



ANNO DECIMO-NONO

VICTORIÆ REGINÆ,

No. 9.



*By His Excellency SIR HENRY EDWARD FOX YOUNG, Knight,
Captain-General and Governor-in-Chief of the Island of Van
Diemen's Land and its Dependencies, with the Advice and
Consent of the Legislative Council.*

AN ACT to facilitate the Performance of the Duties of Justices of the Peace out of Sessions with respect to Persons charged with Criminal Offences.

[28th August, 1855.]

WHEREAS it would conduce much to the improvement of the administration of criminal justice that the duties of Her Majesty's Justices of the Peace with respect to persons charged with criminal offences should be clearly defined by positive enactment: Be it therefore declared and enacted by His Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:—

PREAMBLE.

1 In all cases where a Charge (A.) shall be made before any one or more of Her Majesty's Justices of the Peace, that any person has committed or is suspected to have committed any treason, felony, or misdemeanor, then and in every such case, if the person so charged shall not then be in custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B.) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices, to answer to such charge, and to be further dealt with according to law: Provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their warrant to apprehend the person so charged, to issue his or their Summons (C.) directed to such person, requiring

For what offences a Justice of the Peace may grant a Warrant to cause a person charged therewith to be brought before him.

Party may be summoned instead of issuing a War-

rant in the first instance.

If the Summons be not obeyed, a Warrant may be issued.

him to appear before the said Justice or Justices at a time and place to be therein mentioned, or before such other Justice or Justices as may then be there; and if, after being served with such Summons in manner hereinafter mentioned, he shall fail to appear at such time and place in obedience to such Summons, then and in every such case the said Justice or Justices, or any other Justice or Justices of the Peace, may issue his or their Warrant (D.) to apprehend such person so charged, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace, to answer to the said charge, and to be further dealt with according to law.

Warrant may be issued at any time.

2 Nothing in this Act contained shall prevent any Justice or Justices of the Peace from issuing the Warrant (B.) herein-before first mentioned at any time before or after the time mentioned in the Summons (C.) for the appearance of the accused person.

Warrant to apprehend for offences committed on the high seas or abroad.

3 In all cases of crimes or offences cognisable in the Supreme Court of Van Diemen's Land committed on the high seas, or in any creek, harbour, haven, or other place in which the Admiralty of *England* have or claim to have jurisdiction, and in all cases of crimes or offences cognisable as aforesaid committed on land beyond the seas, it shall be lawful for any one or more of Her Majesty's Justices of the Peace, if any person charged with having committed or with being suspected to have committed any such crime or offence shall reside or be, or shall be supposed or suspected to reside or be, within this Colony, to issue his or their Warrant (E.) to apprehend the person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace, to answer to the said charge, and to be further dealt with according to law.

Warrant to apprehend a party against whom an Information is filed.

4 Where any Information for any crime or misdemeanor shall be filed by Her Majesty's Attorney-General of this Colony, or other Officer duly appointed for that purpose, in the Supreme Court, or in any Court of General Sessions of the Peace, against any person who shall then be at large, and whether such person shall have been bound by any Recognizance to appear to answer to the same or not, the person who shall act as Clerk of the Supreme Court, or as Clerk or Deputy Clerk of the Peace at the Sessions at which the said Information shall be filed, shall at any time afterwards, if such person shall not have already appeared and pleaded to such Information, upon application by or on behalf of the said Attorney-General or other Officer as aforesaid give a Certificate (F.) of such Information having been filed; and upon production of such certificate to any Justice or Justices of the Peace it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such person mentioned in such Information, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices, to be dealt with according to law; and afterwards, if such person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath before him or them that the person so apprehended is the same person who is charged and named in such Information, shall, without further inquiry or examination, commit (H.) him for trial, or admit him to bail, in manner herein-after mentioned; or if such person shall at the time of such application, and production of the said certificate to such Justice or Justices as aforesaid, be confined in any Gaol or Prison for any other offence than that charged in the said Information, or for

If person be already in prison for some other offence, Justice

any other cause, it shall be lawful for such Justice or Justices, and he and they are hereby required, upon it being proved before him or them upon oath that the person mentioned in such Information and the person so confined in prison are one and the same person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which such person shall then be confined as aforesaid, commanding him to detain such person in his custody until he shall be discharged therefrom by due course of law.

may order him to be detained until duly removed.

5 It shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid or any Search Warrant, and any such Warrant may lawfully be executed on a *Sunday* as well as on any other day.

Power to Justice to issue Warrants on Sundays.

6 In all cases where a charge for any crime or misdemeanor shall be made before any Justice or Justices as aforesaid, if it be intended to issue a warrant in the first instance against the person so charged, a Charge thereof (A.) in writing, on the oath of the person making the same, or of some witness in that behalf, shall be laid before such Justice or Justices: Provided always, that in all cases where it is intended to issue a summons instead of a warrant in the first instance, it shall not be necessary that such charge shall be sworn to in manner aforesaid, but in every such case such charge may be without any oath whatsoever to support or substantiate the same: Provided also, that no objection shall be taken or allowed to any such charge for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examination of the witnesses in that behalf, as herein-after mentioned.

When charge made, if a Warrant is to be issued, charge to be on oath.

If Summons to be issued, charge not necessary to be on oath.

No objection allowed for defect in form.

7 Upon such charge being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace, to be dealt with according to law; and every such Summons (C.) shall be directed to the person so charged, and shall state shortly the matter of such charge, and shall require the person to whom it is so directed to be and appear at a certain time and place therein mentioned before the Justice or Justices who shall issue such summons, or before such other Justice or Justices of the Peace as may then be there, to answer to the said charge, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other person upon the person to whom it is so directed by delivering the same or a copy thereof to him personally, or if he cannot conveniently be met with then by leaving the same or a copy thereof with some person for him at his last or most usual place of abode; and the Constable or other person who shall have served the same in manner aforesaid shall attend at the time and place and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of such Summons; and if the person so served shall not be and appear before the Justice or Justices at the time and place mentioned in such Summons in obedience to the same, it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the person so summoned, and bringing him before such Justice

Upon charge being laid, Justices receiving the same may issue Summons or Warrant for appearance of person charged.

