ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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C A P. LXXIX.

An Act to provide for the more impartial Trial of Offences in certain Cases in *Ireland*.

[28th *August* 1833.]

WHEREAS Combinations and Confederacies against the Rights of Property and the Administration of the Laws have for some Time prevailed in certain Counties of *Ireland*, and many Persons have been, by Violence and Intimidation, induced to join therein: And whereas many Crimes and Offences have been committed by Persons concerned in such illegal Combinations and Confederacies, to the great Terror of His Majesty's peaceable Subjects, to the Hindrance of Trade and Industry, and to the endangering of the Peace and good Government of that Part of the United Kingdom of *Great Britain* and *Ireland*: And whereas there is Reason to apprehend that many of His Majesty's loyal and peaceable Subjects have been and may be intimidated and deterred by Threats and Promises from discharging their Duty as Prosecutors, Witnesses, and Jurors upon Trial of such Crimes and Offences in the respective Counties in which such Crimes and Offences have been committed; and there is Reason to believe that the Persons committing such Crimes and Offences are greatly encouraged in the Commission thereof by their Hopes of being acquitted if tried by the Petty Jurors of their respective Counties: For the more impartial Trial of all Persons so as aforesaid offending, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

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On Indictments for Offences committed in any County in Ireland, the Court of King's Bench, upon Application of the Attorney General, or upon the Petition of any Prosecutor, &c. verified by Affidavit, may order the Trial thereof to take place in any adjoining County, or in Dublin.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Indictment or Indictments for any Offence or Offences committed after the passing of this Act shall be found in any County, County of a City, or County of a Town in *Ireland*, it shall and may be lawful for His Majesty's Court of King's Bench in *Ireland*, or, in Vacation, for any Two Judges of the Superior Courts of Record of *Ireland*, upon the Application of His Majesty's Attorney General for *Ireland*, or upon the Petition of any Prosecutor, Prisoner, or Traverser, such Application or Petition being verified by Affidavit showing that an impartial Trial cannot be had in the County in which the Indictment was found, to make Order (if such Court or such Two Judges shall so think fit) that the Person or Persons named in such Indictment or Indictments shall be tried by a Jury of any adjoining County, or by a Jury of the County of *Dublin*, as the said Court or such Two Judges shall direct, and that thereupon the Person or Persons named in such Indictment or Indictments shall be proceeded against and tried upon such Indictment or Indictments for such Offences before the said Court of King's Bench, or before such Commissioners of Oyer and Terminer and General Gaol Delivery, as shall be assigned by His Majesty's Commission under the Great Seal of *Ireland*, by the good and lawful Men of the Body of such adjoining County, or of the County of *Dublin*, as shall be directed by such Order; and such Proceedings shall be valid and effectual in the Law to all Intents and Purposes as if the Offences had been tried within the County where the same shall be committed; and such Indictment or Indictments in such Cases shall be certified unto such Court of King's Bench, or unto such Commissioners, as the Case may be, upon His Majesty's Writ of Certiorari to be issued for that Purpose; and that in all such Cases no Challenge to the Array or to the Polls shall lie or be allowed by reason that the Jurors do not or have not come from the proper County or Place where the Offence was committed, or by reason that the Trial is out of the County or Place where such Offence was committed; but nevertheless upon the Trials of such Offences the Challenge to any Juror for Want of Freehold or legal Qualification in the County where the same shall be tried by virtue of this Act, and all other due Challenges to Jurors, shall be allowed, any thing in this present Act contained to the contrary notwithstanding.

Such Indictments to be certified by Writ of Certiorari.

No Challenge to be allowed by reason that the Jurors do not come from the proper County.

Expence of Transmission of Prisoners, &c. to be advanced by Order of Lord Lieutenant.

II. And be it enacted, That in order to defray the Expence of the Transmission of the Prisoners to such adjoining County, or to the County of *Dublin*, as the Case may be, together with the Expences of the Witnesses and other necessary Expences which may attend such Trial or Trials, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, when and as Application may be made to him or them for that Purpose, to order such Sum or Sums of Money as he or they shall think necessary to be from Time to Time advanced out of the Consolidated Fund of the United Kingdom arising in *Ireland* to such Persons and under such Regulations as he or they shall think proper.

III. And

III. And be it further enacted, That in case any Person so tried in such adjoining County, or in the County of *Dublin*, shall be then and there acquitted, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in manner herein-before mentioned, to order to be paid out of such Consolidated Fund as aforesaid, for Reimbursement to the Person so acquitted, such Sum as shall appear to the Judge by or before whom such Person was so acquitted, certified under the Hand of such Judge, to have been the Expence properly and necessarily incurred by such Removal of the Trial of such Person.

Expences of Persons acquitted to be reimbursed by Lord Lieutenant.

IV. And be it further enacted, That the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, in manner herein-before mentioned, order to be paid out of such Consolidated Fund as aforesaid to every such Prisoner, before his Removal from such County from whence he shall be removed as aforesaid, a Sum not exceeding Twenty Pounds to enable such Offender to defray the Charges and Expences of the Attendance of his Witnesses: Provided always, that such Sum so advanced before the Removal of such Prisoner shall be deducted and allowed for in the Sum which, in the Event of the Acquittal of such Prisoner, may become payable under the Certificate of the Judge before whom such Prisoner may be tried, as herein-before provided.

Expences of Witnesses to be advanced to Offenders by the Lord Lieutenant.

V. And be it enacted, That the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or the Under Secretary, shall from Time to Time certify to the Secretary of the Grand Jury of the County, County of a City, or County of a Town wherein such Offence was charged to have been committed the Amount of the Money which shall have been so from Time to Time advanced under Authority of this Act for any of the Purposes aforesaid; and every such Certificate shall be laid before such Grand Jury at the next Assizes; and thereupon it shall and may be lawful for such Grand Jury, and any and every such Grand Jury is hereby required, to make Presentment of a Moiety of the Amount of the Money so advanced, as stated in such Certificate, to be raised off such County at large, or Barony, or Parish where such Offence shall have been charged to have been committed; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for any other Money until such Presentment for such Moiety be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of such County, he shall pay the same to the Collector of Excise for the District, to be by such Collector accounted for as other public Monies which may come to his Hands.

Chief or Under Secretary to certify the Amount of all Monies advanced under this Act, and a Moiety to be presented by the Grand Jury, and raised off the County or Barony or Parish in which the Offence was charged to have been committed.

VI. Provided always, and be it further enacted, That this Act shall be and continue in force until the First Day of *August* One thousand eight hundred and thirty-four.

Duration of Act.

VII. And

Act may be amended.

VII. And provided also, and be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament.

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