ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

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C A P. LII.

An Act to regulate the Trial of Cauſes, Indictments, and other Proceedings, which ariſe within the Counties of certain Cities and Towns Corporate within this Kingdom. [1ſt *June* 1798.]

WHEREAS there at preſent exiſts, in the Counties of Cities and of Towns Corporate within this Kingdom, an excluſive Right, that all Cauſes and Offences which ariſe within their particular Limits ſhould be tried by a Jury of Perſons reſiding within the Limits of the County of ſuch City or Town Corporate; which ancient Privilege, intended for other and good Purpoſes, has in many Inſtances been found, by Experience, not to conduce to the Ends of Juſtice: And whereas it will tend to the more effectual Adminiſtration of Juſtice, in certain Caſes, if Actions, Indictments, and other Proceedings, the Cauſes of which ariſe within the Counties of Cities and Towns Corporate, were tried in the next adjoining Counties: In order therefore to remedy this Miſchief for the future, be it 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

Preamble.

In Actions in any Court of Record at

Weſtminſter, &c. if the *Venue* be laid in the County of any City or Town Corporate in *England*, &c. the Court may direct the Iſſue to be tried by a Jury of the County next adjoining.

in every Action, whether the ſame be tranſitory or local, which ſhall be proſecuted or depending in any of His Majeſty's Courts of Record at *Weſtminſter*, and in every Indictment removed into His Majeſty's Court of King's Bench by Writ of *Certiorari*, and in every Information filed by His Majeſty's Attorney or Solicitor General, or by the Leave of the Court of King's Bench, and in all Caſes where any Perſon or Perſons ſhall plead to or traverſe any of the Facts contained in the Return to any Writ of *Mandamus*, if the *Venue* in ſuch Action, Indictment, or Information, be laid in the County of any City or Town Corporate within that Part of *Great Britain* called *England*, or if ſuch Writ of *Mandamus* be directed to any Perſon or Perſons, Body Politick and Corporate, that it ſhall and may be lawful for the Court in which ſuch Action, Indictment, Information, or other Proceeding ſhall be depending, at the Prayer and Inſtance of any Proſecutor or Plaintiff, or of any Defendant, to direct the Iſſue or Iſſues joined in ſuch Action, Indictment, Information, or Proceeding, to be tried by a Jury of the County next adjoining to the County of ſuch City or Town Corporate, and to award proper Writs of *Venire* and *Diſtringas* accordingly, if the ſaid Court ſhall think it fit and proper ſo to do.

Bills of Indictment for Offences committed within the County of any City or Town Corporate may be preferred to the Jury of the County next adjoining.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Proſecutor or Proſecutors to prefer his, her, or their Bill or Bills of Indictment, for any Offence or Offences committed, or charged to be committed, within the County of any City or Town Corporate, to the Jury of the County next adjoining to the County of ſuch City or Town Corporate, ſworn and charged to enquire for the King, for the Body of ſuch adjoining County, at any Seſſions of Oyer and Terminer, or General Gaol Delivery; and that every ſuch Bill of Indictment, found to be a true Bill by ſuch Jury, ſhall be valid and effectual in Law, as if the ſame had been found to be a true Bill by any Jury ſworn and charged to enquire for the King for the Body of the County of ſuch City or Town Corporate.

Indictments found by a Grand Jury of any City or Town Corporate, or Inquiſitions taken before the Coroner, may be ordered to be filed with the proper Officer of the next adjoining County, and the Defendants removed to the Gaol thereof, *etc.*