How Summons to be served.

If person summoned do not attend, Justice may issue a Warrant.

No objection allowed for defect in form.

or Justices, or some other Justice or Justices of the Peace, to answer the said charge, and to be further dealt with according to law: Provided always, that no objection shall be taken or allowed to any such Summons or Warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examinations of the witnesses in that behalf, as herein-after mentioned; but if any such variance shall appear to such Justice or Justices to be such that the person charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the person so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the person so charged, or admit him to bail, in manner herein-after mentioned.

Warrant to apprehend to be under hand of Justice.

How Warrant to be directed.

8 Every Warrant (B.) issued by any Justice or Justices of the Peace to apprehend any person charged with any crime or misdemeanor shall be under the hand or hands of the Justice or Justices issuing the same, and may be directed either to any Constable or other person by name, or to the Chief Constable of this Colony, or to such Constable, person, or Chief Constable, and all Constables in this Colony, or generally to all Constables in this Colony, and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace, to answer to such charge, and to be further dealt with according to law; and it shall not be necessary to make such Warrant returnable at any particular time, but the same shall remain in force until it shall be executed; and it shall be lawful for any Constable to execute any such Warrant in like manner as if such Warrant were directed specially to such Constable by name: Provided always, that no objection shall be taken or allowed to any such Warrant for any defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examinations of the witnesses in that behalf, as herein-after mentioned; but if any such variance shall appear to such Justice or Justices to be such that the person charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the person so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the person so charged, or to admit him to bail, in manner herein-after mentioned.

No objection allowed for defect in form.

Power to Justices to summon Witnesses to attend and give evidence.

If Summons not obeyed, Warrant may be issued to compel attendance.

9 If it shall be made to appear to any Justice of the Peace, by the oath of any credible person, that any person is likely to give material evidence concerning any charge, such Justice is hereby required to issue his Summons (K. 1.) to such person under his hand, requiring him to be and appear at a time and place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace as shall then be there, to testify what he shall know concerning the charge made against such accused person; and if any person so summoned as a Witness shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath of such Summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual

place of abode,) it shall be lawful for the Justice or Justices before whom such person should have appeared as such Witness to issue a Warrant (K. 2.) under his or their hand or hands to bring and have such person at a time and place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace as shall then be there, to testify as aforesaid; or if the Justice shall be satisfied by evidence upon oath that it is probable that any person likely to give material evidence concerning any charge will not attend to give evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (K. 3.) in the first instance; and if on the appearance of any person before the Justice or Justices, either in obedience to the Summons or upon being brought before him or them by virtue of the Warrant, such person shall refuse to be examined upon oath concerning the premises, or shall refuse to take such oath, or, having taken such oath, shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present may by Warrant (K. 4.) under his hand commit the person so refusing to some Gaol or House of Correction, there to remain and be imprisoned for any time not exceeding Fourteen Days, unless he shall in the meantime consent to be sworn and examined and to answer concerning the premises.

In certain cases Warrant may be issued in the first instance.

Persons appearing and refusing to be examined may be committed.

10 If any person so summoned as a witness shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, every such person shall, for any such offence, forfeit and pay a penalty not exceeding Fifty Pounds, to be recovered in a summary way.

Penalty for witnesses neglecting to attend upon Summons.

11 In all cases where any person shall appear or be brought before any Justice or Justices of the Peace charged with any crime or misdemeanor, whether such person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in custody for the same or any other offence, such Justice or Justices, before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall, in the presence of such accused person, who shall be at liberty to put questions to any Witness produced against him, take the Statement (L.) on oath of those who shall know the facts and circumstances of the case, and shall put the same into writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid shall, before such witness is examined, administer to such witness the usual oath, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused it shall be proved to the satisfaction of the Court by the oath of any credible witness, that any person whose deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, or has left the Colony, and if also it be proved that such deposition was taken in the presence of the person so accused, and that he or his Counsel or Attorney had a full opportunity of cross-examining the witness, then, if such deposition purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prose-

As to the examination of witnesses.

Justice to administer oath.

Depositions of persons who have died, or who are absent, may, in certain cases, be read in evidence.

cution, without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice or Justices purporting to have signed the same.

After examination of witnesses for the prosecution statement of person accused to be taken.

Person accused to be informed that he has nothing to hope or fear from either promise or threat.

12 After the examination of all the witnesses on the part of the prosecution shall have been completed, the Justice of the Peace or one of the Justices by or before whom such examination shall have been so completed as aforesaid shall say to the accused these words, or words to the like effect: "Having heard the evidence, do you wish to say any thing in answer to the Charge? you are not obliged to say any thing unless you desire to do so; you are clearly to understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but that whatever you now say will be taken down in writing, and may be given in evidence against you upon your trial notwithstanding such promise or threat;" and whatever the person accused shall then say in answer thereto shall be taken down in writing (M.), and read over to him, and shall be signed by the person accused if he will, and by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as herein-after mentioned; and afterwards upon the trial of the said accused person the same may, if necessary, be given in evidence against him, without proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same, or that any of the provisions of this Section have not been complied with: Provided always, that nothing herein contained shall prevent evidence being given of any admission or confession or other statement of the person accused or charged, made at any time, which by law would be admissible as evidence against such person.

Witnesses for the defence to be examined.

13 After the accused person shall so as aforesaid have had the opportunity of making a statement in answer to the charge, and such statement, if any, shall have been so taken as aforesaid, the Justice or Justices investigating the charge shall take the statement on oath of all witnesses whom the accused person may produce in his defence, in like manner as the statement of witnesses on the part of the prosecution is hereinbefore directed to be taken; and the prosecutor or his Counsel or Attorney and the Justice or Justices investigating the charge shall be at liberty to cross-examine all witnesses for the defence; and the deposition of any such witness for the defence shall be admissible in evidence on the trial in like case and manner as the deposition of any witness on the part of the prosecution is admissible: Provided that nothing in this Act contained shall be deemed to prevent the Justice or Justices from taking, in manner aforesaid, the statement of any witness who may know any fact or circumstance connected with the case at any time before the accused person shall be committed for trial or admitted to bail, and whether before or after the examination of witnesses for the defence.

