ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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C A P. LXIX.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland* with respect to Persons charged with Indictable Offences. [28th *July* 1849.]

WHEREAS it would conduce much to the Improvement of the Administration of Criminal Justice in *Ireland* if the several Statutes and Parts of Statutes relating to the Duties of Her Majesty's Justices of the Peace therein with respect to Persons charged with indictable Offences were consolidated, with such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly defined by positive Enactment: Be it therefore declared and 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 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, Division, Liberty, City, Borough, or Place within *Ireland*, 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

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.

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, Division, Liberty, City, Borough, or Place, to answer to such Charge or Complaint, and to be further dealt with according to Law: 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, 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, 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, Division, Liberty, City, Borough, or Place, to answer to the said Charge or Complaint, and to be further dealt with according to Law: 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.

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

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

II. 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* or *Ireland* 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 *Ireland*, it shall be lawful for any One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland* in which any Person charged with having committed or with being suspected to have committed any

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

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, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

Warrant to apprehend a Party against whom an Indictment is found.

III. 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 Crown 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 Sixpence, 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, 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, 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 herein-after 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

If Person indicted be already in Prison for some other Offence, Justice may order him to

be detained until removed by Writ of Habeas.

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.

Power to Justice to issue Warrants on Sundays.

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

Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another.

V. And be it enacted, That in Cases where a Justice of the Peace for any County, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, 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, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned;

All Acts of Justice, &c. to be valid.

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, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, 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;

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

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, 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, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Division, Liberty, City, Borough, or Place as aforesaid,

said, 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, Division, Liberty, City, Borough, or Place for which he shall so act. Justice in both.

VI. 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 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 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 or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County 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 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. 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.

VII. And be it enacted, That after the passing of this Act it shall be lawful for any Justice or Justices of the Peace acting for any County to act as a Justice or Justices of the Peace in all things, as well in Cases of summary Jurisdiction, or of Acts merely ministerial, as in all other Cases or Things whatsoever, concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act; and that all Acts of such Justice or Justices of the Peace, although done in the County for which such Justice or Justices acts or act, and all Acts of any Constable or other Officer in obedience thereto, shall be as good and effectual as if such Justice or Justices were a Justice or Justices for the County to which such detached Part belongs, and as if such Justice or Justices at the Time of so acting was or were in such last-mentioned 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. Justices may act in detached Parts of other Counties locally included in their County.

When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath to be laid before Justices.

VIII. 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.

If Summons to be issued instead, Information, &c. not necessary to be on Oath.

No Objection allowed for alleged Defect in Form.

Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged.

IX. 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, 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, 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 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 Person 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, or at such

How Summons to be served.

If Party summoned do not attend, Justice

such other Time or Place, if any, to which the Hearing of such Case may be adjourned, 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, 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 herein-after mentioned.

may issue a Warrant to compel Attendance.

No Objection allowed for alleged Defect in Form, &c.

X. 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 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 Constables of the District within which the same is to be executed, or any of them, without naming them, or to such Constables 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, 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, 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

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.

or Place, and within Seven Miles of the Border of such first-mentioned County, 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 or other Peace Officer for any Place within such County or District to execute the said Warrant within any 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 Place for which he shall be such Constable 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.

No Objection allowed for alleged Defect in Form, &c.

Regulations as to the backing of Warrants.

XI. 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 *Ireland* 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

issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, 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. Proviso.

XII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, 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 *England* or *Wales*, or if any Person against whom a Warrant shall be issued in any County 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 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, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *Ireland*, 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 Irish Warrants may be backed in England, and vice versâ, in the event of Parties escaping.

Warrants so indorsed to be valid.

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.

Irish Warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versâ.

XIII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, 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, Division, Liberty, City, Borough, or Place 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 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.

Warrants so indorsed to be valid.

XIV. And

Irish Warrants may be backed in Scotland.

XIV. 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 *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *Ireland*, for any Crime or Offence against the Laws of that Part 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 *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.

Warrants so indorsed to be valid.

Scotch Warrants may be backed in Ireland.

