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GEORGII IV. REGIS.

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An Act for the Amendment of the Laws with respect to Special Juries, and to Trials in Counties of Cities and Towns, and Towns Corporate, in *Ireland*.

[22d *June* 1825.]

WHEREAS it is expedient that the Laws relating to Juries in *Ireland* should be assimilated to the Laws in force in *Great Britain*, in the Particulars herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to and for His Majesty's Courts of King's Bench, Common Pleas, and Exchequer in *Dublin* respectively, upon Motion made on Behalf of His Majesty, His Heirs or Successors, or on Motion made on Behalf of any Prosecutor or Defendant, in any Indictment or in any Information for any Misdemeanor, or in any Information in the Nature of a Quo Warranto, depending or to be brought or prosecuted in the said Court of King's Bench, or in any Information depending or to be brought or prosecuted in the said Court of Exchequer, to order and appoint Juries to be struck before the proper Officer of each respective Court, for the Trial of the Issue

Special Juries may be struck on Indictments, &c. as in other Cases under Irish Act 17 & 18 G. 3. c. 45

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joined in any of the said Cases (and triable by a Jury of Twelve Men), in such Manner as Special Juries have been and are usually struck in such Courts respectively upon Trials at Bar, to be had in the same Courts, and in such Manner as Special Juries have been and may be struck in other Cases, under an Act made in the Parliament of *Ireland*, in the Session holden in the Seventeenth and Eighteenth Years of His late Majesty King *George* the Third, intituled *An Act for the Amendment of the Law with respect to Outlawries, returning Special Juries, and the future Effects of Bankrupts in certain Cases*, or under any other Act or Acts, or any Law, Usage, or Custom in force in *Ireland* relating to Special Juries; any thing in the said recited Act of the Seventeenth and Eighteenth Years of His said late Majesty's Reign to the contrary in anywise notwithstanding.

In Actions, Indictments, &c. in Superior Courts, where the Venue is laid in the County of a City, County of a Town, or Town Corporate in Ireland, the Court may direct the Issue to be tried by a Jury of the next adjoining County.

II. And be it further enacted, That from and after the passing of this Act, in every Action, whether the same be transitory or local, which shall be prosecuted or depending in any of His Majesty's Courts of Record in *Dublin*, and in every Indictment removed into His Majesty's Courts of King's Bench in *Dublin* by Writ of Certiorari, and in every Information filed by His Majesty's Attorney or Solicitor General in *Ireland*, or by Leave of the Court of King's Bench in *Ireland*, and in all Cases where any Person or Persons shall plead to or traverse any of the Facts contained in the Return to any Writ of Mandamus in *Ireland*, if the Venue in such Action, Indictment, or Information, be laid in any County of a City, County of a Town, or Town Corporate within *Ireland*, or if such Writ of Mandamus be directed to any Person or Persons, or Body Politic or Corporate in *Ireland*, it shall and may be lawful for the Court in which such Action, Indictment, Information, or other Proceeding shall be depending, at the Prayer and Instance of any Prosecutor or Plaintiff or of any Defendant, to direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding, to be tried by a Jury of the County next adjoining to such County of a City, County of a Town, or Town Corporate, and to award proper Writs of Venire or Distringas accordingly, if the said Court shall think fit and proper so to do.

Indictments for Offences in Counties of Cities, &c. may be preferred to Jury of County next adjoining.

III. And be it further enacted, That it shall and may be lawful for any Prosecutor or Prosecutors to prefer his, her, or their Bill or Bills of Indictment, for any Offence or Offences committed or charged to be committed within any County of a City, County of a Town, or Town Corporate in *Ireland*, to the Jury of the County next adjoining to such County of a City, County of a Town, or Town Corporate, sworn and charged to inquire for the King for the Body of such adjoining County, at any Sessions of Oyer and Terminer or General Gaol Delivery; and that every such Bill of Indictment found to be a true Bill by such Jury, shall be valid and effectual in Law, as if the same had been found to be a true Bill by any Jury sworn and charged to inquire for the King for such County of a City, County of a Town, or Town Corporate.

Indictments found by Grand Jury or

IV. And be it further enacted, That if it shall appear to any Court of Oyer and Terminer, or Court of General Gaol Delivery for

