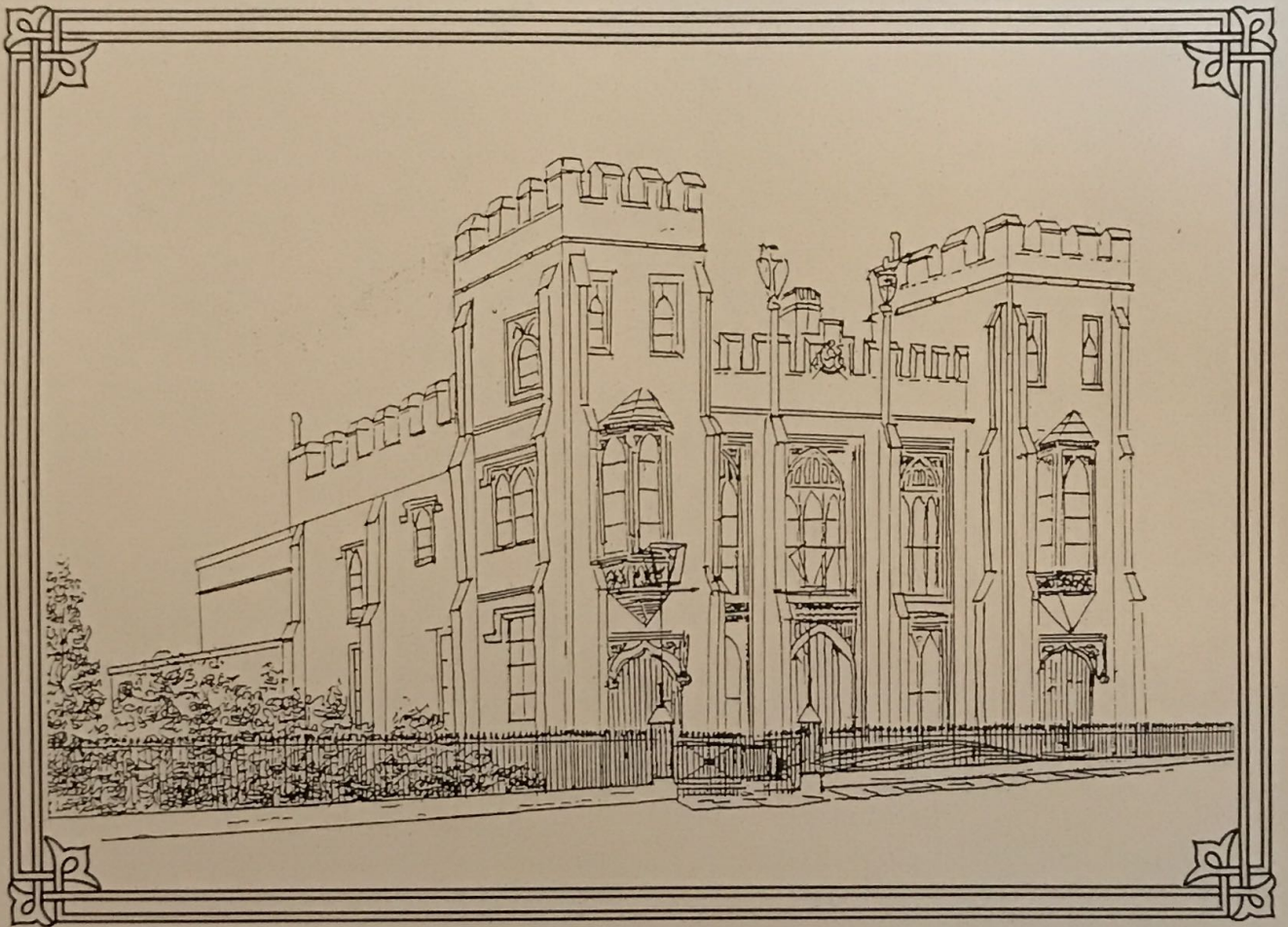


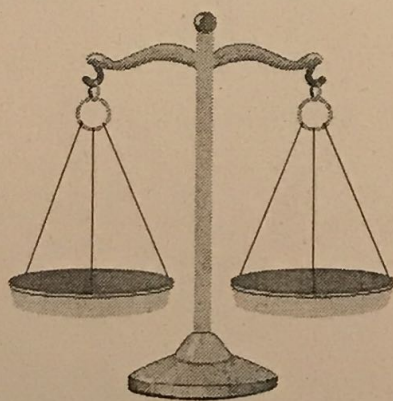


The Sessions House



Spalding

**THE WORK OF THE
MAGISTRATES' COURT**



THE SESSIONS HOUSE

SPALDING

FOREWARD

The Petty Sessional Division of the Elloes comprises of two Court Houses, one at Long Sutton and the other at The Sessions House here at Spalding. The Clerk to the Justices for the Elloes also administers the Courts at Grantham, Sleaford, Stamford and Bourne.

There is a great variety in the work of the Elloes Magistrates. Crime is the aspect most commonly associated with magisterial work but there are many other areas of work, all of which require detailed attention by the Justices of the Peace.

An example of specialist work is The Children Act 1989 which has transformed the work undertaken by the trained Family Panel.

Other Magistrates sit on the Licensing and Betting and Gaming Committee - this involves work relating to pubs, clubs, betting offices and gaming machines.

Any under 18s who commit offences are liable to be brought before the Youth Court. Again, a specialised team of Magistrates deal with that work.

Within the Magistrates' general work lie applications from other authorities. The South Holland District Council attempt to enforce Council Tax in the Magistrates' Courts and other prosecuting authorities include The National Rivers Authority, The Television Licence Office and The Trading Standards Authority to name but a few.

Finally, some people do not pay their fines or work their Community Service. The Magistrates have the power to send those people who will not work or do not pay, to prison.

This booklet attempts to show what goes on in the day to day life of the Elloes Magistrates' Court. We hope that you will agree that it reflects an important and interesting facet of the local community.

A FEW FACTS AND FIGURES

IN 1999 THE ELLOES MAGISTRATES COURTS HAVE DEALT WITH 5901 ADULT DEFENDANTS. THE MOST COMMON OFFENCE WAS THAT OF USING A MOTOR VEHICLE WITHOUT INSURANCE 992 THE COURT DEALT WITH 100 CASES OF ASSAULT, 84 CASES OF BURGLARY; 172 CASES OF THEFT; 56 HANDLING STOLEN GOODS, 87 CRIMINAL DAMAGE, 55 DRUGS OFFENCES, 83 PUBLIC ORDER OFFENCES, 108 EXCESS ALCOHOL OFFENCES, 120 SPEEDING AND NUMEROUS OTHER CASES.

