

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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reſident therein, to be ſummoned to ſuch Seſſions; in ſerving which Summons, every Conſtable, Sub-Conſtable, and Sheriff's Bailiff is hereby required to obey, and be aiding and aſſiſting to ſuch Clerk of the Peace; and that the Juſtices aſſembled in conſequence, not being fewer than Seven in a County at large, or than Three in a County of a Town or City, or the major Part of ſuch Juſtices reſpectively, ſhall and may, if they ſhall ſee fit, upon due Conſideration of the State of the County, ſignify, by Memorial ſigned by them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, that they conſider their County, or any Part thereof, to be in a State of Diſturbance, or in immediate Danger of becoming ſo, and the Grounds and Reaſons of ſuch their Opinion, and praying that the Lord Lieutenant and Council may proclaim ſuch County or Part thereof, to be in a State of Diſturbance, or in immediate Danger of becoming ſo; and thereupon it ſhall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of His Majeſty's Privy Council in *Ireland*, if he and they ſhall reſpectively think proper ſo to do, by Proclamation, to declare ſuch County, or any Part of ſuch County, to be in a State of Diſturbance, or in immediate Danger of becoming ſo; as alſo ſuch Part as he or they ſhall think proper of any adjoining County; a Copy of which Proclamation ſhall be forthwith tranſmitted by the Clerk of the Privy Council to the Clerk of the Peace of every ſuch County ſo mentioned therein, who ſhall thereupon, and he is hereby required forthwith to give Notice thereof to the ſeveral Magiſtrates, and to the Aſſiſtant Barriſter of every ſuch County, or to the Perſon duly qualified and empowered to act as Aſſiſtant Barriſter therein, requiring their Attendance at the Special Seſſions to be held as herein-after mentioned; unleſs ſome Part of ſuch County ſhall have been previouſly proclaimed under or by a Proclamation then in force, by virtue whereof the Special Seſſions ſhall be then ſitting from Day to Day, as herein-after mentioned; in which Caſe he ſhall forthwith give ſuch Notice to the Juſtices preſiding at ſuch Special Seſſions, who ſhall thereupon, or as ſoon after as the ſaid Court ſhall ſit, cauſe ſuch further Proclamation to be publicly read in open Court.

Juſtices ſo aſſembled may ſignify, by Memorial to Lord Lieutenant, that the County is diſturbed, or in Danger of being ſo.

Lord Lieutenant and Council may proclaim ſuch County, &c. to be in a State of Diſturbance.

II. And be it further enacted, That every ſuch Proclamation ſhall warn the Inhabitants of every ſuch proclaimed County, or Part thereof, to be and remain within their Houſes, at all Hours between Sun-ſet and Sun-riſe, from and after ſuch Day as ſhall be named therein for that Purpoſe, under the Penalties by Law eſtabliſhed; and ſuch Proclamation ſhall further order and direct that a Special Seſſions of the Peace for every ſuch County, whereof the whole or any Part ſhall be ſo therein proclaimed, ſhall be held in ſuch County, at ſuch Time and Place as ſhall be therein named, not exceeding Seven Days from the Date of ſuch Proclamation; and ſuch Special Seſſions of the Peace ſhall be ſo held accordingly, and ſhall from thenceforth continue to ſit ſo long as ſuch County, or any Part thereof, ſhall be proclaimed, and ſhall have Power to adjourn from Time to Time and from Place to Place within ſuch County as ſhall be found convenient; and the Clerk of the Peace in every ſuch County is hereby required forthwith to cauſe ſuch Proclamation to be publiſhed in all the public Newſpapers printed within ſuch County, and to cauſe one or more printed Copy or Copies thereof to be poſted up in large legible Characters in all Market Towns within the ſaid County, or ſuch Part

Contents of Proclamation.

thereof as ſhall be ſo proclaimed: Provided however, that if any Part of ſuch County ſhall have been previouſly proclaimed by or under any Proclamation then continuing in force, in the Whole or in Part, by reaſon whereof there ſhall be then a Court of Special Seſſions of the Peace ſitting under this Act, from Day to Day, in ſuch County, then ſuch Proclamation ſhall not make any mention of ſuch Special Seſſion of the Peace in ſuch County, but the ſaid Special Seſſions of the Peace ſo then ſitting ſhall continue to ſit, and ſhall take Cognizance of all Offences committed within ſuch Diſtrict or Part ſo newly proclaimed, in the ſame Manner, in all Reſpects, as if ſuch Seſſions of the Peace were ſummoned and ſitting by and under ſuch latter Proclamation.

