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15 June 1858. 21 VICT.



BILL

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FOR

The more effectual Administration of Justice in the Police District of Dublin Metropolis.

HEREAS it is expedient to consolidate and amend the Preamble. Laws relating to the Administration of Justice in the Police District of Dublin Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the 5 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. This Act shall come into operation on the First Day of October Commencein the Year One thousand eight hundred and fifty-eight.

II. This Act may be cited for all Purposes as the "Dublin Metro- Short Title 10 " politan Police Act, 1858."

III. In the Construction and for the Purposes of this Act (if not Interpretainconsistent with the Context or Subject Matter) the following tion of Terms. Terms shall have the respective Meanings herein-after assigned to 15 them, that is to say, "Lord Lieutenant" shall mean the Lord [Bill 136.] Lieutenant

ment of Act.

of Act.

Lieutenant or other Chief Governor or Governors of Ireland for the Time being; "Chief" or "Under Secretary" shall mean the Chief or Under Secretary of the Lord Lieutenant ; " District " and " Police District" shall mean the Police District of Dublin Metropolis; "Justice" shall mean Justice appointed and acting for the Metropo- 5 litan Police District; and in the Construction of the "Petty Sessions " (Ireland) Act, 1851," and of the " Summary Jurisdiction (Ireland) " Act, 1851," so far as the same are incorporated with this Act, and relate to the Police District of Dublin Metropolis, the following Terms shall have the extended Meaning hereby assigned to them, 10 that is to say, "Petty Sessions" shall include the Divisional Police Courts; "Clerk of Petty Sessions" shall include Clerk of the Divisional Police Courts ; "Petty Sessions District" shall include the Police District of Dublin Metropolis, and the respective Divisions thereof; "County" shall include Police District of Dublin Metro- 15 polis; "Assizes" shall include the Commission for the County and County of the City of Dublin.

Repeal of Acts.

IV. The Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed are repealed to the Extent therein expressed, except as to Matters and Things done in the Exercise of the Powers, 20 Duties, and Functions given or imposed by the said Acts or any of them, and except as to Appointments made, Rights vested or acquired, and Liabilities, Penalties, and Forfeitures incurred, under the said Acts or any of them, or in respect of any Offence committed before the Commencement of this Act, or so far as may be necessary 25 for the Institution or Prosecution of any Proceedings in relation thereto.

Metropolitan Police District.

Police Districts defined. 1 Vict. c. 25. ss. 1. & 3.

V. Her Majesty's Castle of Dublin, and all Places situated within the Boundary described in Schedule (B.) to this Act, shall continue 30 to be "The Metropolitan Police District," and all Parts of the County of Dublin not comprised within such District shall be deemed to be 6 W. 4. c. 13. the County of Dublin for the Purposes of the Act of the Sixth Year of the Reign of King William the Fourth, Chapter Thirteen; and no Misnomer or inaccurate Description in the said Schedule, or in any 35 Order in Council, shall prevent the Operation thereof as fully as if the Subject Matter had been correctly named and described, provided the same be sufficiently designated to a common Intent and Understanding; and united Parishes shall for all Purposes of this Act be included in the Word Parish. 40

Parts of River Liffey and Kings-

VI. Such Parts of the River Liffey as are within or adjoining to the Metropolitan Police District, or to the several Counties of Dublin,

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Dublin, Kildare, and Wicklow, and also the Harbour of Dublin, town Harand the Harbour of Kingstown, and the Docks and Creeks adjacent bour within the Jurisdicthereto, or within Ten Miles thereof, shall be deemed to be within tion. the District, for the Purposes of enabling any Sub-Inspector, Head

5 or other Constable, or Sub-Constable of the Metropolitan Police, to carry into execution the Provisions contained in Sections

of this Act, and the

Provisions of any Act hereafter to be passed for the like Purposes.

VII. The Lord Lieutenant, by the Advice of Her Majesty's Privy Lord Lieu-10 Council for Ireland, may order that any Parish or Place in the tenant may County or County of the City of Dublin, Part of which shall be on Parishes the South Side of that Portion of the River Anna Liffey which is within cer-Eastward of Her Majesty's Castle of Dublin, or on the South Side of to be added the Bay or Harbour of Dublin, and within *Eight* Miles of the Castle to District. of Dublin, and within *Eaur* Miles of the Piyer, or Pay or Harbour, 1 Vict. c. 25. 15 of Dublin, and within Four Miles of the River, or Bay, or Harbour, s. 2. shall, after a certain Day to be named in such Order, form Part of the 2 & 3 Vict.

Police District, and thereupon such Parish or Place shall become Part c. 78. s. 14. of such Police District.

VIII. The Lord Lieutenant, by the Advice of Her Majesty's Privy Police Dis-20 Council for Ireland, may, from Time to Time, re-divide the Police trict may be divided. District, or reduce the Number of Divisions, or alter the Limits of 1 Vict. c. 25. any Division. s. 13.

The Police Courts of Dublin Metropolis.

- IX. The Lord Lieutenant, with the Advice of Her Majesty's Privy Lord Lieu-25 Council for Ireland, may establish in the Divisions of the District tenant may such Number of Police Courts as shall to him appear necessary, and Police Courts from Time to Time alter the Number or Situation of the Courts within Disalready or hereafter to be established, and discontinue the same or 3 & 4 Vict. any of them, as occasion may require; and the Lord Lieutenant may c. 103. s. 1. 30 direct the regular daily Attendance at the Police Courts of the c. 140. s. 13. Justices of the Division, or any of them, or of any of the other 1 Vict. c. 25.
- Justices heretofore appointed or hereafter to be appointed, and make s. 16. from Time to Time such Regulations in respect of the Attendance thereat of any of the Justices and of any Officers belonging to any
- 35 of the Police Courts as may be deemed expedient; but, until such Alterations, the present Establishment of Police Courts shall continue as if this Act had not passed.

X. The Lord Lieutenant may from Time to Time appoint such Appoint-Clerks and other Officers for the Police Courts, and with such Salaries Clerks in 40 as he shall think proper, to be paid out of the Local Funds raised for Police Courts. the Support of the Police Establishment, and each and every of such 11&12 Vict.

[136.] A 2

Clerks c. 113. s. 1.

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Clerks and Officers may be removed by the Lord Lieutenant at his Pleasure.

Power of Justices. 48 G. 3. c. 140. s. 70.

Lord Lieu-

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XI. The Justices of the Police District of the Dublin Metropolis shall possess all the Powers, Jurisdiction, and Authority conferred on Divisional Justices of the Metropolitan Police District by any Statute 5 or Law not hereby repealed.

XII. The Lord Lieutenant shall from Time to Time, as he shall see fit, assign to each of the Justices the Division to which he shall belong, and shall change them when and so often as he shall think fit, but until such Change the Justices shall continue attached to the 10 Division to which they are respectively assigned.

XIII. No Justice shall be compellable to act as a Justice of the Peace out of the Police District, nor to act within the District as a Justice of the Peace for the Counties of Dublin, Wicklow, Kildare, or Meath, upon any Information tendered or offered to be sworn, 15 where the Offence charged shall not amount to Treason or Felony, and in all Cases in which any Person shall be apprehended within the District, charged with Treason or Felony committed beyond the Limits of the District, the Justice shall inquire into such Evidence and Things relating thereto as it shall be then offered, and take such 20 Informations (if any) as may appear requisite touching the same; but if it shall appear to the said Justice that the Evidence produced is insufficient to sustain the Charge made, he shall dismiss the same, and discharge such Party, or in the Discretion of such Justice commit the Party to the Gaol of Kilmainham, there to be detained until he 25 shall be transmitted, according to Law, to the County, District, or Place where such Treason or Felony shall have originated, to be there further and finally disposed of.

XIV. When a Vacancy shall occur in the Office of Justice of the Dublin Metropolitan Police District, by Death, Resignation, or Re- 30 shall be Bar- moval, it, if necessary, shall be filled up by the Lord Lieutenant by a Barrister who shall have practised as such during at least Ten Years then last past.

Justices shall not practise. 48 G. 3.

XV. No Barrister who at present is or shall hereafter be appointed a Justice of the District shall during his Continuance in the Office 35 practise as a Barrister in any Manner whatever for Profit or Emoluc. 140. s. 14. ment; and if any such Barrister shall offend herein the Lord Lieutenant may remove him altogether from his Office, or direct that he be suspended from the Performance of the Duties thereof for such Period as the Lord Lieutenant shall direct. 40

XVI. Every

tenant may assign Justices to particular Divisions. 48 G. 3. c. 140. s. 10. Justices not compellable to act out of District, or in Offences not being Treason or Felony. 5 G. 4. c. 102. s. 11.

Power to commit to Kilmainham Persons charged with Offences beyond District.

Justices hereafter to be appointed risters. 5 Vict. c. 24. s. 46.

XVI. Every such Justice shall, before he shall begin to execute Justices to the Duties of his Office, take and subscribe before some Justice or take Oaths and be Jus-Baron of one of Her Majesty's Superior Courts of Common Law at tices in Dis-Dublin such Oath of Office as is or shall be by Law required to be trict and Counties 5 taken by Justices of the Peace in Ireland, and thereupon shall be, so adjoining. long as he shall continue in his Office, and each of the present Justices 48 G. 3. for the District shall likewise continue to be, so long as he shall con- c. 140. s. 9. 6 & 7 W. 4. tinue in Office, to all Intents and Purposes a Justice of the Peace c. 29. s. 2. within every Part of the Police District of Dublin Metropolis, and 10 also a Justice of the Peace within and for the Counties of Dublin,

Wicklow, Kildare, and Meath.

XVII. When the Number of Police Divisions in the Metropolitan When Divi-Police District shall be reduced below Three the Lord Lieutenant sions re-duced, Jusmay select from the Justices then acting so many as may be required tices, &c. 15 to discharge the Duties of the Police Courts therein, and supersede may be unreaded.