Persons charged may have the assistance of Counsel.

14 All persons who shall appear or be brought before any Justice or Justices charged with any crime or misdemeanor shall be admitted to make their defence, and to have all witnesses examined and cross-examined by Counsel or Attorney.

Place where examination taken not to be deemed an open Court, and no person to

15 The room or building in which such Justice or Justices shall take such examinations and statement as aforesaid shall not be deemed an open Court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person, excepting

the Counsel or Attorney of the accused person, shall have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be best answered by so doing.

remain without consent.

16 It shall be lawful for the Justice or Justices before whom any such witness shall be examined as aforesaid, or for any other Justice or Justices, at any time before the trial of the accused person, to require such witness to enter into a Recognizance (N. 1.) conditioned for his appearance at the Session of Oyer and Terminer and General Gaol Delivery of the Supreme Court, or Court of General Sessions of the Peace, at which the accused is to be tried, then and there to give evidence against the person accused, or in case it shall be made to appear to the satisfaction of such Justice or Justices by the oath of some credible person that there is reason to believe that such witness will not attend to give evidence at the trial of such accused person, it shall be lawful for such Justice or Justices to require such witness to enter into a Recognizance (N. 2.) with such surety or sureties as such Justice or Justices shall approve of conditioned as aforesaid, and every such Recognizance shall particularly specify the profession, art, mystery, or trade of every such person entering into and acknowledging the same, together with his Christian and surname, and the place of his residence; and every such Recognizance, being duly acknowledged by the person or persons so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (N. 3. 4.) thereof, signed by the said Justice or Justices, shall at the same time be given to the person or persons bound thereby; and the several Recognizances so taken, together with the written charge, the depositions both on the part of the prosecution and of the defence, the statement of the accused, and the Recognizance of bail (if any) in every such case, shall be forthwith transmitted by the said Justice or Justices to Her Majesty's Attorney-General or other Officer duly appointed to prosecute as aforesaid: Provided always, that if any such witness shall, upon being required so to do by any Justice or Justices of the Peace, by Summons, refuse or neglect to attend with a surety or sureties if required before him or them for the purpose of entering into and acknowledging such Recognizance as aforesaid, or if in any case it shall be made to appear to the satisfaction of any Justice or Justices by the oath of some credible person that any such witness will not be likely to attend in obedience to a Summons in that behalf, or if any such witness shall refuse to enter into or acknowledge such Recognizance as aforesaid, or shall fail to procure such surety or sureties as aforesaid if required so to do, then and in any such case it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (O. 1.), to commit such witness to some Gaol or House of Correction, there to be imprisoned and safely kept until after the trial or lawful discharge of such accused person, unless in the meantime such witness shall duly enter into such Recognizance as aforesaid, with or without a surety or sureties as the case may be, before some Justice or Justices of the Peace: Provided nevertheless, that if, from want of sufficient evidence in that behalf or other cause, the Justice or Justices before whom any such accused person shall have been brought shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices by his or their Order (O. 2.) in that behalf, to order and direct the Keeper of such Gaol or House of Correction where such witness shall

Power to Justice to bind over Witnesses by Recognizance.

Recognizance, Depositions, &c. to be transmitted to the Attorney-General.

Witnesses refusing to enter into Recognizances may be committed.

be so in custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Attorney-General empowered to discharge such witnesses.

17 In any case in which any Justice or Justices of the Peace shall commit any witness to any Gaol or House of Correction in manner aforesaid, such Justice or Justices shall forthwith give notice thereof in writing to the Attorney-General, and if the Attorney-General shall determine to file no information, or if he shall be of opinion that the witness so imprisoned cannot give material evidence, then and in any such case the Attorney-General shall and may, by order in writing under his hand directed to the Keeper of such Gaol or House of Correction, discharge such witness from the custody of the Keeper of such Gaol or House of Correction, and such witness shall thereupon be discharged accordingly.

Power to Justice to remand the accused from time to time, not exceeding eight days, by Warrant.

18 If, from the absence of witnesses, whether against or for the accused person, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought, by his or their Warrant (P. 1.), from time to time to remand the accused person for such time as by such Justice or Justices in his or their discretion shall be deemed reasonable, each such remand not exceeding eight clear days, to some Gaol or House of Correction, or other Prison, Lock-up House, or place of security; or if the remand be for a time not exceeding three clear days it shall be lawful for such Justice or Justices verbally to order the Constable or other person in whose custody such accused person may then be, or any other Constable or person to be named by the said Justice or Justices in that behalf, to continue or keep such accused person in his custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination: Provided always, that any such Justice or Justices may order such accused person to be brought before him or them, or before any other Justice or Justices of the Peace, at any time before the expiration of the time for which such accused person shall be so remanded, and the Gaoler or Officer in whose custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused person in custody during the period for which he shall be so remanded, any one Justice of the Peace before whom such accused person shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (P. 2. 3.), with or without a surety or sureties, at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination; and if such accused person shall not afterwards appear at the time and place mentioned in such Recognizance, the same shall thereupon become forfeited, and the said Justice or any other Justice of the Peace who may then and there be present shall certify (P. 4.) on the back of such forfeited Recognizance the non-appearance of such accused person, and shall forthwith transmit such forfeited Recognizance to the Clerk or Deputy Clerk of the Peace for the District within which such Recognizance shall have been taken if any Court of General Sessions of the Peace shall be holden therein, or if there be none such to the Clerk or Deputy Clerk of the Peace for the nearest District within which any such Court shall be holden, to be proceeded upon as a forfeited Recognizance under the provisions of the Act of Council passed in the twelfth year of the reign of Her present Majesty, No. 13, in like

If remand be for three days only, by verbal order.

Accused may be admitted to bail on the examination being adjourned.

If accused does not appear upon Recognizance, same to be dealt with as forfeited.

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manner as any forfeited Recognizance to be of good behaviour is thereby directed to be proceeded upon: and the certificate indorsed on any such forfeited Recognizance shall be deemed sufficient *prima facie* evidence of the facts therein mentioned.