If County previouſly proclaimed, Proclamation not to notice Special Seſſions then ſitting.

III. And be it further enacted, That every County or Part of a County ſo proclaimed, ſhall be conſidered, to all Intents and Purpoſes, as a proclaimed Diſtrict, from the Day on which the Inhabitants thereof ſhall be required by the Proclamation to remain within their Houſes between Sun-ſet and Sun-riſe as aforeſaid, and not before.

When Places ſhall be conſidered as proclaimed.

IV. And be it further enacted, That all Proclamations which ſhall be iſſued under this Act, by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of His Majeſty's Privy Council as aforeſaid, or the *Dublin Gazette*, importing to contain a Copy of ſuch Proclamations reſpectively, ſhall be deemed and taken to be and ſhall be concluſive Evidence in all Courts of Civil or Criminal Juriſdiction in *Ireland*, of all ſuch Facts as were or ſhall be neceſſary to authorize the iſſuing of ſuch Proclamations as aforeſaid; and every ſuch Proclamation ſhall be deemed and taken, in all ſuch Courts reſpectively, to all Intents and Purpoſes whatſoever, to have been iſſued in conformity to the ſeveral Proviſions of this Act.

Proclamation ſhall be concluſive Evidence in Civil and Criminal Courts.

V. And be it further enacted, That after the iſſuing of ſuch Proclamation, it ſhall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, and he or they is and are hereby empowered and required, to direct any One of His Majeſty's Serjeants at Law, or His Majeſty's Counſel learned in the Law in *Ireland*, if any ſuch Serjeant or Counſel can be procured, to repair to any ſuch County, which, or any Part of which ſhall be ſo proclaimed, and there to continue and to preſide at the ſaid Seſſions from Day to Day, in Manner herein-after mentioned, ſo long as ſuch County ſhall continue to be ſo proclaimed, unleſs ſooner recalled or permitted to leave the ſame by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and that the Aſſiſtant Barriſter of every ſuch County, or ſuch other Perſon as ſhall be duly qualified and empowered to do the Duty of an Aſſiſtant Barriſter therein, ſhall, on receiving ſuch Notice as aforeſaid, forthwith repair to ſuch County, and ſhall continue in the ſaid County, and be preſent at the ſaid Seſſions, ſo long as the ſaid County or any Part thereof ſhall continue to be ſo proclaimed; ſo as that ſo long as any ſuch County or any Part thereof ſhall be proclaimed, there ſhall always be therein an Aſſiſtant Barriſter, or Perſons duly empowered to diſcharge the Duties of the ſaid Office.

Lord Lieutenant may appoint a King's Serjeant or Counſel to preſide at Special Seſſions.

VI. And be it further enacted, That it ſhall and may be lawful for ſuch Serjeant at Law, or Counſel learned in the Law, to preſide in the ſaid

Such Serjeant or Counſel to preſide as Chief Judge,

and Seſſions to have all Power as Court of Oyer and Terminer, &c. and to proceed as herein mentioned.

ſaid Court of Seſſions of the Peace as the Chief Judge thereof; and that ſuch Court of Seſſions of the Peace ſhall, for the Purpoſes of this Act in all Proceedings under the ſame, have and poſſeſs all and every the Juriſdictions, Powers and Authorities, belonging and incident to a Court of Oyer and Terminer and General Gaol Delivery, and ſhall proceed without any Grand Jury, and without any Bill found, to try any Perſon or Perſons who ſhall, by Information on Oath, taken before any Juſtice of the Peace of the County wherein ſuch Court ſhall ſit, and returned to the Clerk of the Peace for the ſaid County, or his Deputy, be accuſed of any of the Matters and Things, in reſpect whereof any Perſon is by this Act declared to be an idle and diſorderly Perſon, and ſhall try ſuch Perſon or Perſons on Evidence upon Oath, to be adminiſtered by ſuch Court, in Support of ſuch Accuſation; and on Evidence upon Oath, to be in like Manner adminiſtered, in Support of the Defence of ſuch Perſon or Perſons, if any ſuch Evidence ſhall be offered, and ſhall convict and paſs Judgement upon, or acquit, the Perſons ſo tried, according as the Merits of the Caſe ſhall appear to the Court before whom the ſame ſhall be tried; and that ſuch Conviction and Judgement, or Acquittal, may be had and pronounced without the Verdict of any Petty Jury, and ſhall be equally good and valid in Law, as if ſuch Judgement had been had on a Bill found by a lawful Grand Jury, and the Verdict of a lawful Petty Jury given thereon.