III. And be it further enacted by the Authority aforeſaid, That if it ſhall appear to any Court of Oyer and Terminer or General Gaol Delivery for the County of any City or Town Corporate, that any Indictment found by any Grand Jury of the County of ſuch City or Town Corporate, or any Inquiſition taken before the Coroner or Coroners of the County of ſuch City or Town Corporate, or other Franchiſe, is fit and proper to be tried by a Jury of any next adjoining County, that it ſhall and may be lawful for the ſaid Court of Oyer and Terminer or General Gaol Delivery, at the Prayer of any Defendant, to order ſuch Indictment or Inquiſition, and the ſeveral Recognizances, Examinations, and Depoſitions, relative to ſuch Indictments and Inquiſitions, to be filed with the proper Officer, to be by him kept among the Records of the Courts of Oyer or Terminer and General Gaol Delivery for ſuch next adjoining County, and to cauſe the Defendant or Defendants in ſuch Indictment to be removed, by Writ of *Habeas Corpus*, to the Gaol of ſuch next adjoining County; which Writ the ſaid Court is hereby directed and authorized to iſſue, if ſuch Defendant or Defendants be in the Priſon of ſuch City or Town Corporate; and if he, ſhe, or they be not in ſuch Priſon, to commit ſuch Defendant or Defendants to the Gaol of ſuch next adjoining County, and to

to cauſe the Proſecutors and Witneſſes againſt ſuch Defendant or Defendants, to enter into a Recognizance or Recognizances, to proſecute and give Evidence againſt ſuch Defendant or Defendants at the Seſſions of Oyer and Terminer and General Gaol Delivery for ſuch next adjoining County; and that the ſame Proceedings and Trial ſhall be had, and the ſame Judgement ſhall be given, in ſuch laſt-mentioned Court of Oyer and Terminer or General Gaol Delivery, as would and might be had and given in Caſes of Indictments or Inquiſitions for the like Offences, committed within ſuch next adjoining Counties.

The Judges of the Court of King's Bench &c. may cauſe Perſons in Cuſtody for Offences committed within the County of any City or Town Corporate, to be removed into the Cuſtody of the Sheriff of the next adjoining County, for Trial; and direct Coroners to return to the Court of Oyer and Terminer Inquiſitions, *etc.*

IV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any of the Judges of His Majeſty's Court of King's Bench, or any of the Juſtices of Oyer and Terminer or General Gaol Delivery, for ſuch next adjoining or other County as aforeſaid, on the Application of any ſuch Proſecutor or Proſecutors Ten Days next before the holding of any Seſſions of Oyer and Terminer, or General Gaol Delivery, for ſuch laſt-mentioned County, by proper Writs of *Habeas Corpus*, which they are hereby empowered and authorized to iſſue, to cauſe any Perſon or Perſons who may be in the Cuſtody of any Sheriff or Sheriffs, or of the Keepers of any Gaol or Priſon, charged with any Offence or Offences committed within the County of any ſuch City or Town Corporate, to be removed into the Cuſtody of the Sheriff of ſuch next adjoining County, in order that he, ſhe, or they may, for ſuch Offence or Offences as aforeſaid, be tried in ſuch laſt-mentioned County, and by order under the Hand of any One of the ſaid Judges or Juſtices of Oyer and Terminer and General Gaol Delivery, to direct the Coroner or Coroners of the County of any ſuch City or Town Corporate, or other Franchiſe, to return to the next Court of Oyer and Terminer or General Gaol Delivery, to be holden for ſuch next adjoining County any Inquiſition or Inquiſitions, Examination or Depoſition taken touching the Death of any Perſon or Perſons within the Limits of his or their Juriſdictions; and that whenever, in purſuance of this Act, any Bill or Bills of Indictment ſhall be found by ſuch Grand Jury as aforeſaid, againſt any Perſon or Perſons, for any Offence or Offences committed, or charged to be committed, within the County of any City or Town Corporate, that it ſhall and may be lawful for the ſaid Courts of Oyer and Terminer and General Gaol Delivery, to iſſue Proceſs for apprehending the Perſon or Perſons againſt whom ſuch Bill or Bills of Indictment ſhall be found, if not in Cuſtody, and to compel the Attendance of Witneſſes upon the Trial of ſuch Indictments, in like Manner as in Caſes of Indictments found in any ſuch Court of Oyer and Terminer or General Gaol Delivery, for Offences committed within ſuch adjoining Counties.

