


ANNO TERTIO

# GEORGII IV. REGIS.

## CAP. XXIII.

## An Act to facilitate Summary Proceedings before Justices of the Peace and others.

[15th *May* 1822.]

WHEREAS great Inconveniences often arise in summary Proceedings before Justices of the Peace, Deputy Lieutenants, and others, from the Want of a General Form of Conviction: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Cases wherein a Conviction shall have taken place, and no particular Form for the Record thereof hath been directed, the Justice or Justices, Deputy Lieutenant or Deputy Lieutenants, or other Person or Persons duly authorized to proceed summarily therein, and before whom the Offender or Offenders shall have been convicted, shall and may cause the Record of such Conviction to be drawn up in the Manner and Form following, or in any Words to the same Effect, *mutatis mutandis*; (that is to say),

General Form of Conviction, where no particular Form provided.

'County [*or, as the Case may be*] of } BE it remembered, That on the Day of in the Year of our Lord at in the County of *A. B.* of in the County of 'Labourer, [*or, as the Case may be*] personally came before me, (*or,* 'before us, &c.) *C. D.* One [*or* more, *as the Case may be*] of His



'Majesty's

'Majesty's Justices of the Peace for the said and 'informed me, (*or* us, &c.) that *E. F.* of in the 'County of on the Day of at 'in the said did [*here set forth the 'Fact for which the Information is laid*] contrary to the Form of the 'Statute in such Case made and provided, whereupon the said *E. F.* 'after being duly summoned to answer the said Charge, appeared 'before me, (*or* us, &c.) on the Day of at 'in the said and having heard the Charge 'contained in the said Information, declared he was not guilty of the 'said Offence, [*or, as the Case may happen to be*], did not appear 'before me, (*or* us, &c.) pursuant to the said Summons, [*or*, did 'neglect and refuse to make any Defence against the said Charge]; 'whereupon I [*or* we, &c. *or*, nevertheless I, *or* we, &c.] the said 'Justice, *or* Justices, did proceed to examine into the Truth of the 'Charge contained in the said Information, and on the 'Day of aforesaid, at the Parish of 'aforesaid, One credible Witness, to wit, *A. W.* of 'in the County of upon his Oath deposeth and 'saith, [*if E. F. be present, say*, in the Presence of the said *E. F.*] 'that, within Months [*or, as the Case may be*] next 'before the said Information was made before me (*or* us, &c.) the 'said Justice by the said *A. B.*, to wit, on the Day of 'in the Year the said *E. F.* at 'in the said County of [*here state the Evidence, and as 'nearly as possible in the Words used by the Witness, and if more than 'One Witness be examined, state the Evidence given by each*] [*or, if 'the Defendant confess, instead of stating the Evidence say*] and the 'said *E. F.* acknowledged and voluntarily confessed the same to be 'true]; therefore it manifestly appearing to me (*or* us, &c.) that he 'the said *E. F.* is guilty of the Offence charged upon him in the said 'Information, I (*or*, we, &c.) do hereby convict him of the Offence 'aforesaid, and do declare and adjudge, that he the said *E. F.* hath 'forfeited the Sum of of lawful Money of *Great 'Britain*, for the Offence aforesaid, to be distributed [*or* paid, *as the 'Case may be*] according to the Form of the Statute in that Case 'made and provided. Given under my Hand (*or*, our Hands, &c.) 'and Seal, the Day of in the Year of our 'Lord .'

One Justice, &c. may receive original Information, &c. where Two or more Justices, &c. empowered to hear and determine.

II. And be it further enacted, That in all Cases where Two or more Justices, Deputy Lieutenants or others, are authorized and required to hear and determine any Complaint, One Justice, Deputy Lieutenant, or such other Person shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace, Deputy Lieutenants or others, as the Case may require; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon, by any such Two Justices, Deputy Lieutenants, or other Persons, being made, all and every the subsequent Proceedings to enforce Obedience thereto or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter or Thing now enacted or to be hereafter enacted, may be enforced

forced by either of the said Justices, Deputy Lieutenants, or other Persons, or any other Justice of the Peace or Deputy Lieutenant for the same County, Riding, or Place, in such and the like Manner as if done by the same Two Justices, Deputy Lieutenants, or other Persons, who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace, Deputy Lieutenant or Deputy Lieutenants, or other Person or Persons different from him or them before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Where the Merits have been tried, Convictions not to be set aside for Defect of Form.

III. And be it further enacted, That in all Cases where it appears by the Conviction that the Defendant has appeared and pleaded, and the Merits have been tried, and that the Defendant has not appealed against the said Conviction where an Appeal is allowed, or if appealed against, the Conviction has been affirmed, such Conviction shall not afterwards be set aside or vacated in consequence of any Defect of Form whatever, but the Construction shall be such a fair and liberal Construction as will be agreeable to the Justice of the Case.

This Act not to extend to Scotland.

IV. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to that Part of the United Kingdom called *Scotland*.

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