Court empowered try by Jury.

VII. Provided always, and be it enacted, That if ſuch Court ſhall think fit and proper, having due regard to the Circumſtances of the Caſe, and the then exiſting State and Condition of the County, to try any Perſon charged upon any ſuch Information by a Jury, it ſhall and may be lawful for ſuch Court to iſſue a Precept under the Hand of One of the Juſtices attending ſuch Special Seſſions, to ſuch Perſon or Perſons as the Court ſhall appoint for that Purpoſe, commanding him or them to ſummon a Jury to appear before the ſaid Court of Special Seſſion, at the Time and Place mentioned in the ſaid Precept, which Summons all Perſons ſo ſummoned are hereby required to obey; and that it ſhall be lawful for the ſaid Court upon the Appearance of the ſaid Jury, to cauſe the ſaid Jury to be ſworn and impanelled immediately, or at any Time they may appoint, to try the ſaid Perſon or Perſons, upon the ſaid Information; and the ſaid Court of Seſſions of the Peace to be held under this Act ſhall have all ſuch Powers of enforcing the Attendance of Perſons ſo ſummoned as aforeſaid, as any Court of General Seſſions or Quarter Seſſions of the Peace; and the Verdict of ſuch Jury ſhall be taken and conſidered as of the ſame force and effect, as to the Matter given them in charge, as the Verdict of a Petty Jury in a Court of Oyer and Terminer and General Gaol Delivery, and the ſaid Court of Seſſions ſhall paſs their Judgement on ſuch Caſe accordingly: Provided always, that the Execution of any Judgement or Conviction ſhall be ſuſpended, unleſs the Serjeant at Law, or Counſel learned in the Law, ſo preſiding in ſuch Court of Seſſions of the Peace, ſhall agree with the Majority of the Juſtices of the Peace preſent at ſuch Court; and in caſe ſuch Serjeant at Law, or Counſel learned in the Law, ſhall differ in Opinion from the Majority of the Juſtices preſent at ſuch Court of Seſſions of the Peace, he ſhall forthwith report the Caſe, and the Whole of the Evidence taken upon the ſame, together with his Opinion, to the Lord Lieutenant, or other Chief Governor or Governors for the Time being, who is hereby empowered to give ſuch Directions thereupon

as he may think proper; and that until the Directions of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, ſhall have been received, the Priſoner ſhall remain in Cuſtody: Provided always, that nothing herein contained ſhall extend to prevent the holding the General Seſſions of the Peace in ſuch County, in the uſual Manner, for diſcharging the ordinary Buſineſs thereof, at ſuch Hours as the ſaid Special Seſſions ſhall not be ſitting.

Nothing herein to prevent holding General Seſſions, &c.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Court, by Summons under the Hand of One of the Juſtices attending ſuch Special Seſſions, to ſummon any Perſon or Perſons to attend the ſaid Court of Special Seſſions as Witneſſes upon the Trial of any ſuch Information as aforeſaid; which ſaid Summons, all and every Perſon or Perſons ſo ſummoned, are hereby required to obey, ſubject to ſuch Fines, Penalties, Puniſhments, and Forfeitures for Non-attendance as Perſons ſummoned or ſubpœnaed by any Court of Oyer and Terminer and General Gaol Delivery are ſubject and liable to for Non-attendance; and that all Witneſſes examined by the ſaid Court, or by any Juſtice upon any Information exhibited to him, ſhall be liable to the ſame Puniſhment, Penalties, and Forfeitures for Perjury or Falſe Swearing, as Witneſſes examined by any Court of Oyer and Terminer and Gaol Delivery are ſubject and liable to.

Special Seſſions may ſummon Witneſſes.

IX. And be it further enacted, That Copies of all Informations upon Oath, upon which any Perſon or Perſons ſhall be tried under this Act, and of all Judgments and Convictions thereupon, ſhall, by the Serjeant at Law, or Counſel learned in the Law, ſo preſiding at ſuch Court of Seſſion of the Peace, be depoſited with or forwarded to the Clerk of the Peace of the County for which ſuch Court of Special Seſſion ſhall be held, and ſhall be filed among the Records of the Quarter Seſſions of ſuch County.

