ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. LXVII.

An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in *Ireland*. [2d *July* 1827.]

WHEREAS the holding of Petty Sessions by Justices of the Peace in *Ireland* has been found conducive to a better Administration of the Laws, and to the general Interests of His Majesty's Subjects within that Part of the United Kingdom: And whereas it is expedient to afford additional Facilities for holding such Petty Sessions, and for securing a uniform and effectual Mode of Procedure therein: Be it therefore 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 the Justices of the Peace, save and except within the County of *Cork*, within their respective Jurisdictions, at the *January* Sessions to be holden next after the passing of this Act, to divide the County, County of a City, or County of a Town, for which such Sessions shall be holden, into such Districts, for the Purposes of this Act, as to them shall seem most expedient, fixing within every such District a Place or Places wherein the Petty Sessions shall be holden for such Districts respectively.

Counties, Cities, &c. divided into Districts for holding Petty Sessions.

II. And whereas in certain Parts of *Ireland* it may not be practicable to procure the constant Attendance of a sufficient Number of Justices of the Peace to constitute Petty Sessions; be it enacted, That in

Part of any County may not be included in any District.

in case the Justices of the Peace of any County so assembled shall be of Opinion that any Part of such County ought not to be included in any District for the Purposes of this Act, it shall and may be lawful for such Justices to make an Order to that effect, and then and in such Case the Provisions of this Act shall not extend to such Part or Parts of any County as shall in such Order be declared not to be included in any District.

Extent of District, and Place fixed for holding Petty Sessions, to be entered in the Crown Books, and certified to the Secretaries of Grand Juries.

III. And be it further enacted, That an Order in Writing shall be made by the said Courts of Quarter Sessions assembled as aforesaid, specifying the Boundaries of each and every such District, and of every Part or Parts of any County which shall not be included in any District, and the Names of every Place fixed for the holding of Petty Sessions; which Order shall be entered in the Crown Book by the respective Clerks of the Peace, and a certified Copy of such Order transmitted by such Clerk of the Peace to the respective Secretaries to the Grand Juries, and shall be laid before the several Grand Juries at the Spring Assizes then next ensuing, and in the County of *Dublin* at the next ensuing presenting Term, and shall be printed with the Presentments granted at such Spring Assizes.

Justices may alter District and Place for holding Petty Sessions.

IV. Provided always, That in case at any *October* Quarter Sessions, after the First of *January* in the Year One thousand eight hundred and twenty-eight, Application in Writing, in Manner and Form as in the Schedule to this Act is set forth, under the Hands and Seals of Five or more Justices of the Peace, or of Three or more Justices within any local Jurisdiction, be made to the Justices assembled, praying an Alteration of any such District of Petty Sessions, or of the Place or Places wherein such Petty Sessions are holden, it shall and may be lawful to and for the said Justices, within their respective Jurisdictions respectively, save and except in the County of *Cork*, at the *January* Sessions then next ensuing, to consider such Application, and to make such Order thereon respecting the Alteration applied for as shall to such Justices seem expedient, entering such Order in the Crown Book, and transmitting the same to the respective Secretaries to the Grand Juries, to be by them printed with the Presentments as aforesaid: Provided always, whenever any such Application shall be made at any *October* Quarter Sessions as aforesaid, that the Clerks of the Peace respectively shall give Notice thereof, by affixing a Copy of such Application upon the Court House Doors within their several Jurisdictions, and by advertising the same in like Manner as such Clerks of the Peace are now required to advertise the Time and Place at which the Courts of Quarter Sessions, or Adjournments thereof, are to be holden.

Notice to be given of Applications for Alteration.

When the Act shall be carried into Execution in the County of Cork.

V. And whereas by an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act to divide the County of* Cork, *for the Purpose of holding additional Sessions therein*, the said County is divided into Two Parts; be it enacted, That for the Purposes of carrying the present Act into Execution within the said County, by dividing the said County into Districts for the holding of Petty Sessions, and fixing the Places wherein such Petty Sessions shall be

 holden,

holden, or making any Alterations therein, the several Acts hereby directed to be done by the Justices of the Peace at the *January* Quarter Sessions, shall in the County of *Cork* be performed at a General Meeting of Magistrates of the said County to be held in the City of *Cork* on the Second Day of the Summer Assizes next after the passing of this Act, or next after the serving any such Notice at the *October* Quarter Sessions as aforesaid.

Part of a County may be appropriated to a District of adjoining County for the Purposes of this Act.