- any other of the Justices whose Services may not be required, and in by Lord like Manner may supersede any Clerk or Clerks previously attached Lieutenant. to any such Courts; and the Lord Lieutenant may, with the Consent 1 Vict. c. 25. of the Commissioners of the Treasury, grant to every Justice, or
- 20 Clerk, or other Person in any Office abolished or becoming unnecessary under this Act, and who shall not be re-appointed or employed in an Office of equal Value, such a Compensation or Allowance, chargeable on the said Local Funds applicable to the Support of the Police, as under the Circumstances of each Case shall appear just : Provided,
- 25 that the Compensation or Allowance of any Justice so superseded or removed within One Year from the passing of this Act shall be calculated on the Amount of the Salary payable at the Time of its passing.

XVIII. So soon as the Number of the Police Divisions shall be Salaries of 30 reduced below Three the Salaries of such Justices as shall remain shall be such Sum by the Year as the Lord Lieutenant shall, with the Sanction of the Commissioners of the Treasury, direct, not exceeding Eight hundred Pounds for each Justice, to be charged on the Local Funds applicable to the Maintenance of the Police.

XIX. If any Justice before whom an Information shall be exhi- Provision for 35 bited, or other Proceeding had, prosecuted, or continued, shall die or Absence of be absent pending such Information or Proceeding, or before the same Justice. shall be finally disposed of, any other of the Justices may entertain 5 Viet. and dispose of such Information and Proceeding, and do all Acts c. 24. s. 40 in relation thereto, in like Manner and with the like Powers and Authority, to all Intents and Purposes as if the Information had been [136.] A 3

s. 14.

Justices.

Sess. 2.

been originally exhibited or the Proceeding had or taken before such last-mentioned Justice or Justices respectively.

One Justice may do any Act directed to be done by more than One Justice. 5 Viet. Sess. 2. c. 124. ss. 47.70.

XX. Any One Justice may sign or execute any Warrant or other Instrument, and may hear and determine any Complaint or Matter which may be determined by summary Conviction, and may do 5 alone any Act at any of the Police Courts, or at any Place where for any special Purposes he may by Warrant under the Hand of the Chief or Under Secretary be directed to attend, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed 10 to be signed, executed, done, or determined by more than One Justice.

Justices, &c. not to serve on Juries. 1 Vict. c. 25. s. 20. 6 W. 4. c. 13. s. 23. 2 & 3 Vict. c. 75. s. 22.

fere in Elections.

XXI. No Justice or other Person appointed to or acting in any of the Police Courts shall be returned to serve or shall serve on any Jury or Inquest whatsoever, in the County or County of the City 15 of Dublin, or in the Office of Churchwarden, Parish Overseer, or Constable, or shall be chosen or balloted to serve in the Militia, or shall be elected a Guardian of the Poor or to fill any Office in connexion with the Administration of the Poor Laws; nor shall any Nor to inter- such Justice or other Person acting in the said Courts, during the 20 Continuance of his Appointment, be capable of being elected or sitting as a Member of the House of Commons, nor shall be capable of voting for the Election of Members to serve in Parliament for the Counties of Dublin, Wicklow, Kildare, or Meath, or for the County of the City of Dublin, or for any City or Borough within the District, 25 nor shall he in any Manner endeavour to persuade any Elector to give his Vote or to dissuade any Elector from giving his Vote at any such Election.

Procedure.

summary Jurisdiction shall be similar in the Police District to such

XXII. The Proceedings in Cases of indictable Offences and of 30

Procedure in Police District to be under Petty Sessions Act.

Proceedings in the other Parts of Ireland, and so much of Section Forty-one of the "Petty Sessions (Ireland) Act, 1851," as enacts that nothing in the said Act contained shall extend to the Dublin Metropolitan Police District, is hereby repealed ; and the said Act, so 35 far as the same is not inconsistent with the Provisions of this Act, and except Sections One to Eight, both inclusive, shall extend to the said District; and the Forms of Proceedings in the Schedule to the said Act referred to in the Portion thereof so extended shall be adopted, with such Variations as may be necessary for such Proceedings in 40 the District: Provided, that all Warrants issued by the Divisional Justices may be addressed to and executed by any Sub-Inspector, Head

Warrants. 14 & 15 Vict. c. 90. s. 4. c. 93. s. 27.

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Head or other Constable of the Dublin Police District, within the Limits of the Jurisdiction of the Justices respectively; and all Warrants transmitted to the Inspector General for Execution in the Police District of Dublin Metropolis shall be indorsed to any Sub-

- 5 Inspector who shall act for any Division of the District, and shall be executed in like Manner as any Warrant addressed to him in the first instance: Provided also, that all Appeals under the Portion so Appeals. extended of the said Act shall be to the Sessions of the County or City of Dublin, as the Case may be.
- XXIII. Any Justice may, without issuing a Summons, forthwith Apprehen-10 issue his Warrant for the Apprehension of any Person charged with sion may be issued withany Offence cognizable before him, whenever good Grounds for so out Sumdoing shall be stated on Oath before him.
- XXIV. The Chief or Under Secretary may from Time to Time Chief or 15 make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as Secretary may make shall appear to be fit, and not be inconsistent with the "Petty Sessions Rules for (Ireland) Act, 1851," and may vary or rescind any such Rule, and Business of Courts.
- 20 make others in lieu thereof; and a Copy of every such Rule, signed 2 & 3 Vict. by the Chief or Under Secretary, shall be sent to each of the said c. 71. s. 16; Justices, and to the Chief Clerk of each of the said Courts; and Act.) every Rule made for such Purposes shall be observed by the Justices, Clerks, and Officers of the Courts, and a Copy of all such Rules shall
- 25 be laid before both Houses of Parliament within Six Weeks next after the Commencement of each Session of Parliament following the Date of the making thereof.

XXV. No Person shall be permitted to act at any of such Police No Attor-Courts as an Attorney or Solicitor in the Prosecution of any Cause, ney to 30 Matter, or Proceeding pending before such Justice, who is not a Police Solicitor or Attorney of some One of Her Majesty's Courts of Courts unless ad-Record at Dublin, and duly licensed.

practise in mitted in Superior Courts.

XXVI. Any Justice acting as aforesaid may suspend any Solicitor Attornies or Attorney from Practice in his Court for any Period not exceeding may be sus-35 Twelve Calendar Months, by reason of any Misbehaviour of such Misconduct. Solicitor or Attorney, provided that every such Suspension shall be by Order in Writing, stating the Cause thereof; and every Person so suspended shall be entitled to a Copy of the Order, and shall be at liberty to apply by way of Petition to the Judges of Her Majesty's Appeal by Petition to Court of Queen's Bench in Ireland or any of them, in order to have Queen's

such Suspension removed; and such Judges or any of them may Bench. make such Order on such Petition as to them or him may seem [136.] A 4 befitting;

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mons. 5 Vict. Sess. 2. c. 24. s. 1. Under

Warrant for

befitting; and if such Judges or any of them shall be of opinion that such Suspension was improperly ordered by such Justice, they or he shall certify such Opinion on such Order of Suspension, and shall communicate the same to the Chief or Under Secretary, and thereupon such Suspension shall be removed.

Fees.

Fees to be taken in Police Courts. 5 Vict. Sess. 2. c. 24. s. 69.

XXVII. Such Fees as are contained in the Schedule (C.) to this Act annexed, and no other or greater Fees, may be taken for Business done or Proceedings had before or by any Justice acting in any Police Court within the Police District, and a Table of such Fces 10 shall be fixed in some conspicuous Part of each of the Courts, and any of the said Justices may refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and if any such Act shall be done, and the Fee due thereon shall not be paid, any of the Justices may summon the Person from whom such Fee shall be 15 due, and make Order for Payment of the same, with Costs of the Proceedings; and in default of Payment may levy the same, with the Costs of the Distress, by Warrant under his Hand.

Clerks to keep Account of Fees. c. 90. s. 6.

XXVIII. The Justices at each of the Courts shall take care that One of their Clerks shall, in Books to be provided for that Purpose, 20 keep a full, true, and particular Account of all Fees received thereat, 14&15 Vict. and such Clerk shall, once in every Month, deliver to the Person in that Behalf appointed from Time to Time by the Chief or Under Secretary to the Lord Lieutenant such Account, with all proper Vouchers for verifying the same, verified by a solemn Declaration, to 25 be made by the Clerk or other Person who shall have heretofore received such Fees, or in any Manner interfered therewith, or who may hereafter be appointed to receive the same, or so to interfere therewith, or in keeping such Accounts respectively, or any Part thereof, and which Declaration shall be made before One of the said 30 Justices ; and such Clerk or other Person shall pay over the Amount of all such Fees to such Person and in such Manner as the said Chief or Under Secretary shall from Time to Time appoint without any Delay; and the Receiver of the Constabulary, or other Person so appointed, shall at all Times have free Access to the said Books of 35 Account; and such Fees shall be applied towards defraying the Expenses of the Police Establishment of the District of Dublin Metropolis.

Penalties.

Fines and Penalties recoverable

XXIX. All Fines, Penalties, Forfeitures, and Shares of Fines, 40 Penalties, and Forfeitures, by any Law now in force, or hereafter to

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be made payable to the Crown, or to any Person (other than the before Informer who shall sue for the same, or the Party aggrieved), and be paid for which shall be recoverable by or before any of the said Justices, shall the Use of be adjudged to, accounted for, and paid into the Bank of Ireland, to the Police.

5 the Credit of the Receiver of the Constabulary in the Account entitled 2 & 3 Vict. c. 78. s. 11. the Dublin Fines and Penalties Account, to be applied towards 48 G. c. 140. defraying the Expenses of the Police Establishment of the District of ^{s. 29.} Dublin Metropolis.

