



Criminal Justice Administration Act 1851

1851 CHAPTER 55

III Parties bound by Recognizance to prosecute or give Evidence on Bills of Indictment for common Assaults to be allowed Cost as in Cases of Felony.

And whereas by an Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, it is enacted, that where any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence ; and it is by the said Act provided, that in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of the said Act: And whereas it is expedient that Courts before whom such Indictments shall be tried shall have Power to order Payment of Costs to Parties so bound by Recognizance to prosecute or give Evidence : Be it enacted, That in every Case of Assault so brought before such Justices for summary Decision in which the Justices shall be of opinion that the same is a fit Subject for Prosecution by Indictment, and shall thereupon bind the Complainant and Witnesses in Recognizance to prosecute and give Evidence at the Assizes or Sessions of the Peace, every such Court is hereby authorized and empowered at its Discretion to order Payment of the Costs and Expenses of the Prosecutor and Witnesses so appearing before such Court under such Recognizance, together with Compensation for their Trouble and Loss of Time, in the same Manner as Courts are authorized and empowered to order the same in Cases of Felony.