Copies of Informations and Convictions to be filed among the Records of the Quarter Seſſions.

X. And be it further enacted, That any Magiſtrate or Peace Officer may cauſe to be apprehended and committed any Perſon who ſhall, within any ſuch County or Diſtrict ſo proclaimed, be found in the Fields, Streets, Highways, or elſewhere, out of his, her, or their Dwelling or Place of Abode, at any Time from One Hour after Sun-ſet until Sun-riſe, and ſuch Perſon being duly charged therewith on Oath as aforeſaid, ſhall and may be brought before the ſaid Special Seſſions of the Peace, which ſhall inquire into the ſaid Charge; and unleſs the Perſon accuſed can prove to the Satisfaction of ſuch Court (taking the Aſſiſtance of a Jury when and ſo far only as ſuch Court ſhall require the ſame) that he or ſhe was out of his or her Houſe upon his or her lawful Occaſions, ſuch Perſon ſhall be deemed an idle and diſorderly Perſon.

Perſons found out of Place of Abode, to be brought before Magiſtrates; and if not out on lawful Occaſions, deemed idle and diſorderly.

XI. And be it further enacted, That it ſhall and may be lawful for any Juſtice of the Peace, or any Perſon thereto authorized by the Warrant of any Juſtice of the Peace, at any Time from One Hour after Sun-ſet until Sun-riſe, to demand Admiſſion; and in caſe Admiſſion ſhall be refuſed, or not obtained within a reaſonable Time after it ſhall have been firſt demanded, to enter by force into any Houſe in any County or Diſtrict ſo proclaimed as aforeſaid, from which he ſhall ſuſpect the Inhabitants, or any of them, to be then abſent, and ſearch therein, ſo as to diſcover

Magiſtrates may enter Houſes as herein, and abſent Perſons deemed idle and diſorderly.

whether the Inhabitants or Inmates, or any of them, be abſent; and if the Inhabitants or Inmates, or any of them, ſhall be abſent between the ſaid Hours, any Magiſtrate or Peace Officer may cauſe to be apprehended and committed the Perſon or Perſons ſo abſent, who ſhall be brought before the ſaid Court of Special Seſſions as aforeſaid, and ſhall be deemed idle and diſorderly, unleſs he, ſhe, or they can prove to the Satisfaction of the ſaid Court, with or without the Aid of a Jury as aforeſaid, that he, ſhe, or they were abſent on his, her, or their lawful and proper Occaſions: Provided always, that ſuch Juſtice of the Peace authorizing and directing any Perſon or Perſons to make ſuch Search, ſhall make a true and faithful Report of the Names of all Perſons ſo deputed to make ſuch Search, and their Quality and Deſcriptions, to the Special Seſſions, within the Space of Seven Days after ſuch Search.

Perſons taking unlawful Oaths deemed idle and diſorderly, &c.

XII. And be it further enacted, That any Perſon who ſhall take or enter into any Oath or Engagement declared to be unlawful, or for the taking or entering into which any Penalty or Puniſhment is impoſed by any Act in force in *Ireland*, not being compelled thereto by inevitable Neceſſity, ſhall be deemed an idle and diſorderly Perſon: Provided always, that if any Perſon accuſed of taking or entering into any ſuch unlawful Oath or Engagement, ſhall be tried for ſuch Fact before ſuch Court of Special Seſſions of the Peace, in the Mode preſcribed by this Act, ſuch Perſon ſhall not be liable to be again tried or queſtioned for the ſame Fact or Offence before any other Juriſdiction whatſoever; any Thing in any other Act or Acts in force in *Ireland* to the contrary notwithſtanding.

Perſons having Arms as herein mentioned, deemed idle and diſorderly.