19 Where any person shall appear or be brought before a Justice of the Peace charged with any felony, or with any assault with intent to commit any felony, or with any attempt to commit any felony, or with obtaining or attempting to obtain property by false pretences, or with a misdemeanor in receiving property stolen or obtained by false pretences, or with perjury or subornation of perjury, or with concealing the birth of a child by secret burying or otherwise, or with wilful or indecent exposure of the person, or with riot, or with assault in pursuance of a conspiracy to raise wages, or assault upon a Peace Officer in the execution of his duty, or upon any person acting in his aid, or with neglect or breach of duty as a Peace Officer, such Justice of the Peace may, in his discretion, admit such person to bail, upon his procuring and producing such surety or sureties as in the opinion of such Justice will be sufficient to ensure the appearance of such accused person at the time and place when and where he is to be tried for such offence; and thereupon such Justice shall take the Recognizance (Q. 1. 2.) of the said accused person and his surety or sureties, conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial, and not depart the Court without leave; and in all cases where a person charged with any such crime or misdemeanor shall be committed to prison to take his trial for the same, it shall be lawful at any time afterwards, and before the first day of the sitting or Session at which he is to be tried, or before the day to which such sitting or Session may be adjourned, for the Justice or Justices of the Peace who shall have signed the Warrant for his commitment, in his or their discretion, to admit such accused person to bail in manner aforesaid; or if such committing Justice or Justices shall be of opinion that for any of the offences herein-before mentioned the said accused person ought to be admitted to bail, he or they shall in such cases, and in all other cases of misdemeanors, certify (Q. 3.) on the back of the Warrant of Commitment his or their consent to such accused person being bailed, stating also the amount of bail which ought to be required, and it shall be lawful for any Justice of the Peace, attending or being at the Gaol or Prison where such accused person shall be in custody, on production of such certificate, to admit such accused person to bail in manner aforesaid; or if it shall be inconvenient for the surety or sureties in such a case to attend at such Gaol or Prison to join with such accused person in the Recognizance of bail, then such committing Justice or Justices may make a duplicate of such Certificate (Q. 4.) as aforesaid, and upon the same being produced to any Justice of the Peace it shall be lawful for such last-mentioned Justice to take the Recognizance of the surety or sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol or Prison, and produced, together with the Certificate on the Warrant of Commitment as aforesaid to any Justice of the Peace attending or being at such Gaol or Prison, it shall be lawful for such last-mentioned Justice thereupon to take the Recognizance of such accused person, and to order him to be discharged out of custody as to that commitment, as herein-after mentioned; and where any person shall be charged before any Justice of the Peace with any misdemeanor other than those herein-before particularly specified, such Justice, after

Power to Justice to admit to bail persons charged with felony and certain misdemeanors.

Justices may admit to bail in the like cases after commitment for trial.

Justice may admit to bail persons charged with other misdemeanors.

taking the examinations in writing as aforesaid, instead of committing him to prison for such offence, shall admit him to bail in manner aforesaid, or if he have been committed to prison, and shall apply to any one of the Visiting Justices of such Prison, or to any other Justice of the Peace, before the first day of the sitting or Session at which he is to be tried, or before the day to which such sitting or Session may be adjourned, to be admitted to bail, such Justice shall accordingly admit him to bail in manner aforesaid; and in all cases where such accused person in custody shall be admitted to bail by a Justice of the Peace other than the committing Justice or Justices as aforesaid, such Justice of the Peace so admitting him to bail shall forthwith transmit the Recognizance or Recognizances of bail to the committing Justice or Justices, or one of them, to be by him or them transmitted, with the examinations, to the proper Officer: Provided nevertheless, that no Justice or Justices of the Peace shall admit any person to bail for treason, nor shall such person be admitted to bail except by the Supreme Court of Van Diemen's Land, or a Judge thereof in vacation.

Certain Recognizance to be transmitted to committing Justices.

No bail in cases of treason but by order of Supreme Court.

When Justice admits a person to bail after commitment a Writ of Deliverance shall be sent to the Gaoler.

If evidence against accused is not sufficient he shall be discharged;

if evidence sufficient Justice shall commit accused for trial.

Regulations for conveying Prisoners to Gaol.

After examinations are completed, Defendant entitled to copies of the depositions

20 In all cases where a Justice or Justices of the Peace shall admit to bail any person who shall then be in any prison charged with the offence for which he shall be so admitted to bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (Q. 5.) under his or their hand or hands, requiring the said Keeper to discharge the person so admitted to bail, if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

21 When all the evidence offered concerning the charge against the accused person shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that such evidence is not sufficient to put such accused person upon his trial for any crime or misdemeanor, such Justice or Justices shall forthwith order such accused person, if in custody, to be discharged as to the charge then under inquiry; but if, in the opinion of such Justice or Justices, such evidence is sufficient to put the accused person upon his trial for any crime or misdemeanor, or if the evidence given raise a strong or probable presumption of the guilt of such accused person, then such Justice or Justices shall, by his or their Warrant (R. 1.), commit him to some Gaol or House of Correction, to be there safely kept until he shall be thence delivered by due course of law, or admit him to bail as herein-before mentioned.

22 The Constable or any of the Constables or other persons to whom the said Warrant of Commitment shall be directed shall convey such accused person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler or Keeper of such Gaol or Prison, who shall thereupon give such Constable or other person so delivering such Prisoner into his custody a Receipt (R. 2.) for such Prisoner, setting forth the state and condition in which such Prisoner was when he was delivered into the custody of such Gaoler or Keeper.

23 At any time after all the examinations aforesaid shall have been completed, and before the first day of the Session of Oyer and Terminer and General Gaol Delivery of the Supreme Court, or of the Court of General Sessions of the Peace, at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may

require and shall be entitled to have, of and from the officer or person having the custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment for the same at the rate of Fourpence for each folio of seventy-two words.