VI. And whereas for the due Execution of Justice on the Borders of adjoining Counties it has been found expedient to appoint some Persons to be Justices of the Peace for Two or more Counties, and such Justices have hitherto held Petty Sessions of the Peace at some convenient Place of one County on the Borders of some other County or Counties, and it might be attended with considerable Inconvenience if such Practice should be discontinued; be it therefore enacted, That it shall be lawful for the Justices of the Peace acting within any County, County of a City, or County of a Town, in the Execution of this Act, to appropriate any District of any such County adjoining any other County as Part of a District of such adjoining County, wherein Petty Sessions shall be holden in pursuance of this Act, at such Place as shall have been or shall be fixed for that Purpose in pursuance of this Act, such Place not being at a greater Distance than Five Miles from any Part of the District in a different County to be annexed as aforesaid, and such Annexation being made in the same Manner as the Appropriation of any District for the Purpose of holding Petty Sessions of the Peace is directed to be made by this Act; and such Appropriation shall be entered and certified in the same Manner as the several other Districts within the same County are required to be entered and certified by this Act; and all other Proceedings shall be had respecting such District as by this Act are provided concerning any other District within such County; and such Appropriation shall also be certified to the Court of Quarter Sessions for the County to or District of which such Part of another County shall be so appropriated, and all Proceedings shall be had thereupon as if such Part of a County so appropriated to a District in another County had been within such last-mentioned County: Provided always, that such Proceedings shall be only before Justices of the Peace qualified to act for the County to which such appropriated District shall properly belong, and shall be considered as if actually done within such County, and not within the County to which such District shall be annexed as aforesaid.

Grand Jury to present an annual Sum for Justice Room.

VII. And be it further enacted, That it shall and may be lawful to and for the said Grand Juries to present an annual Sum, not exceeding Ten Pounds, for the Rent of a public Justice Room, not being in a House wherein spirituous or fermented Liquors are sold, in each of the Places wherein such Petty Sessions shall have been appointed to be openly held as aforesaid; provided that wherever a public Court House shall have been built and be maintained at any Place so appointed, no such Presentment shall be made, and the Petty Sessions shall be holden in such public Court House, and not elsewhere; provided also, that no such Presentment be made for such Justice Room, unless it shall be proved that Six Meetings

Meetings of Justices during the Six Months immediately preceding such Presentment shall have been held therein.

Appointment of Clerk to Justices.

VIII. And be it further enacted, That it shall and may be lawful to and for the Justices, at every such Petty Sessions assembled, to appoint One fit and proper Person to act as their Clerk during their Pleasure, which Clerk shall be authorized to receive the several Fees as by the Schedule to this Act annexed; and that no other or greater Fee shall be taken by such Clerk, or by any other Person, for any Summons, Order, Warrant, Information, Recognizance, Conviction, or for any other Matter or Thing done by the said Justices at Petty Sessions.

Appropriation of Fees.

IX. Provided always, That it shall and may be lawful to the Justices of such Petty Sessions, if they shall so think fit, to keep or require to be kept an Account of all such Fees; and in case such Fees shall amount to any greater Sum than such Justices shall consider to be and shall have been fixed as an adequate Remuneration for such Clerk as aforesaid, to appropriate any Balance remaining after the Payment of such Clerk to the Purchase of Stationery and necessary Books for the Use of such Petty Sessions as aforesaid.

A Table of Fees to be affixed in every Court House.

X. And be it further enacted, That a printed Table of the said Fees shall be affixed within every Court House or public Justice Room wherein such Petty Sessions are holden; and if any other or greater Fees than those set forth in the Schedule are demanded or taken for any Act, Matter, or Thing done at the said Petty Sessions, any Person so offending shall forfeit the Sum of Five Pounds, to be recovered by Civil Bill by any Person who shall sue for the same: Provided nevertheless, that no Fee whatsoever shall be demanded, taken, or received by any Clerk to such Petty Sessions, or by any Clerk to any Justice of the Peace, or by any other Person, for any Summons, Warrant, Information, Recognizance, or other Magisterial Act, done by any Justice at any other Time, Place, or any other Manner than at Petty Sessions.

A Registry of all Acts and Proceedings to be kept.

XI. And be it further enacted, That a Registry or Record in Writing shall be kept by each and every Clerk of Petty Sessions of all Acts or Orders and Proceedings done at such Petty Sessions, whether in Civil or Criminal Cases, in the Manner and Form set forth in the Schedule to this Act annexed; such Registry or Record to be signed, on each Day upon which such Petty Sessions shall be holden, by all the Justices present; and that no Summons, Warrant, Conviction, Committal, Information, Recognizance, or any other Magisterial Act or Order of any Kind, be issued or signed at such Petty Sessions, without the making an Entry thereof in the said Record or Registry.

Informations, &c. to be transmitted to Clerk of the Crown.

XII. And be it further enacted, That all Informations and Recognizances sworn and acknowledged at the said several Petty Sessions, or transmitted thereto, shall, Once in every Month at the least, be transmitted to the Clerk of the Crown or Clerk of the Peace of such County, County of a City, or County of a Town, as the Nature of the Case

Case may require; and the Office of every such Clerk of the Crown and Clerk of the Peace shall be kept open from the Hour of Twelve o'Clock till Three o'Clock every Day, *Sundays*, *Good Friday*, and *Christmas Day* excepted.

