ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. XXXIV.

An Act to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in *Ireland*.

[14th *July* 1836.]

WHEREAS by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, it was enacted, that it should and might 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 that Act, to divide the County, County of a City, or County of a Town for which such Sessions should be holden into Districts for the Purposes of that Act, in manner in the said Act mentioned: And whereas there are some Counties in *Ireland* which were not so divided at the *January* Sessions holden next after the passing of the said Act, and it is expedient that the same should be so divided, notwithstanding the Time for doing so has expired: 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

7 & 8 G. 4. c. 67.

Counties, &c. (except the County of Cork,) not yet divided into Districts for holding Petty Sessions may be so divided at the October Sessions after the passing of this Act or at any January Sessions.

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*, of any County, County of a City, or County of a Town, which has not been divided into Districts for holding Petty Sessions under the said recited Act, and they are hereby required within their respective Jurisdictions at the *October* Sessions to be holden next after the passing of this Act, or at any subsequent *January* Sessions, 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 the said recited Act and 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 District respectively; and every such Division may be altered, and such Order in Writing shall be made, specifying the Boundaries thereof, as is directed by the said recited Act, and the several other Matters directed to be done in respect of any such Division by the said recited Act shall be done and performed upon and in respect of every such Division made under the Authority of this Act, and every such Division shall be as valid and effectual to all Intents and Purposes as if the same had been made at the *January* Sessions next after the passing of the said recited Act, and every Petty Sessions Court held in any such District shall be subject to all the Rules and Regulations made and provided in and by the said recited Act as to the Appointment of a Clerk to said Court, and the taking of Fees therein, and to all other Matters to be done at such Court, or by any Magistrate or Magistrates therein, as if the same were expressly repeated in this Act and re-enacted herein, save so far as the same are varied or altered by this Act.

Justices to take down the Evidence in Criminal Cases in Writing.

II. And be it further enacted, That in every Case where any Magistrate or Magistrates shall at any Petty Sessions Court appointed under the said recited Act or this Act proceed in a summary Way to try any Information or Complaint of a Criminal Nature, or upon which any pecuniary or other Penalty may be awarded, such Magistrate or Magistrates, or One of them if there be more than One, shall take or cause to be taken a Note or Minute in Writing of the Evidence given on Oath for the Prosecution and for the Defence, or of so much thereof as shall be material, in a Book to be kept in said Court by the Clerk of the said Petty Sessions, should the Plaintiff or Defendant so require it, with the Registry or Record of the Proceedings done at such Petty Sessions, and such Book shall be signed by the Justice or Justices by whom such Information or Complaint shall have been heard on the Day on which such Complaint or Information shall have been determined.

Clerk of Petty Sessions to keep an Account of Fines paid to him.

III. And be it further enacted, That the Clerk of every Petty Sessions Court shall enter in the Book kept by him, containing a Record of the Proceedings at Petty Sessions, an Account in Writing of all Fines or Penalties, or Portions of Fines or Penalties, imposed at said Court, and paid to or deposited with him by Order of the Justices attending thereat or otherwise, and of the Appropriation thereof, and such Account shall be always open to the Inspection of any

Justice at such Petty Sessions; and if he shall neglect to do so, or shall make any false Entry in such Account, he shall forfeit for every such Offence a Sum of Five Pounds, to be recovered by any Person who will sue for the same by Civil Bill before the Assistant Barrister of the County.

Clerks of Petty Sessions to make Returns to the Chief or Under Secretary.

IV. And be it further enacted, That once in every Three Months after the passing of this Act the Clerk of every Petty Sessions Court shall make out and transmit to the Chief Secretary to the Lord Lieutenant of *Ireland*, or in his Absence to the Under Secretary for the Time being, a Return under his Hand, in the Form in the Schedule to this Act annexed, of the Proceedings at such Petty Sessions, and also the Appropriation of all Fees, Fines, Penalties, and Portions of Fines and Penalties received by the Justices or Clerk of such Petty Sessions, and that every such Clerk who shall wilfully make default in transmitting such Return, or shall wilfully make an untrue Statement therein, shall, on Conviction thereof before any Two Justices of the Peace of the said County, forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Person so offending.

Informations, &c. taken before Justices to be transmitted to Clerk of Petty Sessions, and a List thereof forwarded by him to Chief Secretary every Three Months.

V. And be it further enacted, That from and after the passing of this Act every Information, Examination, and Recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in Petty Sessions, shall with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted to the Clerk of Petty Sessions of such District; and shall be by him laid before the Bench of Justices at the next Petty Sessions after he shall have received such Informations, Examinations, and Recognizances; and every Petty Sessions Clerk shall keep a distinct and separate List of the Informations, Examinations, and Recognizances so transmitted to him, containing the Subject Matter thereof, the Dates of the taking or acknowledging of the same, and the Dates of the Receipt of the same by him respectively, and shall every Three Months transmit a Copy of such List to the Chief Secretary to the Lord Lieutenant, along with the Quarterly Return of the Proceedings at Petty Sessions.

Informations, &c. at Petty Sessions to be transmitted in 14 Days from the Committal or Bailment of the accused.