any County of a City, County of a Town, or Town Corporate in *Ireland*, that any Indictment found by any Grand Jury of such County of a City, County of a Town, or Town Corporate, or any Inquisition taken before the Coroner or Coroners of such County of a City, County of a Town, or Town Corporate, or other Franchise, is fit and proper to be tried by a Jury of any next adjoining County, it shall and may be lawful for the said Court of Oyer and Terminer, or General Gaol Delivery, at the Prayer of any Prosecutor or Defendant, to order such Indictment or Inquisition, and the several Recognizances, Examinations, and Depositions relative to such Indictments and Inquisitions, to be filed with the proper Officer, to be by him kept among the Records of the Court of Oyer and Terminer and General Gaol Delivery for such next adjoining County, and to cause the Defendant or Defendants in such Indictments to be removed by Writ of Habeas Corpus to the Gaol of such next adjoining County; which Writ the said Court is hereby directed and authorized to issue, if such Defendant or Defendants be in the Prison of such County of a City, County of a Town, or Town Corporate; and if such Defendant or Defendants be not in such Prison, to commit such Defendant or Defendants to the Gaol of such next adjoining County, and to cause the Prosecutors and Witnesses against such Defendant or Defendants to enter into a Recognizance or Recognizances to prosecute and give Evidence against such Defendant or Defendants, at the Sessions of Oyer and Terminer and General Gaol Delivery for such next adjoining County; and the same Proceedings and Trial shall or may be had and the same Judgment shall or may be given in such last-mentioned Court of Oyer and Terminer or General Gaol Delivery, as would and might be had and given in Cases of Indictments or Inquisitions for the like Offences committed within such next adjoining Counties.

Inquisitions taken before Coroner of Cities or Towns, may be ordered by Court to be filed with Officer of next adjoining County, and Defendants removed to Gaol thereof, &c

V. And whereas it may be fit and expedient, that in certain Cases the Punishment should be inflicted and the Sentence put in Execution within the County of a City, County of a Town, or Town Corporate within which the Offence shall have been committed, be it therefore enacted, That it shall and may be lawful for the Court before which any Conviction shall have taken place in pursuance of the Provisions of this Act, to order every the Person convicted to be punished according to Law, either within the County where such Conviction shall have taken place, or within the County of a City, County of a Town, or Town Corporate wherein such Offence shall have been committed; and in Cases where the Court shall order such Convict to be punished within such County of a City, County of a Town, or Town Corporate, it shall and may be lawful for the Court, after passing Sentence upon every or any such Convict, to order every or any such Convict to be delivered into the Custody of the Sheriff or Sheriffs, Gaoler or other proper Officer or Officers of such County of a City, County of a Town, or Town Corporate, and the Sheriff or Sheriffs, or Gaoler, or other proper Officer or Officers of such County of a City, County of a Town, or Town Corporate is and are hereby commanded to receive into his or their Custody every such Convict or Convicts, and to execute the Sentence so passed upon such Convict or Convicts in such adjoining County, as if such Convict or Convicts

Sentence may be executed either in the County where Offender is convicted, or where Offence was committed.

victs had been tried and had received such Sentence in such County of a City, County of a Town, or Town Corporate.

Judges of King's Bench, &c. may cause Persons in Custody to be removed into Custody of Sheriff of next adjoining County for Trial; and direct Coroners to return Inquisitions, &c.

VI. And be it further enacted, That it shall and may be lawful for any of the Judges of His Majesty's Court of King's Bench in *Ireland*, or any of the Justices of Oyer and Terminer or General Gaol Delivery for any such next adjoining County as aforesaid, upon the Application of any such Prosecutor or Prosecutors, Ten Days next before the Holding of any Sessions of Oyer and Terminer or General Gaol Delivery for such last-mentioned County, by proper Writs of Habeas Corpus, which they are hereby empowered and authorized to issue, to cause any Person or Persons who may be in the Custody of any Sheriff or Sheriffs, or of the Keepers of any Gaol or Prison charged with any Offence or Offences committed within any County of a City, County of a Town, or Town Corporate, to be removed into the Custody of the Sheriff of such next adjoining County, in order that such Person or Persons may, for such Offence or Offences as aforesaid, be tried in such last-mentioned County, and by Order, under the Hand of any One of the said Judges or Justices of Oyer and Terminer and General Gaol Delivery, to direct the Coroner or Coroners of any such County of a City, County of a Town, or Town Corporate, or other Franchise, to return to the next Court of Oyer and Terminer or General Gaol Delivery to be holden for such next adjoining County, any Inquisition, Examination, or Deposition taken touching the Death of any Person or Persons within the Limits of his or their Jurisdictions; and that whenever, in pursuance of this Act, any Bill or Bills of Indictment shall be found by such Grand Jury as aforesaid, against any Person or Persons, for any Offence or Offences committed, or charged to be committed within any County of a City, County of a Town, or Town Corporate, it shall and may be lawful for the said Courts of Oyer and Terminer and General Gaol Delivery to issue Process for apprehending the Person or Persons against whom such Bill or Bills of Indictment shall be found if not in Custody, and to compel the Attendance of Witnesses upon the Trial of such Indictments, in like Manner as in Cases of Indictments found in any such Court of Oyer and Terminer or General Gaol Delivery, for Offences committed within such adjoining Counties.

