned, and shall bind over the Prosecutor (if he have appeared before him or them) and the Witnesses by Recognizance accordingly, as is herein-before mentioned ; but if such Testimony and Evidence shall not in the Opinion of such Justice or Justices be sufficient to put the accused Party upon his Trial for the Offence with which he is so charged, then such Justice or Justices shall bind over such Witnesses as he shall have examined, by Recognizance, to give Evidence, as herein-before is mentioned, and such Justice or Justices shall, by Warrant (R. 1.) under

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his or their Hand and Seal or Hands and Seals, order such accused Party to be taken before some Justice or Justices of the Peace in and for the County, Riding, Division, Liberty, City, Borough, or Place where and near unto the Place where the Offence is alleged to have been committed, and shall at the same Time deliver the Information and Complaint, and also the Depositions and Recognizances so taken by him or them, to the Constable who shall have the Execution of such last-mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the Accused in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the Case, and shall be treated to all Intents and Purposes as if they had been taken by or before the said last-mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last-mentioned Justice or Justices shall take in the Matter of such Charge against the said accused Party, be transmitted to the Clerk of the Court where the said accused Party is to be tried, in the Manner and at the Time herein-before mentioned, if such accused Party shall be committed for Trial upon the said Charge, or shall be admitted to Bail; and in case such accused Party shall be taken before the Justice or Justices last aforesaid by virtue of the said last-mentioned Warrant, the Constable or other Person or Persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused Party before such last-mentioned Justice or Justices, shall be entitled to be paid his Costs and Expenses of conveying the said accused Party before the said Justice or Justices ; and upon the said Constable or other Person producing the said accused Party before such Justice or Justices, and delivering him into the Custody of such Person as the said Justice or Justices shall direct or name in that Behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any), Depositions, and Recognizances aforesaid, and proving by Oath the Handwriting of the Justice or Justices who shall have subscribed the same, such Justice or Justices to whom the said accused Party is so produced shall thereupon forthwith ascertain the Sum which ought to be paid to such Constable or other Person for conveying such accused Party and taking him before such Justice or Justices, as also his reasonable Costs and Expenses of returning, and thereupon such Justice or Justices shall make an Order (R. 2.) upon the Treasurer of the County, Riding, Division, or Liberty, City, Borough, or Place, or if such City, Borough, or Place shall be contributory to the County Rate of any County, Riding, Division, or Liberty, then upon the Treasurer of such County, Riding, Division, or Liberty respectively to which it is contributory, for Payment to such Constable or other Person of the Sum so ascertained to be payable to him in that Behalf, and the said Treasurer, upon such Order being produced to him, shall pay the Amount to the said Constable or other Person producing the same, or to any Person who shall present the same to him for Payment : Provided always, that if such last-mentioned Justice or Justices shall not think the Evidence against such accused Party sufficient to put him upon his Trial, and shall discharge him without holding him to Bail, every such Recognizance so taken by the said first-mentioned Justice or Justices as aforesaid shall be null and void.

XXIII Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors. Justices may admit to Bail in the like Cases after Commitment for Trial. Justice may admit to Bail Persons charged with other Misdemeanors. Certain Recognizance to be transmitted to committing Justices. No Bail in Cases of Treason but by Order of Secretary of State, &c. Where Defendant entitled to traverse.

And be it enacted, That where any Person shall appear or be brought before a Justice of the Peace charged with any Felony, or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with obtaining or attempting

to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as a Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate, such Justice of the Peace may, in his Discretion, admit such Person to Bail, upon his procuring and producing such Surety or Sureties as in the Opinion of such Justice will be sufficient to ensure the Appearance of such accused Person at the Time and Place when and where he is to be tried for such Offence ; and thereupon such Justice shall take the Recognizance (S. 1. 2.) of the said accused Person and his Surety or Sureties, conditioned for the Appearance of such accused Person at the Time and Place of Trial, and that he will then surrender and take his Trial, and not depart the Court without Leave; and in all Cases where a Person charged with any indictable Offence shall be committed to Prison to take his Trial for the same, it shall be lawful, at any Time afterwards, and before the First Day of the Sitting or Session at which he is to be tried, or before the Day to which such Sitting or Session may be adjourned, for the Justice or Justices of the Peace who shall have signed the Warrant for his Commitment, in his or their Discretion, to admit such accused Person to Bail in manner aforesaid ; or if such committing Justice or Justices shall be of opinion that for any of the Offences herein-before mentioned the said accused Person ought to be admitted to Bail, he or they shall in such Cases, and in all other Cases of Misdemeanors, certify (S. 3.) on the Back of the Warrant of Commitment his or their Consent to such accused Party being bailed, stating also the Amount of Bail which ought to be required, it shall be lawful for any Justice of the Peace, attending or being at the Gaol or Prison where such accused Party shall be in Custody, on Production of such Certificate, to admit such accused Person to Bail in manner aforesaid ; or if it shall be inconvenient for the Surety or Sureties in such a Case to attend at such Gaol or Prison to join with such accused Person in the Recognizance of Bail, then such committing Justice or Justices may make a Duplicate of such Certificate (S. 4.) as aforesaid, and upon the same being produced to any Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, it shall be lawful for such last-mentioned Justice to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol or Prison, and produced, together with the Certificate on the Warrant of Commitment as aforesaid to any Justice of the Peace attending or being at such Gaol or Prison, it shall be lawful for such last-mentioned Justice thereupon to take the Recognizance of such accused Party, and to order him to be discharged out of Custody as to that Commitment, as herein-after mentioned ; and where any Person shall be charged before any Justice of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Examinations in Writing as aforesaid, instead of committing him to Prison for such Offence, shall admit him to Bail in manner aforesaid, or if he have been committed to Prison, and shall apply to any One of the Visiting Justices of such Prison, or to any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session at which he is to be tried, or before the Day to which such Sitting or Session may be adjourned, to be admitted to Bail, such Justice shall accordingly admit him to Bail in manner aforesaid; and in all Cases where such accused Person in Custody shall be admitted to Bail by a Justice of the Peace other than the committing Justice or Justices as aforesaid, such Justice of the Peace so admitting him to Bail shall forthwith transmit the Recognizance or Recognizances of Bail to the committing Justice or Justices, or One of them, to be by him or them