XIII. And be it further enacted, That if any Juſtice of the Peace, or other Perſon authorized by the Warrant of ſuch Juſtice, ſhall, in any ſuch proclaimed Diſtrict, find any Arms or Ammunition, or any Pike, Pikehead, Spear, Dirk, or any other offenſive Weapon of any Kind whatſoever, in the Houſe or Power or Poſſeſſion of any Perſon whatſoever, concealed or otherwiſe, after the Perſon or Perſons inhabiting the ſaid Houſe, or the Perſon or Perſons who ſhall have ſuch Arms, Ammunition, or Weapon in his or her Poſſeſſion, ſhall have been called upon to deliver up the ſame, any ſuch Perſon ſhall be deemed an idle and diſorderly Perſon, unleſs ſuch Perſon ſhall prove to the Satisfaction of the Court of Special Seſſions, that ſuch Arms, Ammunition, or offenſive Weapons as aforeſaid, were in his, her, or their Houſe, Power, or Poſſeſſion, without his, her, or their Knowledge, Privity, or Conſent.

Perſons found in Public Houſes after certain Time, deemed idle and diſorderly.

XIV. And be it further enacted, That all Perſons found aſſembled in any proclaimed Diſtrict, in any Houſe licenſed or unlicenſed, in which Malt Liquors or Spirituous Liquors are ſold, not being Inmates thereof, or Travellers, after the Hours of Nine at Night, and before Six in the Morning, ſhall be deemed idle and diſorderly Perſons.

Perſons tumultuouſly aſſembled, deemed diſorderly.

XV. And be it further enacted, That if in any Diſtrict ſo as aforeſaid proclaimed, any Perſon ſhall unlawfully or tumultuouſly aſſemble in the Day-time, ſuch Perſons and every of them ſhall be deemed idle and diſorderly Perſons.

Idle and diſorderly Perſons to be

XVI. And be it further enacted, That all Perſons convicted of being ſuch idle and diſorderly Perſons as aforeſaid, ſhall be tranſported for Seven

Seven Years, by the Order, Judgement, and Sentence of the ſaid Court of Special Seſſions of the Peace; and ſuch Order, Judgement, and Sentence, ſhall be of the like Force and Effect, and ſhall be forthwith carried into Execution in the ſame Manner, in all Reſpects, as if the ſame had been the lawful Order, Judgement, and Sentence of a Court of Oyer and Terminer, and General Gaol Delivery. Perſons puniſhed as herein mentioned.

XVII. And be it further enacted, That no Proceeding of the ſaid Court of Special Seſſions, or Judgement or Conviction had or pronounced by the ſaid Court, ſhall be moved into His Majeſty's Court of King's Bench by any Writ of *Certiorari* or otherwiſe, or ſhall be examinable, quaſhed or reverſed; but that the Judgments ſo had or pronounced by the ſaid Court, ſhall be final and concluſive to all Intents and Purpoſes whatſoever. Proceedings of Special Seſſions not to be removed by Certiorari, &c.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Court, after adjudging any Perſon to be tranſported as aforeſaid, immediately on ſuch Adjudication, to order and cauſe ſuch Perſon ſo adjudged, to be tranſmitted out of the County, if ſuch Court ſhall think proper, to any other Gaol in *Ireland*, there to remain until he or they ſhall be removed and tranſported purſuant to the ſaid Adjudication. Courts may order Perſons adjudged to be tranſported, to be removed to Gaols out of County.

XIX. And be it further enacted, That all Sheriffs and Gaolers in *Ireland* ſhall receive and be anſwerable for the ſafe keeping of all Perſons ſo tranſmitted, and to them reſpectively delivered, as if they had been ſo delivered for Tranſportation by Order of the Court of Oyer and Terminer and General Gaol Delivery of the County, Town, or City in which the Gaol lies. Sheriffs and Gaolers anſwerable for ſafe Cuſtody of Priſoners.

XX. And be it further enacted, That if any Perſon ſhall hawk or diſperſe any ſeditious Hand Bill, Paper, or Pamphlet, in ſuch proclaimed Diſtrict, ſuch Perſon, unleſs he or ſhe ſhall diſcover to the Satisfaction of ſuch Court of Special Seſſions of the Peace, the Perſon or Perſons from whom he or ſhe received, or by whom he or ſhe was employed to ſell, hawk, or diſperſe ſuch Paper, ſhall be deemed an idle and diſorderly Perſon, within the Meaning of this Act, but ſhall not as ſuch be liable to Tranſportation; but ſhall, by and under the Sentence of the ſaid Court, be committed to the Gaol of ſuch County, for a Time not exceeding Twelve Calendar Months. Perſons guilty of hawking ſeditious Papers, deemed idle and diſorderly.