XV. And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord 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 *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 herein-before 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

Warrants so indorsed to be valid.

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 or near to that Part of the United Kingdom called *Ireland*, 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.

Power to Justices to summon Witnesses to attend and give Evidence.

XVI. 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, 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 also (if such Justice shall think fit) to bring with him and produce for Examination such Paper or Papers or Documents as shall be in his Possession or Power, and as shall by such Justice be deemed necessary, and be therein set forth; 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, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and (as the Case may be) to produce such Papers and Documents 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

If Summons not obeyed, Warrant may be issued to compel Attendance.

Jurisdiction of the Justice who shall have issued the same; or if such Justice or Justices 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 or them to issue his or their 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, or (as the Case may be) shall refuse to produce for Examination any such Paper or Document as aforesaid which shall be in his Possession or Power, without offering any just Excuse for such Refusal, any Justice or Justices 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, House of Correction, or Bridewell 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, or (as the Case may be) to produce the said Papers or Documents as aforesaid.

In certain Cases Warrant may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined may be committed.

XVII. 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 *Ireland* 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

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.

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, and if also it be proved that such Deposition was taken in the Presence or Hearing 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 or Justices 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 or Justices purporting to sign the same.

After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make;

XVIII. 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 anything in answer to the Charge? you are not obliged to say anything 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, if the same purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, 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

and inform him that he has nothing to hope or fear from either Promise or Threat.

or

or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

Place where Examination taken not to be deemed an open Court, and Justices may order that no Person remain without Consent.

XIX. 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 (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) 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.

Power to Justice to bind over the Prosecutors and Witnesses by Recognizance.

XX. 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 Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute, 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 every Information, Examination, and Recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted to the Clerk of the Petty Sessions of such District, and shall be by him laid before the Bench of Justices at the next Petty Sessions after he shall have received such Informations, Examinations, and Recognizances; and every Information, Examination, and Recognizance sworn, taken, or acknowledged at any Petty Sessions in *Ireland* shall be transmitted by the Magistrates at such Sessions or the Clerk of such Petty Sessions to the Clerk of the Crown of the County, County of a City, or

Informations, &c. taken before Justices not in Petty Sessions to be transmitted to Petty Sessions Clerk; and Informations, &c. taken at Petty Sessions to be transmitted at least once in Fourteen

Days to Clerk of Crown, &c.

or County of a Town in which such Sessions are holden, if the same shall relate to any Matter to be tried or inquired into at the Assizes, and if to any Matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such County, City, or Town, with all convenient Despatch, or at the latest all such Informations, Examinations, and Recognizances shall be so transmitted once at least in every Fourteen Days from every such Court of Petty Sessions, together with all such Informations, Examinations, and Recognizances taken by or before a Justice or Justices not sitting in Petty Sessions as may be then in the Hands of every such Petty Sessions Clerk: 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, 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, 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, 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.

Witnesses refusing to enter into Recognizances may be committed.

Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant.

XXI. 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.1.), 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, 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

If Remand be for Three Days only,

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, 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, the Justice or Justices 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, 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 *primâ facie* Evidence of such Nonappearance of the said accused Party.

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.

XXII. 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, 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 *Ireland* 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

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.

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, 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 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, 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

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 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 give to such Constable or other Person a Certificate that he is entitled to be paid his Costs and Expenses for conveying such accused Party and taking him before such Justice or Justices, as also his reasonable Costs and Expenses of returning; and upon the Production of such Certificate such Costs and Expenses shall be defrayed and paid to such Constable or Person by the Paymaster of the Constabulary Force of such County, County of a City, or County of a Town in which such Prisoner or Person shall have committed or be charged with having committed the Offence alleged against him or her, out of any Funds in his Hands applicable to the Maintenance of the Constabulary Force, and the same shall be allowed him in his Account, and shall be dealt with and included in the Certificate of the Inspector General of the Constabulary Force, and shall be raised by Grand Jury Presentment, and paid over in like Manner and subject to like Provisions as is provided relating to the Expenses incurred by the Constabulary Force in conveying Prisoners under an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: 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.

2 & 3 Vict. c. 75. s. 30.

Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors.

XXIII. And be it enacted, That where any Person shall appear or be brought before a Justice or Justices of the Peace, charged with any Felony, save and except any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled* '*An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*,' 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

11 & 12 Vict. c. 12.

1 & 2 W. 4. c. 44.

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 or Funds, such Justice or Justices of the Peace may, if in his or their Discretion (having regard to the Nature of the Charge and the Cogency of the Evidence adduced in support of it) it appears to him or them to be a Case in which Bail ought to be taken, admit such Person to Bail, upon his procuring and producing a sufficient Surety or Sureties for 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 or Justices 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;

Justices may admit to Bail in the like Cases after Commitment for Trial.

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 of the Court before which he shall have been committed to be tried, 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, at any Time before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, 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, Division, Liberty, City, Borough, or Place, it shall be lawful for such last-mentioned Justice before such Time as aforesaid to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted

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 before such Time as aforesaid 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 or Justices of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice or Justices, 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 or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, to be admitted to Bail, such Justice or Justices 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 or Justices of the Peace other than the committing Justice or Justices as aforesaid, such Justice or Justices 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 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, or for any Felony under the said Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, nor shall any such Person be admitted to Bail, except by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, 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, Court of Oyer and Terminer, or Quarter Sessions, and shall not be bound to take his Trial until the Second Assizes, or Court of Oyer and Terminer, 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, Court of Oyer and Terminer, or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes, Court of Oyer and Terminer, or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes, Court of Oyer and Terminer, or Sessions,

Justice shall admit to Bail Persons charged with other Misdemeanors.

Certain Recognizances to be transmitted to committing Justices.

No Bail in Cases of Treason, or of Felony under 11 & 12 Vict. c. 12., but by Order of Lord Lieutenant or Chief Secretary.

Where Defendant entitled to traverse.

in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

When Justice admits a Person to Bail after Commitment a Warrant of Deliverance shall be sent to him if not detained for any other Offence or under Civil Process.

XXIV. 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 or under no Civil Process, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

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.

XXV. 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.1.), commit him to the Common Gaol or House of Correction for the County, 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, 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.

Regulations for conveying Prisoners to Gaol.

XXVI. 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

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, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to give to such Constable or other Person conveying such Prisoner to such Gaol or Prison a written Certificate that he is entitled to his Costs and Expenses for the same, and also for his Expenses in returning, and such Costs and Expenses shall be defrayed and provided and accounted for by the Paymaster of the Constabulary Force of the County wherein the Offence is alleged to have been committed, and shall be repaid, raised, and levied off such County by Presentment of the Grand Jury, in like Manner, and under the like Regulations, and subject to the like Provisions, as contained, relating to the Expenses of conveying Prisoners, in an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: 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.

As to Payment of Costs of conveying Prisoners to Prison.

2 & 3 Vict. c. 75.

XXVII. And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before or on 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, or Copies of Depositions taken at an Inquest in Cases of Murder and Manslaughter, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words.

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

XXVIII. 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.

Forms in Schedule deemed valid.

XXIX. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions,

Nothing to affect Powers, &c.

contained in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.;

Provisions, or Enactments contained in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of* Dublin *Metropolis*, or any Act or Acts amending the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same.

or to alter or affect Provisions of 7 & 8 G. 4. c. 67. or 6 & 7 W. 4. c. 34., or other Acts annexing Part of County to other County.

XXX. And be it enacted, That nothing in this Act contained shall be deemed or construed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, amending the same, or the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in any County are authorized to be tried in any other County.

Act to extend to Ireland only, except as to backing of Warrants.

XXXI. And be it enacted, That this Act shall be deemed and taken to extend to *Ireland* only, save and except the several Provisions respectively herein-before 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 in *Ireland*.

Commencement of Act.

XXXII. 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-nine.

Interpretation of Act.

XXXIII. And be it enacted, That in the Interpretation of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed and construed to include "County of a City" or "County of a Town," Words denoting a Male shall be deemed to include a Female also, and Words denoting one Person or Thing shall be deemed to include also several Persons or Things.