36 PERSON WERE EITHER SENT TO PRISON OR YOUNG OFFENDER INSTITUTIONS, THE MOST POPULAR METHOD OF DISPOSAL WAS THE FINE AND 1,695 PEOPLE WERE FINED A TOTAL OF £160,013.50 WHICH IS AN AVERAGE OF £94.40 PER PERSON. THE FINES IMPOSED WERE IN ADDITION TO COMPENSATION; COSTS; LEGAL AID CONTRIBUTIONS AND FINES TRANSFERRED IN FROM OTHER COURTS.

CLASSIFICATION OF OFFENCES

A) INDICTABLE

Those charges which can only be dealt with to finality at Court e.g. Murder.

B) EITHER WAY

Those charges which can be dealt with either at a Crown Court or a Magistrates' Court. The Magistrates decide whether a case is suitable to be dealt with by them, having regard to the serious nature of the offence and the powers of sentence available to Magistrates' Courts - normally a maximum fine of £5,000 and 6 months imprisonment. If the Magistrates sentencing powers are insufficient, it is committed to the Crown Court; otherwise if pleading not guilty, the defendant can elect to have the case dealt with at the Crown Court. Examples of offences are theft; burglary; assault occasioning actual bodily harm.

C) SUMMARY

Those offences which can only be dealt with by a Magistrates' Court e.g. road traffic offences; drunk and disorderly.

A defendant is either bailed or summonsed to attend Court. At Court a decision has to be reached as to where the case is heard. In summary and indictable cases this is straightforward. In either way cases the procedure outlined above is undertaken.

If the case is to remain with the magistrates a plea will be taken. If there is a not guilty plea, a trial takes place and witnesses will give evidence. The case will be dismissed if the defendant is found not guilty and he will be able to apply for the costs incurred.

If the Defendant pleads guilty or is found guilty the magistrates will proceed to sentence. Generally, they should only impose Probation, Community Service or Imprisonment after ordering a probation report. This usually takes three weeks to compile.

PENALTIES

IMPRISONMENT

The Magistrates may sentence an offender over the age of 21 to up to 6 months imprisonment for one offence or 12 months for two or more offences. Special rules apply to under 21s. In exceptional circumstances, the period of imprisonment may be suspended for a period of up to 2 years. Provided a defendant keeps out of trouble for that period there will be no punishment. Otherwise the prison sentence will be implemented.

COMMUNITY SERVICE ORDER

An order requiring the defendant on conviction to do unpaid work for a specified number of hours (minimum 40 hours - maximum 240 hours) within a 12 month period, for the benefit of the local community e.g. the restoration and painting of a village hall.

PROBATION ORDER

An order requiring the defendant on conviction to be supervised by a Probation Officer to help the defendant to change his ways, or to protect the public from harm or to stop offending. Minimum period 6 months - maximum 3 years.

COMBINATION ORDER

A combination of Probation and Community Service. The maximum period of Community Service in such cases is 100 hours. The minimum period of Probation is one year.

ATTENDANCE CENTRE ORDER

Under 21s may be ordered to attend an Attendance Centre for up to 24 hours. This entails rigorous physical activity on a Saturday afternoon under the supervision of a Senior Police Officer. The nearest Attendance Centres to this area are at Peterborough and King's Lynn.

FINES

The Magistrates may fine an offender up to £5,000. The fine should be paid immediately unless time to pay is allowed.

CONDITIONAL DISCHARGE

An order discharging the convicted defendant from Court. Provided he is not convicted of a further offence during the period of discharge, which cannot exceed 3 years, no more action will be taken. If convicted of a new offence during this period he will be punished for the new offence and the original offence for which the Conditional Discharge was imposed.

ABSOLUTE DISCHARGE

No punishment is imposed for the offence.

ANCILLARY ORDERS

in addition to the above, the Magistrates may order that the defendant pay the costs of bringing the case and/or compensation to the victim of the crime.

They may also order forfeiture and destruction of anything used in the commission of a crime (e.g. weapons or drugs). A very important aspect of the Magistrates' work is the endorsement of Driving Licences and the disqualification of serious or persistent offenders.

Certain offences such as drink/driving carry a compulsory disqualification. Others such as speeding or careless driving carry compulsory endorsement but discretionary disqualification. Enforceable offences carry penalty points. If an offender collects 12 penalty points within 3 years, he/she is liable to a minimum of 6 months disqualification.

In recent years there has been an increasing tendency towards the introduction of measures to educate as well as punish the offender. In drink-driving cases, for example, there is a provision that enables a driving disqualification period to be reduced if the offender is prepared to attend a government approved course that is designed to alert him or her to the dangers and consequences of drinking and driving.

ADJOURNMENTS

In many cases there will have to be an adjournment. For example, a defendant may wish to plead Not Guilty and a suitable date will be set aside for the witnesses to attend. In criminal matters, the Magistrates will usually grant unconditional bail. This imposes an obligation on a defendant to attend the next hearing. Failure to attend is an imprisonable offence.

Often the Magistrates may be concerned that the defendant is released on bail will re-offend (for example to sustain a drug or alcohol problem) or that he will not attend Court (for example if the defendant has no settled address). In such a case, the Magistrates may grant conditional bail. Examples of bail conditions are not to enter on-licensed premises (i.e. public houses), to report to the local police station on certain days or to stay indoors between certain hours at night.

If the Magistrates are of the opinion that no bail conditions will prevent a defendant from re-offending or absconding, they may REMAND IN CUSTODY i.e. remand to Prison.

LEGAL AID

Many people who are arrested are unable to afford the services of a Solicitor. Nevertheless complicated points of law often arise even in apparently straightforward cases.

To enable defendants to be represented at the Police Station on arrest, there is a "duty solicitor" scheme. Thus a solicitor will be on duty to be called at short notice by an arrested person.

Once a defendant appears at Court he or she may request the services of a Court "duty solicitor" who will offer advice and may in some circumstances actually represent the defendant in Court. Both the police and court duty solicitor schemes involve no cost to the defendant.

However, in complicated or serious cases, the defendant will require thorough representation and will apply for Legal Aid. The application will be considered by the Magistrates' Court staff but will only be granted if certain conditions are fulfilled - for example there is a likelihood of imprisonment if the defendant is convicted, or a substantial point of law is involved.

The application will be means tested. In certain circumstances the defendant will not be required to pay anything towards his legal aid. Otherwise he or she will be required to make a contribution towards the solicitor's costs in accordance with a formula that is applied nationwide. If that contribution is not paid, the services of the solicitor will be withdrawn.

DRUG TREATMENT AND TESTING ORDERS

Sadly, many of the people charged before our Courts commit Crime either as a result of taking drugs or in order to feed a drug habit.

As from October, the Magistrates Court will be able to make a Drug Treatment and Testing Order with the consent of the defendant. Once agreed to, the order requires the defendant to undergo treatment for their drug problem and to submit to mandatory testing on a regular basis.