VI. And be it further enacted, That from and after the passing of this Act every Information, Examination, and Recognizance sworn, taken, or acknowledged at any Petty Sessions in *Ireland* shall be transmitted by the Magistrates at such Sessions, or the Clerk of such Petty Sessions, to the Clerk of the Crown of the County, County of a City, or County of a Town in which such Sessions are holden, if the same shall relate to any Matter to be tried or inquired into at the Assizes, and if to any Matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such County, City, or Town, Fourteen Days at the latest from the Date of the Committal for Trial, or of the Bailment of the Party or Parties accused by or in such Informations, or of the taking of such Recognizance, as the Case may be, together with all such Informations, Examinations, and Recognizances taken by or before a Justice or Justices not sitting in Petty Sessions as may then be in the Hands of such Petty Sessions Clerk,

Clerk, any thing in the said recited Act, or in an Act made in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, to the contrary thereof notwithstanding; and the Clerk of the Petty Sessions shall on every such Information and Recognizance endorse the true Date of its being so transmitted, and shall, on the Day before the Day for holding each Petty Session, enter in the Book containing an Entry of the Proceedings at the Petty Sessions, an Account in Writing stating the Particulars of the Informations so transmitted by him since the last Sitting of such Petty Sessions, and to whom transmitted, and shall sign such Account; and if any Clerk of Petty Sessions shall omit or neglect to transmit any such Examination, Information, or Recognizance to the Officer to whom it ought to be transmitted within the Time aforesaid, or to enter or sign such Account as aforesaid, he shall forfeit for every such Omission or Neglect a Sum of Five Pounds, to be recovered by Civil Bill, before the Assistant Barrister of the County, by any Person who will sue for the same.

9 G. 4. c. 54.

One Justice may act at Petty Sessions in certain Cases.

VII. And whereas it is by the said recited Act amongst other Things enacted, "that every Warrant, Information, Conviction, Committal, Recognizance, or Order of the Justices of Petty Sessions shall be signed by Two Justices at the least," and in consequence of said Enactment requiring the Attendance of Two Justices at every Petty Sessions, frequent Adjournments of such Petty Sessions have taken place from the Non-attendance of a sufficient Number of Justices, although in many Cases One Justice would be legally competent to transact certain Parts of the Business to be disposed of at such Petty Sessions; for Remedy whereof in such Cases, be it therefore enacted, That in all Cases in which by Law any Warrant, Conviction, Committal, or Order may be made, or if that Act had not been passed might have been made by, or any Information or Recognizance taken before One Justice of the Peace alone, it shall and may be lawful to and for any One Justice of the Peace attending alone at the Time and Place fixed for holding any Petty Sessions to proceed in open Court, notwithstanding the Absence of any other Justice or Justices, to hear, determine, and dispose of all Complaints, Informations, Matters, and Things whatsoever then ready to be heard, determined, and disposed of at such Petty Sessions, which One Justice of the Peace is or may be by Law competent to hear, determine, or dispose of, or which might have been heard, determined, or disposed of by One Justice if that Act had not passed, and to sign any Warrant, Conviction, Order, or Committal, and to take any Information or Recognizance upon or relating to every Suit, Complaint, Information, Matter, or Thing which by Law One Justice sitting alone is or may be empowered to sign or take, or could have signed or taken, if that Act had not been passed.

Justices to bind Parties complaining of Assaults in Recognizances to

VIII. And be it further enacted, That every Justice of the Peace at Petty Sessions or elsewhere, who shall receive any Information on Oath from any Person complaining of his or her having been assaulted, and who shall thereupon sign any Summons or Warrant against any Person or Persons in order to their attending at any Petty Sessions to

to answer such Complaint, shall be at liberty, if he shall think fit, before issuing such Summons or Warrant to be served or executed to bind the Party or Parties Complainants in such Information, by Recognizance to our Lord the King, in a Sum not exceeding Twenty Shillings, to attend and prosecute their said Information at such Petty Sessions; and it shall and may be lawful for the Justices at such Petty Sessions or any One acting as aforesaid, if he or they shall think fit, to estreat any such Recognizance on Default of the Party or Parties thereto in not attending and prosecuting their said Complaint and Information, and to return the same to the Clerk of the Peace of the County, County of a City, or County of a Town; and it shall be lawful for the Assistant Barrister at the next Quarter Sessions, if he shall think fit, to issue his Decree for the levying of the whole of the Sums secured by such Recognizance, or such Part thereof as he shall think proper, and to direct the same to be paid to such Infirmary, Hospital, or Dispensary as he shall think fit, and such Decree shall have the force of any Decree of such Assistant Barrister, and shall be in such Form as he shall think proper.

attend Petty Sessions and prosecute.

Recognizances may be estreated if Party fail to attend.

