

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

CAP. LXXI.

An Act for the better Administration of Criminal Justice in *Middlesex*. [6th *August* 1844.]

WHEREAS it is desirable, for the better Administration of Criminal Justice in the County of *Middlesex*, that Sessions of the Peace for the Trial of Felonies and Misdemeanors committed within the said County should be holden more frequently, and that an Assistant Judge, of competent legal Knowledge, should be appointed to preside at such Sessions: Be it 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 after the passing of this Act there shall be holden in and for the County of *Middlesex* Two Sessions or adjourned Sessions of the Peace at least in every Calendar Month, and the First Sessions holden in the Months of *January*, *April*, *July*, and *October* respectively shall be the General Quarter Sessions of the said County.

Two Sessions to be held in every Month; Quarter Sessions.

II. And be it enacted, That the Second Sessions, or the adjourned Sessions, holden in the Months of *February*, *May*, *August*, and *November* respectively, and such other Sessions as the Justices for

General Sessions.

the

the County in the First Sessions holden in the Month of *December* assembled shall from Time to Time appoint, shall be General Sessions of the Peace; and such General Sessions shall have Power to try and determine all Appeals, and all other Powers which now or shall hereafter belong to the General Quarter Sessions.

Validity of Proceedings at General Sessions.

III. And be it enacted, That all Orders heretofore made and all Things heretofore done at any General Session of the Peace for the County of *Middlesex* shall be as good in Law as if made and done at the General Quarter Sessions of the Peace for the said County.

Adjournments of General Quarter Sessions.

IV. And be it enacted, That the Second Sessions holden in the Months of *January*, *April*, *July*, and *October* shall be Adjournments of the General Quarter Sessions.

Sessions may be held notwithstanding the sitting of the Court of Queen's Bench.

V. And be it enacted, That after the passing of this Act it shall be lawful to begin and continue, or to continue when begun, any Session of the Peace for the said County so to be holden as aforesaid, until the Business thereof shall be ended, notwithstanding that Her Majesty's Court of Queen's Bench may sit at *Westminster* or elsewhere in the said County before or at the Beginning or during the Continuance of any such Session.

Indictments for Misdemeanor not to be traversed without Cause shown.

VI. And be it enacted, That no Person against whom any Bill of Indictment shall be found for Misdemeanor at the Central Criminal Court, or at any Session of the Peace for the County of *Middlesex*, shall be entitled to traverse the same to any subsequent Sitting of the Court, but the Court shall forthwith proceed to try the same, unless upon good Cause to be shown by the Person against whom the same is found, or the Prosecutor, and to be allowed by the Court, for the Postponement of the Trial.

Allowance out of County Rates to be made to Sheriff, &c., in addition to other Emoluments.

VII. And be it enacted, That the Justices of the said County shall cause an Account to be taken of the Fees received by the Sheriff or his Deputy for summoning Traverse Juries during the last Three Years, and shall be authorized to allow and cause to be paid yearly, for such Time as to them shall seem fit, to the said Sheriff or his Deputy, out of the County Rates of the said County, in addition to the other Emoluments of his Office, any Sum not exceeding the average yearly Amount of the Fees received by him for summoning Traverse Juries during the said Three Years.

An Assistant Judge to be appointed to preside at the Sessions, in certain Cases.

VIII. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, by Sign Manual, to appoint a Person, being a Serjeant or Barrister at Law of not less than Ten Years standing, and in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, to be the Assistant Judge of the said Court of the Sessions of the Peace, which said Assistant Judge shall preside at the hearing of all Appeals, and at the Trial of all Felonies and Misdemeanors in the said Court, and all Matters connected therewith, and shall hold his Office during good Behaviour; and in case of Sickness or unavoidable Absence, and on such other

Occasions as shall be allowed by One of Her Majesty's Principal Secretaries of State, such Assistant Judge shall be empowered from Time to Time to appoint a Deputy, qualified to be appointed Assistant Judge, who shall have Power to act for him for such Time as shall be in each Case allowed by the Secretary of State, not being in any Case later than the End of the Business at the Session of the Peace then next but one following: Provided always, that nothing in this Act contained shall interfere with the Appointment of the Chairman of the said Court for all Purposes except the Trials of Appeals and of Felonies and Misdemeanors, and other Matters connected therewith, but such Appointment shall remain in the said Justices as before the passing of this Act; provided also, that the said Assistant Judge, so long as he shall hold the said Office, shall not be eligible to sit in Parliament.

