ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## *Cap.* xlvi.

**An Act to facilitate the Prosecution of Criminal Offences before Her Majesty's Justices of the Peace in the County of *Renfrew*, and to simplify the Proceedings therein and lessen the Costs thereof.** [13th *July* 1849.]

WHEREAS it is expedient that the Procedure before the Justices of the Peace for the County of *Renfrew* in the Prosecution of minor Crimes and Offences should be simplified, so as to facilitate the Trials for Crimes and lessen the Costs of Prosecution: May it therefore please Your Majesty that it may be enacted; and 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 Authority of the same, That in all Prosecutions for Criminal Offences at the Instance of the public Prosecutor, or of a private Party with his Concurrence, now competent before Her Majesty's Justices of the Peace for the said County, and where the Prosecutor shall crave or conclude for Imprisonment for a Period not exceeding Sixty Days, or for a Fine not exceeding Five Pounds, and Imprisonment for a Period not exceeding Sixty Days in case of such Fine not being paid, accompanied in either Case, if necessary, with Caution for good Behaviour,

Justices empowered to try summarily Persons charged with certain Crimes.

Behaviour, or to keep the Peace, for a Period of Six Months, under a Penalty of not more than Five Pounds, the Procedure shall be in the summary Form herein-after provided: Provided always, that in all such Prosecutions all the Proceedings shall be in open Court, and that a Record shall be preserved of the Charge and of the Judgment, and that a Note of the Evidence shall be taken by the Justice or Justices trying the Case, or by the Clerk of Court, and if by the Clerk of Court such Note shall be certified as accurate, and be subscribed by such Justice or Justices, who shall be responsible for the Accuracy of the same.

Form of Complaint.

II. And be it enacted, That the Complaint at the Instance of the public Prosecutor, or private Party with his Concurrence, may be in the Form of the Schedule (A.) hereunto annexed, or as near thereto as Circumstances will permit.

Form of Warrant.

III. And be it enacted, That upon such Complaint being presented to any Justice it shall be lawful for such Justice to grant Warrant to apprehend or cite the Person accused to appear and answer to the Complaint; and such Warrant may be in the Form contained in Schedule (B.) hereunto annexed.

Form of Commitment.

IV. And be it enacted, That upon such Warrant being granted it shall be lawful to bring the Persons accused before any One Justice for Examination, and such Justice may thereafter, in the Form contained in the Schedule (C.) hereunto annexed, grant Warrant to commit the Persons accused to Prison to await their Trial, the Imprisonment under such Warrant not being more than Ten Days, or until the next Court Day, if such Court Day shall be beyond Four but within Ten Days of the Date of Imprisonment; and such Justice shall appoint a Copy of the Complaint to be served on the Accused at least Twenty-four Hours before the Diet for Trial.

Copy of Complaint to be served on the Accused.

Justices may accept of Bail.

V. And be it enacted, That upon the Apprehension or Commitment of any Person iu virtue of this Act for any Crime it shall be lawful for the Justice or Justices to accept of Bail, and to liberate such Person upon Bail, to an Amount not exceeding Five Pounds being found for his due Appearance on the Day of Trial.

Mode of Citation.

VI. And be it enacted, That all Warrants and Notices to appear may be served on the Persons accused by an Officer of Court in the Form contained in the Schedule (D.) hereunto annexed, and that the Warrant to apprehend or to cite, or the Copies served on the Persons accused, shall be sufficient Authority to any Officer of Court to cite Witnesses for either Party to appear at the Trial, under a Penalty of Ten Pounds *Scots* each in case of Failure; and the Execution by the Officer, which may be according to the Form contained in the said Schedule (D.), shall be held as sufficient Evidence of the Service of the Complaint on the Accused.

Procedure at Trial.

VII. And be it enacted, That the Procedure at the Trial may be in the Forms contained in the Schedule (E.) hereunto annexed, or as near thereto as Circumstances will admit.



VIII. And

Persons cited and not appearing to be apprehended.

