

No. IX.

AGGRAVATED
ASSAULTS.

An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children and to amend the Law respecting Recognizances to keep the Peace or for Good Behaviour. [4th August, 1854.]

Preamble.

WHEREAS the present law has been found insufficient for the protection of women and children from violent assaults Be it enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows :—

Power of punishing on summary conviction assaults committed on females and male children under 14 years of age and occasioning actual bodily harm extended.

1. When any person shall be charged before two Justices of the Peace sitting at a place where the Petty Sessions are usually held or before any Police or Stipendiary Magistrate with an assault upon any female whatever or upon any male child whose age shall not in the opinion of such Justices or Police or Stipendiary Magistrates exceed fourteen years either upon the complaint of the party aggrieved or otherwise it shall be lawful for the said Justices or Police or Stipendiary Magistrate if the assault is of such an aggravated nature that it cannot

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cannot in their or his opinion be sufficiently punished under the provisions of the Act of Parliament ninth George the Fourth chapter thirty-one to proceed to hear and determine in a summary way and if they shall find the same to be proved to convict the person accused and every offender so convicted shall be liable to be imprisoned in the common gaol or house of correction with or without hard labor for a period not exceeding six calendar months or to pay a fine not exceeding (together with costs) the sum of twenty pounds and in default of payment to be imprisoned as aforesaid with or without hard labor for a period not exceeding six calendar months unless such fine and costs be sooner paid and if the Magistrate or Magistrates shall so think fit shall be bound to keep the peace and be of good behaviour for any period not exceeding six calendar months from the expiration of such sentence and such conviction shall be a bar to all future proceedings civil or criminal for or in respect of the same assault.

2. Where any recognizance to keep the peace or to be of good behaviour is entered into by any person as principal or surety before the Court of General or Quarter Sessions of the Peace or before any Justice or Justices of the Peace it shall be lawful for any such Court of General or Quarter Sessions of the Peace as aforesaid upon application made to such Court to declare such recognizance to be forfeited upon proof of a conviction of the party bound by such recognizance of any offence which is in law a breach of the condition of the same and upon further proof that a notice in writing signed by the person seeking to put such recognizance in force has seven clear days before the commencement of such Sessions been personally served upon or left at the usual place of abode of the party or each of the parties (if more than one) who entered into such recognizance that an application will be made to the said General or Quarter Sessions that the said recognizance shall be declared forfeited and if such recognizance shall be declared forfeited all such proceedings shall be had thereon as in the case of a recognizance forfeited at such Court of General or Quarter Sessions and all the provisions of the Act of Council passed in the second year of the reign of Her present Majesty numbered eight applicable to recognizances forfeited at such Court shall apply to a recognizance which shall upon such application and proof as hereinbefore mentioned be declared to be forfeited and upon notice in writing of such intended application to the said General or Quarter Sessions being given to any Justice or Justices before whom any such recognizance shall have been taken four clear days before the commencement of the said Sessions the said Justice or Justices shall transmit the said recognizance to the Clerk of the Peace of the district within which the said recognizance shall have been taken with a certificate that the said recognizance is sent to him by reason of such last-mentioned notice having been so given as aforesaid.

Court of General or Quarter Sessions may upon proof of conviction and notice to parties declare a recognizance to keep the peace or to be of good behaviour to be forfeited.

3. No person committed to prison under any warrant or order of one Justice of the Peace for or on account of not entering into recognizances or finding sureties to keep the peace or to be of good behaviour shall be detained under such warrant or order for more than twelve calendar months from the time of such commitment and upon each such committal the Justice issuing the warrant shall limit the particular term of detention of the person committed and such term shall be expressed in the warrant.

Detention of persons committed to prison for not entering into recognizance limited.