ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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C A P. XLVI.

An Act for the Removal of Defects in the Administration of Criminal Justice. [14th *August* 1848.]

WHEREAS the technical Strictness of Criminal Proceedings might in some Instances be further relaxed, so as to ensure the Punishment of the Guilty, without depriving the Accused of any just Means of Defence: And whereas it is expedient to make further Provision for the more effectual Prosecution of Accessories before and after the Fact to Felony: And whereas it is also expedient that any Accessory before the Fact to Felony should be liable to be indicted, tried, convicted, and punished in all respects like the Principal, as is now the Case in Treason and in all Misdemeanors: Be it therefore enacted by the Queen'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, if any Person shall become an Accessory before the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, such Person may be indicted, tried, convicted, and punished in all respects as if he were a principal Felon.

Accessories before the Fact to any Felony may be punished in the same Degree as the Principal.

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II. And

Trial and Conviction of Accessories after the Fact.

II. And whereas an Accessory after the Fact to Felony can at present be tried only along with the principal Felon, or after the principal Felon has been convicted, and not otherwise, which is sometimes productive of a Failure of Justice; be it therefore enacted, That from and after the passing of this Act, if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, he may be indicted and convicted either as an Accessory after the Fact to the principal Felony together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony whether the principal Felon shall or shall not have been previously convicted or shall or shall not be amenable to Justice, and may thereupon be punished in like Manner as any Accessory after the Fact to the same Felony if convicted as an Accessory may be punished, and the Offence of such Person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon in the same Manner as if the Act by reason of which such Person shall have become an Accessory had been committed at the same Place as the principal Felony: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

As to Additions of Counts in Indictments for stealing and receiving stolen Property.

III. And whereas, according to the present Practice of Courts of Criminal Jurisdiction, it is not permitted in an Indictment for stealing Property to add a Count for receiving the same Property knowing it to have been stolen, or in an Indictment for receiving stolen Property knowing it to have been stolen to add a Count for stealing the same Property, and Justice is hereby often defeated; be it therefore enacted, That from and after the passing of this Act, in every Indictment for feloniously stealing Property it shall be lawful to add a Count for feloniously receiving the same Property, knowing it to have been stolen, and in any Indictment for feloniously receiving Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same Property; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property or of receiving it knowing it to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving it knowing it to have been stolen, or to find one or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving it knowing it to have been stolen.

Courts of Oyer and Terminer may cause Indict-

IV. And whereas a Failure of Justice frequently takes place in Criminal Trials by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof in the Indictment or Information, and the same cannot now be amended at the Trial,

except in Cases of Misdemeanor; for Remedy thereof be it enacted, That it shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the Indictment or Information for any Offence whatever, when any Variance or Variances shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof in the Indictment or Information whereon the Trial is pending, to be forthwith amended in such Particular or Particulars by some Officer of the Court, and after such Amendment the Trial shall proceed in the same Manner in all respects, both with regard to the Liability of Witnesses to be indicted for Perjury and otherwise, as if no such Variance or Variances had appeared.

ments to be amended in certain Cases.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Not to extend to Scotland.

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

Act may be amended, &c.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.