XXX. All pecuniary Penalties which shall be recovered before Distribution 10 any Justice under this Act, for the Application of which no Provision of Penalties. is made in this or any other Act, may respectively be divided and 14 & 15 Vict. c. 90., s. 13. distributed in the Manner following; (that is to say,) Two Thirds thereof to the Constabulary, to be placed to the Account of the Public Monies of the Police District, and to be applied accordingly,

- 15 and the other One Third thereof to the Person who shall give Information of the Offence and prosecute the Offender : Provided, 5 Vict. that in case the Person who shall so give Information and prosecute Sess. 2. c. 24. shall be at the Time of the Commission of the Offence or of the Hearing of the Complaint employed in the Dublin Metropolitan
- 20 Police Service, the whole Penalty so forfeited shall be paid to the Purposes of the Police Establishment of the District in manner aforesaid.

Civil Jurisdiction.

- XXXI. Upon Complaint by any Person claiming to be entitled to Order for 25 the Property or Possession of Goods detained by any other Person Delivery within the Limits of the Police District, the Value of which shall not detained be greater than Fifteen Pounds, and not being Deeds, Muniments, or from the Owner. Papers relating to Property of greater Value than Fifteen Pounds, 5 Vict. any Justice may summon the Person complained against, and inquire Sess. 2. c. 24.
- 30 into the Title thereto or to the Possession thereof; and if it shall s. 68. appear that such Goods have been detained without just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining the Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of
- 35 any Act by the Owner, the Justice may order the Goods to be delivered to the Owner absolutely, or upon Tender of the Amount due by such Owner (which Amount the Justice is hereby authorized to determine), or upon Performance, or upon the Offer and Refusal of the Performance of the Act for the Performance of which the Goods
- 40 are detained; or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof, the Nature and Amount of which the Justice is hereby authorized to determine; and every Person who shall neglect or refuse to deliver up the Goods according [136.] в to

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s. 40.

to such Order shall forfeit to the Party aggrieved the full Value of the Goods, not being greater than the Sum of Fifteen Pounds, to be determined by the Justice; but no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited by Suit or Action at Law from the Person to whose Posses- 5 sion the Goods or Money shall come by virtue of such Order, so that such Action shall be commenced within Six Months after the Order is made.

XXXII. On Complaint by any Occupier within the Police District of a House or Lodging by the Week or Month, or whereof the Rent 10 does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of an Irregularity or Excess in respect of such Distress, any Justice may summon the Party complained against; and if, upon the Hearing of 15 the Matter, it shall appear that such Distress was improperly taken or unlawfully disposed of, or that the Charges made by the Party having distrained or attempted to distrain are contrary to Law, or that the Proceeds of the Sale of the Distress have not been duly accounted for to the Owner, the Justice may order the Distress so 20 taken, if not sold, to be returned to the Tenant or Occupier on Payment, at such Time as the Justice shall appoint, of the Rent which shall appear to be due, or if the Distress shall have been sold, then may order Payment to the Tenant or Occupier of the Value thereof, deducting the Rent due, such Value to be determined by 25 the Justice; and such Landlord or Party complained against, in default of Compliance with such Order, shall forfeit to the Party aggrieved the Value of the Distress, not being greater than Fifteen Pounds, to be determined by the Justice.

Certificate of Desertion of Houses. c. 57. s. 71.

XXXIII. Where the Landlord or Lessor of any deserted House, 30 Land, or Tenement within the Police District shall have proceeded &c. deserted. by Civil Bill Process for the Recovery of Possession thereof, pursuant 14 & 15 Vict. to Section Seventy-one of the Act of the Fourteenth and Fifteenth of the Queen, Chapter Fifty-seven, and shall require such Certificate as is by the said Section provided, any one of the said Justices may 35 issue his Warrant to a Sub-Inspector of the District, requiring him to enter into or go upon and view such House, Land, or Tenement; and thereupon such Sub-Inspector shall proceed as the Justices are directed to proceed by the said Section Seventy-one; but, instead of certifying to the Assistant Barrister, shall make a Return to the 40 Warrant, and any such Justice may thereupon transmit the Warrant and Return to the Assistant Barrister or Recorder pursuant to the said Section Seventy-one, which Warrant and Return shall be of the same

Relief against oppressive Distress. 5 Vict. Sess. 2. c. 24. s. 67.

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same Force and Effect as a Certificate of Two Justices of the Peace pursuant to the said Section Seventy-one.

XXXIV. On Complaint made by any Landlord or Owner of any Compensa-House, Lodging, or Furniture within the Police District, against any tion for 5 Person who shall have occupied such House as Tenant, Occupier, or Damage Care-taker thereof, that such Person has wilfully or maliciously done done by Tenants, &c. any Damage to the Premises, or to any Furniture thereof, not being 5 Vict. the Property of the Tenant, Occupier, or Care-taker, any Justice Sess. 2. c. 24. may, on Complaint made thereof within One Calendar Month next s. 66. 10 after the Commission of the Offence or the End of the Tenancy or Occupation, summon the Party complained against; and if, upon the Hearing, it shall appear that the Matter of Complaint has been

proved or admitted, such Person shall forfeit and pay such Sum of Money as shall appear to the Justice to be a reasonable Compensation 15 for the Damage done (not exceeding the Sum of Fifteen Pounds), to be paid to the Landlord or Party aggrieved.

XXXV. All Cesses, Rates, and Taxes authorized by Law to be Recovery of levied by order of any Justice or Justices of the Peace, and which Taxes on Premises. 20 are due on or payable out of or in respect of Premises wholly or in 12 & 13 Vict. part situate in the said Police District, may be recovered before c. 91. s. 70. any Justice at one of the said Police Courts, although the entire of the Parish, Township, Barony, Townland, or Place subject to or assessed or applotted for such Cesses, Rates, or Taxes may not be 25 within the District: Provided, that nothing in this Act contained shall be deemed or taken to exempt from Liability to such Cesses, Rates, or Taxes any House, Land, or Tenement heretofore liable to and duly rated and assessed for the same.

XXXVI. Every such Justice shall have and exercise all such Disputes 30 Powers as were vested in Divisional Justices under the Acts of the between Parliament of Ireland of the Thirty-fifth Year of the Reign of King brokers George the Third, Chapter Thirty-six, and the Thirty-sixth Year of and His said Majesty's Reign, Chapter Thirty, or any other Act or Acts, 48 G. 3. in Cases relating to the Business of a Pawnbroker; and whenever, c. 140. s. 70. 35 in any Dispute between a Pawnbroker and Borrower concerning any Justices may Pawn determined by such Justice, any Money shall be awarded to be between paid, in case of Nonpayment such Justice may, by Warrant under Pawn-brokers and his Hand and Seal, cause the Money awarded to be levied by Distress Borrowers, and Sale of the Goods of the Person who shall be ordered to pay, and levy Award. 40 and for Want of sufficient Goods such Justice may, by like Warrant, 5 G.4. c. 102.

commit such Person to the Common Jail for any Period not exceeding s. 22. One Calendar Month, or until such Sum shall be sooner paid.

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XXXVII. All

Pawn-Borrowers. determine

XXXVII. All Differences which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen, Coalwhippers, Coalporters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who werk for Hire in or upon the River Liffey or Harbour of Kingstown, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and 5 Sess. 2. c. 24. the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River or Harbour, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents, or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the 10 same Persons be employed for any certain Time, or in any other Manner, may be heard and determined by any of the said Justices; and every such Justice is hereby empowered to make such Order for Payment of so much Wages or Money to such Labourer as to the Justice shall seem just, provided that the Sum ordered do not exceed 15 Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint.

Police Offences and Regulations within the District.

XXXVIII. The Summary Jurisdiction (Ireland) Act, 1851, and this Act, shall be construed as One Act so far as relates to the 20 incorporated Police District of Dublin Metropolis.

XXXIX. The Provisions of "The Town Police Clauses Act, 1847," tion of Town with respect to "Obstructions and Nuisances in the Streets," "Fires," " Places of Public Resort," and "Bathing," shall be incorporated with and form Part of this Act, and the Word "Street" therein shall be 25 construed to mean any Street or Public Road ; the Word " Commissioner" shall mean the Inspector General of the Constabulary or the City Inspector; the Term "Superintendent Constable" shall mean Sub Inspector of Constabulary.

> XL. Every Person who within the District commits any of the 30 following Offences shall be liable to a Penalty not exceeding Ten Shillings for each Offence, or, in the Discretion of the Justice before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Constable may take into Custody, without Warrant, and forthwith convey before a 35 Justice, any Person who, within his View, commits any such Offence; (that is to say,)

Every Person who, by Negligence or Ill-usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise Misbehave himself in the Driving, Care, or Manage- 40 ment of such Cattle; and also every Person who, not being hired

Disputes between Watermen and others to be settled by a Justice. 5 Vict. s. 65.

Jurisdiction Act with this Act. Incorpora-Police Clauses as to Obstructions in

Summary

Streets, Fires. Bathing, and Places of Public Resort.

Nuisances.

Penalty on Persons committing any of the Offences herein named. 5 Vict. Sess. 2. c. 24. s. 11. Negligent Driving of Cattle. 2 & 3 Vict. c. 47, s. 54. (London Act.)

hired or employed to drive such Cattle, shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :

Every Person who shall use any threatening, abusive, or insulting Language to Words or Behaviour with Intent to provoke a Breach of the Breach of

Peace, or whereby a Breach of the Peace may be occasioned : Every Person who shall blow any Horn or use any other noisy Blowing Instrument for the Purpose of hawking, selling, or distributing Horns. 1 Vict. c. 25. any Article whatsoever :

Every Person who, without the Consent of the Owner or Occu- Posting

- pier, or, in respect of Public Property, without the Consent of Bills. 2 & 3 Vict. the Person or Persons authorized to give the same, shall affix c. 47. s. 54. any Posting Bill or other Paper against or upon any Building, (London Act.) Wall, Fence, or Pale or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale, with Chalk or Paint, or in
- any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden, or shall maliciously trespass upon or injure any public Property :
- Every Person who, at any Theatre or other Place of public Resort, Disturbing 20 shall unlawfully and maliciously disturb the Tranquillity and good Order among Her Majesty's peaceable Subjects there assembled, or who shall encourage and endeavour to instigate or prevail on any other Persons to disturb the public Peace, or to injure or annoy any of the Persons so assembled in Person or 25 Property:

Every Person who shall empty, or begin to empty, any Privy, Emptying between the Hours of Six in the Morning and Twelve at Night, Privies. or remove along any Thoroughfare any Nightsoil, Soap-lees, 2 & 3 Viet. Ammoniacal Liquor, or other such offensive Matter, between (London the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender: Provided that this Enactment shall not be construed to prevent any Person who may be employed in paving, lighting, and cleansing Streets within the Metropolitan Police District, or any Persons acting in that respect, from emptying or removing along any Thoroughfare, at any Time whatever, the Contents of any Sewer which they are authorized to cleanse or empty : [136.] B 3 Every

Peace.