IX. And be it enacted, That in every Civil or Criminal Proceeding in which any Justice or Justices of the Peace has or have or shall under any Act to be hereafter passed have Jurisdiction to hear and determine any Complaint, such Justice or Justices shall have full Power and Authority to compel the Attendance of any Person, resident or being within the County or District for which he or they is or are a Justice or Justices, as a Witness at any Petty Sessions on the hearing of such Complaint, and to examine such Person as to the Matter of such Complaint, or the Defence thereto, and to punish such Person for Disobedience to any Summons requiring him to attend, or for refusing to be examined, as fully as any such Justice or Justices could do if such Person had been summoned to give Evidence at any General Sessions of the Peace in any Criminal Matter, and had refused to obey such Summons or to give Evidence.

Justices empowered to compel Witnesses to attend at Petty Sessions.

X. And whereas by Law many Fines and Penalties and Portions of Fines and Penalties are made payable to the Infirmary of the County, City, Town, or Place wherein the Conviction shall take place, and it is in some Cases doubtful to what Infirmary the same should be paid, and it may be expedient from Time to Time to direct the Payment of such Monies to particular Local Charities; be it therefore further enacted, That it shall and may be lawful to and for the Justices at Petty Sessions, not less than Three being present, to declare and fix to what Infirmary or Infirmaries, Hospital or Hospitals, Dispensary or Dispensaries, supported in whole or in part by Presentment of any Grand Jury, the Fines and Penalties imposed at every or any Petty Sessions holden within such County, County of a City, or County of a Town, and payable by Law to the Infirmary of the County, City, Town, or Place wherein the Conviction shall take place, shall be paid, and from Time to Time to alter every such Place of Payment as they may think fit; and the Clerk of Petty Sessions shall insert all Receipts and Payments made, together with the Name of the Institution to which such Payments are made, in the proper Columns of the Schedule to be returned every Three

Justices at PettySessions may fix the Infirmary, &c. to which Fines at Petty Sessions are to be paid.

Months to the Chief Secretary for *Ireland*, according to the Provisions of the Fourth Section of this Act and the Form of Return annexed, which Return is to be signed by the Clerk of the Petty Sessions, and countersigned by the Justices; and every such Infirmary, Hospital, and Dispensary so fixed by such Grand Jury shall be deemed entitled to the Payment of such Fine and Fines, and to all the Remedies for the Recovery and enforcing the Payment of and accounting for the same provided by Law for enforcing such Payment and Account to any County Infirmary.

Clerk of the Peace or Clerk of the Crown to keep an Office, to be attended by himself or some competent Person Three Hours a Day.

XI. And be it enacted, That from and after the passing of this Act every Person who now holds or shall at any Time hereafter hold the Office of Clerk of the Peace or Clerk of the Crown of any County, or County of a City, or County of a Town in *Ireland* shall keep, in the Place or Town in the County, City, or Town of which he shall be such Clerk of the Crown or Clerk of the Peace in which the Assizes for such County, Town, or City are or shall be holden, an Office in which he or some sufficient and competent Person appointed by him shall attend, and such Office shall be kept open every Day, except *Sunday*, *Good Friday*, and *Christmas Day*, from the Hour of Twelve of the Clock until Three of the Clock in the Afternoon; and if any Clerk of the Peace or Clerk of the Crown shall omit or neglect to keep such Office open, and to attend by himself or some sufficient Person in the same during the said Period of Three Hours in each Day, or any Part thereof, he shall, for every such Omission or Neglect, forfeit the Sum of Five Pounds to any Person who will sue for the same, by Civil Bill before the Assistant Barrister having Jurisdiction to determine Causes by Civil Bill in the Place or District in which such Office is or ought to be kept, or by Action in any of the Superior Courts, and such Clerk of the Peace or Clerk of the Crown shall and may be fined (whether sued for such Penalty or not) by any Judge of Assize in such Place such Sum, not exceeding Ten Pounds, as he shall think proper for such Omission or Neglect.

Fee for engrossing Informations not to exceed Two Shillings.

XII. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Clerk of Petty Sessions in *Ireland* to demand or receive for engrossing or preparing any Number of Informations relating to the same Transaction any greater Fee or Reward than the Sum of Two Shillings, and that he shall not demand or receive from any Person any Fee for engrossing or preparing any Recognizance unless he shall be required by such Person, or some Person on his Behalf, to prepare the same.

SCHE-

SCHEDULE.

County of Barony of

Return of Proceedings in Petty Sessions held at for the District of

during the Quarter ended the Day of One thousand eight hundred and

_____ Clerk of Petty Sessions.

_____ Date of Transmission to Chief or Under Secretary.

Attending Magistrates, and the Number of their respective Attendances in the Quarter.	Total Number of Informations submitted to the Magistrates.	Of which there were			Dates when returned and Number returned on each Day.	Number of Civil Cases.	Amount of Fees received, and how applied.	Amount of Fines and Penalties paid to the Clerk or Justices, and how disposed of.	Remarks.
		Adjudicated summarily.	Returned for Trial						
			To the Clerk of the Crown.	To the Clerk of the Peace.					
A. B. Esq. - - - 6									
C. D. Esq. - - 4									
et cætera, et cætera.									

N.B.—In the Column of Remarks the Clerk of Petty Sessions must state the Number of Days on which Petty Sessions were holden in the Quarter, and also the Number of Days on which Petty Sessions were not holden, in consequence of the Non-attendance of Magistrates.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the King's most Excellent Majesty. 1836.