24 The several forms in the Schedule to this Act contained, or such forms varied to suit the circumstances of the case, or forms to the same or the like effect, shall be deemed good, valid, and sufficient in law; and all Warrants shall be deemed sufficient without Seal. Forms in Schedule deemed valid.

25 This Act shall commence and take effect on the First day of *October* next. Commencement of Act.

26 The following parts of Statutes shall not on, from, and after the day on which this Act shall commence and take effect be applied in the administration of justice in this Colony, (that is to say,) so much of a certain Act passed in the third year of the reign of His Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, as relates to the form of Recognizances, and to the notice to be given to persons acknowledging the same; and so much of a certain other Act passed in the seventh year of the reign of His said Majesty King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, as relates to the taking of such examinations, and the commitment of persons so charged, by Justices of the Peace; and so much of a certain other Act passed in the said seventh year of the reign of His said Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*, as relates to the taking of bail in cases of felony,—the taking of the examinations and informations against persons charged with felonies and misdemeanors,—and the binding persons by Recognizance to prosecute or give evidence by Justices of the Peace; and all other Statutes and parts of Statutes which are inconsistent with the provisions of this Act; and on, from, and after the day on which this Act shall commence and take effect a certain Act of Council passed in the eighth year of the reign of His late Majesty King *William* the Fourth, No. 1, in so far as the same extends to this Colony, so much of a certain other Act of Parliament passed in the seventh year of the reign of His said late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the right of parties charged with offences to have copies of the depositions or examinations against them; and also a certain other Act of Council passed in the same year of the reign of His said late Majesty King *William* the Fourth, No. 8; and all other Acts and parts of Acts of Council which are inconsistent with the provisions of this Act shall be repealed, except as to proceedings then pending to which the said Statutes or Acts of Council or any of them are applicable. After commencement of this Act the following Acts and parts of Acts repealed.
3 G. 4. c. 46.
7 G. 4. c. 38.
7 G. 4. c. 64.
8 W. 4 No. 1.
6 & 7 W. 4. c. 114.
8 W. 4., No. 8.

27 This Act shall extend only to crimes, misdemeanors, and offences which are to be prosecuted by information in the name of Her Majesty's Attorney-General, or other Officer duly appointed for that purpose. Offences to which Act extends.

28 In referring to this Act it shall be sufficient to use the expression "The Magistrates Criminal Procedure Act" Short Title.

SCHEDULE.

Sects. 1. 6.

(A.)

Charge for a Crime or Misdemeanor.

VAN DIEMEN'S LAND } THE Charge of *C.D.*, taken this day of
 TO WIT. } 1855, before [*me, one*] of Her Majesty's
 Justices of the Peace for this Colony, who says that *A.B.* [*&c., stating the*
offence].

Sworn [*or taken, as the case may be*] before [*me*] the day and year first above mentioned, at

J. S.

Sects. 1, 2. 8.

(B.)

Warrant to apprehend a Person charged with a Crime or Misdemeanor.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the Colony
 TO WIT. } of Van Diemen's Land.

WHEREAS *A. B.* has this day been charged upon [*oath*] before [*me, one*] of Her Majesty's Justices of the Peace for this Colony, for that he on at did [*&c., stating shortly the offence*]: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace for this Colony, to answer to the said Charge, and to be further dealt with according to Law.

Given under [*my*] hand, this day of 1855,
 at in the Colony aforesaid.

J. S.

Sects. 1, 2. 7.

(C.)

Summons to a Person charged with a Crime or Misdemeanor.

VAN DIEMEN'S LAND } To *A. B.*
 TO WIT. }

WHEREAS you have this day been charged before [*me, one*] of Her Majesty's Justices of the Peace for the Colony of Van Diemen's Land, for that you on at [*&c., stating shortly the offence*]: These are therefore to command you, in Her Majesty's name, to be and appear before [*me*] on at o'clock in the noon, at or before such other Justice or Justices of the Peace for this Colony as may then be there, to answer to the said Charge, and to be further dealt with according to Law. Herein fail not.

Given under [*my*] hand, this day of 1855,
 at in the Colony aforesaid.

J. S.

(D.)

Sects. 1. 7.

Warrant where the Summons is disobeyed.

AN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land.

WHEREAS on the last past *A.B.* was charged before [*me, one*] of Her Majesty's Justices of the Peace for this Colony, for that [*&c.*, as in the *Summons*]: And whereas [*I*] then issued [*my*] Summons to the said *A.B.*, commanding him in Her Majesty's name to be and appear before [*me*] on at o'clock in the noon, at or before such other Justice or Justices of the Peace for this Colony as might then be there, to answer to the said Charge, and to be further dealt with according to Law: And whereas the said *A.B.* has neglected to be or appear at the time and place appointed in and by the said Summons, although it has now been proved to [*me*] upon [*oath*] that the said Summons was duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A.B.*, and bring him before [*me*], or some other of Her Majesty's Justices of the Peace for this Colony, to answer to the said Charge, and to be further dealt with according to Law.

Given under [*my*] hand, this day of 1855,
at in the Colony aforesaid.

J. S.

(E.)

Sect. 3.

Warrant to apprehend a Person charged with a Crime or Misdemeanor committed on the High Seas or Abroad.

For offences committed on the High Seas the Warrant may be the same as in ordinary cases, but describing the Offender under Section 4, 9 Geo. 4, cap. 83, as for instance "the said *A.B.* being the Master of a certain *British* ship called the " and the offence to have been committed on the " High Seas and within the jurisdiction of the Admiralty of England."

For offences committed Abroad for which the parties may be prosecuted in this Colony, the Warrant also may be the same as in ordinary cases, but describing the Offender as above, and the offence to have been committed "on a certain island situate in the *Indian Ocean* called not subject to Her Majesty or to any *European State or Power*," or as the case may be.

(F.)

Sect. 4.

Certificate of Information being filed.

VAN DIEMEN'S LAND } I HEREBY certify that an Information was filed in the
TO WIT. } Supreme Court of Van Diemen's Land on the
day of [or at a Court of General Sessions
of the Peace, holden at for the District of on
the day of] by Her Majesty's Attorney-General [or
the Officer duly appointed for that purpose] against *A.B.*, for that he [*&c.*, stating shortly the offence], and that the said *A.B.* has not appeared or pleaded to the said Information.