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Occupier not keeping Footway swept.

Every Occupier of a House or other Tenement in any Street or on any Public Road within the said District who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining the Premises occupied by him; and if any Tenement be empty or unoccupied, the Owner thereof shall be 5 deemed the Occupier with reference to this Enactment.

Impounding and Sale of Obstructions.

XLI. Any Constable may seize and convey to the Common Pound, or to any Livery Stable, any Car, Cart, Carriage Furniture, Hay, Straw, Fruit, Vegetables, or other Article whatsoever, which shall be found to obstruct any Street, public Thoroughfare, or 10 Footway, and shall not be removed after due Caution being given to the Owner or Owners, or other Person or Persons having Charge thereof; and it shall be lawful for any Justice of the Police District to direct that the same shall be sold (if unclaimed or not redeemed) in the Manner by the "Petty Sessions (Ireland) Act, 1851," directed 15 respecting Animals found wandering and impounded.

Negligent or Drivers of Carriages, &c. in the Streets or Highways. 1 Vict. c. 25. s. 23.

Penalty not exceeding Forty Shillings.

XLII. If the Driver of any Carriage or Vehicle whatsoever, or wilful Mis-behaviour of any Person riding, shall, by Negligence, wilful Misbehaviour, or any other Misconduct, cause any Hurt or Damage to any Person or Property being upon any Street or Highway, or if the Driver 20 of any Carriage or Vehicle whatever shall wilfully be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses drawing the same, not having employed some proper Person to take care of the same, or shall, by Negligence, wilful Misbehaviour, or any other Misconduct, interrupt 25 the free Passage of any other Carriage or Vehicle, or of Her Majesty's Subjects, or shall obstruct any Street or Highway, or any Crossing therein, or the Approach or Access to any House or Shop, and being required by any Constable or Sub-Constable to pass on or move, shall continue to obstruct the same, every Person so offending in any 30 of the Cases aforesaid within the said District, and being convicted by any Justice of any such Offence, shall, for every such Offence. forfeit any Sum not exceeding Forty Shillings, and in default of Payment of such Penalty, and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately, or 35 within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol, to be there imprisoned for any Term not exceeding One Month, unless such Penalty, together with the Costs and Compensation, if ordered, be sooner paid ; and every such Offender shall and may, by the Authority 40 of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed

conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace.

XLIII. All the Powers heretofore given to the late Commissioners Powers of for paving, cleansing, and lighting the City of Dublin, or to any One Commission-ers of Paving 5 or more of them, of hearing and determining any Complaint for any transferred Offence against the Provisions of the Act of the Forty-seventh Year of to Justices. the Reign of King George the Third, Chapter One hundred and nine, and s. 24. of imposing any Fine or Penalty thereon, and enforcing the same, and of summoning the Parties and Witnesses thereon, shall be exercised by each

- 10 of the Justices at the Police Court of the Division in which the Matter of the said Complaint shall have arisen; and all the Powers given in and by the said Act to any Inspector, Constable, or other Person appointed by the said late Commissioners for the Removal or Suppression of Nuisances, or the Apprehension of Persons committing any
- 15 Offence, shall be exercised by the Constables of the Police within the Police District; and every such Constable shall, for those Purposes, have all the Powers, Authorities, and Privileges which by the said Act are given to the Inspectors, Constables, and other Persons appointed by the said late Commissioners.
- XLIV. If any Person shall suffer his Dwelling House or Premises Power to 20 to be kept in a filthy and unwholesome State, or permit or suffer abate danany Accumulation of offensive or noxious Matter, Refuse, Dung, or Nuisances. Offal, or any offensive Drain, Privy, or Cesspool to be and remain a 9 & 10 Vict. common Nuisance in or upon the Dwelling House and Premises
- 25 occupied by such Person, prejudicial to the Health of the Persons whose Habitations are in the Neighbourhood of such House or Premises, such Person shall be liable to a Penalty not exceeding Forty Shillings for each Offence; and if any Constable shall have reasonable Grounds to suspect and believe that any such common Nuisance exists or is main-
- 30 tained in or upon any such Dwelling House or Premises, it shall be lawful for such Constable, without Warrant, at all reasonable Hours, to enter into and search such Dwelling House and Premises; and, in case of the Existence of any such Nuisance, the said Constable shall forthwith lay a Complaint before One of the said Justices touching 35 the said Offence.

XLV. No Shop, Room, Cellar, or Place of public Resort, where Regulations ready-made Coffee, Tea, or other Liquors are sold or consumed, within as to Coffee the Police District, shall be kept open after the Hour of Twelve at Cellars, &c. Night during any Part of the Year, nor open before the Hour of Five 1 Vict. c. 25. 40 in the Morning; and no Shop, Room, Cellar, or Place of public ^{s. 21}. Resort, where any Refreshments or any Liquors not subject to any Duties of Customs or Excise are consumed, within the said District, **B**4 shall [136.]

Shops or

c. 96. s. 1.

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shall be kept open after the Hour of One in the Morning or before the Hour of Five in the Morning; and if any such Shop, Room, Cellar, or Place shall be open within the Hours herein-before respectively prohibited, or being shut up, if any Person shall during those Hours respectively be found therein, except the Persons actually 5 dwelling there, or having lawful Excuse for being there, or if Gaming shall be at any Time permitted or suffered therein, then the Master, Mistress, Waiter, or other Person having the Care, Government, or Management of such Shop, Room, Cellar, or Place, whether he or she be the real Owner or Keeper thereof or not, shall forfeit and pay 10 any Sum not exceeding Five Pounds upon Conviction of such Offence before a Justice, or, at the Discretion of the Justice, may be imprisoned and kept to Hard Labour in the Common Gaol for any Space of Time not exceeding One Month : Provided, that nothing herein contained shall apply to any House duly licensed for the Sale 15 of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper, or Manager of any such Shop, Room, Cellar, or Place from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly House.

Regulations respecting Public Houses to extend to other Houses of public Resort. 5 Vict. c. 24. s. 7.

XLVI. Every Person who shall have or keep any House, Shop, 20 Room, or Place of public Resort within the District, wherein Provisions, Liquors, or Refreshments of any kind shall be sold or consumed (whether kept or retailed therein or procured elsewhere), and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly 25 suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, or shall allow, permit, or suffer Music or Dancing in such Places as aforesaid, or in Premises thereto belonging, on Sundays, shall for every such Offence be liable 30 to a Penalty of not more than Five Pounds: Provided, that if the Offender be a Licensed Victualler, or licensed to sell Beer by Retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the 35 Licence to him granted.

Suppression of Gaming Houses 5 Viet. Sess. 2. c. 24.

XLVII. If any Sub-Inspector of the District shall report in Writing to the Inspector General of the Constabulary that there are good Grounds for believing any House or Room within the District to be kept or used as a common Gaming House, and if *Two* or more 40 Householders resident within the District and not belonging to the Constabulary shall make Oath in Writing before a Justice of the District that the Premises complained of by the Sub-Inspector are commonly

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commonly reported and are believed by the Deponents to be kept or used as a common Gaming House, the Inspector General may, by Order in Writing, authorize the Sub-Inspector to enter any such House or Room with such Constables as shall be directed to accom-

- 5 pany him, and, if necessary, to use Force to effect such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons found therein, and to seize and destroy all Tables and Instruments of Gaming found in such House or Premises, and also to seize all Money and Securities for Money found therein; and the
- 10 Owner or Keeper of such Gaming House shall be liable to a Penalty not exceeding One hundred Pounds, or, in the Discretion of the Justice before whom he shall be convicted, may be committed to the House of Correction, with or without Hard Labour, for a Period not exceeding Six Months and upon the Conviction of any such Offender
- all the Monies and Securities for Money seized as aforesaid shall be 15 paid over for the Use of the Constabulary, to be applied towards defraying the Expense of the Force of the District; and every Person found in such House or Premises without lawful Excuse shall be liable to a Penalty not exceeding Five Pounds : But nothing herein mentioned
- 20 shall prevent any Proceeding by Indictment against the Owner or Keeper, or other Person having the Care or Management of any Gaming House, provided that no Person shall be proceeded against by Indictment, and also under this Act, for the same Offence.

XLVIII. In any Information for Gaming, or suffering any Games Proof of 25 or Gaming in, or for keeping or being concerned in the Management Money Wager not or Conduct of a common Gaming House under this Act, it shall not necessary. be necessary to prove that any Person found playing at any Game 5 Viet. c. 24. was playing for any Money, Wager, or Stake.

- XLIX. If any Person, with Intent to exercise any Trade or Call- Illegal Erec-30 ing, shall set up or place, or begin or prepare to set up or place, any tion of Booth, Stall, Tent, or other temporary Erection, or bring any Travel- Fairs. ling Show, Van, or other such moveable Exhibition, in or to any Place within the Police District, not being a bonâ fide Racecourse or lawful and established Fair or Market, regularly and properly held, and shall
- 35 decline or neglect to remove the same when thereunto requested by any Constable, or shall assist or be present at and take part in holding any unlawful Fair or Market at any such Place, and shall not leave the same on being requested by any Constable, such Person may be forthwith taken into Custody by any Constable, and shall be liable,
- 40 on Conviction by any Justice of such Offence, to a Penalty not exceeding Ten Pounds, and on such Refusal or Neglect any Constable may take down or remove such Booth, Stall, Tent, Travelling Show, Van, or Exhibition; and any Person who, without lawful Authority [136.] С in

Booths and

in that Behalf, shall hold or permit to be held on his Ground any Fair or Market shall be liable, on Conviction thereof by any Justice, to a Penalty of Fifty Pounds.