The order will be supervised by a Probation officer and the Court will review progress at least monthly. Failure to comply will result in breach proceedings and the defendant being re-sentenced.

YOUTH COURTS

A specially trained panel of Magistrates deal with offenders aged 10 - 17 in the Youth Court. The procedure is slightly different to that in the adult court and sentencing options also differ. The Court is not open to the public although the press may publish limited details of Court proceedings.

The Majority of offenders are male and in the 14 to 17 years age group. Typical offences are burglary, theft and the taking of motor vehicles. Magistrates powers of remand are more limited than in the adult court. There is also more involvement from Social Services as in many cases the commission of crime is a symptom of many other difficulties a defendant may have

In recent years, successive Governments have recognised the need for young offenders to be dealt with swiftly. It has also been recognised that, in the past, young offenders have not been required to face up to the consequences of what they have done.

To remedy this, specialised "Youth Offending Teams" (YOT) have been set up to assist the Courts and new sentences have been devised to ensure that the defendant will face up to, and possibly remedy, the wrong that he/she has done. Examples of such sentences are Reparation Orders and Action Plan Orders.

A Reparation Order may require the youth to put right what he/she has done wrong i.e. remove graffiti or repair criminal damage. The youth may be required to write a letter of apology and/or repay the community in a practical way.

An Action Plan Order would be supervised by the YOT and would require the youth to participate in specified activities or comply with specified arrangements for his/her education. The YOT would work intensively with the youth so that his/her offending behaviour could be addressed.

The Youth Panel, in serious cases can now impose a Detention and Training Order for a maximum period of two years. Half the period would be spent in custody, the remaining half would be under the supervision of the YOT.

In the past, Youth Offenders, on leaving a Young Offenders Institution were likely to drift back into crime. It is hoped that the supervision of the YOT on release will assist the defendant in breaking the circle of crime.

CHILDREN ACT APPLICATIONS

The Magistrates deal with many applications under the Children Act. Generally these applications can be divided into 2 categories. Firstly, public law, that is where the local authority or organisation such as the NSPCC require an order to protect a child from suffering significant harm through neglect or non accidental injury or the child being beyond parental control. In such cases the interest of the child is protected by the appointment of someone who is known as a Guardian Ad Litem, that is a person who is specifically trained to look after children's interests. The Guardian ad Litem is totally independent of the other parties in the case i.e. parents or local authority.

In 1999 there were 13 applications for Care Orders and 1 for a Supervision Order.

The second area of their work deals with private law, that is disputes between parties revolving around the welfare of the child. Parties may include parents, grandparents or persons with whom the child lives. Contact and Residence Orders form the bulk of the Magistrates work, however they are sometimes required to make other such orders such as Specific Issue Orders and Prohibited Steps Orders (see list) In private law cases the Magistrates will often seek the assistance of a Court Welfare Officer who will ascertain (a) whether the dispute between parties can be resolved without a Court hearing or (b) if a Court hearing is necessarily the best way to proceed taking primarily into account the interests of the child.

In 1999 there were 27 applications for Residence Orders; 30 for Contact Orders; 1 for Prohibited Steps; 1 for Specific Issues; 14 Non Molestation Orders and 12 Occupation Orders

Although the Child Support Agency now deal with a great many monetary orders the Magistrates are still required to enforce or vary maintenance payments, particularly when there are no children involved, or neither party are reliant on state benefits. This form of work can be particularly complicated when dealing with parties who now live abroad.

LICENSING

Justices of the Peace are responsible, through their various elected committees, for the issue of various licenses relating to premises within their jurisdiction. Committees are appointed at various times by the Justices of the Peace from amongst their numbers.

Primarily, the appointed **Licensing Committee** is responsible for the licensing of the sale of all intoxicating liquor within its boundaries. Thus all public houses, restaurants, hotels, theatres etc., which supply intoxicating liquor need a licence from the Licensing Justices authorising them to sell alcohol. Justices are also responsible for the hours during which alcohol can be sold by those premises. The use of Gaming Machines within those premises is authorised by the same committee. Licensing Justices can also authorise the sale of alcohol at various places other than licensed premises upon the request of eligible applicants (called occasional permissions). The secretary of a charitable organisation, for example, might apply for an occasional permission to sell wine at a wine and cheese evening.

Any Magistrates' Court for the division has the power to extend the licensing hours on licensed premises on special occasions (called extensions of hours) and can grant temporary licences to licensees to sell alcohol at premises other than licensed premises for various functions (called occasional licences). A licensee would require an occasional licence, for example, to run a bar at an unlicensed village hall for a wedding reception.

Magistrates' Courts are also responsible for the control of the supply of alcohol at all club premises, as opposed to public houses.

A different committee - the **Betting and Gaming Licensing Committee** again appointed by the Justices from amongst their numbers, is responsible for the control of betting and gaming within its boundaries; and the provision of commercial bingo.

The Magistrates' Court deals with any applications on a **weekly** basis. The Licensing Committee meets once **monthly**; and the Betting and Gaming Licensing Committee meets **monthly**.

In the Elloes division there are 131 On Licences; 75 Off Licences, 6 Betting Offices, 1 Bingo Hall, 20 Restaurants; 40 Clubs e.g. Sports Clubs, Political Clubs and Clubs attached to large employer organisations and 4 Restaurant and Residential licences.

FINES ENFORCEMENT

If fines, costs or compensation are imposed by Magistrates, such money should be paid immediately. In certain circumstances, however, the Magistrates will be prepared to order that payments be made in weekly or monthly instalments.

Sadly, some defendants do not pay as ordered. Failure to pay is regarded very seriously by Magistrates particularly when victims of crime have to wait for their compensation as a result.

Courts are held in Spalding every fortnight to deal with non payers. Magistrates have the power to order money to be taken directly from a person's wage packet or income support. they can also order that bailiffs enter a person's home and take goods to the equivalent value of the amount outstanding.

If the Magistrates find that a person refuses to pay a fine or has just not bothered to pay they may impose a period of imprisonment for non-payment. They may suspend this imprisonment subject to regular weekly or monthly payments.

The Magistrates are prepared to deal with genuine cases of hardship sympathetically and defendants are encouraged to contact the Court if, for example, they lose their employment

Unfortunately some defendants ignore Court orders and do not contact the Court. If such orders are ignored, the defendant is likely to be dealt with severely by the Magistrates.

South Lincolnshire is recognised nationally as one of the most efficient collectors of fines in the country

PRIVATE PROSECUTIONS

In addition to the Crown Prosecution Service, the following agencies prosecute in the Elloes Magistrates' Courts.