Dated this day of 1855.

J. D.

Clerk of the Supreme Court,
or
Clerk [or Deputy Clerk] of the Peace
for the said District of

Sect. 4.

(G.)

Warrant to apprehend a Person against whom an Information filed.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land.

WHEREAS it has been duly certified by *J.D.*, Clerk of the Supreme Court [or Clerk or Deputy Clerk of the Peace for the District of] that [*ſc.*, *ſtating the Certificate*]: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other Justice or Justices of the Peace for this Colony, to be dealt with according to Law.

Given under [*my*] hand, this day of 1855,
at in the Colony aforesaid.

J. S.

Sect. 4.

(H.)

Warrant of Commitment of a Person against whom an Information filed.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land, and to the Keeper
of the Gaol [or House of Correction] at
in the said Colony.

WHEREAS by [*my*] Warrant under [*my*] hand, dated the day of after reciting that it had been certified by *J.D.* that, [*ſc.*, *as in the Certificate*], [*I*] commanded the Chief Constable and all Constables in this Colony, in Her Majesty's name, forthwith to apprehend the said *A.B.*, and to bring him before [*me, one*] of Her Majesty's Justices of the Peace for this Colony, or before some other Justice or Justices of the Peace for this Colony, to be dealt with according to Law: And whereas the said *A.B.* has been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon [*oath*] that the said *A.B.* is the same person who is named and charged in and by the said Information: These are therefore to command you the said Constables, in Her Majesty's name, forthwith to take and safely convey the said *A.B.* to the said Gaol [or House of Correction] at and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your custody in the said Gaol [or House of Correction], and him there safely to keep until he shall be thence delivered by due course of Law.

Given under [*my*] hand, this day of 1855,
at in the Colony aforesaid.

J. S.

Sect. 4.

(I.)

Warrant to detain a Person against whom an Information has been filed who is already in Custody for another Offence.

VAN DIEMEN'S LAND } To the Keeper of the Gaol [or House of Correction]
TO WIT. } at in the Colony of Van Diemen's Land.

WHEREAS it has been duly certified by *J.D.*, Clerk of the Supreme Court [or Clerk or Deputy Clerk of the Peace for the District of] that [*ſc.*, *ſtating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your custody in the said [*Gaol*] at aforesaid, charged with some offence or other matter; and it being now duly proved upon [*oath*] before [*me*] that the said *A.B.* in the said Information mentioned and the said *A.B.* in your custody as aforesaid are one and the same person: These are therefore to command you, in Her Majesty's name, to detain the said *A.B.* in your custody in the [*Gaol*] aforesaid until he shall be discharged out of your custody by due course of Law.

Given under [*my*] hand, this day of 1855,
at in the Colony aforesaid.

J. S.

(K. 1.)

Sect. 9.

*Summons of a Witness.*VAN DIEMEN'S LAND } To E.F.
TO WIT. }

WHEREAS a Charge has been laid before [me, one] of Her Majesty's Justices of the Peace for the Colony of Van Diemen's Land, that A.B. [*ſc.*, as in the *Summons or Warrant against the accused*], and it has been made to appear to [me] upon [oath] that you are likely to give material evidence concerning the said Charge: These are therefore to require you to be and to appear before [me] on at o'clock in the noon at or before such other Justice or Justices of the Peace as may then be there, to testify what you shall know concerning the said Charge so made against the said A.B. as aforesaid. Herein fail not.

Given under [my] hand, this day of 1855, at J. S.
in the Colony aforesaid.

(K. 2.)

Sect. 9.

*Warrant where a Witness has not obeyed a Summons.*VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land.

WHEREAS a Charge having been laid before [me, one] of Her Majesty's Justices of the Peace for this Colony that A.B. [*ſc.*, as in the *Summons*]; and it having been made to appear to [me] upon [oath] that E.F. was likely to give material evidence concerning the said Charge, [I] did duly issue [my] Summons to the said E.F., requiring him to be and appear before [me] on at o'clock in the noon at or before such other Justice or Justices of the Peace as might then be there, to testify what he should know respecting the said Charge so made against the said A.B. as aforesaid: And whereas proof has this day been made before [me] upon [oath] of such Summons having been duly served upon the said E.F.: And whereas the said E.F. has neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said E.F. before [me] on at o'clock in the noon at or before such other Justice or Justices of the Peace as may then be there, to testify what he shall know concerning the said Charge so made against the said A.B. as aforesaid.

Given under [my] hand, this day of 1855, at
in the Colony aforesaid.

J. S.

(K. 3.)

Sect. 9.

*Warrant for a Witness in the first instance.*VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land.

WHEREAS a Charge has been laid before [me, one] of Her Majesty's Justices of the Peace for this Colony, that [*ſc.*, as in *Summons*]; and it having been made to appear to [me] upon [oath] that E.F. is likely to give material evidence concerning the said Charge, and that it is probable that the said E.F. will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said E.F. before [me] on at o'clock in the noon at or before such other Justice or Justices of the Peace as may then be there, to testify what he shall know concerning the said Charge so made against the said A.B. as aforesaid.

Given under [my] hand, this day of 1855, at
in the Colony aforesaid.

J. S.

Sect. 9.

(K. 4.)

Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land, and to the Keeper
of the Gaol [*or* House of Correction] at
in the said Colony.

WHEREAS *A.B.* was lately charged before [*me, one*] of Her Majesty's Justices of the Peace for this Colony, for that [*&c., as in the Summons;*] and it having been made to appear to [*me*] upon [*oath*] that *E.F.* was likely to give material evidence concerning the said Charge, [*I*] duly issued [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at o'clock in the noon at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*] or [being brought before [*me*] by virtue of a Warrant in that behalf, to testify as aforesaid], and being required to make oath [*or* affirmation] as a witness in that behalf, has now refused so to do [*or* being duly sworn as a witness does now refuse to answer certain questions concerning the premises which are here put to him], without offering any just excuse for such his refusal: These are therefore to command you the said Constables to take the said *E.F.*, and him safely to convey to the [*Gaol*] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *E.F.* into your custody in the said [*Gaol*], and him there safely keep for the space of days for his said contempt, unless he shall in the meantime consent to be sworn and examined and to answer concerning the premises [*or* to be examined and to answer concerning the premises]; and for your so doing this shall be your sufficient warrant.