Entry to be made of all Cases where a single Justice acts.

XIII. And be it further enacted, That in all Cases in which it becomes necessary for a single Justice to act magisterially, not being in Petty Sessions, save and except in the Issue of Summonses, such Magistrates do report such Case, together with the Informations taken or Recognizances sworn and acknowledged, to the Petty Sessions then next ensuing, to be holden for the District in which such Case had arisen; and that a particular Entry be made in the Registry of such Petty Sessions of every such Case.

List of Informations, &c. where a single Justice acts, to be laid before Quarter Sessions.

XIV. And be it further enacted, That a List of all Informations and Recognizances sworn and acknowledged before Justices acting singly be made out by the respective Clerks of the Crown and of the Peace, and shall be laid before the Judges of Assize and Justices in Quarter Session respectively, together with the Names of the Justices before whom such Informations and Recognizances were sworn and acknowledged.

Warrant, &c. to be signed by Two Justices.

XV. And be it further enacted, That every Warrant, Information, Conviction, Committal, Recognizance, or Order of the Justices at Petty Sessions, shall be signed by Two Justices at the least, and not by any One Person as Chairman and on the Behalf of others; and that no Summons, Warrant, or Order be signed by any Justice or Justices of the Peace, unless the Blanks in the same shall have been first duly filled up.

Justices of Petty Sessions may determine Cases, although Complaint made before other Justices.

XVI. And be it further enacted, That it shall and may be lawful to and for any Justices at Petty Sessions to hear and proceed and determine upon any Case in which such Justices have Jurisdiction by Law, although the Summons for the same may have been issued, and the Complaint received, by any other Justice acting singly, or by any other Justices at a previous Meeting of such Petty Sessions, in such and the like Manner as if the first Complaint was made, and the Summons issued, by the same Justices before whom the subsequent Proceedings were had and taken.

Chief and other Constables shall attend the Petty Sessions, and execute the Orders and Warrants of the Magistrates;

XVII. And whereas by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office; and for the Appointment of Magistrates in* Ireland *in certain Cases*, it is amongst other Things enacted, that all and every Chief Constables and other Constables shall, when required, attend on the Magistrates of the County at their Sessions or elsewhere, and shall obey and execute all the Orders, Warrants, and Commands of such Magistrates: And whereas Doubts have arisen as to the Competency or Liability of such Constables to execute certain Civil Warrants of such Magistrates; be it therefore declared and enacted, That every Chief Constable and other Constable shall attend, and every such Chief Constable and other Constable is hereby

hereby required (when not engaged on actual Duty) to attend at the several Petty Sessions which shall be held at the respective Places where such Constables shall be respectively stationed; and that every such Chief Constable and other Constable shall obey and execute all Warrants, Orders, and Commands of such Justices in Petty Sessions; and shall also obey and execute all Warrants, Orders, and Commands of the Magistrates of the County in their Sessions in all Cases, Civil as well as Criminal: Provided always, that no such Constable shall be employed, under such Authority, in the Recovery of Tithes, or in the Levy of Rents by Distress, or in the levying of Fines or Penalties under any Act or Acts relating to the Revenue in Ireland, or in the enforcing of any Act or Acts relating to the Game Laws, or any Laws for the Preservation of Game or Fish, except only in Cases where forcible Resistance shall have been actually made, and been proved by Information taken on Oath.

but shall not be employed by them in the Levy of Rents, &c.

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SCHEDULE OF FEES.

	s.	d.
Summons and Copy	0	6
Warrant	0	6
Recognizance	1	0
Conviction	1	0
Engrossing Information in Assaults, Trespasses, and all Misdemeanors	1	0
Appeal to Quarter Sessions	1	6
Supersedeas	0	6

SCHEDULE (A.)

REGISTRY of Summonses issued from Petty Sessions held for the County of ——— at ———

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Persons summoned, Name and Residence.

REGISTRY of Civil Proceedings at Petty Sessions held for the County of ——— at ———

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Name of Defendant.	Witnesses sworn.	Adjudication.

REGIS-

REGISTRY of Proceedings in Criminal Matters at Petty Sessions held for the County of ———— at ————

No.	Date of Information.	Informant's Name.	Offence.	Persons charged, Name and Residence.	Witnesses sworn.	Determination.

SCHEDULE (B.)

FORM of Application to October Quarter Sessions for Alteration of Districts.

WE, the undersigned Justices of the Peace for the
of do hereby apply for the Establishment of
a Petty Sessions at in the Parish of
in the said for a District bounded as follows [*here set forth the proposed Boundaries*]. Given under our Hands and Seals, this
Day of .

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.