XXI. And be it further enacted, That it ſhall and may be lawful for any Two Juſtices of the Peace, or any Perſon authorized by Warrant of Two ſuch Juſtices of the Peace, in any Diſtrict ſo proclaimed, and whilſt ſuch Proclamation ſhall remain in force, to call upon every Perſon within ſuch Diſtrict, who ſhall have Regiſtered Arms under the Proviſions of any Act or Acts of Parliament heretofore made, or hereafter to be made, to produce or account for or deliver up all Arms, Ammunition, or offenſive Weapons whatſoever, which ſuch Perſon ſhall have in his, her, or their Poſſeſſion; and to enter any Houſe or Place and ſearch for Arms and Ammunition, and to take and carry away all Arms and Ammunition, whether ſo regiſtered or not, which they may think neceſſary to take Poſſeſſion of, in order to preſerve Juſtices, &c. may call upon Perſons whoſe Arms are regiſtered whilſt Proclamation is in force, and take Arms, &c. to a Place of Safety, giving Receipts to the Owners.

or reſtore the public Peace, and to diſpoſe thereof in a Place or Places of Safety: Provided nevertheleſs, that the Juſtices or other Perſon taking ſuch Arms, do, upon Demand, give to the Owner or Poſſeſſor thereof a Receipt ſignifying the Number and Kinds thereof, to the end that when ſuch Diſtrict ſhall ceaſe to be diſturbed, ſuch Arms and Ammunition may be reſtored to the Perſon from whom the ſame were taken, if he or ſhe be entitled to receive and keep the ſame, or may be otherwiſe diſpoſed of as the Law directs: Provided always, that nothing in the foregoing Clauſe contained, ſhall affect any Perſon ſerving in His Majeſty's Regular or Militia Forces, or in any Yeomanry Corps, or any Privy Councillor, or Member of Parliament, or Peace Officer, in reſpect of any Arms that they have in their Cuſtody.

Not to extend to Regular or Militia Forces, or Yeomanry Corps, &c.

Special Seſſions not to take Cognizance of any Offence except of idle and diſorderly Perſons.

XXII. And be it further enacted, That the ſaid Court of Special Seſſions of the Peace ſhall not take Cognizance of any Offence whatſoever, ſave only the Offence of being idle and diſorderly Perſons under this Act: Provided always, that nothing herein ſhall be conſtrued to take away from ſuch Court ſuch Powers of fining or impriſoning in a ſummary Way for Contempts or other Miſconduct, or of removing or puniſhing any Peace Officer or Officers of ſuch Court, as are incident to a Court of Oyer and Terminer, and General Gaol Delivery.

Juſtices to return Information to Clerks of the Peace, to be laid before Special Seſſions.

XXIII. And be it further enacted, That every Juſtice of the Peace who ſhall take any Information againſt any Perſon or Perſons, for any Offence of which the Cognizance is by this Act given to the ſaid Court of Special Seſſions of the Peace, ſhall immediately return every ſuch Information to the Clerk of the Peace of the ſaid County, who ſhall forthwith lay the ſame before the ſaid Court.

Magiſtrates of adjacent Counties at large may execute this Act within Counties of Cities or of Towns, &c.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for all Magiſtrates of the adjacent Counties at large reſpectively, to execute this Act within the ſeveral Counties of Cities, or Counties of Towns in *Ireland*, except the County of the City of *Dublin*; and in like Manner, that the ſeveral Magiſtrates of ſuch Counties of Cities, and Counties of Towns, ſhall have like Powers to execute this Act in the adjacent Counties at large.

Powers given to Magiſtrates of Counties at large to extend to thoſe of Counties of Towns, &c.

XXV. And be it further enacted, That all the Powers and Authorities given to, and all Duties required from Magiſtrates of Counties at large, under and by this Act, ſhall be and are hereby given to and required from all Magiſtrates of Counties of Towns, or Counties of Cities in *Ireland*.

Limitation of Actions.

XXVI. And be it further enacted, That if any Action, Suit, Plaint, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for what he or they ſhall do in purſuance and Execution of this Act, the ſame ſhall be commenced within Six Months after the Offence committed, and ſhall be brought or laid within the County where the Act was committed; and ſuch Perſon ſo ſued may plead the General Iſſue of Not Guilty, and upon Iſſue joined may give this Act and the ſpecial Matter in Evidence; and if the Plaintiff or Proſecutor ſhall become Nonſuit, or forbear Proſecution, or ſuffer a Diſcontinuance,

tinuance, or if a Verdict or Judgement on Demurrer ſhall paſs againſt him, the Defendant ſhall recover Treble Coſts.