Recognizances entered into for Proſecution of Perſons for Offences committed within the County of any City or Town Corporate, &c. to be forfeited if the Parties, on Notice of

V. And be it enacted by the Authority aforeſaid, That every Recognizance which, after the paſſing of this Act, ſhall be entered into for the Proſecution of any Perſon or Perſons, for any Offence or Offences committed, or charged to be committed, within the County of any City or Town Corporate, or within any Liberty or Franchiſe, and every Recognizance for the Appearance as well of Witneſſes to give Evidence upon any Bill of Indictment to be preferred, or any Inquiſition found for any ſuch Offence or Offences as aforeſaid, as for the Appearance of any Perſon or Perſons to anſwer our Lord the King, for

or

Intention to prefer Indictments in the next adjoining County, do not appear, *etc.*

or concerning the ſame, ſhall be forfeited, if the Proſecutor ſhall, Ten Days previous to the holding of the next Court of Oyer and Terminer or Gaol Delivery, in the next adjoining or other County, give Notice to the Perſon bound in ſuch Recognizance to give Evidence upon ſuch Bill of Indictment, or to anſwer our ſaid Lord the King as aforeſaid, of the Intention to prefer ſuch Indictment, or to remove ſuch Inquiſition, in or into the next adjoining or other County, and the Party bound in ſuch Recognizance ſhall not appear, proſecute, or give, or be ready to give, Evidence at ſuch Court; but if the Perſon bound in ſuch Recognizance, after Notice as aforeſaid, ſhall appear at ſuch Court of the next adjoining or other County, proſecute, give, or be ready to give, Evidence on ſuch Indictment before the Grand Jury, and on the Trial thereof, or on the Trial of ſuch Inquiſition, then the ſaid Recognizance ſhall be diſcharged in ſuch and the like Manner as if the Perſon bound in ſuch Recognizance had complied with the Terms thereof.

Notice left at the Abode of Recogniſors who cannot be found, to be effectual.

VI. Provided alſo, That in caſe the Perſon or Perſons who ſhall enter into ſuch Recognizance or Recognizances as aforeſaid, cannot be found, and ſuch Notice as aforeſaid be left at his, her, or their laſt Place of Abode, Ten Days previous to the holding ſuch Seſſions as laſt aforeſaid, the ſame ſhall be as good and effectual as if the ſame were left with the Perſon or Perſons who ſhall enter into ſuch Recognizance or Recognizances; and that no ſuch Recognizance ſhall be eſtreated or returned into the Court of Exchequer until the next following Seſſions of Oyer and Terminer or General Gaol Delivery to be holden for ſuch next adjoining County, in order that ſuch Recognizance or Recognizances may be diſcharged, in caſe the Perſon or Perſons who ſhall have entered into the ſame ſhall ſhew to ſuch Court of Oyer and Terminer or General Gaol Delivery, ſufficient Cauſe for diſcharging the ſame.

Recognizances not to be eſtreated until the next following Seſſions.

Perſons before whom ſuch Recognizances ſhall be entered into, *etc.* to return them to the next Court of Oyer and Terminer for the next adjoining County, upon Notice of Intention to proſecute at ſuch Seſſions for any Offence committed within the County of any City or Town Corporate.

VII. And be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons, before whom any ſuch Recognizance or Recognizances as aforeſaid ſhall be entered into, or by whom any Examination or Depoſition ſhall be taken, touching any ſuch Offence or Offences as aforeſaid, ſhall and they are hereby required to return the ſame to the next Court of Oyer and Terminer and General Gaol Delivery for ſuch next adjoining County as aforeſaid, upon ſuch Proſecutor or Proſecutors as aforeſaid leaving at the Dwelling Houſe or other Place of Abode of the Perſon or Perſons before whom ſuch Recognizance or Recognizances ſhall be entered into, or by whom ſuch Examination or Depoſition ſhall be taken, Ten Days before the holding of any Seſſions of Oyer and Terminer or General Gaol Delivery for ſuch next adjoining or other County as aforeſaid, Notice in Writing of his, her, or their Intention to proſecute ſuch Indictment or Inquiſition at ſuch laſt-mentioned Seſſions of Oyer and Terminer or General Gaol Delivery, for any Offence or Offences committed within the County of any City or Town Corporate; and that after the Delivery as aforeſaid of any of the ſaid Notices, it ſhall not be lawful for any Perſon or Perſons to prefer any Bill or Bills of Indictment, or to return any Inquiſition, for any Offence or Offences mentioned in the ſaid Recognizances, or any of them, at or to any Seſſions of Oyer and Terminer or General Gaol Delivery for the County of ſuch City or Town Corporate.

