

ANNO TERTIO

GEORGII IV. REGIS.

CAP. I.

An Act to suppress Insurrections and prevent Disturbance of the Public Peace in *Ireland*, until the First Day of *August* One thousand eight hundred and twenty-two. [11th *February* 1822.]

WHEREAS tumultuous Insurrections have from Time to Time existed in various Parts of *Ireland*, principally promoted and supported by Persons associating under the pretended Obligation of Oaths unlawfully administered: Therefore, in order to restore Peace to such Parts of *Ireland* as are or may be so disturbed by seditious Persons, and to preserve the Peace in Counties which may be in immediate Danger of being disturbed; 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 it shall and may be lawful to and for any Two Justices of the Peace in any County or County of a City or Town in *Ireland*, to direct, by Writing under their Hands and Seals, the Clerk of the Peace thereof to summon an Extraordinary Session of the Peace to be holden therein, at such Place and at such Time as they shall deem expedient, not sooner than Forty-eight Hours after such Direction shall have been delivered to such Clerk of the Peace, in order to consider

Two Justices may cause Clerk of the Peace to summon an Extraordinary Session, who shall give Notice thereof, and

cause Justices to be summoned in Manner hereinmentioned.

sider the State of such County, Town, or City, and thereupon such Clerk of the Peace shall forthwith post Notice thereof on the Door of the Court House of such County, Town, or City, and cause, as far as in him lies, every Justice of the Peace of such County, Town, or City, who shall be 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 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 and 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 hereinafter 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 the Lord Lieutenant, that the County is disturbed, or in Danger of being so.

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

Proclamation shall warn the Inhabitants to remain in their Houses between Sunset and Sunrise; and shall appoint Special Sessions of the Peace.

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 Copies thereof to be posted up in large legible Characters in all Market Towns within the said County, or such Part 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 any 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 Sessions of the Peace in such County, but the said Special Sessions of the Peace so then sitting shall continue to sit and 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.

Clerk of the Peace to cause such Proclamation to be published.

If County be 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.

Places proclaimed, to be considered as such from the Day Inhabitants shall be required to remain within their Houses.

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.

Proclamations 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 of 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 the Manner herein-after mentioned, so long as such County shall continue to be so proclaimed,

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

claimed, 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, in manner herein-after mentioned, 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 Person duly empowered to discharge the Duties of the said Office.

Assistant Barrister to be present at such Sessions.

VI. And be it enacted, That it shall and may be lawful for such Serjeant at Law, or Counsel learned in the Law, to preside in the said Court of Session of the Peace as the Chief Judge thereof; and that such Court of Sessions of the Peace shall, for the Purposes of this Act, and 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 on 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 Judgment 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 Judgment, 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 Judgment had been had on a Bill found by a lawful Grand Jury and the Verdict of a lawful Petty Jury given thereon: Provided always, 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, or any Fact alleged on any such Trial, by a Jury, it shall and may be lawful for such Court to cause a Petty Jury to be returned, sworn, and impannelled immediately, or at any Time they may appoint, for the Trial of such Person or Persons, Fact or Facts, as they shall give in charge to such Jury, and to take and consider such Verdict 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 shall pass their Judgment on such Case accordingly: Provided also, that the Execution of any Judgment of Conviction shall be suspended unless the Serjeant at Law, or Counsel learned

Such Serjeant or Counsel to preside as Chief Judge, and Court of Sessions shall have all Powers and Authorities as are incident to Courts of Oyer and Terminer, &c. and shall proceed without Grand Jury, &c. as herein mentioned.

Power given to Court to try Persons by Jury.

Suspension of Execution of Judgment

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, should 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 of *Ireland* 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.

in certain Cases.

Nothing herein to prevent holding General Sessions.

VII. 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 or her 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.

VIII. 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 whether the Inhabitants or Inmates, or any of them, be absent; and if the Inhabitants or Inmates, or any of them, 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

Justices, &c. may enter Houses as herein mentioned, and absent Persons deemed idle and disorderly.

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 administering or taking Oaths for seditious Purposes, &c. or not giving Information concerning the same, deemed idle and disorderly.