<u>AGENCY</u>	<u>TYPICAL EXAMPLE OF THEIR WORK IN THE MAGISTRATES' COURT</u>
British Transport Police	Failing to pay rail fare Trespass on railway Contravention of Level Crossing Regulations
Royal Mail	Theft of postal packets
TVLEO	No T.V. licence
SHDC	Council tax Breach of Planning Regulations. Local authority parking offences
Health and Safety Executive	Accidents at Work (usually farms or factories)
Lincolnshire County Council	Children not attending school
National Rivers Authority	Fishing with a licence Pollution of waterways.
Vehicle Registration Office (VRO)	Offences relating to use of vehicle tax (e.g. no tax disc)
Vehicle Inspectorate	Overloading of vehicles Exceeding drivers hours Tachograph offences
R.S.P.C.A.	Cruelty and/or neglect to animals
Dept. of Social Security	False claims regarding state benefits
Trading Standards	Food unfit for human consumption False description attached to items of sale
Inland Revenue	Unpaid tax
Customs and Excise	VAT Fraud, Smuggling
Civil Aviation Authority	Reckless Flying

EUROPEAN CONVENTION OF HUMAN RIGHTS

On the 2nd October this year, the Human Rights Act 1998 comes into force. It gives effect to the European Convention of Human Rights (ECHR).

The ECHR was drawn up shortly after the 2nd World War (by British Lawyers) and was designed to shield people's rights against oppression by the state.

The introduction of this Act is likely to have a considerable impact upon Magistrates Courts because because Magistrates have to decide on matters that affect fundamental rights at a very early stage. Examples of those rights that the Magistrates will have to pay particular regard to are the right to liberty and freedom (when considering custodial sentences and remands), the right to a fair trial and (particularly in family cases) the right to respect for private and family life.

All Magistrates and Clerks have been required to undergo significant training before 2nd October.

Most of this Country's laws already comply with the ECHR. However, there are some areas of practice which might be open to challenge and there are some laws which could be interpreted in a number of different ways. In such cases the law must be read in a way which is ECHR compliant.

A direct result of the ECHR is the need to improve Court accommodation so that there are sufficient interview and custody facilities together with adequate access for all Court users. In some cases, such as Spalding, this should result in funding being made available for improvements. Regretably, it may also result in the closure of some Courthouses.

GLOSSARY OF TERMS

ABH		Actual Bodily Harm
Absconding		Failing to surrender to bail, or quitting the Court before case is heard
Absolute Discharge		No penalty
Acquittal		A finding of 'Not Guilty'
Action Plan Order		A form of sentence in the Youth Court. The Young Offender has to perform prescribed tasks that address his/her offending behaviour
Adjourn		Put off to another date
Admission		Acceptance by defendant of the facts
Advance Disclosure		A summary in writing of the Prosecution case.
Advocate		Barrister or Solicitor
AEO		Attachment of Earnings Order
Petty Sessional Division		Local area covered by Magistrates' Court
Stipendiary Magistrates		Paid Magistrates who sit alone (Lincolnshire have none)
Affidavit		Sworn statement
Affirmation		Declaration, not on oath, by witness that he/she will tell the truth
Agenda		List of cases for the day
Antecedents		Details of offenders background (including previous convictions)
ASBO		Anti Social Behaviour Order
Back duty		Amount of tax owed retrospectively (often applied to car tax)
Beyond Reasonable Doubt		Standard of proof required to convict defendant in a trial
Bias		Magistrates must avoid any hint of bias or appearance of bias
Case Stated		Way of appealing against a decision of the Magistrates' Court on a point of law. The appeal will be heard at the High Court in London
Curfew		A condition attached to bail restricting the defendant from going out at times fixed by the Court
Detention Training Order		A form of sentence for under 18, it comprises of a period of detention followed by training within the community
Equivocal plea		A plea which is neither guilty nor not guilty - it must be treated as the latter
Exclusion Order		An order excluding a spouse from the matrimonial home; an offender from licensed premises or an offender from football matches
Fixed penalty		An instant fine issued in the form of a ticket
Forfeiture		An order that a defendant give up an item used in the commission of crime
GAL		Guardian Ad Litem
GBH		Grievous Bodily Harm
In Camera		Out of view of press or public (used exceptionally rarely). Generally, Magistrates must sit in open Court.
Intoximeter		Device used by Police for measuring amount of alcohol in breath
Libra		National computer system for the Magistrates' Courts (Due to come into operation in Lincolnshire in 2002)

SHORTS FROM THE COURTS

PRIVATE ENTERPRISE RULES O.K.

A Southsea man was commended by

WHAT IF IT HAD BEEN A GRAPE?

Adrian Wills and Julian Barnell, both of

McKenzie Friend		Unqualified person permitted by Court to assist a defendant.
Mode of Trial		The procedure by which it is decided whether the Crown Court or Magistrates' Court should hear a case.
No case to answer		Submission made by defence that the prosecution have not proved that there is an offence committed and that therefore the defendant need not give evidence.
Non-Molestation Order		Order available where parties are or have been living together and there has been violence; threat of violence or harassment. This order prohibits the use of violence; threat of violence and/or harassment against one party (including children) by the other party
NSP		No separate penalty. Used by Magistrates if they feel that penalties imposed on other matters are sufficient.
Occupation Order		Order available where parties are or have been living together and there has been violence; threat of violence or harassment. This order permits a party to remain in a house which has been occupied by both parties and prohibits the return to these premises by the other party. A power of arrest can be attached to the orders which would be exercisable if the orders were breached. Maximum punishment in Magistrates' Court - 2 months imprisonment.
Parenting Order		An order made by Magistrates in the Youth Court whereby parents of defendants undergo a course that addresses the need for parental control.
PNC		Police National Computer - used to discover if a defendant has previous convictions.
Precedent		Ruling of a higher court which should be followed by a Magistrates' Court although precedents will have less influence when the European Convention of Human Rights takes effect on 2nd October 2000
Recognisance		Undertaking to pay money if a promise is not kept
Remand		Adjournment on bail or in custody
Remission		a) write-off of fines b) transfer to another Court
Reparation Order		An order made in the Youth Court which requires the Young Offender to directly or indirectly make reparation to his or her victim.
Sectioned		Admitted to mental hospital by Doctor
Sex Offender Order		An order made by Magistrates that restricts the movement of Sex Offenders
Sine die		"Without a day" - Cases adjourned sine die are adjourned without a date fixed for the next hearing
Testimony		Evidence in person from the witness box
Totter		Someone who has amassed twelve penalty points on their driving licence and is therefore liable to disqualification from driving
TWOC		Take without consent. A slang term used to indicate the taking of a motor vehicle from its rightful owner
YOT		Youth Offending Team

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Portsmouth News

SURPRISE, SURPRISE

In a bizarre early morning burglary in Hayes, villains breaking into the back of an electrical goods store panicked and fled when alarmed by noise by other people breaking in at the front.

West Middlesex Express

RUMBLER

Silence in court was restored momentarily when proceedings were halted at Cambridge Crown Court last Tuesday to investigate a case of heavy breathing. The noise was traced to a prison officer sound asleep on the stairs leading to the cells below.