Deputy.

Nothing herein to interfere with the Appointment of the Chairman of the Court.

IX. And be it enacted, That the Presence of another Justice of the Peace shall not be essential to the Formation of the Court in those Cases in which it is directed by this Act that the Assistant Judge or his Deputy for the Time being shall preside; but nothing in this Act contained shall lessen the Jurisdiction of the Justices at the said Sessions.

Formation of the Court.

Jurisdiction of Justices in Sessions to continue.

X. And be it enacted, That from and after the Appointment of such Assistant Judge as aforesaid there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* the Sum of One thousand two hundred Pounds to such Assistant Judge for a yearly Salary, to be paid from Time to Time quarterly, free and clear from all Taxes and Deductions whatsoever (except the Income Tax), on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by equal Portions, the first Payment to be made on the first of such Days as shall occur after the Appointment of the said Assistant Judge; and that if any Person appointed to such Office shall die, or resign the same, the Executors or Administrators of such Person so dying, or the Person resigning, shall be entitled to receive such Portion of the Salary aforesaid as shall have accrued during the Time that such Person shall have executed such Office since the last Payment, and that the Successor of any such Person so dying or resigning shall be entitled to receive such Portion of the Salary as shall accrue from the Day of such Death, Resignation, or Dismissal.

Salary to Assistant Judge.

XI. And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to enable the Justices of the Peace for* Westminster *to hold their Sessions of the Peace during Term and the sitting of the Court of King's Bench*, the Sessions of the Peace for the said City and Liberty are limited to the Weeks preceding the holding of each of the Quarter or General Sessions of the Peace for the said County of *Middlesex*: And whereas by ancient Usage and of Right the Justices of the Peace for *Middlesex* have constantly holden and may hold their Sessions of the Peace for the said County within the said City and Liberty, and the holding of Sessions for the City and Liberty has become unnecessary; be it enacted, That after the Session of the Peace which shall be holden in

Sessions of the Peace for Westminster not to be holden.

and

and for the said City and Liberty next after the passing of this Act Sessions of the Peace in and for the said City and Liberty shall cease to be holden, and the Sessions to be holden in and for the said County of *Middlesex* shall be holden by Adjournment within the said City and Liberty, and shall have full Jurisdiction over all Things cognizable by the Sessions for the said City and Liberty; and that the Inhabitants of the said City and Liberty shall not be exempted from serving on Juries at the Sessions of the Peace for the County of *Middlesex* holden within the said City and Liberty.

Officers belonging to the City of Westminster to be compensated while executing their Duties.

XII. And be it enacted, That the Persons holding the several Offices of High Bailiff of *Westminster*, Clerk of the Peace, and all other Officers of the Court of Sessions of the Peace for the said City and Liberty, shall, so long as they shall be entitled to hold their several Offices, execute the Duties and be entitled to the Emoluments within the said City and Liberty of the several Offices of Sheriff, Clerk of the Peace, and other corresponding Officers of the County of *Middlesex*: Provided always, that the Records of every Session of the Peace for the said County holden within the said City and Liberty shall be sent, within Fourteen Days after such Session, by the Clerk of the Peace of the said City and Liberty, to the Clerk of the Peace of the said County, and shall be kept by him with the other Records of his Office.

Justices for the County to have the sole Control over the County Rate.