XXXIV. And

Indictable Offences (Ireland).

XXXIV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, 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,) so much of an Act passed in the Forty-fourth Year of the Reign of His 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 another Act 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 another Act 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 another Act 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 another Act 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 another Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, 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 another Act passed in the Seventh Year of the Reign of His 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

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

44 G. 3. c. 92.

45 G. 3. c. 92.

54 G. 3. c. 186.

1 & 2 G. 4. c. 63.

7 G. 4. c. 38.

9 G. 4. c. 54.

6 & 7 W. 4. c. 114.

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.

Act may be amended, &c.

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

SCHEDULE.

(A.)

Information and Complaint for an Indictable Offence.

The Information and Complaint of *C. D.* of [*Yeoman*], taken this Day of in the Year of our Lord 184 before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of who saith that [*&c., stating the Offence*].

to wit.

Sworn before [*me*], the Day and Year first above mentioned, at

J. S.

(B.)

Warrant to apprehend a Person charged with an Indictable Offence.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

Whereas *A. B.* of [*Labourer*] hath this Day been charged upon Oath before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that he on at did [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A. B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer unto the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(C.)

Summons to a Person charged with an Indictable Offence.

To *A. B.* of [*Labourer*].

WHEREAS you have this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you on at [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer to the said Charge, and to be further dealt with according to Law. Herein fail not.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the *County* aforesaid.

J. S. (L.S.)

(D.)

Warrant where the Summons is disobeyed.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on the last past *A. B.* of [*Labourer*] was charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons to the said *A. B.*, commanding him, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as might then be there, to answer to the said Charge, and to be further dealt with according to Law: And whereas the said *A. B.* hath neglected to be or appear at the Time and Place appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons was duly served upon the said *A. B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A. B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(E.)

Warrant to apprehend a Person charged with an Indictable Offence committed on the High Seas or Abroad.

For Offences committed on the High Seas the Warrant may be the same as in ordinary Cases, but describing the Offence to have been committed "on the High Seas, out of the Body of any County of this Realm, and within the Jurisdiction of the Admiralty of England *or* Ireland."

For Offences committed Abroad for which the Parties may be indicted in this Country the Warrant also may be the same as in ordinary Cases, but describing the Offence to have been committed " on Land out of the United Kingdom, to wit, at in the Kingdom of ," *or* " at in the East Indies," *or* " at in the Island of in the West Indies," *or as the Case may be.*

(F.)

Certificate of Indictment being found.

I HEREBY certify, That at [a Court of Oyer and Terminer and General Gaol Delivery, *or* a Court of General Quarter Sessions of the Peace,] holden in and for the [*County*] of at in the said [*County*], on a Bill of Indictment was found by the Grand Jury against *A.B.*, therein described as *A.B.* late of [*Labourer*], for that he [*&c., stating shortly the Offence*], and that the said *A.B.* hath not appeared or pleaded to the said Indictment.

Dated this Day of 184 .

J.D.

Clerk of the Crown of the

or

Clerk of the Peace of and for the said [*County*].

(G.)

Warrant to apprehend a Person indicted.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the [*County*] of] [that, *&c., stating the Certificate*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other

other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(H.)

Warrant of Commitment of a Person indicted.

To the Constables of or any of them, and to the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS by [*my*] Warrant under [*my*] Hand and Seal, dated the Day of after reciting that it had been certified by *J.D.* [*&c., as in the Certificate*], [*I*] commanded the Constables of and all other Peace Officers of the said County, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], or before some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law: And whereas the said *A.B.* hath been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon Oath that the said *A.B.* is the same Person who is named and charged in and by the said Indictment: These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to take and safely convey the said *A.B.* to the said [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and him there safely to keep until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(I.)

Warrant to detain a Person indicted who is already in Custody for another Offence.

To the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the County of

of], that [*&c., stating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your Custody in the said [*Common Gaol*] at aforesaid, charged with some Offence or other Matter; and it being now duly proved upon Oath before [*me*] that the said *A.B.* so indicted as aforesaid, and the said *A.B.* in your Custody as aforesaid, are one and the same Person: These are therefore to command you, in Her Majesty's Name, to detain the said *A.B.* in your Custody in the [*Common Gaol*] aforesaid 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 your Custody by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(K.)