Fairs within the District inquired into. and if declared unlawful, Booths, &c. may be removed. 2 & 3 Vict. c. 47. s. 39. (London Act.)

L. If it shall appear to the Inspector General or to the City Inspector of the Constabulary that any Fair has been held within the 5 District without lawful Authority, or that any Fair lawfully held within the District has been held for a longer Period than is warranted, he may summon the Owner or Occupier of the Ground upon which such Fair has been held to appear before a Justice at a Time and Place specified in the Summons, not less than Eight Days after 10 the Service of the Summons, to show his Right and Title to hold such Fair, or to hold such Fair beyond a given Period (as the Case may be); and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not show to the Justice who shall hear the Case sufficient Cause to believe that such Fair has been lawfully held 15 for the whole Period during which the same has been usually held, the Justice shall declare in Writing such Fair to be unlawful, either altogether or beyond a stated Period (as the Case may be); and the Inspector General or City Inspector shall give notice of such Declaration by causing Copies thereof to be affixed on the Parish Church 20 and on other public Places in and near the Ground where such Fair has been usually held ; and if, after such Notices have been affixed for the Space of Six Days, any Attempt shall be made to hold such Fair if it shall be declared altogether unlawful, or to hold it beyond the prescribed Period if it shall be declared unlawful beyond a certain 25 Period, the Inspector General or City Inspector may direct any Constable to remove every Booth, Standing, and Tent, and every Vehicle of whatsoever Kind, conveyed to or being upon the Ground for the Purpose of holding or continuing such Fair, and take into Custody every Person erecting, pitching, or affixing, or assisting to 30 erect, pitch, or fix any such Booth, Standing, or Tent, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Show or Instrument of Gambling or Amusement; and whosoever shall be guilty of doing any of the Acts by virtue of this Act prohibited or declared 35 unlawful, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence.

Publicans supplying Liquors to Persons under Sixteen Years of Age. 5. 6.

LI. If any Person licensed to deal in excisable Liquors within the District shall knowingly supply any Sort of distilled exciseable Liquor to any Boy or Girl apparently under the Age of Sixteen 40 Years, to be drunk upon the Premises, such Person shall be liable to a Penalty of not more than Twenty Shillings, and upon Conviction 5 Viet. c. 24. of a Second Offence shall be liable to a Penalty of not more than Forty

Forty Shillings, and upon Conviction of a Third Offence shall be liable to a Penalty of not more than Five Pounds, and in default of Payment may be imprisoned for any Period not exceeding Fourteen Days.

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LII. Every Person wandering abroad, or placing himself or herself Arrestof Vain any public Place, Street, Highway, Court, or Passage within the Begars; District, to beg or gather Alms, or causing or encouraging any Child and Money to do so, may, without Warrant, be arrested by any Constable, and found on, ap-10 upon being convicted of any such Offence before any Justice be Support.

- committed to the Common Gaol, with or without Hard Labour, for any Time not exceeding One Calendar Month; and the Justice before whom such Person shall be so convicted may order that any Money found on the Person of such Vagrant or Beggar shall be handed to the Board of Superintendence of the Gaol in which he or
- 15 she shall be confined, and such Money, or so much of it as shall be sufficient for the Purpose, shall be appropriated to the Subsistence of such Vagrant or Beggar during such Imprisonment, returning the Residue (if any) to such Beggar or Vagrant on his or her Discharge.

LIII. If any Person in the District shall, with Intent to defraud any Impostors 20 other Person, wilfully forge or counterfeit the Signature of any other obtaining or Person, or sign any false Name to any pretended Subscription List, Money by purporting to be for a charitable Purpose, or assume any false Name, fabricated Declarations or knowingly have in his Possession any such Subscription List, or or Stateany Document with any forged or false Signature thereto, or wilfully ments, may be dealt with 25 publish any such Subscription List or Document, or any false State- summarily. ment of pretended Disasters and Calamities, or make use of any false Pretence or false Representation whatsoever, with Intent fraudulently to procure any Sum of Money or other Thing, or by such Means shall

obtain any Money or other Thing, such Person so offending, and 30 being thereof convicted before any Justice, shall be liable to pay a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice, be imprisoned in the Common Gaol, with or without Hard Labour, for any Term not exceeding Three Calendar Months.

LIV. Every Person who within the District shall, for the Purpose Framing a 35 of protecting or preventing anything whatsoever from being seized false Bill of Parcels. within the Police District, on Suspicion of its being stolen, or other- 5 Viet. wise unlawfully obtained, or of preventing the same from being Sess. 2. c. 24. produced or used as Evidence concerning any Felony or Misdemeanor 8.5. 40 committed or supposed to be committed within the Police District, frame or cause to be framed any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence, or the [136.] C 2 Conveyance,

plied to their

soliciting

Conveyance by which the same was furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels, knowing the same to have been fraudulently framed, shall, on Conviction thereof, be deemed guilty of a Misdemeanor. 5

Cutting Ropes, Cables, &c. 5 Vict. Sess. 2. c. 24. s. 18.

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LV. Every Person who shall, within the District, unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or in any of the Docks or Creeks adjacent thereto respec- 10 tively, with intent to steal or otherwise unlawfully obtain the same, or any Part thereof, shall, on Conviction thereof, be deemed guilty of a Misdemeanor.

Possessing Instruments for unlawfully carrying away Wine, &c. 5 Vict. Sess. 2. c. 24. s. 20.

Piercing Casks, opening Packages, &c. 5 Viet. Sess. 2. c. 24. s. 21.

LVI. Every Person who shall be found, within the Police District, in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, 15 or on board any Ship or Vessel, having in his Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquor or having in his or her Possession any Skin, Bladder, or other Material or Utensil, for the Purpose of unlawfully using, secreting, or carrying away any such Wine, Spirits, or other 20 Liquor, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquor, shall, on Conviction thereof, be deemed guilty of a Misdemeanor.

LVII. Every Person who shall, within the Police District, bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Pack- 25 age containing Wine, Spirits, or other Liquor, on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with intent feloniously to steal, or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink or wilfully spill, or allow to run waste, any Part of the Contents thereof, 30 shall, on Conviction, be deemed guilty of a Misdemeanor.

Breaking Casks, &c. with intent to spill Contents. 5 Vict. Sess. 2. c. 24. s. 22.

LVII. Every Person who shall, within the Police District, wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other 35 Craft lying in the River Liffey, or either of the said Harbours, or any Dock, Creek, Quay, Wharf, or Landing-place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Packages, or any Part thereof, may be spilt or dropped from such Package, shall, on Conviction, be deemed guilty 40 of a Misdemeanor.

LIX. The

LIX. The Provisions of the Act of the Sixteenth Year of the Aggravated Queen, Chapter Thirty, Section One, for the Prevention and Punish- Assaults on Females and ment of aggravated Assaults upon Women and Children, shall apply Children. to the Police District of Dublin Metropolis, as if the Word "Metro- 16 Viet. 5 polis" in the said Section had been "Police District of Dublin Metro- c. 30. s. 1.

polis."

LX. If any Person shall unlawfully assault or resist any Con-Assaulting stable or other Person belonging to the Metropolitan Police Force in Constables. the Execution of his Duty, or shall aid or incite any Person so to c. 29. s. 9. 10 assault or resist any such Constable or other Person, every such Person

shall, on Conviction thereof, be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Three Months.

LXI. If any Person within the District shall have in his Possession Production of 15 any Goods, and, after receiving a Notice of such Goods being stolen, stolen Goods on Notice with a Description thereof, shall wilfully omit or refuse to make Discovery Discovery to a Justice of the Division in which such Person shall from whom reside of so having the same, and of the Person or Persons from whom 48 G.3. such Person received them, or shall, on being duly required by c. 140. s. 51.

- 20 Notice in Writing signed by any Justice, neglect or omit to attend at the Police Court at such Time as shall be mentioned in such Notice, or refuse to be examined concerning the same, or, upon Requisition made by any Constable to produce such Goods, shall omit or refuse so to do, such Person shall, upon being convicted
- 25 thereof, forfeit a Sum not exceeding Five Pounds, and the Value of the Goods ; and if such Person shall not pay such Penalty he shall be committed to the Common Gaol for any Time not exceeding One Calendar Month.

LXII. If any Person shall be charged with having in his Possession, Persons con-30 or on his Premises with his Knowledge, or shall be charged with con- victed or having or veying in any Manner, anything which he may reasonably have sus- conveying pected to have been stolen or unlawfully obtained, and shall not give stolen Goods an Account to the Satisfaction of a Justice how he came by the same, Penalty or such Person shall be deemed guilty of a Misdemeanor, and, on Con-Imprison-35 viction thereof, shall be liable to a Penalty of not more than Five 48 G. 3.

Pounds, or, in the Discretion of the Justice, may be imprisoned, with c. 140, s. 49. or without Hard Labour, for any Time not exceeding Two Calendar Months.

LXIII. When any Person charged with having anything stolen or Conviction 40 unlawfully obtained shall declare that he received the same from some of Party from whom other Person, or that he was employed as a Carrier, Agent, or stolen Goods C 3 Servant [136.]

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5 Vict. s. 55.

are received. Servant to convey the same for some other Person, the Justice shall cause such Person, and also, if necessary, any former or pretended Sess. 2. c. 24. Purchaser or other Person through whose Possession the same shall be alleged to have passed, to be brought before him and examined, and may examine Witnesses upon Oath touching the same; and if it 5 shall appear to such Justice that any such Person having had Possession of such Thing had reasonable Cause to believe it to have been stolen or unlawfully obtained, every such Person shall be deemed to have had Possession of the Thing at the Time and Place when and where the same shall have been found or seized, and the 10 Possession of the Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and every such Person shall be deemed guilty of a Misdemeanor, and, on being convicted thereof, shall be liable to a Penalty of not more than Five Pounds, or, in the Dis- 15 cretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding Two Calendar Months.

