ANNO PRIMO

GEORGII IV. REGIS.

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C A P. XXVII.

An Act to regulate the Appointment and Tenure of the Office of Clerk of the Peace in *Ireland*.

[30th *June* 1820.]

WHEREAS it is most desirable that the Statute Law of *England* and *Ireland* should be assimilated in its Provisions as far as may be practicable and consistent with the relative Situations of the said Parts of the United Kingdom, and particularly respecting the Appointment to and Tenure of Offices and Discharge of official Duties concerning the Courts of Justice thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Custos Rotulorum, or other Person or Persons to whom of right it doth or shall belong to nominate or appoint the Clerk of the Peace for any County, County of a City, Division, or other Place in *Ireland*, shall from Time to Time, when the Office of the Clerk of the Peace now is, or hereafter shall be void, nominate and appoint one able and sufficient Person residing in the said County, County of a City, Division, or other Place for which he is so appointed or to be appointed, Clerk of the Peace, to execute the same by himself or his sufficient Deputy; and to take and receive the Fees, Profits, and Perquisites thereof, for so long Time as such Clerk of the Peace shall well demean himself in his said Office.

Clerk of the Peace how to be appointed.

II. And

Existing Clerks of the Peace to hold during good Behaviour.

II. And be it further enacted, That every Person who, at any Time before the passing of this Act, shall have been appointed to the Office of Clerk of the Peace for any County, or County of a City, or County of a Town, in *Ireland*, shall continue to hold and enjoy such Office for so long Time only as such Clerk of the Peace shall well demean himself in his said Office; any Grant, Law, Usage, or Custom to the contrary in anywise notwithstanding.

Clerks of the Peace may be discharged for Offences committed before the passing of this Act.

III. Provided also, and be it further enacted, That nothing in this Act contained shall prevent the Removal or Discharge, in manner hereinafter mentioned, of any Clerk of the Peace for any Offence or Misdemeanor by him committed before the passing of this Act.

Justices at Sessions may discharge Clerk of the Peace;

IV. And be it enacted, That if any Clerk of the Peace already nominated or to be nominated as aforesaid, shall misdemean himself in the Execution of the said Office, and thereupon a Complaint and Charge in Writing of such Misdemeanor shall be exhibited against him to the Justices of the Peace in their General Quarter Sessions, it shall be lawful for the said Justices, not fewer than Seven being assembled, or the major Part of them, from Time to Time, upon Examination and due Proof thereof, and upon Proof that a Copy of the said Complaint was personally served upon the said Clerk of the Peace, at least Thirty Days prior to the said Quarter Sessions, accompanied by a Notice of intending then and there to bring and forward the said Complaint against him, openly in their said General Quarter Sessions, to discharge him from the said Office; and that in such Case, the Custos Rotulorum, or other Person or Persons to whom it shall of right belong to nominate and appoint the Clerk of the Peace for such County, County of a City, Division or Place, shall nominate and appoint one other able and sufficient Person residing in the said County, County of a City, Division or Place as aforesaid, to be Clerk of the Peace in the Place of such Person so removed as aforesaid; and in case of Refusal or Neglect to make such Nomination and Appointment before the next General Quarter Sessions to be holden after the said Refusal or Neglect, that it shall and may be lawful for the said Justices of the Peace, at their General Quarter Sessions for the said County, County of a City, Division or Place, or the major Part of them, to nominate and appoint one able and sufficient Person residing in the said County, County of a City, Division or Place, to be Clerk of the Peace in the Place of such Person so removed as aforesaid, to have, hold, and enjoy the said Office of Clerk of the Peace, and to execute the same by himself or his sufficient Deputy, and to receive the Fees, Profits, and Perquisites thereof; unless such Custos, or such other Person or Persons having the Right of Nomination, shall nominate or appoint, within Six Months, another able and sufficient Person to be Clerk of the Peace.

who shall nominate upon Vacancy, in case not done by Custos Rotulorum, &c.

New Clerk of the Peace liable to Penalties.

V. Provided always, and be it enacted, That such Clerk appointed by such Justices shall be liable and subject to all the Penalties, Forfeitures, Conditions, Limitations, and Provisions herein

and hereby mentioned and expressed; and may be removed or discharged by the said Justices, or the major Part of them, in such Manner and Way as is above specified.

Appeal to the Court of King's Bench against such Discharge or Nomination.