XIII. And whereas by an Act passed in the Twelfth Year of the Reign of King *George* the Second, intituled *An Act for the more easy assessing, levying, and collecting County Rates*, it was enacted, that there should be but One Rate made and assessed by the Justices of the Peace of the said County of *Middlesex* and the said City and Liberties of *Westminster* for the several Purposes enumerated in that Act: And whereas by an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for building a new Bridewell or House of Correction for the said City and Liberty of* Westminster, a House of Correction, commonly called the New Bridewell, was built out of Monies charged and assessed upon the County Rates, which said Bridewell is much larger than is needed for the said City and Liberty; but the House of Correction for the County of *Middlesex* is so small that the Prisoners therein cannot be properly classified: And whereas Inconveniences arise from the present Management of the County Rate being vested partly in the Justices for the said County and partly in the Justices for the said City and Liberty, and it would be a public Advantage if the Management of the County Rate were solely in the Justices of the said County, and if the said New Bridewell were made a House of Correction for the whole County, and placed under the Control and Management of the Justices of the said County; be it enacted, That after the passing of this Act the Justices for the said City and Liberty shall cease to exercise any Control over the County Rate, and the Justices of the said County shall have the sole Control and Management thereof; and all Orders for the Payment of any Sums of Money out of the County Rate, in respect of any Expenditure within the said City and Liberty, shall be made by the Justices for the said County upon the County Treasurer, in like Manner as

7 G. 4. c. xlii.

all

all other Orders are made by them upon him; and the said Treasurer shall obey the same, and shall from Time to Time include the same in his Accounts, and the same shall be subject to all the Statutes and Provisions for the Regulation of the Rate for the said County, and shall form Part of the general Expenditure for the said County.

Justices for the County to have the sole Control over the Court House for Westminster.

XIV. And be it enacted, That so much of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend Three Acts, of the Eighteenth, Thirty-ninth, and Forty-fourth Years of His present Majesty, for erecting a Court House for the holding of Sessions of the Peace in the City of* Westminster, as enacts that the Court House for the said City of *Westminster* shall be under the sole Direction and Management of the Justices of the Peace for the Time being of the City and Liberty of *Westminster*, shall be repealed; and that after the passing of this Act the Control and Management of the said Court House, and all the Powers and Provisions respecting the same, in the said Acts vested in the Justices for the City and Liberty, shall be vested in the Justices for the said County of *Middlesex*, as fully as if they had been named in the said Acts.

Property in the New Bridewell to be vested in the Justices of the County.

XV. And be it enacted, That after the passing of this Act all the Powers and Property in respect of the said New Bridewell by the before-mentioned Act of the Seventh Year of the Reign of King *George* the Fourth vested in the Justices for the said City and Liberty of *Westminster*, and also all the Furniture, Goods, and Chattels belonging to the said New Bridewell, shall be transferred to and vested in the Justices for the said County.

The New Bridewell to be a House of Correction for the County generally.
23 G. 2. c. 27.

XVI. And be it enacted, That so much of the said Act of the Seventh Year of the Reign of King *George* the Fourth as enacts that no Person or Persons, other than or beside the Justices of the Peace for the said City and Liberty of *Westminster*, and also the Commissioners for executing an Act passed in the Twenty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of* Westminster *and that Part of the Duchy of* Lancaster *which adjoins thereto*, shall have Power or Authority to commit any Person or Persons to the said New Bridewell or House of Correction, or to the Custody of the Keeper thereof, shall be repealed; and that after the passing of this Act the said New Bridewell shall become and be a House of Correction for the County of *Middlesex*, under the Management and Control of the Justices of the said County; and the Justices of the said County, the Magistrates of the Police Courts, the Judges of the Central Criminal Court, and all Persons having by Law the Right to commit any Offender or Offenders to the House of Correction in *Cold Bath Fields*, or to the Gaol of *Newgate* as the Common Gaol of *London* and *Middlesex*, in execution of their Judgments, shall have the like Power of Committal to the said New Bridewell which they have of committing to the said House of Correction or the said Gaol of *Newgate*: Provided always, that nothing in this Act contained shall take away the Right of the

Justices for the City and Liberty of *Westminster* and the said Commissioners to commit Offenders to the said New Bridewell, or enable any of the aforesaid Judges, Justices, or other Persons to commit thereto any Offender for any Offence committed within the City of *London*, or elsewhere than in the County of *Middlesex*.

Act may be amended this Session.

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

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