Cambridge Evening News

WHAT A CORKER

A man found with some stolen bottles of wine told police he often took his wine for a walk because it improved the flavour, Grimsby magistrates heard yesterday.

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MISOGYNY RULES OK!

A felling man who almost strangled his estranged wife to death was given a second chance by a judge last week.

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A PROPER RESPECT

A youth stole a shirt from Littlewoods, Lincoln so that he could look smart when he appeared in Court the next day, the city magistrates were told.

Lincolnshire Echo

ALIAS SMITH AND SMITH

Raymond Smith plotted to swindle thousands of pounds of social security money, by inventing two fictitious families, but a court heard that he was foiled because he used the same name and address for both.

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Adrian Wills and Julian Barnell, both of Northampton were bound over for 18 months in the sum of £100 after they admitted causing a breach of the peach Buxton Advertiser

COURT NOTES

Solicitor to Clerk We are ready to go ahead in the case of STEVEN WYWCZARYK

Clerk to Solicitor How do you pronounce his name?

Solicitor to Clerk STEE-VEN

COLD COMFORT

Coroner for West Clwyd, Mr. Bryan Lewis recording a verdict of accidental death due to multiple injuries said that these could well have been more severe if the deceased had not been wearing a seat belt

Denbighshire Free Press

IT'S HAPPENED AT LAST

A man was fined £150 and disqualified from driving for having excess blood in his alcohol.

Mid Sussex Times

WRONG ARM OF THE LAW

Hopes for the New Year from leading figures in the town, included an end to wilful damage to property by Northwich Police Division, Chief Superintendent Thomas Farr,

Northwich Guardian

IN IT BUT ONLY JUST

Devizes farmer, Alan Perry Hawkins of Lower Park Farm, Whistley Devizes, pleaded guilty by letter to the offence of depositing dung on a public road but disputed the thickness of the dung.

Wiltshire Gazette & Herald

SMITER SMITTEN

Broken windows at the Car Hill Clinic have been replaced with toughened glass to try and minimise future breakages, but after the special glass went in, a mother complained to clinic staff that it had caused an injury to her son's head. Her son, she said had received a cut head when a piece of brick he had hurled at a window bounced back from the toughened glass and stuck him - *Gateshead Post*

SHORTS FROM THE COURTS

SEPARATE DEVELOPMENT?

After being placed in a police vehicle, he was subjected to a breast test which proved positive

Central Coast Express Australia

THE LOWER DEPTHS?

"If I was disqualified, I would suffer extreme depravity".

Legal Aid Application, Mold

AWAY DAY?

A prisoner who walked out of Stanford Hill Prison on Wednesday calmly waited for a train at Swale Halt and waited and waited. There was no sound or movement on the track. He was still sitting there when officers arrived to escort him back - having chosen the day of the national rail strike to make good his escape.

Kent Messenger

LE MOT JUSTE?

Two undertakers who helped themselves to coffins and caskets have each been given suspended jail sentences. The judge told them 'This was a grave breach of trust'.

St. Albans and District Courier

JUMPING OFF POINT?

"By the time I was stopped I was doing less than 30 MPH"

Dunmow Broadcast and Recorder

OVERHEARD IN COURT

Clerk (addressing the defendant in a contested paternity case): "and did you have sexual intercourse with her regularly or only when you were together?"

Folkestone Magistrates' Court

WHAT ABOUT MAYBE?

His only link with his rescuers is a system of taps on the walls of his concrete prison to assure them he is still alive: one for Yes, two for No.

The Weekend Australia

HAD HIS CHIPS?

Police seized 1,500 rare birds' eggs from a house in Mosborough Sheffield. A man has been questioned about a suspected poaching operation

Daily Telegraph

CONCLUSIVE EVIDENCE

The witness said there was only one gunshot and added that whoever fired would have been lying down, kneeling, standing or possibly sitting

People's Daily Graphic, Accra

THE LAST TO KNOW?

Yesterday three cannabis dealers were jailed by Judge Michael Harrison Hall after he described the pub's rear car park as a "general market" for drugs. "It became so bad even the Police noticed", he said.

Oxford Mail

A QUESTION OF PRIORITIES?

Inspector Keith Hill from Amersham Police said "We had a complaint from a nursing sister that he was riding his motor bike up and down the corridor without his crash helmet".

South Bucks Star

SCRAPING THE BARREL?

An empty bottle of whisky, a half full can of beer, a can of anti-flea spray and a box, containing two light bulbs were stolen from a ground-floor flat in Penzance on February 29

The Cornishman

A CHAMELEON UNMASKED?

He threw a visiting officer out of his house and has been identified as potentially violet.

Dorset Evening Echo

OUCH!

The defendant had in his possession a two-pronged knife - this is used in marital arts.

Crown Prosecution Service, Cardiff

PERSONAL RECOLLECTIONS

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Solicitor to Clerk STEE-VEN

COLD COMFORT

Coroner for West Clwyd, Mr. Bryan Lewis recording a verdict of accidental death due to multiple injuries said that these could well have been more severe if the deceased had not been wearing a seat belt

Denbighshire Free Press

IT'S HAPPENED AT LAST

A man was fined £150 and disqualified from driving for having excess blood in his alcohol.

Mid Sussex Times

WRONG ARM OF THE LAW

Hopes for the New Year from leading figures in the town, included an end to wilful damage to property by Northwich Police Division, Chief Superintendent Thomas Farr,

Northwich Guardian

IN IT BUT ONLY JUST

Devizes farmer, Alan Perry Hawkins of Lower Park Farm, Whistley Devizes, pleaded guilty by letter to the offence of depositing dung on a public road but disputed the thickness of the dung.

Wiltshire Gazette & Herald

SMITER SMITTEN

Broken windows at the Car Hill Clinic have been replaced with toughened glass to try and minimise future breakages, but after the special glass went in, a mother complained to clinic staff that it had caused an injury to her son's head. Her son, she said had received a cut head when a piece of brick he had hurled at a window bounced back from the toughened glass and stuck him -

Gateshead Post

PERSONAL RECOLLECTIONS

When I first came to the Spalding Magistrates' Clerk's Office in 1955, the staff comprised a Part-time Clerk, Mr. Guy F. Smallwood, (a local Solicitor who no longer practised), a part-time Clerical Assistant, Mrs. Ella Walker and myself the only full timer. Our office was that now occupied by Tracy Oldfield, our desks were two solid oak tables, side by side, with our backs to the mahogany cupboards. Access was gained to the office directly from the Hallway. The archway into the present General Office was not formed until many years later. Anyone coming to the office found us unprotected by screens, we faced clients across the cash boxes on the tables. We received and paid out cash without ever a thought of being vulnerable. When the new office was built with the glass screens and the protected tills one of the first callers said "you must have a lot of money in there". The office was heated by a coal fire and one had to remember to bank up the fire before going to lunch or one spent valuable time relighting it in the afternoon.