After ſuch Notice, Bills ſhall not be preferred, *etc.* at any Seſſions for the County of the City or Town Corporate.

VIII. And

Justices of Oyer and Terminer for the County may order the Expences of Prosecution, *etc.* to be paid, as if the Indictment had been tried in the Court of the County of the City or Town Corporate.

VIII. And be it further enacted by the Authority aforesaid, That in all Cases of Indictments, and other Proceedings, which may be tried before His Majesty's Justices of Oyer and Terminer or General Gaol Delivery for any County, in pursuance of the Provisions contained in this Act, it shall and may be lawful for such Justices to order the Expences of the Prosecution, and of the Witnesses, and of the several Rewards payable in pursuance of the Statutes in such Cases made and provided on the Conviction of Offenders, to be paid by and to the same Persons, and in the same Manner, as the same would be payable if such Indictment had been tried in the Court of Oyer and Terminer or General Gaol Delivery of the County of such City or Town Corporate.

York to be considered as next County to *Kingston upon Hull*, and *Northumberland* as next to *Newcastle upon Tyne*.

IX. And be it further enacted by the Authority aforesaid, That, for the Purposes of this Act, the County of *York* shall be considered as the next adjoining County to the County of the Town of *Kingston upon Hull*; the County of *Northumberland* as the next adjoining County to the County of the Town of *Newcastle upon Tyne*.

Act not to extend to certain Places;

X. Provided always, That nothing in this Act shall extend, or be construed to extend, to the Cities of *London* and *Westminster*, or the Borough of *Southwark*, or the City or County of the City of *Bristol*, or the City or County of the City of *Chester*, or to the Criminal Jurisdiction of the City of *Exeter* and County of the same City, unless in Cases of Indictment removed into His Majesty's Court of King's Bench by Writ of *Certiorari*, from any Court of Criminal Jurisdiction, within the said City or County of the said City of *Exeter*.

nor to take away any other ancient Privileges of Corporations, who shall not be liable to attend as Jurymen upon the Trial of any Cause in the County at large.

XI. Provided also, That nothing in this Act shall extend, or be construed to extend, to take away any other Rights or Privileges which have been anciently granted to such Corporations, by Royal Charters or Grants, and which have been immemorially held and enjoyed by such Corporations; but that they shall continue in the full Possession of all their other exclusive Rights and Privileges as much as if this Act of Parliament had never passed, and that they shall not be obliged to attend as Jurymen upon the Trial of any Cause or any Indictment which may be removed from the limited Jurisdiction to the County at large, nor upon the Trial of any other Cause, or any other Indictment, which may be tried before His Majesty's Justices of Assize, Oyer and Terminer, and General Gaol Delivery, in the next adjoining County.

Act not to authorize the preferring any Bill of Indictment for an Offence committed within the County of any City or Town Corporate to the Jury of the next adjoining County unless

XII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to enable any Person to prefer any Bill of Indictment for any Offence committed, or charged to be committed, within the County of any City or Town Corporate, to the Jury of such next adjoining County as aforesaid, or to remove any Indictment or other Criminal Proceeding, except the Person preferring such Bill, or applying for such Removal, shall enter into a Recognizance before the Court where such Bill shall be preferred, or the Court or Magistrate to whom such Appli-

Recognizance be entered into to pay the extra Coſts.

cation ſhall be made, as the Caſe may be, in the Sum of Forty Pounds, conditioned to pay the extra Coſts attending the proſecuting for ſuch Offence in ſuch next adjoining County, provided the Court before whom the Trial is had ſhall be of Opinion that he ought to pay the ſame.

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