Order for Delivery of stolen Goods to Owner. 5 Vict. Sess. 2, c. 24. s. 56.

LXIV. If any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made 20 thereof, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the District, a Justice may issue a Summons or Warrant for the Appearance of the Broker or Dealer, and for the 25 Production of the Goods, and order such Goods to be delivered up to the Owner, either without any Payment, or upon Payment of such Sum and at such Time as the Justice shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with 30 the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice; provided that no such Order shall bar any Broker or Dealer from recovering Possession of the Goods, or the Value thereof, by Suit or Action at Law, from 35 the Person into whose Possession they may come by virtue of the Justice's Order.

Order for Delivery of Goods charged in Custody of Constables. 5 Viet. Sess. 2. c. 24. s. 57.

LXV. If any Goods or Money charged to be stolen or fraudently obtained shall be in the Custody of any Constable by virtue of any Warrant, or in prosecution of any Charge of Felony or Misde- 40 meanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession of the Goods or Money shall not be found, or shall have been summarily convicted or discharged, or

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or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in the Indictment or Charge on which he shall have been found guilty, in any of these Cases a Justice may order

5 the Delivery of the Goods or Money to the Party who shall appear to be the rightful Owner, or in case the Owner cannot be ascertained then shall make such Order with respect to the Goods or Money as to the Justice shall seem right : Provided, that such Order shall not bar the Right of any Person to sue the Party to whom the Goods or 10 Money shall be delivered, and to recover such Goods or Money from him by Action at Law, so that such Action shall be commenced

within Six Calendar Months next after the Order is made.

LXVI. If Information shall be given on Oath to any Justice that Search Warthere is reasonable Cause for suspecting that any shipwrecked Goods, Goods stolen 15 or anything stolen or unlawfully obtained, is concealed or lodged in or unlawany Dwelling House or other Place, such Justice may, by Warrant fully obunder his Hand directed to any Constable, cause such Dwelling House Detention of

- or other Place to be entered and searched at any Time of the Day the same. or by Night, if Power for that Purpose be given by the Warrant, and Sess. 2. c. 24. 20 the Justice, if it shall appear to him necessary, may empower such s. 54. Constable, with such Assistance as may be found necessary, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, having previously made known such his Authority; and if upon Search made such Thing shall be found, then to
- 25 convey the same before a Justice, or to guard the same on the Spot until the Offenders are taken before a Justice, or otherwise to dispose thereof in some Place of Safety, and moreover, to take into Custody, and carry before the Justice every Person found in the House or Place who shall appear to have been privy to the Deposit of the
- 30 Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

LXVII. Any Constable duly authorized thereto by the Warrant of Search Wara Justice granted upon Information on Oath may break open any rant for Fe-Dwelling House, Outhouse, Shop, Warehouse, Cellar, or other Place 48 G. 3. 35 named in the Warrant and not opened on Demand, after due Notice c. 140. s. 46.

- of such Warrant, in order to search for Traitors or Felons, or Acces- 5 G. 4. c. 102. s. 13. sories to any Traitors or Felons, or Receivers of stolen Goods, or to search for any Goods or other Things stolen or feloniously taken or carried away.
- LXVIII. Any Constable thereto duly authorized by the Warrant of Constables to search for 40 a Justice may search all suspected Places in such Warrant men- concealed tioned for concealed Arms; and if such Constable shall thereupon 48 G. 3. [136.] C 4

find c. 140, s. 52.

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find any Arms in the Possession of any Person not qualified or entitled by Law to have the same, he shall seize and carry the same to the Police Court of the Division in which such Arms shall be so found; and the Justices of such Division are required to send such Arms so seized to Her Majesty's Arsenal to be applied to the Use 5 of Her Majesty; and the Person in whose Possession the Arms shall be so found shall, if required by the Justice, find Surcties for his good Behaviour for any Period not exceeding Two Years, or shall be committed to Prison until he shall give such Security : Provided no such Warrant shall be granted except on Information upon the Oath 10 of One or more credible Witnesses that to the best of their Knowledge and Belief such Person is unlawfully in possession of Arms as aforesaid.

Warrant, &c. may be executed out of District by any Constable. 5 Vict. Sess. 2. c. 24. s. 48.

48 G. 3. c. 140. s. 31.

LXIX. Every Distress or Levy Warrant, or Search Warrant, or Warrant to compel the Appearance of any Person, or for the Appre-15 hension of any Person charged with any Offence arising within the Police District, or within the Counties of Dublin, Wicklow, Kildare, or Meath, may be served or executed out of the said District by any Officer, Head or other Constable, to whom the same shall be directed and shall have the same Force and Effect as if it had been originally 20 issued or subsequently indorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed, and all Gaolers and Keepers of Prisons are hereby authorized and directed to receive into their Custody such Person, when apprehended or in Custody under or by virtue of such Warrant, and him 25 in safe Custody to keep until transmitted to the Metropolitan Police District.

Power of Constables upon the Liffey, &c. 5 Vict. Sess. 2. c. 24. s. 19.

LXX. Every Constable of the Metropolitan Police District shall have all the Powers and Privileges of a Constable upon the River Liffey within or adjoining to the District, or the several Counties 30 of Dublin, Kildare, and Wicklow, and in and on the Harbour of Dublin and Harbour of Kingstown, and the Docks or Creeks adjacent thereto, or within Ten Miles thereof, and any such Constable may take into Custody any Person who, for the Purpose of preventing the Seizure or Discovery of anything belonging to, or having been unlaw- 35 fully obtained from, or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or the Docks or Creeks adjacent thereto, or within Ten Miles thereof respectively, shall wilfully let fall or throw into the said River, or any of the said Docks or Creeks, or in any 40 other Manner convey away from any Ship, Boat, or Vessel, Wharf. Quay, or Landing Place, any such Thing, or who shall be accessory to any such Offence, and also seize and detain any Boat in which such

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such Person shall be found, or out of which any such Thing shall be so let fall, thrown, or conveyed away; and every such Person committing the Acts last aforesaid, or being an Accessory thereto, shall be deemed guilty of a Misdemeanor.

- LXXI. Every Inspector, Sub-Inspector, and Head Constable shall Boarding 5 have Power by virtue of his Office to enter at all Times, as well by Vessels. 5 Vict. Night as by Day, with such Constables or Sub-Constables as he Sess. 2. shall think necessary, every Ship, Boat, or other Vessel (not being c. 24. s. 23. then actually employed in Her Majesty's Service) lying in the River
- 10 Liffey, or any of the Harbours, Docks, and Creeks, and every Part of every such Vessel, for the Purpose of inspecting, and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board
- 15 of any such Vessel in or about the lading or unlading thereof, as the Case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel; and for the more effectual Prevention of the Existence of any common
- 20 Nuisance dangerous or prejudicial to Health, every such Inspector, Sub-Inspector, or Head Constable, with such Constables as aforesaid, shall have Authority to enter every such Ship, Boat, or other Vessel, in order to enforce and carry into effect against the Owner, Master, or other Person having the Charge of such Vessel as aforesaid the 25 Provisions respecting Nuisances herein-before contained touching such
- Matters and Things.

LXXII. Every Inspector, Sub-Inspector, and Head Constable, Arrest of having just Cause to suspect that any Felony has been or is about suspected Felons on to be committed on board of any Ship, Boat, or other Vessel lying in board Ves-30 the said River, or any of the said Harbours, Docks, and Creeks, may sels. 5 Vict. enter at all Times, as well by Night as by Day, every such Ship, Sess. 2. Boat, or other Vessel, and therein take all necessary Measures for the c. 24. s. 24. effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in or 35 upon the said River or Harbours, Docks or Creeks, and 'take into Custody all Persons suspected of being concerned in such Felonies,

and also take charge of all Property so suspected to be stolen. LXXIII. Any Person found committing any Offence punishable Appreheneither upon Indictment or as a Misdemeanor upon summary Con- sion of cer-40 viction may be taken into Custody without a Warrant by any Con- ders without

stable, or may be apprehended by the Owner of the Property on or Warrant. 5 Vict. with respect to which the Offence was committed, or by his Servant, Sess. 2. [136.] D

or c. 24. s. 29.

or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained 5 may be found; and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to 10 such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized and if in his Power is required to apprehend and detain, and, as soon as may be, to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law. 15

Arrest of Persons carrying stolen Goods. 48 G. 3. c. 140. s. 45. LXXIV. Any Constable may apprehend any Person carrying or conveying any Goods within the District, in case it shall appear to such Constable that there is probable Cause to suspect that such Goods have been stolen or feloniously taken and carried away, and thereupon the Person so taken, together with the Goods, shall, as soon 20 as may be convenient, be conveyed to the Police Court of the Division in which the same shall have been taken, to be dealt with according to Law.

Detention of Furniture removed to evade Rent. 5 Vict. Sess. 2. c. 24. s. 30. LXXV. Any Constable may stop and detain, until due Inquiry can be made, all Carts and Carriages employed in removing the 25 Furniture of any House or Lodging between the Hours of *Eight* in the Evening and *Six* in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Horses, Carriages, &c. of Offenders may be detained. 5 Vict. Sess. 2. c. 24. s. 31.

LXXVI. If any Person having Charge of a Horse, Cart, Carriage, 30 Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, such Constable may take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and deposit the same in some Place of safe Custody as a Security for Payment of any Penalty to which the Person having 35 had Charge thereof may become liable, and for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same, and the Justice before whom the Case shall be heard may order such Horse or Thing to be sold in default of Payment of the Penalty and Expenses for Satisfaction of the same. 40

LXXVII. Any

LXXVII. Any Constable, and all Persons whom he shall call to Apprehenhis Assistance, may take into Custody, without a Warrant, any Person Sion of Offender who, within view of such Constable, shall offend in any Manner whose Name against this Act, and whose Name and Residence shall be unknown to and Residence is not 5 and cannot be ascertained by such Constable.