Indorsement in backing a Warrant.

to wit. } Whereas Proof upon Oath hath this Day been made before [*me, One*] of Her Majesty's Justices of the Peace for the said [*County*] of that the Name of *J. S.*, to the within Warrant subscribed, is of the Handwriting of the Justice of the Peace within mentioned; [*I*] do therefore hereby authorize *W. T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said last-mentioned [*County*],* and to bring the said *A.B.*, if apprehended within the same [*County*], before [*me*], or before some other Justice or Justices of the Peace of the same County, to be dealt with according to Law.

Given under [*my*] Hand, this Day of 184 .

J.L.

* *The Words following this Asterisk are to be used only where the Justice backing the Warrant shall think fit, and may be omitted in backing Irish Warrants in England, Scotland, &c., or in backing English or Scotch Warrants, &c. in Ireland.*

(L. 1.)

Summons of a Witness.

To *E.F.* of [*Labourer*].

Whereas Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of

of that *A.B.* [*&c., as in the Summons or Warrant against the Accused*], and it hath been made to appear to *me* upon [*Oath*] that you are likely to give material Evidence for the [*Prosecution*]: These are therefore to require you to be and to appear before [*me*] on next at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same County as may then be there, to testify what you shall know concerning the said Charge so made against the said *A.B.* as aforesaid. Herein fail not.

Given under *my* Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information having been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] was likely to give material Evidence for the Prosecution, *I* [*did*] duly issue [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace for the same County as might then be there, to testify what he should know respecting the said Charge so made against the said *A.B.* as aforesaid: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse has been offered for such Neglect: These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 3.)

Warrant for a Witness in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that [*&c., as in Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence for the Prosecution, and that it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L. S.)

(L. 4.)

Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*] [*or*, being brought before [*me*] by virtue

virtue of a Warrant in that Behalf, to testify as aforesaid], and being required to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or*, being duly sworn as a Witness, doth now refuse to answer certain Questions concerning the Premises which are here put to him], without offering any just Excuse for such his Refusal, These are therefore to command you the said Constables to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and him there safely keep for the Space of Days for his said Contempt, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(M.)

Depositions of Witnesses.

to wit. } The Examination of *C.D.* of [*Farmer*] and *E.F.* of [*Labourer*], taken on [*Oath*] this Day of in the Year of our Lord at in the [*County*] aforesaid, before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], in the Presence and Hearing of *A.B.*, who is charged this Day before [*me*], for that he the said *A.B.* on at [*&c., describing the Offence as in a Warrant of Commitment*].

This Deponent *C.D.* on his [*Oath*] saith as follows [*&c., stating the Deposition of the Witness as nearly as possible in the Words he uses. When his Deposition is complete let him sign it*].

And this Deponent *E.F.*, upon his Oath, saith as follows [*&c.*]

The above Depositions of *C.D.* and *E.F.* were taken and [*sworn*] before [*me*] at on the Day and Year first above mentioned.

J.S.

(N.)

Statement of the Accused.

: *A. B.* stands charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] aforesaid, this Day of in the Year of our Lord for that he the said *A. B.* on at [*&c., as in the Caption of the Depositions*]; and the said Charge being read to the said *A.B.*, and the Witnesses for the Prosecution, *C.D.* and *E.F.*, being severally examined in his Presence, the said *A.B.* is now addressed by [*me*] as follows: "Having heard the Evidence, do you wish to say anything in answer to the Charge? you are not obliged to say anything 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;" whereupon the said *A. B.* saith as follows:

[*Here state whatever the Prisoner may say, and in his very Words, as nearly as possible. Get him to sign it if he will.*]

A.B.

Taken before [*me*] at the Day and Year first above mentioned.

J.S.

(O. 1.)

Recognizance to prosecute or give Evidence.