The staircases were all of stone including that from the Magistrates' entrance and were covered at a later date by grey plastic, which was a grave mistake as far as the public staircase was concerned since it was disfigured by cigarette burns during the week following it being laid. Where the General Office is now was a large entrance Hall, which was used for voting at Local Government and Parliamentary Elections and very little else. The resident caretaker and his wife occupied all the remaining ground floor of the building on the Victoria-Street side. Not only did they clean the building (and I mean clean - with a full scale scrub of all the stone floors and stairs twice a year,) but they carried coal in large scuttles to each room which was to be used during the winter months.

I have it on good authority, that a cold buffet of cooked meats, pies etc. was laid on by the Caretakers whenever Petty Sessions or Quarter Sessions were sitting and a supply of sherry and port was also available in the retiring room. Afternoon sittings must have been somnolent occasions. The provisions of lunches was revived (though not the port and sherry) during the latter sittings of Quarter Sessions when Mrs. Crunkhorn agreed to undertake this task.

During my time there have been three resident Caretakers. Mr. & Mrs. Whelpton were in residence when I first came, they were followed by Mr. & Mrs. Crunkhorn and the last resident caretakers were Mr. & Mrs. Sands. When the Sands left, Mr. Adie was appointed as Caretaker and Guardian of the Car Park, the latter function was one which he carried out with considerable zeal and enthusiasm. At this time the offices were extended to their present state and the staff gave a party for members of the Bench to celebrate the opening.

Where the Second Court is now was a room called the Grand Jury Room and it was some years before an opening was knocked through, taking a section of the Gentlemen Magistrates' lavatory to provide access to this room from the front of the building and a raised platform built to form the Bench for the Second Court.

Apart from using this room for a Second Court on ordinary Petty Sessions days, it was used on other days for what were then called Juvenile Courts and Domestic Courts. I have no doubt that these have now changed both in name and nature. This Courtroom was equipped with a modernistic dock and witness box. We had for some years the incongruity of adults in the main Court sitting behind their Solicitors whilst Juveniles in the second Courtroom stood in the dock!

On the opposite side of the Main Courtroom from the Second Court is a small room which was the Common Jury Room in the days of Quarter Sessions. The Courts of Quarter Sessions sat alternatively at Spalding and Boston. When there were no cases to be tried, the Clerk of the Peace presented the Chairman of Quarter Sessions with a pair of white kid gloves, which, it is assumed, was to symbolise purity. (or at least not having been found out). These gloves are now kept in cases in the Magistrates' Retiring Room and it is many years since the custom was last followed.

The Holland County Council held their Meetings alternatively at Boston and Spalding and the dock was made sectional so that it could be dismantled and removed to accommodate tables for the County Councillors to sit at in the well of the Court.

The stone walls of the main Courtroom were cleaned in the late 1950s or early 1960s and it was during this cleaning process that the four large bronze candelabra were spirited away. People visiting the Courtroom for the first time are intrigued by the iron walkway high up in the ceiling. School children imagine that it must have had connection with some obscure punishment meted out by Victorian Magistrates, they are always disappointed to discover that it was merely a means of inspecting the ventilator in the centre of the ceiling.

The Magistrates sitting at Spalding when I arrived were Mrs. Florence Rayner (Chairman), Mr. Derek Frost, Mr. W.H. Waldock, Mr. Leonard Massey, Mrs. Patricia V. Gall, Mrs. Dorothy Myers, Mr. F.C. Bratley, Mr. A.H. Buttery, Mr. Jack Boddy, Mr. A.R. Ward and Mrs. Jeanne Driver M.A. When Mr. Frost retired from the Bench in 1983 I realised that I had seen the appointment of all the West Elloe Justices and have to admit to feeling a certain paternal affection and responsibility for them.

The Clerks to the Justices with whom I served were Mr. Guy F. Smallwood, and Mr. Leslie H. Holroyde both of whom were part-time Clerks and then Mr. John Bowser who became full-time clerk of the East Elloe, West Elloe and Boston Benches and I then served for a short time under the present Clerk Mr. Keith Brown, before my early retirement through ill health.

The large bracket clock in the Retiring Room was almost responsible for the demise of one of the caretakers. With the introduction of central heating, the glue in the wooden bracket gave way. When Mr. Crunkhorn climbed a stepladder to wind the clock, he was knocked from the ladder and ended on the floor with the clock and bracket on top of him. He was fortunate to sustain nothing more serious than a few bruises. The clock had to go away for extensive repairs before it could once again record the passing hours in it's slow Magisterial tones.



Deputy Clerk to the Justices
Sessions House, Spalding
1955 - 1986

THE REVEREND WILLIAM MOORE D.D. 1784 -1866

Born at Stockwell July 28th 1784, Stockwell House, Surrey. Attained a B.A. at St. John's College, Cambridge 1807; his M.A. 1810 and his D.D. 1826.

Incumbent of Spalding in 1825, and vicar of Moulton 1834, Prebendary of Lincoln Cathedral in 1824 (*Sexaginta Solidorum*); rural dean of South Holland; Magistrate of parts of Holland 1811.

Married in 1807, Anne Elizabeth, only daughter of Reverend Maurice Johnson D.D. of Ascoughfee Hall, Spalding, she died in 1854. They had five children.

Dr. Moore was rural dean of South Holland, vicar of Moulton (for 30 years) and vicar of Spalding for 55 years. He was a Magistrate for the parts of Holland for 40 years and Chairman of the Spalding Quarter Sessions until he retired from that position in 1862.

That particular sessions was a maiden sessions i.e. there were no prisoners for trial and in accordance to time honoured custom he was presented with a pair of white kid gloves.

As a Magistrate he was known to be both firm and reserved but a just person.

He was remembered with much regard and was considered to be a kind and courteous person. In public and private life he was both generous and helpful, especially to the poor and handicapped. He died at Spalding on March 11th 1866 and was buried in the Parish Church at Spalding.

REVEREND EDWARD MOORE B.A. M.A. 1811- 1889

Born at Spalding May 24th 1811, youngest son of the Reverend William Moore D.D. the vicar of Spalding. Ordained in 1835 both as deacon and priest together with his B.A. degree. He held the livings of Weston, Whaplode Drove, Moulton Chapel and the Headship of Spalding Grammar School for 30 years. He relinquished these in 1866 on the death of his father and he became vicar of Spalding.

Subsequently, made a canon of Lincoln Cathedral as prebendary of Ketton and Rural Dean for South Holland. He developed a fine capacity for business and became an authority on criminal law and conducted both legal and business advice to parishioners from the Parsonage in Church Street, Spalding.

As a young man, he earned an unenviable reputation as a practical joker. In later life, as a Magistrate, after his appointment in 1857, he was known to be less than amused by such antics, and earned an equally unenviable reputation for the severe way he dealt with any unfortunate practical joker who was caught and hauled up before him.