IX. And be it further enacted, That every Person who shall administer or tender, or take or enter into, any Oath or Engagement, importing to bind him or her to be of any Association, Brotherhood, Committee, Society, or Confederacy whatsoever, in reality formed or to be formed for seditious Purposes, or to disturb the Public Peace, or to injure the Person or Property of any Person or Persons whatsoever, or to do or to omit or refuse to do any Act or Acts whatsoever, under whatever Name, Description, or Pretence such Association, Brotherhood, Committee, Society, or Confederacy shall assume or pretend to be formed or constituted, or any Oath or Engagement importing to bind the Person taking the same to obey the Orders or Rules or Commands of any Committee or other Body of Men not lawfully constituted, or of any Captain, Leader, or Commander not appointed by or under the Authority of His Majesty, His Heirs and Successors, or to assemble at the Desire or Command of any such Captain, Leader, Commander, or Committee, or of any Person or Persons not having lawful Authority, or not to inform or give Evidence against any Brother Associate, Confederate, or other Person, or not to reveal or discover his or her having taken any illegal Oath, or not to reveal or discover any illegal Act done or to be done, or not to discover any illegal Oath or Engagement which may be administered or tendered to him or her, or the Import thereof, whether such Oath shall be afterwards so administered or tendered or not, or whether he or she shall take such Oath, or enter into such Engagement or not, 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 have been tried for such Fact before such Court of Special Sessions of the Peace, in the Mode prescribed by this Act, he, she, or they shall not be liable to be tried again or questioned for the same Fact or Offence before any other Jurisdiction whatsoever.

Persons circulating Notices to excite Riots or unlawful Meetings, or demanding Money, Arms, &c. deemed idle and disorderly.

X. And be it enacted, That if any Person shall within any proclaimed District, or within any County any Part whereof shall be so proclaimed, print, write, post, publish, circulate, send, or deliver, or cause or procure to be printed, written, posted, published, circulated, sent, or delivered, any Notice, Letter, or Message, exciting or tending to excite any Riot, tumultuous or unlawful Meeting or Assembly, or unlawful Combination or Confederacy, or threatening any Violence, Injury, or Damage, upon any Condition, or in any Event, or otherwise, to the Person or Property, Real or Personal, of any Person whatever, or demanding any Money, Arms, Weapons or Weapon, Ammunition, or other Matter or Thing whatsoever, every Person so offending shall be deemed and taken to be an idle and disorderly Person.

XI. And

XI. And be it 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, Pike Head, 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 the same so 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 having Arms, as herein mentioned, deemed idle and disorderly.

XII. 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 at Nine at Night and before Six in the Morning, shall be deemed idle and disorderly Persons.

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

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

Persons tumultuously assembled, deemed idle and disorderly.

XIV. And be it further enacted, That all Persons convicted of being such idle and disorderly Persons as aforesaid, shall be transported for Seven Years, by the Order, Judgment, and Sentence of the said Court of Special Sessions of the Peace; and such Order, Judgment, 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, Judgment, and Sentence of a Court of Oyer and Terminer and General Gaol Delivery.

Persons convicted of being idle and disorderly, to be transported for Seven Years

XV. And be it further enacted, That no Proceeding of the said Court of Special Sessions, or Judgment or Conviction had or pronounced by the said Court, shall be removed 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 Judgment, 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 into Court of King's Bench.

XVI. 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.

Persons adjudged to be transported, may be sent out of the County to any Gaol in Ireland.

Sheriffs and Gaolers answerable for the safe Keeping of such Persons.

XVII. 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 the Order of the Court of Oyer and Terminer and General Gaol Delivery of the County, Town, or City in which the Gaol lies.

Persons guilty of hawking seditious Papers, deemed idle and disorderly, but, as such, not liable to Transportation.

XVIII. 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.

Two 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.

XIX. And be it further enacted, That it shall and may be lawful for any Two Justices of the Peace, or any Person authorized by the 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 Weapon whatsoever which such Person shall have in his, her, or their Possession, and to enter any House or Place whatsoever 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 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 affect Persons serving in the Regular Militia, &c.

Special Sessions not to take Cognizance of any Offence, except of idle

XX. And be it 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. and disorderly Persons, &c.

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

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

XXIII. 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*. Powers given to Magistrates of Counties to extend to Counties of Towns, &c.

XXIV. 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 Discontinuance, or if a Verdict or Judgment on Demurrer shall pass against him, the Defendant shall recover Treble Costs. Limitation of Actions.

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

shall be adjudged as aforesaid; and if the Plaintiff or Prosecutor shall become nonsuit, or forbear Prosecution, or suffer a Discontinuance, or if Judgment 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 by *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 the 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 the said Action, Plaint, or Information, and the Judgment shall be for the Balance of the said Costs, if any.

When Verdict for Plaintiff, if Judge certifies that there was probable Cause for doing the Act, only 6*d.* Damages.

XXVI. 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 Act 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.

Where Act was maliciously committed, Treble Costs.

Lord Lieutenant may revoke Proclamations.

XXVII. 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 of *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

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.

Serjeants and Counsel, &c. to be paid out of the Consolidated Fund.

XXVIII. 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 as aforesaid, as a Compensation for such his Time and Trouble.

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

XXIX. 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 Purpose following; that is to say, in the first Place, to repay 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 attends; 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 whom 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 Expences 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.

Continuance of Act.

XXX. 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 until the First Day of *August* One thousand eight hundred and twenty-two.

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