

ANNO SEXAGESIMO

GEORGII III. REGIS.

CAP. IV.

An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanor.

[23d *December* 1819.]

WHEREAS great Delays have occurred in the Administration of Justice, in Cases of Persons prosecuted for Misdemeanors by Indictment or Information in His Majesty's Courts of King's Bench at *Westminster* and *Dublin*, and by Indictment at the Sessions of the Peace, Sessions of Oyer and Terminer, Great Sessions, and Sessions of Gaol Delivery, in that Part of *Great Britain* called *England*, and in *Ireland* respectively, by reason that the Defendants in some of the said Cases have, according to the present Practice of such respective Courts, an Opportunity of postponing their Trials to a distant Period, by Means of Imparlances in the said several Courts of King's Bench, and by Time being given to try in such respective Courts of Session; for Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, where any Person shall be prosecuted in His Majesty's Court of King's Bench at *Westminster*, or in His Majesty's Court of King's Bench in *Dublin* respectively, for any Misdemeanor, either by Information or by Indictment there found or removed into the same respective Courts, and shall appear in Term Time in either of the said Courts respectively in Person, to answer to such Indictment or Information, such Defendant upon being charged therewith shall not

Persons prosecuted in the Court of King's Bench for Misdemeanors, appearing in Court, not permitted to imparle.

not be permitted to imparle to a following Term, but shall be required to plead or demur thereto within Four Days from the Time of his or her Appearance; and in Default of his or her pleading or demurring within Four Days as aforesaid, Judgment may be entered against the Defendant for Want of a Plea; and in case such Defendant shall appear to such Indictment or Information by his or her Clerk or Attorney in Court, it shall not be lawful for such Defendant to imparle to a following Term, but a Rule requiring such Defendant to plead may forthwith be given, and a Plea or Demurrer to such Indictment or Information enforced, or Judgment by Default entered thereupon, in the same Manner as might have been done, before the passing of this Act, in Cases where the Defendant had appeared to such Indictment or Information by his or her Clerk in Court or Attorney in a previous Term.

Judgment may be entered for want of Plea.

Court may allow further Time to plead.

II. Provided always, and be it further enacted, That it shall be lawful for the said respective Courts, or for any Judge of the same respectively, upon sufficient Cause shewn for that Purpose, to allow further Time for such Defendant to plead or demur to such Indictment or Information.

Persons in Custody for Misdemeanors, or held to Bail, within 20 Days before the Sessions, shall plead to Indictment, unless a Writ of Certiorari be delivered.

III. And be it further enacted, That from and after the passing of this Act, where any Person shall be prosecuted for any Misdemeanor by Indictment at any Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of Gaol Delivery within that Part of *Great Britain* called *England*, or in *Ireland*, having been committed to Custody or held to Bail to appear to answer for such Offence Twenty Days at the least before the Session at which such Indictment shall be found, he or she shall plead to such Indictment, and Trial shall proceed thereupon at such same Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of Gaol Delivery respectively, unless a Writ of Certiorari for removing such Indictment into His Majesty's Courts of King's Bench at *Westminster* or in *Dublin* respectively, shall be delivered at such Session before the Jury shall be sworn for such Trial.

Certiorari may be issued before or after Indictment is found.

IV. And it is hereby declared and enacted, That such Writ of Certiorari may be applied for and issued before such Indictment has been found, in the like Cases, in the same Manner, and upon the same Terms and Conditions, as if such Writ of Certiorari had been applied for after such Indictment had been found.

In what Cases such Indictments may be tried at subsequent Sessions.

V. And be it further enacted, That from and after the passing of this Act, where any Person shall be prosecuted for any Misdemeanor by Indictment at any Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of Gaol Delivery within that Part of *Great Britain* called *England*, or in *Ireland*, not having been committed to Custody or held to Bail to appear to answer for such Offence Twenty Days before the Session at which such Indictment shall be found, but who shall have been committed to Custody or held to Bail to appear to answer for such Offence at some subsequent Session, or shall have received Notice of such Indictment having been found Twenty Days before such subsequent Session, he or she shall plead to such Indictment at

at such subsequent Session, and Trial shall proceed thereupon at such same Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of Gaol Delivery respectively, unless a Writ of Certiorari for removing such Indictment into His Majesty's Courts of King's Bench at *Westminster* or in *Dublin* respectively shall be delivered at such last-mentioned Session before the Jury shall be sworn for such Trial, any Law or Usage to the contrary notwithstanding.

Not to prevent Indictments found by a Grand Jury of any City or Town from being removed to an adjoining County to be tried. 38 G. 3. c. 52.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Indictment, found by a Grand Jury of any City or Town Corporate, from being removed, at the Prayer of any Defendant, for Trial by a Jury of the County next adjoining to the County of such City or Town Corporate, pursuant to the Provisions of an Act passed in the Thirty-eighth Year of His present Majesty's Reign, intituled *An Act to regulate the Trial of Causes, Indictments, and other Proceedings, which arise within the Counties of certain Cities and Towns Corporate within this Kingdom;* and upon such Removal, the Defendant shall plead, and the Trial shall be had according to the Provisions of this Act, in like Manner as if such Indictment had been originally found by a Grand Jury of such next adjoining County.

Court may, on sufficient Cause shewn, allow further Time for Pleading, &c.

VII. Provided also, and be it enacted, That it shall be lawful for the Court at any Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of Gaol Delivery respectively, upon sufficient Cause shewn for that Purpose, to allow further Time for Pleading to any such Indictment, or for Trial of the same.

In Prosecutions by the Attorney or Solicitor General, Copy of the Information or Indictment to be delivered to the Party.

VIII. And be it further enacted by the Authority aforesaid, That in all Cases of Prosecutions for Misdemeanors, instituted by His Majesty's Attorney or Solicitor General, in any of the Courts aforesaid, the Court shall, if required, make Order that a Copy of the Information or Indictment shall be delivered, after Appearance, to the Party prosecuted, or his Clerk in Court or Attorney, upon Application made for the same, free from all Expence to the Party so applying; provided that such Party, or his Clerk in Court or Attorney, shall not have previously received a Copy thereof.

In case such Prosecution is not brought to Trial within Twelve Calendar Months, Court may make an Order thereon.

IX. Provided also, and be it further enacted, That in case any Prosecution for a Misdemeanor instituted by His Majesty's Attorney or Solicitor General in any of the Courts aforesaid, shall not be brought to Trial within Twelve Calendar Months next after the Plea of Not Guilty shall have been pleaded therein, it shall be lawful for the Court in which such Prosecution shall be depending, upon Application to be made on the Behalf of any Defendant in such Prosecution, of which Application Twenty Days previous Notice shall have been given to His Majesty's Attorney or Solicitor General, to make an Order, if the said Court shall see just Cause so to do, authorizing such Defendant to bring on the Trial in such Prosecution; and it shall thereupon be lawful for such Defendant to bring on such Trial accordingly, unless a *Nolle Prosequi* shall have been entered in such Prosecution.

X. And

Not to extend to Quo Warranto Actions, &c.

X. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Prosecution by Information in Nature of a Quo Warranto, or for the Non-repair of any Bridge or Highway.

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