For fifteen years he was Chairman of the South Holland Bench, resigning in favour of the Reverend J.R. Jackson soon after the "Chandler Case".

Minor offences of an unimportant character were dealt with in his study, that was before this kind of business was transacted at the office in the Sessions House. On the Bench, he was a stern and unbending judge, he had an extensive knowledge of criminal law and practice and he came off best in many an argument over a legal point.

As a young man, Canon Moore saw the flogging of a man named Woolston found guilty of necromancy (fortune telling).

"It was held in Spalding Market Place midway between the White Hart and the Corn Exchange before a crowd of spectators. The man stood before the front of the cart, hands tied to it. The gaoler at his side holding the "cat" through his left hand and striking with his right from a high elevation with force across the culprits bare back. I sympathised with the man, and privately resolved I would take precious good care not to incur a similar flagellation. I afterwards discovered, years later, that the shrieks of the sufferer were real but the visible force and the blood red marks which were produced were mercifully conceived. It had been prearranged between prisoner and administrator that the one should cry out lustily as each stroke fell..... and the other should be careful to have in the palm of his left hand a piece of red ochre to give colour to the operation..... Had the crowd who had cried "shame" had known, likely they would have been ready to have lynched both imposters".

The Rev. Canon Edward Moore M.A., F.S.A., J.P. died at the parsonage on Monday 13th May 1889, aged 77 years.

In their private lives, both men were noted for their generosity, subscribing to public charities and privately and unostentatiously, being sincere friends to the poor and afflicted. Canon Edward Moore in particular took a great delight in every branch of public affairs, besides taking a leading part in the promotion of the national schools. A vast amount of church building and restoration were carried out through his good efforts and the building of the Johnson Hospital and three new churches in South Holland was achieved solely due to his influence together with the restoration of several village churches. The three churches mentioned were St. John the Baptist Church, Spalding; St. Paul's Church, Fulney and St. Peter's Church, Spalding (demolished in the 60s). Site now occupied by the offices of the South Holland District Council.

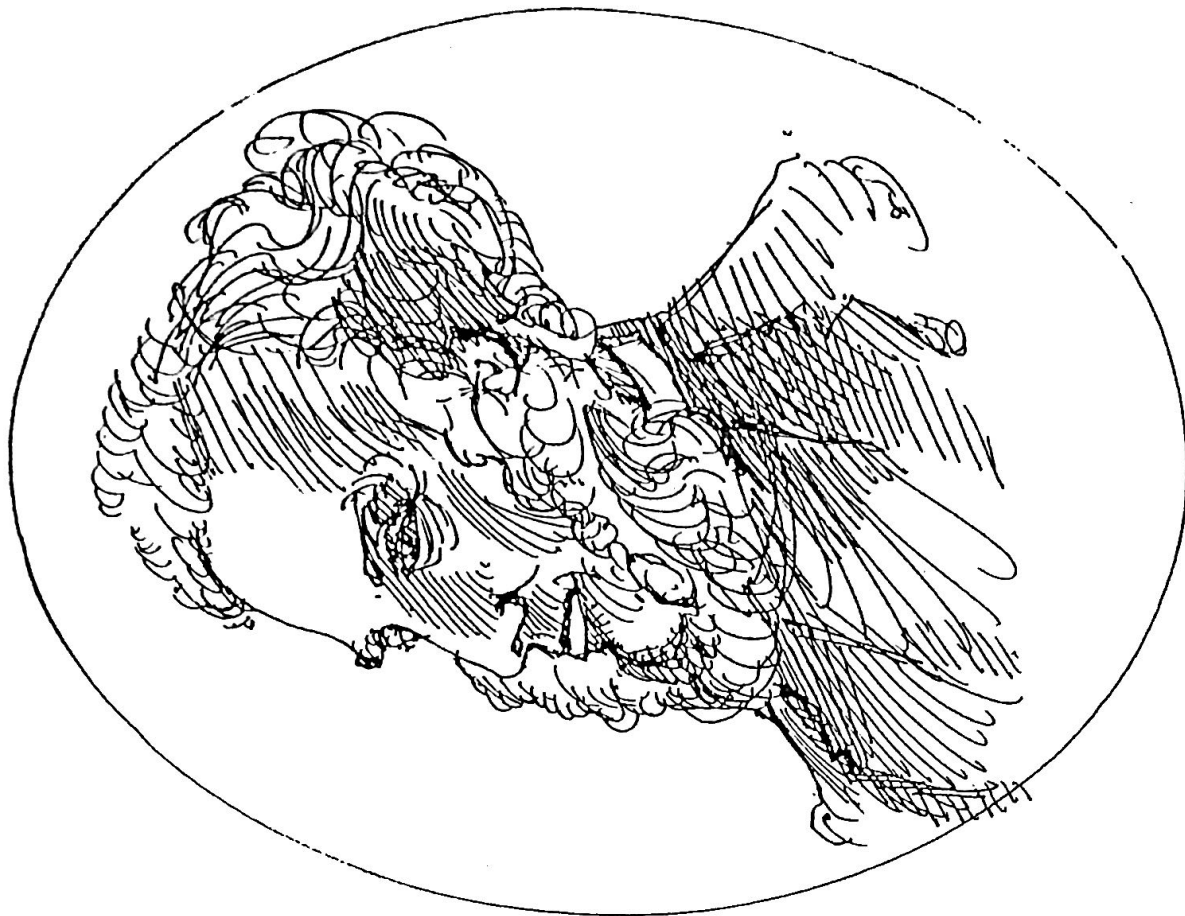
THE SARAH CHANDLER CASE

In 1875, Sarah Chandler, age 13 a child in very humble circumstances, and of weak intellect was charged before Canon Moore and two other justices with stealing a geranium from a garden in the Almshouses. It was her first offence, and she was sentenced to 14 days imprisonment and four years detention in a reformatory school. An agitation was set on foot and eventually the Home Secretary Sir Richard Cross released the girl from prison to the satisfaction of the town and by the daily press of the kingdom. Canon Moore's explanation of the punishment was that he knew the girl to be incorrigible, but of course, a Justice has no right to allow his personal knowledge of an offender to influence his decision, but to proceed solely upon the evidence adduced. Afterwards, the girl committed a theft and was sentenced to the same punishment.

Acknowledgements to N. Leveritt Esq., of Spalding with grateful thanks for his help and advice



Reverend William Moore D.D. 1784-1866



Canon Edward Moore M.A. 1811-1889
Son of Dr William Moore

MAIDEN SESSIONS AT HOLBEACH

PRESENTATION OF WHITE KID GLOVES

The monthly sitting of the Magistrates at Holbeach was held at the Assembly Rooms on Thursday last, the Justices present were G.F.C. Howard Esq., (Chairman), W.C. Worth Esq., and R. Merry Esq. There were no cases for trial - an occurrence such as has not been known for the last 40 years and probably never within the history of the Court.