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transmitted, with the Examinations, to the proper Officer : Provided nevertheless, that no Justice or Justices of the Peace shall admit any Person to Bail for Treason, nor shall such Person be admitted to Bail, except by Order of One of Her Majesty's Secretaries of State, or by Her Majesty's Court of Queen's Bench at *Westminster*, or a Judge thereof in vacation: Provided also, that when, in Cases of Misdemeanor, the Defendant shall be entitled to a Traverse at the next Assizes or Quarter Sessions, and shall not be bound, to take his Trial until the Second Assizes or Sessions, in every such Case the Recognizance (S. 1.) of Bail shall be conditioned that he shall appear and plead at the next Assizes or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes or Sessions, in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

XXIV When Justice admits a Person to Bail after Commitment a Writ of Deliverance shall be sent to him if not detained for any another Offence.

And, be it enacted, That in all Cases where a Justice or Justices of the Peace shall admit to Bail any Person who shall then be in any Prison charged with the Offence for which he shall be so admitted to Bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (S. 5.) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

XXV If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment he shall be discharged; but if Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial.

And be it enacted, That when all the Evidence offered upon the Part of the Prosecution against the accused Party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused Party upon his Trial for any indictable Offence, such Justice or Justices shall forthwith order such accused Party, if in Custody, to be discharged as to the Information then under Inquiry; but if, in the Opinion of such Justice or Justices, such Evidence is sufficient to put the accused Party upon his Trial for an indictable Offence, or if the Evidence given raise a strong or probable Presumption of the Guilt of such accused Party, then such Justice or Justices shall, by his or their Warrant (T.I.), commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place to which by Law he may now be committed, or, in the Case of an indictable Offence committed on the High Seas, or on Land beyond the Sea, to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place within which such Justice or Justices shall have Jurisdiction, to be there safely kept until he shall be thence delivered by due Course of Law, or admit him to Bail as herein-before mentioned.

XXVI Regulations for Conveying Prisoners to Gaol. As to Payment of Costs conveying Prisoners to Prison.

And be it enacted, That the Constable or any of the Constables or other Persons to - whom the said Warrant of Commitment shall be directed shall convey such accused Person therein named or described to the Gaol or other Prison mentioned in such

Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper, or Governor of such Gaol or Prison, who shall thereupon give such Constable or other Person so delivering such Prisoner into his Custody a Receipt (T. 2.) for such Prisoner, setting forth the State and Condition in which such Prisoner was when he was delivered into the Custody of such Gaoler, Keeper, or Governor; and in all Cases where such Constable or other Person shall be entitled to his Costs or Expenses for conveying such Person to such Prison as aforesaid it shall be lawful for the Justice or Justices who shall have committed the accused Party, or for any Justice of the Peace in and for the said County, Riding, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to ascertain the Sum which ought to be paid to such Constable or other Person for conveying such Prisoner to such Gaol or Prison, and also the Sum which, should reasonably be allowed him for his Expenses in returning, and thereupon such Justice shall make an Order (T. 2.) upon the Treasurer of such County, Riding, Division, Liberty, or Place of exclusive Jurisdiction, or if such Place of exclusive Jurisdiction shall be contributory to the County Rate of any County, Riding, or Division, then upon the Treasurer of such County, Riding, or Division respectively, or, in the County of *Middlesex*, upon the Overseers of the Poor of the Parish or Place within which the Offence is alleged to have been committed, for Payment to such Constable or other Person of the Sums so ascertained to be payable to him in that Behalf; and the said Treasurer or Overseers, upon such Order being produced to him or them respectively, shall pay the Amount thereof to such Constable or other Person producing the same, or to any Person who shall present the same to him or them for Payment: Provided nevertheless, that if it shall appear to the Justice or Justices by whom any such Warrant of Commitment against such Prisoner shall be granted as aforesaid that such Prisoner hath Money sufficient to pay the Expenses, or some Part thereof, of conveying him to such Gaol or Prison, it shall be lawful for such Justice or Justices, in his or their Discretion, to order such Money or a sufficient Part thereof to be applied to such Purpose.

