

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. XXXVIII.

An Act to amend an Act for punishing idle and disorderly Persons and Rogues and Vagabonds.

[27th *July* 1838.]

WHEREAS it is expedient to alter and amend an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds, in that Part of* Great Britain *called* England: 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 when any Person aggrieved by any Act or Determination of any Justice or Justices of the Peace out of Sessions, in or concerning the Execution of the said Act, shall have appealed against such Act or Determination according to the Provisions of the said Act, and shall thereupon have been discharged out of Custody, and such Person shall not personally appear and prosecute such Appeal at the General or Quarter Sessions according to the Recognizance entered into on such Appeal, it shall be lawful for the Justices assembled at such General or Quarter Sessions, or for any Justice of the Peace for the County or Place in which such Person shall have been convicted, on Proof of the said Conviction, and on Proof by Certificate under the Hand of the Clerk of

5 G. 4. c. 83.

Persons convicted, being discharged out of Custody on having appealed against Conviction, and not appearing to prosecute such Appeal, may be re-committed.

of the Peace for the said County or Place or of the Person acting as his Deputy that the Person so convicted did not personally appear to prosecute such Appeal, to issue a Warrant for the Apprehension and Committal of such Person for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned (if any) previous to being discharged by reason of Appeal, shall complete the full Term for which such Person was adjudged to be imprisoned at the Time of his or her said Conviction.

Exposing obscene Prints, &c. in Shop Windows liable, on Conviction, to Punishment.

II. And whereas by the said recited Act it is enacted, that every Person wilfully exposing to view in any Street, Road, Highway, or public Place any obscene Print, Picture, or other indecent Exhibition shall, on summary Conviction thereof, be liable to Punishment as therein provided: And whereas Doubts have arisen whether the exposing to public View in the Windows of Shops in Streets, Highways, or other public Places of any obscene Print, Picture, or other indecent Exhibition, is an Offence within the Meaning of the said recited Act: Be it therefore declared and enacted, That every Person who shall wilfully expose or cause to be exposed to public View in the Window or other Part of any Shop or other Building situate in any Street, Road, Highway, or public Place any obscene Print, Picture, or other indecent Exhibition shall be deemed to have wilfully exposed such obscene Print, Picture, or other indecent Exhibition to public View within the Intent and Meaning of the said Act, and shall accordingly be liable to be proceeded against, and on Conviction to be punished under the Provisions of the said Act.

Commencement of the Act.

III. And be it enacted, That this Act shall commence and take effect from and after the First Day of *August* One thousand eight hundred and thirty-eight.

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