LXXVII. Any Constable may take into Custody without a War- c. 24. s. 26. rant any loose, idle, or disorderly Person whom he shall find disturbing Apprehenthe Public Peace, or whom he shall have good Cause to suspect of sion of Thieves. having committed or being about to commit any Felony, Misde- &c. without 10 meanor, or Breach of the Peace.

LXXIX. Any Constable may take into Custody without Warrant any Person who shall be charged by any other Person with c. 24. s. 27. committing an aggravated Assault, or with publicly and indecently Persons exposing his Person, in every Case in which such Constable shall with recent 15 have good Reason to believe that such Offence has been committed, Assaults although not within view of such Constable, and that by reason of may be apprehended the recent Commission of the Offence a Warrant could not have been without obtained for the Apprehension of the Offender.

LXXX. Every Person taken into Custody without a Warrant, 20 except Persons detained for the mere Purpose of ascertaining their apprchended Name or Residence, shall be forthwith delivered into the Custody of without a the Constable in charge of the nearest Station House, in order that be taken such Person may be secured until he can be brought before a Justice to the Stato be dealt with according to Law, or may give Bail for his Appear- 3 Vict. 25 ance before a Justice, if the Constable in charge shall deem it prudent Sess. 2. to take Bail in the Manner herein-after mentioned.

LXXXI. Whenever any Person charged with any Felony, or any Power to Misdemeanor punishable by Transportation, or other grave Misde- bind over meanor, shall be without a Warrant in the Custody of the Constable making 30 in charge of the Station House during the Time when the Police Charges. Courts shall be shut, such Constable may require the Person making 5 Vict. Sess. 2. the Charge to enter into a Recognizance conditioned for his Appearance c. 24. s. 34. before a Justice to prosecute the Charge as herein-after mentioned, and upon his or her Refusal so to do such Constable may, if he shall

35 deem it prudent, discharge from Custody the Person charged upon his or her Recognizance, with or without Sureties, conditioned as herein-after mentioned.

LXXXII. Where any Person charged with any Misdemeanor, or tice, &c. with any Offence of which he is liable to be summarily convicted, 6 & 7 W. 4. 40 shall be without a Warrant in the Custody of the Constable in charge c. 29. s. 8. D 2 [136.]

known. 5 Vict. Sess. 2. a Warrant. 6 & 7 W.4. c. 29. s. 7. 5 Vict. Sess. 2. Warrants. 5 Vict. Sess. 2. c. 24. s. 28. Persons Warrant to tion House. c. 24. s. 32.

Persons

Bail for Appearance of Parties before a Jusof s. 33.

of the Station House during the Time when the Police Courts shall be closed, such Constable may, if he shall deem it prudent, take Bail by Recognizance, with or without Suretice, conditioned as hereinafter mentioned.

Nature and Form of Recognizance of Bail. 5 Vict. Sess. 2. c. 24. s. 35.

LXXXIII. Every Recognizance so taken, as in the last Two preced- 5 ing Sections mentioned, shall be without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice of the Division in which the Station House shall be situate at his next Sitting, and the Time and Place of Appearance shall be specified in the Recognizance; and every such Recognizance shall be 10 of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof or otherwise dealing therewith as if the same had been taken before a Justice : and the Constable shall enter in a Book to be kept for that Purpose in every Station House the Names, Residence, and Occupation of 15 the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is 20 required to appear.

Enlarging Recognizances. 6 & 7 W. 4. c. 29. s. 8.

LXXXIV. If the Party not appearing shall apply by any Person on his Behalf to postpone the Hearing of the Charge, and the Justice shall think fit to consent thereto, he shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined either by the Dismissal of 25 the Complaint or by binding over the Party to prosecute or answer (as the Case may be) the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward.

Penalties for compounding Informations. 5 Vict. Sess. 2. c. 24. s. 61.

LXXXV. In case any Person shall lodge an Information before 30 a Justice for an Offence alleged to have been committed, by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Justices, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, such Informant shall be liable to a 35 Penalty not exceeding Ten Pounds.

Revenue before Witness sworn.

LXXXVI. Any Charge, Information, or Complaint made or pre-Informations ferred before any Justice in respect of any alleged Breach of the drawn with- Laws regulating Her Majesty's Inland Revenue, Customs, or Post outPrejudice Office may be withdrawn by the Person preferring, exhibiting, or 40 making such Charge, Information, or Complaint at any Time previous

vious to the Hearing thereof, without such Withdrawal being any Bar or Impediment to preferring any other such Information or Proceeding whatsoever in the same or any other Court in reference to such alleged Breach of such Laws, but it shall not be lawful in any Case 5 to withdraw the same after any Witness in support of the Charge, Information, or Complaint has been sworn at the Instance of the Person preferring, exhibiting, or making such Charge, Information, or Complaint.

LXXXVII. In every Case in which Information or Complaint of Amends 10 any Offence shall be made before a Justice, and shall not be further may be prosecuted, or in which, if further prosecuted, it shall appear to the frivolous in-Justice by whom the Case shall be heard that there was no sufficient formations. Ground for making the Charge, the Justice shall have Power to award Sess. 2.c. 24. such Amends (not being more than the Sum of Five Pounds) to be s. 60.

awarded for

15 paid by the Informer to the Party informed or complained against, for his Loss of Time and Expenses in the Matter, as to the Justice shall seem meet.

LXXXVIII. If any Person shall obtain any Sum of Money or other Penalty for Reward from any other Person by threatening, directly or indirectly, ^{obtaining} 20 to lodge an Information or make a Complaint before any Justice for threatening

any Misdemeanor, or as an Inducement for forbearing to lay such Information. Information or make such Complaint, such Person shall, on Con- 3 & 4 Vict. viction of the Offence before any Justice, be liable to a Penalty of London Act. not more that Ten Pounds, or to be imprisoned for any Term not

25 exceeding Six Months.

LXXXIX. Every Person who, by committing any Offence in Justices may this Act forbidden within the Police District, shall have caused any award rea-Hurt or Damage to any Person or Property may be apprehended, Compensawith or without any Warrant, by any Constable ; and if he shall not, tion for 30 upon Demand, make amends for such Hurt or Damage to the Satis- Hurt or Damage. faction of the Person aggrieved, he shall be detained by the Constable 5 Vict. in order to be taken before a Justice, and upon Conviction shall pay, Sess. 2. c. 24. in addition to any Penalty to which he may be liable, such a Sum, not exceeding Ten Pounds, as shall appear to the Justice before whom

35 he shall be convicted to be reasonable Amends to the Person aggrieved.

XC. For every Misdemeanor or other Offence against his Act Offences for for which no special Penalty is appointed the Offender shall, at the which no Penalty is Discretion of the Justice before whom the Conviction shall take appointed. 40 place, be liable to a Penalty of not more than Five Pounds, or to be 5 Vict. imprisoned for any Time not more than One Calendar Month in any s. 36. Gaol within the Police District.

[136.]

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XCI. Where

Power to lessen Shares of Penalties to Informers. s. 62.

Power to mitigate Penalties. 5 Vict. s. 63.

XCI. Where One Third or other fixed Portion of the Penalty or Penalties imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, the Justice before whom the Conviction shall be had may adjudge that no Part or such Part Sess. 2. c. 24. only of the Penalty as he shall think fit shall be paid to the 5 Informer.

XCII. Where a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender, the Justice before whom such Conviction shall be had may reduce or lessen such Penalty or Term of Sess. 2. c. 24. Imprisonment in such Manner as he may think fit, provided that such 10 Reduction be made in open Court, and not otherwise.

Indictable Offences may be proceeded on as such. 5 Vict. Sess. 2. c. 24. s. 37.

XCIII. Nothing in this Act contained shall prevent any Person from being indicted for an indictable Offence, though made punishable on summary Conviction by this Act, or relieve any Person from being liable, under any other Act or Acts, to any other or higher 15 Penalty or Punishment than is provided for such Offence, so as nevertheless that no Person be punished twice for the same Offence.

Conviction not quashed for Want of Form. 6 & 7 W.4. c. 29. s. 41.

Actions against Persons this Act. 5 Vict. s. 74.

XCIV. No Conviction had or made by or before any Justice shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, nor shall the same be removed by Certiorari into Her 20 Majesty's Court of Queen's Bench.

XCV. All Actions and Prosecutions to be commenced against any Officer, Head or other Constable, or a Justice of the Police acting under District, for anything done in pursuance of this Act shall be commenced within Six Months after the Fact committed, and not other- 25 ⁵ vict. sess. 2. c. 24. wise; and Notice in Writing of such Action, and of the Cause thereof. shall be given to the Defendant One Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been 30 paid into Court after such Action brought, by or on behalf of the Defendant.

Constables may justify under Warrant.

XCVI. When any Action shall be brought against any Officer or Head or other Constable of the District for any Act done in obedience to a Warrant addressed to him to be executed, such Constable shall not 35 be responsible for any Irregularity in the issuing of such Warrant or for any Want of Jurisdiction in the Party issuing the same; and may justify under the Warrant, and upon producing it and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person has acted in the 40 Capacity

Capacity in virtue of which he may have signed the Warrant, and that the Act or Acts complained of were done in obedience to the Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable.

- XCVII. If it shall become necessary to prove the Power, Office, Reputation 5 Authority, or Appointment of any Officer or Head or other Constable, or Evidence of Officer's Justice, or of the Receiver, or of any other Officer or Person appointed Authority. or acting in the Constabulary Force of Dublin Metropolis, it shall in all 48 G. 3. c. 140.s. 123. Cases be sufficient primâ facie Evidence to prove that such Person at
- 10 the Time in question was commonly known or reputed to hold such Office or Situation respectively; and it shall not for any such Purpose be necessary to produce or prove any Appointment or Qualification whatsoever of such Person.