VI. Provided always, and be it enacted, That in case any Clerk of the Peace, who shall be so discharged and removed by the said Justices from his said Office, or the Person or Persons who shall have nominated or appointed such Clerk of the Peace, or who shall claim any Right to nominate or appoint such Clerk of the Peace or his Successor, shall feel himself or themselves aggrieved by any such Discharge or Removal, or by any Appointment of any Person to succeed such Clerk of the Peace so discharged or removed; it shall be lawful for such Clerk of the Peace, or such other Person or Persons as aforesaid, at any Time within Six Months after such Removal, to appeal to His Majesty's Court of King's Bench in *Dublin* against such Removal or Discharge, or against such Appointment of such Justices, as the Case may be; and it shall be lawful for the said Court of King's Bench to examine into all the Circumstances of such Discharge or Removal, or of such Appointment, and to confirm or avoid the same, as to the said Court shall seem fitting and expedient; and to direct any Clerk of the Peace so discharged or removed to be restored, or any Clerk of the Peace so appointed by the said Justices to be removed, as the Nature of the Case shall require; and to make such Order and Determination respecting such Discharge or Removal, or respecting such Appointment, as to the said Court shall seem fitting and expedient.

Custos Rotulorum shall take no Fees, &c. for Appointment of Clerk of the Peace.

Penalty on Buyer and Seller.

VII. And be it further enacted, That it shall not be lawful for any Custos Rotulorum, or other Person or Persons to whom of right it doth or shall belong to nominate, elect, or appoint any Clerk of the Peace, to sell the said Place of Clerk of the Peace, or to take any Bond or other Assurance to receive or have any Reward, Money, Fee, or Profit, directly or indirectly, to him or any other Person, for such nominating, electing, or appointing; but that every such Custos Rotulorum or other Person or Persons that shall so sell the Clerkship of the Peace, and every Clerk of the Peace who shall so buy his Place, are hereby disabled to hold their Places of Custos Rotulorum or Clerkship of the Peace, and shall also each of them respectively forfeit Double the Sum, or Value, or other Thing that shall be so given or taken; to be recovered by him or them, to their own Use, that shall sue for the same; to be prosecuted by any Action of Debt, Suit, Bill, Plaint, or Information in any of His Majesty's Courts at *Dublin*, wherein no Essoign, Protection, or Wager of Law shall lie.

Clerk of the Peace, hereafter to be appointed, to make the following Oath.

VIII. And be it further enacted, That every Clerk of the Peace hereafter to be appointed, before he enter upon the Execution of his said Office, shall in open Sessions make and sign the Oath following; *videlicet:*

'I *A. B.* do swear, That I have not, nor will pay any Sum or 'Sums of Money or other Reward whatsoever, nor given any 'Bond or other Assurance to pay any Money, Fee, or Profit, directly 'or indirectly, to any Person or Persons whomsoever, for such

'Nomination

'Nomination or Appointment, except so far as I am warranted to do 'by the Provisions of the Act of the Forty-ninth of *George* the 'Third, to prevent the Sale and Brokerage of Offices, and in con- 'formity to the Provisions of the said Act; and that I will not ask, 'demand, or accept any Fee, Gratuity, or Emolument, for the Per- 'formance of the Duties of my Office of Clerk of the Peace, greater 'or other than the Fees which are or shall be annexed by Law to the 'Discharge of the Duties thereof. So help me GOD.'

Clerk of the Peace now in Possession to make the following Oath.

IX. And be it further enacted, That every Clerk of the Peace now in Possession of such Office, shall within the Space of Three Months after the passing of this Act, in open Sessions, make and sign the Oath following; *videlicet*,

'I *A. B.* do swear, That I will not ask, demand, or accept any 'Fee, Gratuity, or Emolument for the Performance of the 'Duties of my Office of Clerk of the Peace, greater or other than 'the Fees which are or shall be annexed by Law to the Discharge 'of the Duties thereof. So help me GOD.'

Oaths shall be filed in Register's Office of the Court of King's Bench, under Penalty for Neglect.

X. And be it further enacted, That such Oaths shall be filed in the Register's Office of the Court of King's Bench in *Ireland*, within Three Months after the same shall have been so subscribed; and that any Clerk of the Peace who shall neglect or omit so to register such Oaths, or shall act in any manner in contravention thereof, shall incur the Penalty of One hundred Pounds, to be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at the Four Courts *Dublin*, and not elsewhere; in which no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; One Moiety to be for the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person or Persons who shall sue for the same.

Act not to extend to Rights of Appointment, respecting which Actions are pending.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to in any ways affect the Right of any Persons who may claim under or by virtue of any Appointment to the Office of any Clerk of the Peace of any County, County of a City, or County of a Town, in *Ireland*, which shall have been made at any Time before the passing of this Act.

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