The Clerk Mr. J. W. Willders, upon the Magistrates taking their seats on the bench, said it was his pleasant duty to report that there were no cases for hearing that day, the charge sheet was entirely blank. There was not an entry of any offence of unruly cattle straying on the highways to the surprise of the owners; of wearied drivers riding without reins; of unbridled tongues using profane language or even a School Board prosecution. Not only was the charge sheet free from the record of any offence but he also had the opportunity of saving the use of some of those forms which appeared to cost the council so much. To whatever cause that unusual incident of a clean sheet was owing - whether it was the short time which had elapsed since the Petty Sessions at Long Sutton - whether it was to the improved condition of the people of the district or to the vigilance of the Police in the repression or the prevention of crime; to the wise Counsels of the bench taking root even in stony ground, or to the awakening of a sense of self respect in a self governed people who probably hoped to gain all they desired from their parish councils - whatever the cause, the fact was a gratifying one. He hoped the bench would allow him to mark the event in the customary manner, by accepting a pair of white kid gloves which he then presented to the Chairman.

The Chairman in acknowledging the present said that he was very pleased to find that there was a clean charge sheet and he hoped that it was owing to the improved conditions of the people and that they were becoming more self respecting and less inclined to give way to anything which might lead them to come into collision with the law. He hoped and believed that such was the fact - that the conditions of the neighbourhood was improved and that the event - a unique one in his experience - would be repeated.

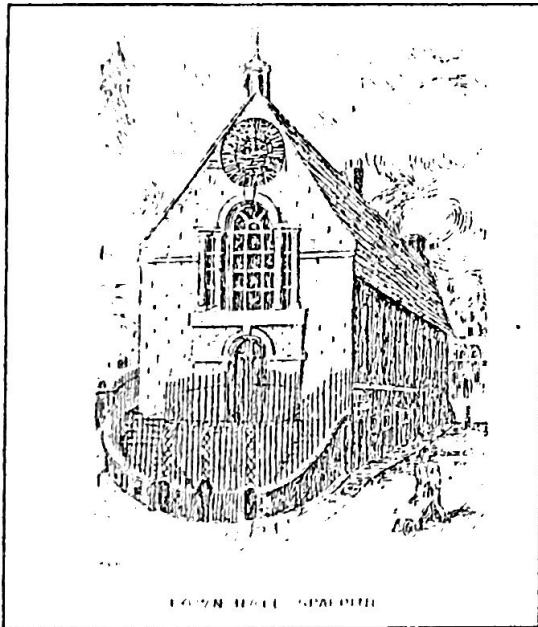
The proceedings then terminated.

Source: Lincolnshire, Boston and Spalding Free Press - 25th December 1894

The Sessions House

The Sessions House was built in 1842-3 and designed by architect Charles Kirk of Sleaford. Described in Whites History and Gazetteer and Directory of Lincolnshire 1856 as a "large and handsome building in the Tudor Style" and erected at a cost of more than £6,000; it was opened in the Mid-Summer Quarter Session on 30th June 1843. Chairman of the opening session was the Reverend William Moore D.D.

Prior to the building of the Sessions House, Sessions of the Peace, Mayoral Courts, Courts of Requests and Courts of Sewers were held in the old Town Hall in Hemp Market, now known as Hall Place.



In 1619 County Magistrates obtained premises in Broad Street as a Prison. This House of Corrections" served the Town of Spalding and other towns and villages within the precincts of several wapentakes of Elloe and Kirton used and employed for the keepinge and corectinge and settinge to worke of rogues, vagabonds, sturdie beggers and other vagrant, idle and disordilie persons"

It was rebuilt in 1777, and used until a new prison was built in 1834-5. Completed in 1836, the new Prison was built in the Sheep Market at a cost of £15,000. The prison was enlarged in 1851-2 and closed down on the 31st March 1884. The site is now occupied in Broad Street by the Methodist Church and Schoolroom.

One of the few remaining portions of the former Benedictine Abbey is the former Priors Oven in the Sheep Market. This building, now a shop, formed the ground floor of the north west angled turret of the Abbey Precincts. It was used as a prison and over it was erected the gallows. The monastery had full powers of sentencing criminals to death together with powers of execution. 80 felons were hanged on the Prior's gallows in Spalding between 1257 and 1501. The Prior was also granted the power of a King's Pardon held in the form of a bronze seal. One was found on the site of H.M. Prison in Spalding during the building of 1834-35. It bore the head of crowned King, probably Edward III bearing the inscription S.R.E.G.I.S.O.N.D.O.N. (Sigillum Regis London), the "L" for London being left out. Similar mistakes are common.

It was not uncommon for hanged felons to be suspended in chains on gibbets. The Spalding gibbet being west of the stone bridge leading to Pinchbeck, the last felon hanged being William Tyler, executed for killing a Mrs. Ives in 1742. At one point in time, the hanging ceremony was performed by four bailiffs. The bailiff of Pinchbeck provided the rope, the bailiff of Spalding led the prisoner to the gallows, the bailiff of Weston carried the ladder and the bailiff of Moulton hanged him.

JUSTICES' OF THE PEACE
MID-SUMMER QUARTER SESSIONS
30TH JUNE 1843

Reverend William Moore D.D. (Chairman)
General Dyson
John Ballett Fletcher
Maurice Johnson
Leonard Brown
Reverend H. Fardell
Reverend James Morton
Reverend Charles Moore

2000 JUSTICES' OF THE PEACE

Mrs. S. Speechley - Chairman

Mr. W.D. Balding
Mrs. D.B. Birkett
Mr. G.R. Brooks
Mr. G.L. Capes
Mrs. H.A. Carter
Mr. T.J. Cooke
Mr. J. Curtis
Mr. R.G.W. Ford
Mrs. M.B. Haley
Mrs. A.E. Harrison
Mr. P.G.W. Hoyles
Mr. M.A. Johnson
Mr. R.F. Lemon
Mrs. M.A. Mawby
Miss J.E. Patterson
Mrs. C.R. Pearl

Mrs. E.S. Piccaver
Mrs. S.M. Pitman
Mr. R.J. Price
Mr. D.J. Riddington
Mrs. F.M. Rowe
Mrs. J.J. Rowe
Mrs. S.E. Ruttle
Mr. R.A. Spinks
Mrs. T.E. Stebbings
Mr. J.S. Sunner
Mrs. M.F. Swallow
Mrs. J.A. Tidswell
Mrs. E.V. Townsend.
Mrs. C. Walton
Mrs. J. Worth

CLERK TO THE JUSTICES - Mr. A.A. St. John Pilkington
DEPUTY CLERK TO THE JUSTICES Mr. D.J. Holmes