Given under [*my*] hand, this day of 1855, at
in the Colony aforesaid.

J. S.

Sect. 11.

(L.)

Depositions of Witnesses.

VAN DIEMEN'S LAND } THE Examination of *C.D.*, of [*Farmer*], and
TO WIT. } *E.F.*, of [*Labourer*], taken upon oath this
day of 1855, at in Van Diemen's Land afore-
said, before [*me, one*] of Her Majesty's Justices of the Peace for this
Colony, in the presence and hearing of *A.B.*, charged this day before [*me*],
for that he the said *A.B.*, on at [*&c., describing the Offence*
as in a Warrant of Commitment.]

This deponent, *C.D.*, upon his oath says as follows:—" I am," &c., " and reside [*&c., stating the deposition of the Witness in the first person, and as nearly as possible in the words he uses. When his deposition is complete, let him sign it, with all his names, Christian and surname, in full.*]

C. D.

Taken and [*sworn*] before [*me*], at
this of 1855, in the }
presence of the Prisoner *A.B.*

J. S.

And this deponent *E.F.* upon his oath says, " I," &c.

E.F.

Taken and [*sworn*] before [*me*], at
this day of 1855, in the }
presence of the Prisoner *A. B.*

J. S.

Sect. 16.

(N. 3.)

Notice of the said Recognizance to be given to the Witnesses.

VAN DIEMEN'S LAND } TAKE notice, that you *C.D.* of _____ are bound
 TO WIT. } in the sum of _____ Pounds to appear at the
 [next Court of General Sessions of the Peace for the District of _____
] to be holden at _____ and then and there give evidence
 against *A.B.*; and unless you then appear there and give evidence accordingly,
 the Recognizance entered into by you will be forthwith levied on you. Dated
 this _____ day of _____ 1855.

J. S.

Sect. 16.

N. 4.

Notice of the said Recognizance to be given to the Surety.

VAN DIEMEN'S LAND } TAKE notice that you *E. F.*, _____ of
 TO WIT. } are bound in the Sum of _____ Pounds, that
C. D., of _____ do appear at the [next Court of General Sessions of
 the Peace for the District of _____] to be holden at
 _____ to give evidence against *A. B.*, and unless he the said *A. B.*
 makes his appearance and gives evidence accordingly the Recognizance
 entered into by you will be forthwith levied on you.
 Dated this _____ day of _____ 1855.

J. S.

Sect. 16.

(O. 1.)

Warrant of Commitment of Witness for refusing, &c., to enter into the Recognizance.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
 TO WIT. } Colony of Van Diemen's Land, and to the Keeper of
 the [Gaol] at _____ in the said Colony.

WHEREAS *A.B.* was lately charged before [me, one] of Her Majesty's Justices of the Peace for this Colony for that [&c., as in the Summons to the Witness], and it having been made to appear to [me] upon [oath] that *E.F.* was likely to give material evidence concerning the said Charge [I] duly issued [my Summons to the said *E.F.* requiring him to be and appear] before [me] on _____ at _____ o'clock in the _____ noon at _____ or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* having appeared before [me], [or having been brought before [me] by virtue of a Warrant in that behalf, to testify as aforesaid,] has been examined by [me] touching the premises, [but being by [me] required to enter into a Recognizance conditioned for his appearance to give evidence at the trial of the said *A.B.* has now refused so to do], [or and the said *E.F.* having been required so to do by Summons has neglected to attend [with a Surety] before [me] for the purpose of entering into and acknowledging a Recognizance conditioned for his appearance to give evidence at the trial of the said *A.B.*], [or and it having been made to appear to [my] satisfaction by the oath of *G.H.* a credible person that the said *E.F.* will not be likely to attend in obedience to a Summons requiring him to attend before [me] for the purpose of entering into a Recognizance [with a Surety] conditioned for his appearance to give evidence at the trial of the said *A.B.*, or as the case may be]: These are therefore to command you the said Constables to take the said *E.F.*, and him safely to convey to the [Gaol] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [I] do hereby command you the said Keeper of the said [Gaol] to receive the said *E.F.* into your custody in the said [Gaol], there to imprison and safely keep him until after the trial of the said *A.B.* for the offence aforesaid, or until the said *A.B.* shall be lawfully discharged, unless in the meantime such *E.F.* shall duly enter into and acknowledge such Recognizance as aforesaid in the sum of _____ Pounds, before some Justice or Justices of the Peace for this Colony, conditioned in the usual form to appear at the next Sessions of Oyer and Terminer and

came before [*me, one*] of Her Majesty's Justices of the Peace for this Colony, and severally acknowledged themselves to owe to our Lady the Queen the several suns following; (that is to say,) the said *A.B.* the sum of Pounds, and the said *L.M.* and *N.O.* the sum of Pounds each, to be made and levied of their several goods, chattels, and lands respectively, to the use of our said Lady the Queen, her Heirs and Successors, if he the said *A.B.* fail in the Condition hereunder written.

Condition.

THE Condition of the above-written Recognizance is such, that whereas the above-bounden *A.B.* was on the day of charged before [*me*], for that [*&c., as in the Warrant*]: And whereas the examination of the Witnesses concerning the said Charge is adjourned until the day of instant; if therefore the said *A.B.* shall appear before [*me*] on the said day of instant, at o'clock in the noon, at or before such other Justice or Justices of the Peace as may then be there, to answer [*fu ther*] to the said Charge, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

Taken and acknowledged, the day and year first above mentioned, at before [*me*].

J. S.

Sect. 18.

(P. 3.)

Notice of such Recognizance to be given to the Accused and his Sureties.