Power to ſuggeſt on the Record that the Action was brought for Matter under this Act.

XXVII. And whereas Doubts may ariſe whether any ſuch Action, Suit, Plaint or Information, was ſo commenced or proſecuted againſt the Defendant or Defendants therein, for what he or they did in purſuance or Execution of this Act; be it enacted, That in all Caſes where there ſhall be a Verdict for the Defendant, if it ſhall appear to the Judge or Court before whom the ſaid Cauſe ſhall have been tried, that the ſame was proſecuted for any Act done in purſuance or Execution of this Act, ſuch Judge or Court ſhall certify the ſame on the Record, and thereupon ſuch Treble Coſts ſhall be adjudged as aforeſaid; and if the Plaintiff or Proſecutor ſhall become Nonſuit, or forbear Proſecution, or ſuffer a Diſcontinuance, or if Judgement ſhall paſs againſt him on Demurrer, it ſhall and may be lawful for the Defendant or Defendants, or any of them, to ſuggeſt on the Record that ſuch Action, Suit, Plaint or Information, was brought againſt ſuch Defendant or Defendants for what he or they did in purſuance or Execution of this Act, which Suggeſtion may be traverſed by the Plaintiff, if he ſhall think proper ſo to do, and Iſſue being joined thereupon, the ſame ſhall be tried at Niſi Prius, according to the uſual Courſe of ſuch Court on Iſſues joined therein; and if ſuch Suggeſtion ſhall not be traverſed, or being traverſed the Iſſue thereon ſhall be found for ſuch Defendant or Defendants, he or they ſhall thereupon be entitled to his or their Treble Coſts as aforeſaid, together with Treble Coſts of the ſaid Suggeſtion and of the Proceedings thereon, (if any) and if ſuch Iſſue ſhall be found for the ſaid Plaintiff, he ſhall be entitled to the Coſts of the ſaid Suggeſtion, and the Proceedings thereon; and the ſame ſhall be ſet off againſt the Coſts to be adjudged to the Defendant or Defendants making ſuch Suggeſtion on ſuch Action, Plaint, or Information, and the Judgment ſhall be for the Balance of the ſaid Coſts, if any.

Where Verdict for Plaintiff, if Judge certifies that there was probable Cauſe for doing the Act, only 6d. Damages, and no Coſts.

Where Act was maliciouſly committed, Treble Coſts to Plaintiff.

XXVIII. Provided always, and be it further enacted, That when a Verdict ſhall be given for the Plaintiff, in any Action to be brought againſt any Juſtice of the Peace, Peace Officer, or other Perſon, for taking or impriſoning, or detaining any Perſon, or for ſeizing Arms or entering Houſes, under Colour of any Authority given by this Act, and it ſhall appear to the Judge or Judges before whom the ſame ſhall be tried, that there was a probable Cauſe for doing the Act complained of in ſuch Action, and the Judge or Court ſhall certify the ſame on Record, then and in that Caſe the Plaintiff ſhall not be entitled to more than Sixpence Damages, nor to any Coſts of Suit: Provided alſo, that where a Verdict ſhall be given for the Plaintiff in any ſuch Action as aforeſaid, and the Judge or Court before whom the Cauſe ſhall be tried, ſhall certify on the Record, that the Injury for which ſuch Action is brought, was wilfully and maliciouſly committed, the Plaintiff ſhall be entitled to Treble Coſts of Suit.

Lord Lieutenant may revoke Proclamations.

XXIX. And be it further enacted, That it ſhall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, by a new Proclamation, to be made by and with the Advice of the Privy Council in *Ireland*, to revoke any Proclamation iſſued in purſuance of this Act, as to the Whole or any Part of the

Diſtrict thereby proclaimed; which new Proclamation ſhall be forthwith tranſmitted by the Clerk of the Privy Council to the Clerk of the Peace of ſuch County, who ſhall notify the ſame to the ſaid Court of Seſſions of the Peace forthwith, if the ſaid Court ſhall be actually ſitting when he ſhall receive the ſame, and if not, then at the next Sitting of ſuch Court, and ſuch Court ſhall thereupon cauſe the ſame to be read in open Court; and on ſuch new Proclamation being ſo read, the original Proclamation mentioned therein, ſhall forthwith ſtand and be revoked, ſo far as the ſaid new Proclamation ſhall purport to revoke the ſame; and if no Part of ſuch County ſhall then remain proclaimed, ſuch Special Seſſions of the Peace ſhall forthwith ceaſe and determine.