XCVIII. If any Goods or Things carried and conveyed as herein- Justices, 15 before mentioned shall be seized and detained as stolen, shall prove Constables, not to have been stolen, or in case of any Search made for Traitors or nified, Felons, or for Goods stolen, under a Search Warrant, no Felon or though the Accessory to Felony, or Receiver of stolen Goods, nor any Goods shall appear not or Things stolen or feloniously taken or carried away, shall be found to be stolen, 20 in the Dwelling House, Outhouse, Shop, Warehouse, Cellar, Yard, or ^{or felons,} _{&c., not in}

- other Place searched, in any Action, Suit, Plaint, or Information the houses. brought against any Person for such apprehending, entering, or break- 48 G. 3. ing, such Person may justify that he was acting bona fide and without and 48. Malice under this Act.
- XCIX. If any Person shall take an Oath in pursuance of this Penalty on 25 Act, and shall wilfully swear falsely therein, and shall be thereof false Oaths. lawfully convicted, such Person so offending shall, for any such c. 140. s. 124. Offence, incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are or shall be liable
- 30 to by any Law then in force in Ireland; and if any Person shall procure or suborn any other Person to take such false Oath, and shall be thereof convicted (whether the Person having taken such false Oath shall be previously convicted or not), any such Person so procuring or suborning shall, for every such Offence, incur and suffer
- 35 such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Subornation of Perjury are or shall be liable to by any Law then in force in Ireland.

C. Nothing in this Act contained, except the Provisions em- Act not to 40 powering any One Justice to hear and determine Offences now affect inforpunishable on summary Conviction, shall affect or alter any Pro- under ceedings before Justices of the Peace for the Recovery or Condemna- Revenue [136.] D 4 tion

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or Stamp Acts. 5 Vict. Sess. 2. c.24. s. 78.

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tion of any Penalties or Forfeitures incurred under any Act or Acts relating to the Revenue of Customs, or Excise, or Stamps, or to any Act or Thing done by any Officer of Customs, or Excise, or Stamps, but all such Penalties and Forfeitures shall, except as aforesaid, be sued for, recovered, and applied under the Enactments and Provisions 5 of the several Acts relating to the said Revenues respectively.

Unclaimed stolen Goods delivered to Receiver may be sold after Twelve Months. 5 Vict. s. 58.

CI. When any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Divisional Justice to be delivered to the Storekeeper of the Constabulary, the Storekeeper may, after the Expiration of 10 Twelve Calendar Months, during which no Owner shall have appeared to claim the same, sell or dispose of such Goods or Money for the Sess. 2. c.24. Benefit of the Police Fund of the District.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Acts and PARTS of Acts repealed.

Date of Act.	Title.	Extent of Repeal. The whole, except ss. 57. 58. 59. 65. 66. 67. 68. 69. 71. 72. 75. 90.		
48 G. 3. c. 140	An Act for the more effectual Ad- ministration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis.			
5 G. 4. c. 102	An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Pre- vention of Felonies within the District of Dublin Metropolis.	The whole, except 5.27.		
6 & 7 W. 4. c. 29	An Act for improving the Police in the District of Dublin Metro- polis.	The whole.		
7 W. 4. & 1 Vict. c. 25.	An Act to make more effectual Provisions relating to the Police in the District of Dublin Metro- polis.	The whole, except as far as the same limits the Amount of the Police Rate to be levied.		
1 & 2 Vict. c. 63	An Act to amend the Acts relating to the Police of the District of Dublin Metropolis.	The whole.		
2 & 3 Vict. c. 78	An Act to make further Provisions relating to the Police in the Dis- trict of Dublin Metropolis.	The whole, except s. 10.		
3 & 4 Vict. c. 103	An Act to amend an Act of the last Session for making further Pro- visions relating to the Police in the District of Dublin Metropolis.	The whole.		
5 Vict. Sess. 2. c. 24.	An Act for improving the Dublin Police.	The whole, except ss. 41. 42. 43. 44. 45. 54. 76.		

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SCHE-

SCHEDULE (B.)

Boundary of the Dublin Police District.

1 Vict. c. 25. s. 1. 2 & 3 Vict. c. 74. s. 14. 3 & 4 Vict. c. 103. s. 1. Orders in Council of April 3, 1838 ; March 13, 1840 ; April 27, 1841 ; May 1, 1850.

THE Police District of Dublin Metropolis shall, until otherwise ordered by the Lord Lieutenant with the Advice of the Privy Council, continue to be divided into Three Divisions or Districts following; that is to say, the Castle and Kingstown or Letter A. Division; the B. or College Division; and the C. or Rotunda Division; and that the Limits of the said respective Divisions shall stand and be as follows; (that is to say,)

A. DIVISION.-That the Castle and Kingstown or Letter A. Division shall consist of and have the Bounds following; (that is to say,) from a Point in the central Line of the River Anna Liffey opposite to the central Line of Eustace Street, in a direct Line to the Centre of the North End of the said Eustace Street; and from thence along the central Line of the said Street; and from thence in a direct Line to the Centre of the North End of Great George's Street South ; and from thence along the central Line of Great George's Street South, and so on to and along the central Line and Lines of Aungier Street, Redmond's Hill, Kevin's Port, alias Dale Street alias Wexford Street, Camden Street, Portobello, and so on along the central Line of the Road to the Centre of Latouche Bridge; and so on and along the central Line of the Road leading from Latouche Bridge through Rathmines to the Byeroad adjoining Willan's Woollen Cloth Mills. and leading to the River Dodder, and along the central Line of the said Byeroad and the Left Bank of the River Dodder to the Junction of the Baronies of Uppercross and Newcastle near Cypress Grove; and thence along the Boundary Line between the Baronies of Newcastle and Uppercross to the Third Lock from Dublin on the Grand Canal near Golden Bridge; thence in a direct Line to the Bridge over the River Anna Liffey and Chapelizod; and from the Point in the central Line of the River Anna Liffey opposite the central Line of Eustace Street, up and along the central Line of the said River to the extreme Limits of the District at Chapelizod; and that the said Division shall also comprise and consist of the several Places situate within the Bounds or Limits following : From the Left Bank of the River Dodder One Furlong Statute Measure from the Right of the Bridge of Donnybrook, running Two Furlongs Statute Measure to the Right of the Line of Road from Dublin to the Seashore at Killiney, by the Line of Road more particularly defined as follows: From the Bridge over the Dodder at Donnybrook, along the Line of Road leading through the Village of Stillorgan, by Gallopping Green, to Foxrock ; thence by the Cross Road of Dean's Grange to the

the Kill of the Grange; from the Kill of the Grange by the Rochestown Road, and the Glengarry or Sallynoggins Road, to Minor's Hill; thence by Bessville, Anglesea, and Colmeen Road, towards Killiney Castle, and by the said Road to the Gate of Mountmalpas; thence by the Southern Wall of the said Mount or Killiney Hill to the nearest Point of the Low-water Mark of the Sea Shore to the said Southern Wall; thence by the Low-water Mark of the said Shore, viâ Bullock, including the Harbour of Kingstown, till it joins the Boundary of the B. or College Division at the Lighthouse at the Termination of the South Wall; and that the Boundary from the Bridge over the Dodder at Donnybrook, by the Line of Road above defined, shall be held to include the full Breadth of the said Road, and Two Furlongs Statute Measure to the Right or exterior of the said Road, and which Furlongs shall be, to all Intents and Purposes, Part of the said Police District, and subject to the like Rates and Assessments as any Part of the said District is or shall be liable; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the A. or Castle and Kingstown Division, as aforesaid.

B. DIVISION.—That the B. or College Division shall consist of and have the Bounds or Limits following; (that is to say,) from the Lighthouse at the Termination of the South Wall, and thence by the Lowwater Mark to the Sea Beach opposite to the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merrion Burying Ground, along the Boundary Line between the said Barony and the Barony of Dublin to the Bridge over the Dodder at Donnybrook ; thence along the Left Bank of the said River Dodder to the Boundary of the A. or Castle and Kingstown Division, at the Byeroad near Willan's Cloth Mills; and the Boundary of the said College Division to the West shall be the same as the Boundary of the said A. or Castle and Kingstown Division, from the said River Dodder by the Byeroad aforesaid and Rathmines, as far as the Point in the central Line of said River Anna Liffey opposite to the central Line of Eustace Street; and from the said Point the Limits of the said B. or College Division shall be along the central Line of the said River Anna Liffey to the extreme Limits of the C. Division or District at the Centre of the Line between the Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall, and from the Centre of the said Line to the said Lighthouse at the Termination of the South Wall aforesaid; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the B. or College Division, as aforesaid.

C. DIVISION.—That the C. or Rotunda Division shall consist of and have the Bounds or Limits following; (that is to say,) from the Centre of the Line from the Lighthouse at the Termination of the

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South

South Wall to the Lighthouse at the Termination of the North Wall, up and along the central Line of the River Anna Liffey to the Centre of the Bridge at Chapelizod, and from the said Bridge along the Left Bank of the said River to the Ferry at the Bottom of Knockmaroon Hill; thence along the Line of Road over Knockmaroon Hill to the Entrance of the Phœnix Park at Knockmaroon Gate; thence by the Wall of the Phœnix Park to Ashtown Lodge, at the Back of the Under Secretary's House; thence by the most direct Road to Longford Bridge, on the Royal Canal; thence by the most direct Road to the Tolka River, and by that River to Annesley Bridge; thence by the Sea Line to the Lighthouse on the North Wall, and from thence to the Point on the Centre of the Line between the said Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall on the Boundary of the B. Division ; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the C. or Rotunda Division as aforesaid.

SCHEDULE (C.)

Table of Fees receivable at the several Police Courts in the Police District of Dublin Metropolis.

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Administration of Justice (Dublin).

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BILL

For the more effectual Administration of Justice in the Police District of Dublin Metropolis.

(Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed, 15 June 1858.

[Bill 136.]

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