VAN DIEMEN'S LAND } TAKE notice, that you *A.B.* of are bound
TO WIT. } in the sum of Pounds, and your Sureties
L.M. and *N.O.* in the sum of Pounds each, that you *A.B.* appear
before [*me J.S. one*] of Her Majesty's Justices of the Peace for the Colony
of Van Diemen's Land, on the day of instant,
at o'clock in the noon, at or before such other
Justice or Justices of the Peace as may then be there, to answer further to the
Charge made against you by *C.D.*, and to be further dealt with according to
Law; and unless you *A.B.* personally appear accordingly, the Recognizance
entered into by yourself and Sureties will be forthwith levied on you and
them. Dated this day of 1855.

J. S.

Sect. 18.

(P. 4.)

Certificate of Nonappearance to be endorsed on the Recognizance.

I hereby certify, that the said *A.B.* has not appeared at the time and place in the within Condition mentioned, but therein hath made default, by reason whereof the within-written Recognizance is forfeited.

J. S.

Sect. 19.

(Q. 1.)

Recognizance of Bail.

VAN DIEMEN'S LAND } BE it remembered, that on the day of
TO WIT. } 1855, *A.B.* of [*Labourer*], *L.M.* of
[*Grocer*], and *N.O.* of [*Butcher*], personally came before [*me, one*]
of Her Majesty's Justices of the Peace for this Colony, and severally
acknowledged themselves to owe to our Lady the Queen the several suns
following; (that is to say), the said *A.B.* the sum of Pounds, and
the said *L.M.* and *N.O.* the sum of Pounds each, to be made
and levied of their several goods, chattels, and lands respectively, to the use
of our said Lady the Queen, her Heirs and Successors, if he the said *A.B.*
fail in the Condition hereunder written.

Condition.

THE Condition of the above-written Recognizance is such, that whereas the said *A.B.* was on the _____ day of _____ charged before [*me*], for that [*&c.*, as in the Warrant]; if therefore he the said *A.B.* shall appear at the next Session [*or* Session next but one] of Oyer and Terminer and General Gaol Delivery of the Supreme Court [*or* at the next Court [*or* Court next but one] of General Sessions of the Peace for the District of _____] to be holden at _____ and then and there surrender himself and plead to any Information that may be filed against him by Her Majesty's Attorney-General or other Officer duly appointed for that purpose, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

Taken and acknowledged, the day and year first above mentioned, at before [*me*].

J. S.

(Q. 2.)

Sect. 19.

Notice of the said Recognizance to be given to the Accused and his Bail.

VAN DIEMEN'S LAND } TAKE notice, that you *A.B.* of _____ are bound
 TO WIT. } in the sum of _____ Pounds, and your Sureties
L.M. and *N.O.* in the sum of _____ Pounds each, that you *A.B.* appear,
&c. [*as in the Condition of the Recognizance*], and not depart the said Court
 without leave; and unless you the said *A.B.* personally appear and surrender
 yourself and plead, and take your trial accordingly, the Recognizance entered
 into by you and your Sureties will be forthwith levied on you and them.

Dated this _____ day of _____ 1855.

J. S.

(Q. 3.)

Sect. 19.

Certificate of Consent to Bail by the committing Justice indorsed on the Commitment.

[*I*] HEREBY certify, that [*I*] consent to the within-named *A.B.* being bailed
 by Recognizance, himself in _____ Pounds and [*two Sureties*] in
 Pounds each.

J. S.

(Q. 4.)

Sect. 19.

The like, on a separate Paper.

WHEREAS *A.B.* was on the _____ committed by [*me*] to the [*Gaol*] at
 charged with [*&c.*, naming the offence shortly]:

[*I*] hereby certify, that [*I*] consent to the said *A.B.* being bailed by Recognizance,
 himself in _____ Pounds and [*two Sureties*] in _____ Pounds
 each. Dated the _____ day of _____ 1855.

J. S.

(Q. 5.)

Sect. 20.

Warrant of Deliverance on Bail being given for a Prisoner already committed.

VAN DIEMEN'S LAND } To the Keeper of the [*Gaol*] at _____ in the
 TO WIT. } Colony of Van Diemen's Land.

WHEREAS *A.B.*, late of _____ [*Labourer*], has before [*me, one*] of Her
 Majesty's Justices of the Peace for this Colony, entered into his own

Recognizance, and found sufficient Sureties for his appearance at the next Session of Oyer and Terminer and General Gaol Delivery of the Supreme Court, [or at the next Court of General Sessions of the Peace for the District of _____], to be holden at _____ to answer our Sovereign Lady the Queen, for that [&c., as in the Commitment], for which he was taken and committed to your said [Gaol]: These are therefore to command you, in Her said Majesty's name, that if the said A.B. do remain in your custody in the said [Gaol] for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under [my] hand, this _____ day of _____ 1855,
at _____ in the Colony aforesaid.

J. S.

Sect. 21.

(R. 1.)

Warrant of Commitment.

VAN DIEMEN'S LAND } To the Chief Constable, and to all Constables in the
TO WIT. } Colony of Van Diemen's Land, and to the Keeper
of the [Gaol] at _____ in the said Colony.

WHEREAS A.B. was this day charged before [me, one] of Her Majesty's Justices of the Peace for this Colony, on the oath of C.D. of [Farmer] and others, for that [&c., stating shortly the offence]: These are therefore to command you the said Constables to take the said A.B., and him safely to convey to the [Gaol] at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [I] do hereby command you the said Keeper of the said [Gaol] to receive the said A.B. into your custody in the said [Gaol], and there safely keep him until he shall be thence delivered by due course of Law.

Given under [my] hand, this _____ day of _____ 1855,
at _____ in the Colony aforesaid.

J. S.

Sect. 22.

(R. 2.)

Gaoler's Receipt to the Constable for the Prisoner.

I HEREBY certify, that I have received from W.T., Constable, the body of A.B., together with a Warrant under the hand of [J.S. Esquire, one] of Her Majesty's Justices of the Peace for the Colony of Van Diemen's Land; and that the said A.B. was [sober, or as the case may be,] at the time he was so delivered into my custody.

P. K.,
Keeper of the [Gaol] at _____

MICHAEL FENTON, *Speaker.*

Passed the Legislative Council, this twenty-first day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

*Government House, Hobart Town,
28th August, 1855.*