VIII. And be it enacted, That where an accused Party shall have been lawfully cited to appear to answer to any Complaint under this Act, and shall fail to appear, then the Justice or Justices shall grant Warrant to apprehend him, and the Case against him shall be thereafter conducted in the Manner herein provided.

Party charged with petty Offences may be tried by One Justice.

IX. And be it enacted, That where a Party has been apprehended and brought before One Justice for Examination, as before provided, where the Crime or Offence charged shall appear to the Prosecutor to be of a petty Nature, it shall, on his craving, be competent to such Justice at once to hear the Complaint, and either on Proof thereof, or upon the judicial Confession of the Person accused, to impose a Fine not exceeding Twenty Shillings, with Imprisonment, in case of such Fine not being paid, for a Period not exceeding Ten Days, or otherwise to sentence a Person accused to Imprisonment for a Period not exceeding Ten Days, without Prejudice to such Justice, upon Cause shown, adjourning such Trial for any Period not exceeding Forty-eight Hours, the Prisoner being either imprisoned or finding Bail, as herein-before provided, for his due Appearance at such Trial.

Warrants against Party out of the County, may be endorsed by a Justice or Clerk of the Peace of any other County where Party resides.

X. And be it enacted, That where the Party accused resides or is at the Time beyond the Bounds of the County of *Renfrew*, and a Warrant has been granted to apprehend or to summon him to appear to answer to the Complaint, it shall be competent to the Clerk of the Peace or any Justice for the County within which the Accused resides or at the Time may be, and they are hereby required, to endorse such Warrant; and in virtue of such Endorsation any Officer of the County where the Offence was committed, or where the Party resides or may be, may act upon and execute such Warrant; and in like Manner when a Witness proposed to be adduced resides beyond the Bounds of the said County of *Renfrew* it shall be lawful for any Officer of that County, or of the County where the Witness resides, to cite such Witness, the Warrant or the Copy served on the Accused being first endorsed by the Clerk of the Peace or a Justice for the County where such Witness resides, which Endorsation they are hereby required to make; and such Endorsation may be according to the Form in the Schedule (B.) hereto appended, or in any other Form to the like Effect.

Justices may order Beggars, &c. to be imprisoned.

XI. And be it enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Renfrew*, after summary Trial as aforesaid, and Conviction, to imprison in the House of Correction or Prison, there to be kept to hard Labour for a Period not exceeding Sixty Days, all Vagabonds, public Beggars, and idle and disorderly Persons found within the said County who have not a settled Place of Residence and follow no lawful Employment.

No Appeal to Quarter Sessions.

XII. And be it enacted, That no Appeal to the Quarter Sessions shall be competent from any Judgment pronounced, Deliverance given, or Proceeding had under this Act in any Trial in the summary Form herein provided, nor shall it be competent to bring any such Judgment, Deliverance, or Proceeding under Review of any Superior Court by Reduction, Advocation, Suspension, or Appeal: Provided always,

always, that in Cases proceeding upon a written Complaint under this Act such and the like Appeal shall be allowed as is provided in the Case of any Criminal Offence tried summarily before the Sheriff.

Proceedings may be written or printed.

XIII. And be it enacted, That all Proceedings under this Act may be either in Writing or printed, or partly both.

Expenses of Act.

XIV. And be it enacted, That the Expense incurred in preparing and obtaining this Act shall be defrayed out of the Rogue Money of the said County of *Renfrew* within Five Years after the passing hereof; and the Commissioners of Supply of the said County are hereby required to impose such additional Assessment or Assessments as may be necessary for this Purpose, which Assessments shall be levied with and form Part of the Rogue Money for said County.

Short Title.

XV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, and in other Documents, it shall be sufficient to use the Expression "The *Renfrewshire* Justice of Peace Courts Act, 1849."

Interpretation of Terms.

XVI. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Justice" shall mean any of Her Majesty's Justices of the Peace for the County of *Renfrew*.

Public Act.

XVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Act may be amended &c.

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

SCHE-

## SCHEDULES referred to in the foregoing Act.

### SCHEDULE (A.)

*Form of Complaint.*

Unto the Honourable Her Majesty's Justices of the Peace for the County of Renfrew,

Complains *A.B.*, Procurator Fiscal of Court [*or other Party with his Concurrence*],

That *C.D.* has been guilty of the Crime of Actor or Art and Part, in so far as on the Day of or about that Time, he did [*here state the Particulars of the Offence, specifying particularly the Place where the Offence was committed*]:

May it therefore please your Honours to grant Warrant to apprehend the said *C.D.*, and to bring him before you [*or* to cite him to appear before you] to answer to this Libel, and thereafter to [*here specify the Punishment concluded for*], and to proceed otherwise further in Terms of Law.

*A.B.*

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### SCHEDULE (B.)

*Deliverance.*

[*Place and Date.*]

Grants Warrant to apprehend and bring *C.D.* complained upon [*or* to cite him to appear] to answer to this Complaint.

*E.F.*, J.P.

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*Endorsation.*

[*Place and Date.*]

Presented to me, and endorsed in Terms of the Statute.

*G.H.*, J.P. Clerk [*or* Dep.]
for shire.
*or I.J.*, J.P. for shire.

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## SCHEDULE (C.)

*Commitment for Trial.*

[*Place and Date.*]

Having considered this Complaint, and examined *C.D.* complained on, grants Warrant to commit him [her *or* them] to the Prison of for Trial. Appoints the Trial of the said *C.D.* to take place on or before the Day of and appoints a Copy of this Complaint to be served on him at least Twenty-four Hours previous to Trial.

*E.F.*, J.P.

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## SCHEDULE (D.)

*Order of Appearance by Officer.*

*C.D.* take notice, That you are required to appear before any Two or more of Her Majesty's Justices of the Peace for the County of Renfrew within [*Place of Appearance*] upon the Day of at o'Clock noon, to answer to the Criminal Libel against you to which this Notice is attached.

This Notice served Day of

*K.L.*, Constable.

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*Execution of Service of Libel by Constable.*

A Copy of a Criminal Libel containing a Charge of Theft [*or whatever the Crime may be*], consisting of Pages, was on the Day of served by me upon *C.D.* by delivering the same to him personally [*or otherwise, as the Case may be*], on which Copy was marked a Notice of Appearance before any Two or more of Her Majesty's Justices of the Peace for the County of Renfrew to answer to the said Libel within [*Place of Appearance*], on the Day of at o'Clock

*K.L.*, Constable.

*R. S.*, Witness.

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## SCHEDULE (E).

*Adjournment.*

[*Place and Date*].

Appeared *C.D.* complained on, who requires a Copy of the Complaint, and that his Trial shall be adjourned as accords with Law.

The

The Justices adjourn the Diet till the Day of at o'Clock noon, appoint a Copy of this Complaint to be served on the said *C.D.* at least Twenty-four Hours previous thereto, and grant Warrant to commit him to the Prison of to await his Trial.

*M.N.*, J.P.
*O.P.*, J.P.

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*Procedure.*

At the Day of in Presence of and Esquires, Two [*or more, or in the Case of petty Offences,* Esquire, One] of Her Majesty's Justices of the Peace for the County of Renfrew.

Appeared the Complainer.

Appeared the said *C.D.* complained against [*in the Case of petty Offences, here insert* the Complainer craves that the Case may be tried under the Provisions of the Ninth Section of the Statute]; and the Libel being read over to him, he answers that he is guilty [*or* not guilty].

*C.D.*
*M.N.*, J.P.
*O.P.*, J.P.

The Witnesses after named were examined on Oath in support of the Libel; viz.
and the Witnesses after named were examined on Oath in exculpation; viz.

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*Sentence.*

The Justices find
and therefore [*here add the Terms of the Sentence*].

*M.N.*, J.P.
*O.P.*, J.P.

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