: Be it remembered, That on the Day of in the Year of our Lord *C.D.* of in the Townland, *&c.* of in the said County, *Farmer*, [*or*, *C.D.* of No. 2, Street in the Parish of in the Town [*or* City] of *Surgeon*, of which said House he is Tenant,] personally came before [*me*], *One* of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen the Sum of of good and lawful Money of Great Britain, to be made and levied of his Goods and Chattels, Lands and Tenements, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *C.D.* shall fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*]

J.S.

Condition to prosecute.

The Condition of the within-written Recognizance is such, That whereas one *A. B.* was this Day charged before [*me*] *J.S.*, Justice of the Peace within mentioned, for that [*&c., as in the Caption of the Depositions*]; if therefore he the said *C.D.* shall appear at the next Court of Oyer and Terminer or General Gaol Delivery [*or* at the next Court of General Quarter Sessions of the Peace] to be holden in and for the [*County*] of * and there prefer or cause to be preferred a Bill of Indictment for the Offence aforesaid against the said *A.B.*, and there also duly prosecute such Indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition to prosecute and give Evidence.

Same as the last Form to the Asterisk, and then thus:*—"and there prefer or cause to be preferred a Bill of Indictment against the said *A.B.* for the Offence aforesaid, and duly prosecute such Indictment, and give Evidence thereon as well to the Jurors who shall then inquire of the said Offence as also to them who shall pass upon the Trial of the said *A.B.*, then the said Recognizance to be void, or else to stand in full force and virtue."

Condition to give Evidence.

Same as the last Form but One to the Asterisk, and then thus:*—"and there give such Evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said *A.B.* for the Offence aforesaid, as well to the Jurors who shall there inquire of the said Offence as also to the Jurors who shall pass upon the Trial of the said *A.B.* if the said Bill shall be found a true Bill, then the said Recognizance to be void, or else to stand in full force and virtue."

(O. 2.)

Notice of the said Recognizance to be given to the Prosecutor and his Witnesses.

to wit. } TAKE notice, That you *C.D.* of are bound in the Sum of to appear at the next Court of [*General Quarter Sessions of the Peace*] in and for the County of to be holden at in the said County, and then and there [prosecute and] give Evidence against *A.B.*;

A.B.; and unless you then appear there, and [prosecute and] give Evidence accordingly, the Recognizance entered into by you will be forthwith levied on you. Dated this Day of 184 .

J.S.

(P. 1.)

Commitment of Witness for refusing to enter into the Recognizance.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Witness*], and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my Summons to the said E.F., requiring him to be and appear*] before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*], [*or*, being brought before [*me*] by virtue of a Warrant in that Behalf, to testify as aforesaid,] hath been now examined by [*me*] touching the Premises, but being by [*me*] required to enter into a Recognizance conditioned to give Evidence against the said *A.B.* hath now refused so to do: These are therefore to command you the said Constables or any of you to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the [*County*] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], there to imprison and safely keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such Recognizance as aforesaid in the Sum of Pounds, before some One Justice of the Peace for the said [*County*], conditioned in the usual Form to appear at the next Court of [Oyer and Terminer or General Gaol Delivery, *or* General Quarter Sessions of the Peace,] to be holden in and for the [*County*] of and there to give Evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said *A.B.* for the Offence aforesaid, and also to give Evidence upon the

Trial

Trial of the said *A.B.* for the said Offence, if a true Bill should be found against him for the same.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

(P. 2.)

Subsequent Order to discharge the Witness.

To the Keeper of the [*House of Correction*] at in the [*County*] of .

WHEREAS by [*my*] Order dated the Day of [*instant*], reciting that *A.B.* was lately before then charged before [*me*] for a certain Offence therein mentioned, and that *E.F.* having appeared before [*me*], and being examined as a Witness for the Prosecution in that Behalf, refused to enter into a Recognizance to give Evidence against the said *A.B.*, and [*I*] therefore thereby committed the said *E.F.* to your Custody, and required you safely to keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid: And whereas for Want of sufficient Evidence against the said *A.B.* the said *A.B.* has not been committed or holden to Bail for the said Offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your Custody: These are therefore to order and direct you the said Keeper to discharge the said *E.F.* out of your Custody as to the said Commitment, and suffer him to go at large.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant remanding a Prisoner.