XXVII After Examinations are completed, Defendant entitled to Copies of the Depositions.

And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person so committed to Prison or admitted to Bail as aforesaid is to be tried, such Person may require and shall be entitled to have, of and from the Officer or Person having the Custody of the same, Copies of the Depositions on which he shall have been committed or bailed, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words.

XXVIII Forms in Schedule deemed valid.

And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

XXIX Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone. Nothing to affect Powers, &c. contained in 10 G.4. c.44, 2 & 3 Vict. c.47, 2 & 3 Vict. c.71 and 3 & 4 Vict. c.84.

And be it enacted, That any One of the Magistrates appointed or hereafter to be appointed to act at any of the Police Courts of the Metropolis, and sitting at a

Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed or to be appointed for any other City, Town, Liberty, Borough, or Place, and sitting at a Police Court or other Place appointed in that Behalf, shall have full Power to do alone whatsoever is authorized by this Act to be done by any One or more Justice or Justices of the Peace ; and that the several Forms in the Schedule to this Act contained may be varied, so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other Place of sitting of such Stipendiary Magistrate ; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, or in an Act passed in the same Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, or in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for better defining the Powers of Justices within the Metropolitan Police District*.

XXX The Lord Mayor, or any Alderman of London, may act alone. Nothing to affect Powers, &c. contained in 2 & 3 Vict. c.94.

And be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, or for any Alderman of the said City, for the Time being, sitting at the Mansion House or Guildhall Justice Rooms in the said City, to do alone any Act, at either of the said Justice Rooms, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice ; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police in the City of London*.

XXXI Chief Magistrate of Bow Street may be a Justice for Berks, without Qualification.

And be it enacted, That the Chief Magistrate of the Metropolitan Police Court at *Bow Street* for the Time being shall be a Justice of the Peace of and for the County of *Berks*, if his Name be inserted in the Commission of the Peace for that County, without possessing the Qualification by Estate required by Law in that Behalf, and without taking any Oath of Qualification.

XXXII Act to extend to Berwick-upon-Tweed, but not to Scotland, Ireland, &c, except as to backing of Warrants.

And be it enacted, That the Town of *Berwick-upon-Tweed* shall be deemed to be within *England* for all the Purposes of this Act, but nothing in this Act shall be deemed or taken to extend to *Scotland* or *Ireland*, or to the Isles of *Man*, *Jersey*, or *Guernsey*, save and except the several Provisions respectively hereinbefore contained respecting the backing of Warrants, and also nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of Her Majesty's Court of Queen's Bench.

XXXIII Commencement of Act.

And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

XXXIV After Commencement of this Act the following Acts and Parts of Acts repealed.

And be it enacted, That the following Statutes and Parts of Statutes shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) a certain Act of Parliament made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more effectual Execution of Criminal Laws in the Two Parts of the United Kingdom*; and a certain other Act made and passed in the Twenty-eighth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enable Justices of the Peace to act as such in certain Cases out of the Limits of the Counties* in which they actually are ; and so much of a certain other Act made and passed in the Forty-fourth Year of the Reign of His said Majesty King George the Third, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another*, as relates to the Apprehension of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*, and to the backing of Warrants against such Offenders ; and so much of a certain other Act made and passed in the Forty-fifth Year of the Reign of His said Majesty King George the Third, intituled *An Act to amend Two Acts of the Thirteenth and Forty fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another*, as relates to the bailing of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*; and also a certain other Act made and passed in the Fifty-fourth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for the more easy apprehending and trying of Offenders-escaping from one Part of the United Kingdom to the other*; and also a certain other Act made and passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend an Act made in the Twenty-eighth Year of the Reign of King George the Third, intituled " An Act to enable Justices of " the Peace to act as such in certain Cases out of the Limits of " the Counties in which they actually are ;"* and so much of a certain other Act made and passed in the Third Year of the Reign of His said late Majesty King . George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, as relates to the Form of Recognizances, and to the Notice to be given to Persons acknowledging the same; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, as relates to the taking of such Examinations, and the Commitment of Persons so charged, by Justices of the Peace; and so much of a certain other Act made and passed in the said Seventh Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*, as relates to the taking of Bail in Cases of Felony, and to the taking of the Examinations and Informations against Persons charged with Felonies and Misdemeanors, and binding Persons by Recognizance to prosecute or give Evidence; and so much of a certain Act made and passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench, and for extending the Provisions of an Act of the Fifth Year of*

Status: This is the original version (as it was originally enacted).

King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments, and for extending the Provisions of an Act of the Seventh Year of King George the Fourth as to taking Bail in Cases of Felony, as relates to the taking of Bail in Cases of Felony ; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King William the Fourth, intituled An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney, as relates to the Right of Parties charged with Offences to have Copies of the Depositions or Examinations against them; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

XXXV Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.