Lord Lieutenant may order Compenſation to the Serjeant at Law for his Trouble.

XXX. And be it further enacted, That it ſhall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to order ſuch Sum or Sums of Money as he or they ſhall think proper, to be advanced out of the Conſolidated Fund, to every ſuch Serjeant at Law, Counſel learned in the Law, or Aſſiſtant Barriſter, or Perſon doing the Duty of ſuch Aſſiſtant Barriſter, who ſhall preſide or be preſent in ſuch Court of Special Seſſions of the Peace aforeſaid, as a Compenſation for ſuch his Time and Trouble.

Grand Juries may preſent for Expences incurred in Execution of this Act.

XXXI. And be it further enacted, That it ſhall be lawful for the Grand Jury of every ſuch County in which ſuch Special Seſſions ſhall be held, at the next enſuing Aſſizes, and for the Grand Juries at the next Preſenting Terms for the County and County of the City of *Dublin*, in caſe ſuch Special Seſſions of the Peace ſhall be held therein reſpectively, and they are reſpectively hereby required, to preſent a Sum to be raiſed off the County, if the Whole thereof ſhall be ſo proclaimed; and if not, then off ſuch Part thereof as ſhall be ſo proclaimed, for the Purpoſes following; that is to ſay, in the firſt Place, to repay to the ſaid Conſolidated Fund the ſaid Sum or Sums ſo advanced to any ſuch Serjeant at Law, Counſel learned in the Law, or Aſſiſtant Barriſter, or Perſon doing his Duty as aforeſaid; and in the next Place to pay to the Acting Clerk of the Peace of ſuch County, after the Rate of One Guinea for each Day he ſhall be employed in attending any ſuch Special Seſſions of the Peace, which he ſhall perſonally attend; and in the next Place, ſuch Sum as may be neceſſary to pay the Expences of ſending Priſoners to Gaol under the Proviſions of this Act, not exceeding the Sum of Three-pence *per* Mile for each Conſtable and Aſſiſtant, which the Perſon or Perſons who ſhall ſign the Warrant of Commitment ſhall certify to have been ordered by him or them to go with ſuch Priſoner; and laſtly, all ſuch Sums as may be requiſite to defray the Expenſes neceſſarily incurred in the Execution of this Act, and the ſaid Sums, ſhall be ſo raiſed and paid accordingly; and the Amount of the ſaid Sum, ſo advanced out of the Conſolidated Fund, ſhall, when raiſed, be paid by the Treaſurer of ſuch County to the Collector of Exciſe for the Diſtrict; and no other Preſentment ſhall be fiated by the Judge or Court at ſuch Aſſizes or Preſenting Term reſpectively, until ſuch Preſentment ſhall firſt have been made by the ſaid Grand Jury thereat.

This Act not to leſſen the Powers of Magiſtrates,

XXXII. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, at any Time to take away or abridge or leſſen the Powers given to any Magiſtrate or Chief Conſtable or other Conſtable,

Conſtable, under or by virtue of any Act paſſed or to be paſſed in this preſent Seſſion of Parliament, to provide for the better Execution of the Laws in *Ireland*, by appointing ſuperintending Magiſtrates and additional Conſtables in Counties, in certain Caſes; or to alter or affect any Proclamation or other Proceedings to be had under any ſuch Act in any County, which ſhall at any Time be proclaimed under the Proviſions of this preſent Act; but that Proclamations and other Proceedings may be had in any County in *Ireland*, under the Proviſions of the ſaid recited Act, diſtinct from or concurrently with the Proclamations and Proceedings under this Act, as may from Time to Time be thought expedient by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and that the Magiſtrates, Chief Conſtables and other Conſtables, to be appointed under any ſuch Act, may act in the Execution of ſuch Act in any County to be proclaimed under this Act; any Thing in this Act contained to the contrary in anywiſe notwithſtanding, and as if this Act had not been had or made. &c. under County Peace Act of this Seſſion.

XXXIII. And be it enacted, That this Act ſhall take Effect, and be in Force, from and after the paſſing thereof, and ſhall continue in force for Two Years, and from thence until the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

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