

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXXXII.

An Act for the more speedy Trial and Punishment of Juvenile Offenders. [22d *July* 1847.]

WHEREAS, in order in certain Cases to ensure the more speedy Trial of Juvenile Offenders, and to avoid the Evils of their long Imprisonment previously to Trial, it is expedient to allow of such Offenders being proceeded against in a more summary Manner than is now by Law provided, and to give further Power to bail them: 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 every Person who shall, subsequently to the passing of this Act, be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence shall not, in the Opinion of the Justices before whom he or she shall be brought or appear as herein-after mentioned, exceed the Age of Fourteen Years, shall, upon Conviction thereof, upon his own Confession or upon Proof, before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, at the usual Place, and in open Court, be committed to the Common Gaol or House of Correction

Persons not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted by Two Justices.

rection within the Jurisdiction of such Justices, there to be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, in the Discretion of such Justices, shall forfeit and pay such Sum, not exceeding Three Pounds, as the said Justices shall adjudge, or, if a Male, shall be once privately whipped, either instead of or in addition to such Imprisonment, or Imprisonment with hard Labour; and the said Justices shall from Time to Time appoint some fit and proper Person, being a Constable, to inflict the said Punishment of Whipping when so ordered to be inflicted out of Prison: Provided always, that if such Justices upon the Hearing of any such Case shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Party charged, on finding Surety or Sureties for his future good Behaviour, or without such Sureties, and then make out and deliver to the Party charged a Certificate under the Hands of such Justices stating the Fact of such Dismissal, and such Certificate shall and may be in the Form or to the Effect set forth in the Schedule hereto annexed in that Behalf: Provided also, that if such Justices shall be of opinion, before the Person charged shall have made his or her Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, or if the Person charged shall, upon being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case in all respects as if this Act had not been passed.

Justices may dismiss the Accused if they deem it expedient not to inflict any Punishment.

Power to Justices to hear and determine.

II. And be it enacted, That any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, and in open Court, before whom any such Person as aforesaid charged with any Offence made punishable under this Act shall be brought or appear, are hereby authorized to hear and determine the Case under the Provisions of this Act: Provided always, that any Magistrate of the Police Courts of the Metropolis sitting at any such Police Court, and any Stipendiary Magistrate sitting in open Court, having by Law the Power to do Acts usually required to be done by Two or more Justices of the Peace, shall and may within their respective Jurisdictions hear and determine every Charge under this Act, and exercise all the Powers herein contained, in like Manner and as fully and effectually as Two or more Justices of the Peace in Petty Sessions assembled as aforesaid can or may do by virtue of the Provisions in this Act contained.

One Magistrate may, in certain Cases, perform Acts usually done by Two.

Proceedings under this Act a Bar to further Proceedings.

III. And be it enacted, That every Person who shall have obtained such Certificate of Dismissal as aforesaid, and every Person who shall have been convicted under the Authority of this Act, shall be released from all further or other Proceedings for the same Cause.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

IV. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person whose Age is alleged not to exceed Fourteen Years shall be charged with any such Offence on the Oath of a credible Witness before any Justice of the Peace, such Justice may issue his Summons or Warrant to summon or to apprehend the Per-

son so charged to appear before any Two Justices of the Peace in Petty Sessions assembled as aforesaid at a Time and Place to be named in such Summons or Warrant.

Power to One Justice to remand and take Bail.

V. And be it enacted, That any Justice or Justices of the Peace, if he or they shall think fit, may remand for further Examination or for Trial, or suffer to go at large upon his or her finding sufficient Surety or Sureties, any such Person as aforesaid charged before him or them with any such Offence as aforesaid; and every such Surety shall be bound by Recognizance to be conditioned for the Appearance of such Person before the same or some other Justice or Justices of the Peace for further Examination, or for Trial before Two or more Justices of the Peace in Petty Sessions assembled as aforesaid, or for Trial at some Superior Court, as the Case may be; and every such Recognizance may be enlarged from Time to Time by any such Justice or Justices to such further Time as he or they shall appoint; and every such Recognizance which shall not be enlarged shall be discharged without Fee or Reward, when the Party shall have appeared according to the Condition thereof.

Application of Fines.

VI. And be it enacted, That every Fine imposed by any Justices under the Authority of this Act shall be paid to the Clerk to the convicting Justices, and shall be by him paid over to the Use of the general County Rate, or Rate in the Nature of a general County Rate, for the County, Riding, Division, Borough, Liberty, Franchise, City, Town, or Place in which the Offence in respect of which such Fine shall be imposed may have been committed.

As to the summoning and Attendance of Witnesses.

