

No. XXVII.

RECOGNIZANCE TO
KEEP THE PEACE.

**An Act to amend the Law regarding Sureties
of the Peace and for good behaviour.
[29th March, 1876.]**

Preamble.

WHEREAS it is expedient to amend the law whereby Justices of the Peace are empowered to require persons to enter into a recognizance to keep the peace or be of good behaviour Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Person not to be
bound over until
after examination
of both parties.

1. On any complaint on oath being made before a Justice of apprehended injury or violence from any person to the person of either complainant or his wife or his child or any person not exceeding fourteen years of age in complainant's care or service or of apprehended injury to his property or requiring any person to be bound over to be of good behaviour it shall be lawful for the sitting Justice to examine on oath the complainant and defendant and their respective witnesses if any as to the truth of the matters alleged and if it shall appear to the said Justice that the apprehension stated is reasonable or that any threatening words have been spoken by the defendant or that the defendant was guilty of any offensive conduct tending in any such case to a breach of the peace he may require the defendant to enter into a recognizance with or without a surety or sureties to keep the peace or to be of good behaviour.

Recognizance not to
be for longer than
six months.

2. No such recognizance as aforesaid shall extend beyond the period of six months and in default of any such recognizance being entered into forthwith the defendant may be imprisoned for a period not exceeding three months or until such recognizance shall be entered into.

Costs may be allowed.

3. The sitting Justice in any such case as aforesaid may award costs to either complainant or defendant to be recovered as costs in summary jurisdiction cases are recoverable by any law in force for the time being.

Short title.

4. This Act may be cited as the "Recognizance to keep the Peace Act of 1876."