To the Constables of or any of them, and to the [*Keeper of the House of Correction*] at in the said [*County*] of

WHEREAS *A. B.* was this Day charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Warrant to apprehend*]; and it appears to [*me*] to be necessary to remand the said *A.B.*: These

These are therefore to command you the said Constables, or any of you, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of [*instant*], when [*I*] hereby command you to have him at at o'Clock in the Forenoon of the same Day before [*me*], or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Charge, and to be further dealt with according to Law, unless you shall be otherwise ordered in the meantime.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 2.)

Recognizance of Bail instead of Remand, on an Adjournment of Examination.

: Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*me*] One of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; that is to say, the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*],

J.S.

Condition.

The Condition of the within-written Recognizance is such, That whereas the within-bounden *A.B.* was this Day [*or* on last past] charged before [*me*], for that [*&c., as in the Warrant*]: And whereas the Examination of the Witnesses for the Prosecution in this Behalf

Behalf is adjourned until the Day of [*instant*]; if therefore the said *A.B.* shall appear before [*me*] on the said Day of [*instant*], at o'Clock in the Forenoon, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer [further] to the said Charge, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q. 3.)

Notice of such Recognizance to be given to the Accused and his Sureties.

: TAKE notice, That you *A.B.* of are bound in the Sum of and your Sureties *L.M.* and *N.O.* in the Sum of each, that you *A.B.* appear before [*me*] *J.S.*, One of Her Majesty's Justices of the Peace for the [*County*] of on the Day of [*instant*], at o'Clock in the Forenoon, at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer further to the Charge made against you by *C.D.*, and to be further dealt with according to Law; and unless you *A.B.* personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them. Dated this Day of 184 .

J.S.

(Q. 4.)

Certificate of Non-appearance to be endorsed on the Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the above Condition mentioned, but therein hath made Default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(R. 1.)

Warrant to convey the Accused before a Justice of the County, &c. in which the Offence was committed.

To *W.T.*, Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of [*Labourer*], hath this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the

the Peace in and for the said County of for that [*&c., as in the Warrant to apprehend*]: And whereas [*I*] have taken the Deposition of *C. D.*, a Witness examined by [*me*] in this Behalf; but inasmuch as [*I am*] informed that the principal Witnesses to prove the said Offence against the said *A. B.* reside in the [*County*] of *C.*, where the said Offence is alleged to have been committed, These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to take and convey the said *A. B.* to the said [*County*] of *C.*, and there carry him before some Justice or Justices of the Peace in and for that [*County*], and near unto the [*Parish of D.*], where the Offence is alleged to have been committed, to answer further to the said Charge before him or them, and to be further dealt with according to Law; and [*I*] hereby further command you the said Constable to deliver to the said Justice or Justices the Information in this Behalf, and also the said Deposition of *C. D.* now given into your Possession for that Purpose, together with this Precept.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)

(R. 2.)

Certificate for Payment of the Constable's Expenses.

To *R. W.* Esquire, Paymaster of the Constabulary Force of County of *C.*

WHEREAS *W. T.*, Constable of in the County of *A.*, hath by virtue of and in obedience to a certain Warrant of *J. S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace in and for the said County of *A.*, taken and conveyed one *A. B.*, charged before the said *J. S.* with having [*&c., stating shortly the Offence*], from in the said County of *A.* to in the said County of *C.*, a Distance of Miles, and produced the said *A. B.* before [*me*] *S. P.*, One of Her Majesty's Justices of the Peace in and for the said County of *C.*, and delivered him into the Custody of by [*my*] Direction, to answer to the said Charge, and further to be dealt with according to Law: And whereas the said *W. T.* hath also delivered to [*me*] the said Warrant, together with the Information in that Behalf, and also the Deposition of *C. D.* in the said Warrant mentioned, and hath proved to [*me*] upon Oath the Handwriting of the said *J. S.* subscribed to the same: Now [*I*] hereby certify, that the said Constable is entitled to his reasonable Costs and Expenses of the same, and of returning to his Home, according to the Form of

the

the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under [*my*] Hand, this Day of 184 .