VII. And be it enacted, That it shall be lawful for any Justice of the Peace by Summons to require the Attendance of any Person as a Witness upon the Hearing of any Case before Two Justices, under the Authority of this Act, at a Time and Place to be named in such Summons; and such Justice may require and bind by Recognizance all Persons whom he may consider necessary to be examined touching the Matter of such Charge to attend at the Time and Place to be appointed by him, and then and there to give Evidence upon the Hearing of such Charge; and in case any Person so summoned or required or bound as aforesaid shall neglect or refuse to attend in pursuance of such Summons or Recognizance, then upon Proof being first given of such Person's having been duly summoned as hereinafter mentioned, or bound by Recognizance as aforesaid, it shall be lawful for the Justices before whom any such Person ought to have attended to issue their Warrant to compel his Appearance as a Witness.

Service of Summons.

VIII. And be it enacted, That every Summons issued under the Authority of this Act may be served by delivering a Copy of the Summons to the Party, or by delivering a Copy of the Summons to some Inmate at such Party's usual Place of Abode, and every Person so required, by any Writing under the Hand or Hands of any Justice or Justices, to attend and give Evidence as aforesaid, shall be deemed to have been duly summoned.

IX. And

Form of Conviction.

IX. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any such Offence as hereinbefore mentioned may cause the Conviction to be drawn up in the Form of Words set forth in the Schedule to this Act annexed, or in any other Form of Words to the same Effect, which Conviction shall be good and effectual to all Intents and Purposes.

No Certiorari, &c.

X. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.

XI. And be it enacted, That the Justices of the Peace before whom any Person shall be convicted under the Provisions of this Act shall forthwith thereafter transmit the Conviction and Recognizances to the Clerk of the Peace for the County, Borough, Liberty, or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court of General Quarter Sessions of the Peace; and the said Clerk of the Peace shall transmit to One of Her Majesty's Principal Secretaries of State a monthly Return of the Names, Offences, and Punishments mentioned in the Convictions, with such other Particulars as may from Time to Time be required.

No Forfeiture upon Convictions under Act, but presiding Justices may order Restitution of Property.

XII. And be it enacted, That no Conviction under the Authority of this Act shall be attended with any Forfeiture, but whenever any Person shall be deemed guilty under the Provisions of this Act it shall be lawful for the presiding Justices to order Restitution of the Property in respect of which such Offence shall have been committed to the Owner thereof or his Representatives, and if such Property shall not then be forthcoming, the same Justices, whether they award Punishment or dismiss the Complaint, may inquire into and ascertain the Value thereof in Money, and if they think proper order Payment of such Sum of Money to the true Owner, by the Person or Persons convicted, either at one Time or by Instalments at such Periods as the Court may deem reasonable, and the Party or Parties so ordered to pay shall be liable to be sued for the same as a Debt in any Court in which Debts may be by Law recovered, with Costs of Suit, according to the Practice of such Court.

Recovery of Penalties.

XIII. And be it enacted, That whenever any Justices of the Peace shall adjudge any Offender to forfeit and pay a pecuniary Penalty under the Authority of this Act, and such Penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future Day for the Payment of such Penalty, and to order the Offender to be detained in safe Custody until the Day so to be appointed, unless such Offender shall give Security to the Satisfaction of such Justices for his or her Appearance on such Day; and such Justices are hereby empowered to take such Security by way of Recognizance or otherwise, at their Discretion; and

and if at the Time so appointed such Penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by Warrant under their Hands and Seals, to commit the Offender to the Common Gaol or House of Correction within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, reckoned from the Day of such Adjudication, such Imprisonment to cease on Payment of the said Penalty.

Expences of Prosecutions how to be paid.

XIV. And be it enacted, That the Justices in Petty Sessions assembled as aforesaid, before whom any Person shall be prosecuted or tried for any Offence cognizable under this Act, are hereby authorized and empowered, at their Discretion, at the Request of the Prosecutor or of any other Person who shall appear on Recognizance or Summons to prosecute or give Evidence against any Person accused of any such Offence, to order Payment to the Prosecutor and Witnesses for the Prosecution of such Sums of Money as to the Justices shall seem reasonable and sufficient to reimburse such Prosecutor and Witnesses for the Expences they shall have severally incurred in attending before the examining Magistrate, and in otherwise carrying on such Prosecution, and also to compensate them for their Trouble and Loss of Time therein, and to order Payment to the Constables and other Peace Officers for the Apprehension and Detention of any Person or Persons so charged; and although no Conviction shall actually take place, it shall be lawful for the said Justices to order all or any of the Payments aforesaid when they shall be of opinion that the Parties or any of them have acted *bonâ fide*; and the Amount of Expences of attending before the examining Magistrate, and the Compensation for Trouble and Loss of Time therein, and the Allowances to the Constables and other Peace Officers for the Apprehension and Detention of the Offender, and the Allowances to be paid to the Prosecutor, Witnesses, and Constables for attending at the said Petty Sessions, shall be ascertained by and certified under the Hands of the Justices in such Petty Session assembled as aforesaid: Provided always, that the Amount of the Costs, Charges, and Expences attending any such Prosecution, to be allowed and paid as aforesaid, shall not in any one Case exceed the Sum of Forty Shillings: Provided also, that no Expences shall be allowed to Prosecutors, Witnesses, and Constables exceeding the Sums allowed, according to a Scale of Fees and Allowances authorized and settled by the Justices of the Peace at Quarter Sessions assembled, according to the Statute in such Case made and provided with respect to preliminary Inquiries before Justices of the Peace in Cases of Felony.

Orders for Payment how to be made.

XV. And be it enacted, That every such Order of Payment to any Prosecutor or other Person, after the Amount thereof shall have been certified by the Justices as aforesaid, shall be forthwith made out and delivered by the Clerk of the said Petty Session unto such Prosecutor or other Person, upon such Clerk being paid for the same the Sum of Sixpence for every such Person, and no more, and, except in Cases herein-after provided for, shall be made upon the Treasurer of the County, Riding, or Division in which the Offence shall have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon Sight of every such Order,

forthwith to pay to the Person named therein, or to any other Person duly authorized to receive the same on his or her Behalf, the Money in such Order mentioned, and shall be allowed the same in his Accounts: Provided always, that no such Order shall be valid, nor shall such Treasurer pay any Money thereon, unless it shall have been framed and presented in such Form and under such Regulations as the Justices of the Peace in Quarter Sessions assembled shall from Time to Time direct.

Payment of Costs and Expences with respect to Boroughs, &c.

XVI. And whereas Offences cognizable under this Act may be committed in Liberties, Franchises, Cities, Towns, and Places which do not contribute to the Payment of any County Rate, some of which raise a Rate in the Nature of a County Rate, and others have neither any such Rate nor any Fund applicable to similar Purposes, and it is just that such Liberties, Franchises, Cities, Towns, and Places should be charged with all Costs, Expences, and Compensations ordered by virtue of this Act in respect of such Offences as aforesaid committed or supposed to have been committed therein respectively; be it therefore enacted, That all Sums directed to be paid by virtue of this Act in respect of such Offences as aforesaid committed or supposed to have been committed in such Liberties, Franchises, Cities, Towns, and Places shall be paid out of the Rate in the Nature of a County Rate, or out of any Fund applicable to similar Purposes, where there is such a Rate or Fund, by the Treasurer or other Officer having the Collection or Disbursement of such Rate or Fund, and where there is no such Rate or Fund in such Liberties, Franchises, Cities, Towns, or Places, shall be paid out of the Rate or Fund for the Relief of the Poor of the Parish or Township, District or Precinct therein, where the Offence was committed or supposed to have been committed, by the Overseers or other Officers having the Collection or Disbursement of such last-mentioned Rate or Fund; and the Order of Court shall in every such Case be directed to such Treasurer, Overseers, or other Officers respectively, instead of the Treasurer of the County, Riding, or Division, as the Case may require.

Proceedings against Persons acting under this Act.

XVII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action or Prosecution; and in any such Action or Prosecution the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action or Prosecution after Issue joined, or if, upon Demurrer or otherwise,

Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in such Action, the Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action and of the Verdict obtained thereupon.

Extent of Act.

XVIII. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

Act may be amended, &c.

XIX. 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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SCHEDULE of Forms to which this Act refers.

Form of Certificate of Dismissal.

} We of Her Majesty's Justices of the Peace
to wit. } for the County of [*or* I, a Magistrate of the Police Court of *as the Case may be,*] do hereby certify, That on the Day of in the Year of our Lord at in the said County of M.N. was brought before us the said Justices [*or* me the said Magistrate] charged with the following Offence, (that is to say,) [*here state briefly the Particulars of the Charge*], and that we the said Justices [*or* I the said Magistrate] thereupon dismissed the said Charge. Given under our Hands [*or* my Hand] this Day of .

Form of Conviction.

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord One thousand eight hundred and at in the County of [*or* Riding, Division, Liberty, City, *&c., as the Case may be,*] *A.O.* is convicted before us, *J.P.* and *Q.R.*, Two of Her Majesty's Justices of the Peace for the said County [*or* Riding, *&c.*], [*or* me, *S.T.*, a Magistrate of the Police Court of *as the Case may be*], for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be, but without setting forth the Evidence*], and we the said *J.P.* and *Q.R.* [*or* I the said *S.T.*] adjudge the said *A.O.* for his said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour for the Space of], [*or* we [*or* I] adjudge the said *A.O.* for his said Offence to forfeit and pay], [*here state the Penalty actually imposed*], and in default of immediate Payment of the said Sum, to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sum shall be sooner paid. Given under our Hands and Seals [*or* my Hand and Seal] the Day and Year first above mentioned.

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