J.P.

(S. 1.)

Recognizance of Bail.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*us*] the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each, of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned at before [*us*],

J.S.
J.N.

Condition in ordinary Cases.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*us*], the Justices within mentioned, for that [*&c., as in the Warrant*]; if therefore the said *A.B.* will appear at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of and there surrender himself into the Custody of the Keeper of the [*Common Gaol*] there, and plead to such Indictment as may be found against him by the Grand Jury, for or in respect of the Charge aforesaid, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition where the Defendant is entitled to a Traverse.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*me*], the Justice within

within mentioned, for that [*&c., as in the Warrant or Summons*]; if therefore the said *A.B.* will appear at the next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] to be holden in and for the County of and there plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and shall afterwards at the then next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] surrender himself into the Custody of the Keeper of the [*House of Correction*] there, and take his Trial upon the said Indictment, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S. 2.)

Notice of the said Recognizance to be given to the Accused and his Bail.

TAKE notice, That you *A.B.* of are bound in the Sum of and your [*Sureties L.M. and N.O.*] in the Sum of each, that you *A.B.* appear, *&c.* [*as in the Condition of the Recognizance*], and not depart the said Court without Leave; and unless you the said *A.B.* personally appear and plead, and take your Trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this Day of 184 .

J.S.

(S. 3.)

Certificate of Consent to Bail by the committing Justice indorsed on the Commitment.

I HEREBY certify, That [*I*] consent to the within-named *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each.

J.S.

(S. 4.)

The like, on a separate Paper.

WHEREAS *A.B.* was on the committed by [*me*] to the [*House of Correction*] at charged with [*&c., naming the Offence shortly*]:

[*I*] hereby certify, That [*I*] consent to the said *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each. Dated the Day of 184 .

J.S.

(S. 5.)

Warrant of Deliverance on Bail being given for a Prisoner already committed.

To the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of *Labourer*, hath before [*us, Two*] of Her Majesty's Justices of the Peace in and for the said [*County*], entered into his own Recognizance, and found sufficient Sureties for his Appearance at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of to answer our Sovereign Lady the Queen, for that [*&c., as in the Commitment*], for which he was taken and committed to your said [*House of Correction*]: These are therefore to command you, in Her said Majesty's Name, that if the said *A.B.* do remain in your Custody in the said [*House of Correction*] for the said Cause, and for no other, you shall forthwith suffer him to go at large.

Given under [*our*] Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)
J.N. (L.S.)

(T. 1.)

Warrant of Commitment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was this Day charged before [*me*], *J.S.*, *One* of Her Majesty's Justices of the Peace in and for the said [*County*] of on the Oath of *C.D.* of *Farmer*, and others, for that [*&c., stating shortly the Offence*]: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(T. 2.)

Gaoler's Receipt to the Constable for the Prisoner.

I HEREBY certify, That I have received from *W.T.*, Constable of the Body of *A.B.*, together with a Warrant under the Hand and Seal of *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the [*County*] of ; and that the said *A.B.* was [sober, *or as the Case may be*,] at the Time he was so delivered into my Custody.

P.K.,
Keeper of the House of Correction [*or* Common Gaol] at .

To *R.W.* Esquire, Paymaster of the Constabulary Force of the [*County*] of .

WHEREAS *W.T.*, Constable of in the [*County*] of , hath produced unto me, *J.P.*, One of Her Majesty's Justices of the Peace in and for the said [*County*] of (wherein the Offence herein-after mentioned is alleged to have been committed), the above Receipt of *P.K.*, Keeper of the [*House of Correction*] at : Now I hereby certify that the said Constable is entitled to be paid his reasonable Costs and Expenses of conveying the Prisoner in the said Receipt mentioned to the said [*House of Correction*], and of returning home again, according to the Form of the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under my Hand, this Day of 184 .

J.P.

Received the Day of 184 of the Paymaster of the Constabulary Force of the [*County*] of the Sum of being the Amount of the Expenses paid to me under the above Certificate.

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