Recognizances entered into for Prosecution of Persons for Offences committed within the County of any City or Town, &c. forfeited, if Parties do not appear on Trial in adjoining County, on Notice.

VII. And be it further enacted, That every Recognizance which after the passing of this Act shall be entered into for the Prosecution of any Person or Persons for any Offence or Offences committed or alleged to be committed within any County of a City, County of a Town, or Town Corporate in *Ireland*, or within any Liberty or Franchise, and every Recognizance for the Appearance, as well of Witnesses to give Evidence upon any Bill of Indictment to be preferred, or any Inquisition found for any such Offence or Offences as aforesaid, as for the Appearance of any Person or Persons to answer our Lord the King for or concerning the same, shall be forfeited, if the Prosecutor shall, Ten Days previous to the Holding of the next Court of Oyer and Terminer or Gaol Delivery in the next adjoining County, give Notice to the Person bound in such Recognizance to give Evidence upon such Bill of Indictment, or to answer to our said Lord the King

King as aforesaid, of the Intention to prefer such Indictment in, or to remove such Inquisition into the next adjoining or other County, and the Party bound in such Recognizance shall not appear, prosecute or give, or be ready to give Evidence at such Court; but if the Person bound in such Recognizance, after Notice as aforesaid, shall appear at such Court of the next adjoining County, and shall prosecute and give, or be ready to give Evidence on such Indictment before the Grand Jury, and on the Trial thereof, or on the Trial of such Inquisition, then the said Recognizance shall be discharged, in such and the like Manner as if the Person bound in such Recognizance had complied with the Terms thereof.

Notice left at Abode of Recognizors effectual.

VIII. Provided always, and be it enacted, That in case the Person or Persons who shall enter into such Recognizance or Recognizances as aforesaid cannot be found, and such Notice as aforesaid be left at his, her, or their last Place of Abode Ten Days previous to the Holding such Sessions as aforesaid, the same shall be as good and effectual as if the same were left with the Person or Persons entering into such Recognizance or Recognizances; and that no such Recognizance shall be estreated or returned into the Court of Exchequer, until the next following Sessions of Oyer and Terminer or General Gaol Delivery to be holden for such next adjoining County, in order that such Recognizance or Recognizances may be discharged, in case the Person or Persons who shall have entered into the same shall shew to such Court of Oyer and Terminer or General Gaol Delivery, sufficient Cause for discharging the same.

Recognizances not to be estreated until the next Session of Oyer and Terminer in the adjoining County.

Return of such Recognizance to next Court of Oyer and Terminer for next adjoining County.

IX. And be it enacted, That all and every Person and Persons, before whom any such Recognizance or Recognizances as aforesaid shall be entered into, or by whom any Examination or Deposition shall be taken, touching any such Offence or Offences as aforesaid, shall and they are hereby required to return the same to the next Court of Oyer and Terminer and General Gaol Delivery, for such next adjoining County as aforesaid, upon such Prosecutor or Prosecutors as aforesaid leaving, at the Dwelling House or other Place of Abode of the Person or Persons before whom such Recognizances shall be entered into, or by whom such Examination or Deposition shall be taken, Ten Days before the Holding of any Sessions of Oyer and Terminer or General Gaol Delivery for such next adjoining County as aforesaid, Notice in Writing of his, her, or their Intention to prosecute such Indictment or Inquisition at such last-mentioned Sessions of Oyer and Terminer or General Gaol Delivery, for any Offence or Offences committed within any County of a City, County of a Town, or Town Corporate; and that after the Delivery as aforesaid of any of the said Notices, it shall not be lawful for any Person or Persons to prefer any Bill or Bills of Indictment, or to return any Inquisition for any Offence or Offences mentioned in the said Recognizances, or any of them, at or to any Sessions of Oyer and Terminer or General Gaol Delivery for any such County of a City, County of a Town, or Town Corporate.

Justices for adjoining County may

X. And be it further enacted, That in all Cases of Indictments and other Proceedings which may be tried before His Majesty's Jus-

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order Expences of Prosecution, &c. to be paid.

tices of Oyer and Terminer, or General Gaol Delivery for any County, in pursuance of the Provisions contained in this Act, it shall and may be lawful for such Justices to order the Expences of the Prosecution and of the Witnesses, and of the several Rewards payable in pursuance of the Statutes in such Cases made and provided, on the Conviction of Offenders, to be paid by and to the same Persons and in the same Manner as the same would be payable if such Indictments had been tried in the Court of Oyer and Terminer or General Gaol Delivery of any such County of a City, County of a Town, or Town Corporate.

Providing for Payment of Expences not before provided for by the County of a City, or County of a Town, or Town Corporate.

XI. And be it further enacted, That it shall and may be lawful for the Justices of Oyer and Terminer or General Gaol Delivery, at any Sessions thereof holden for any such adjoining County, and they are hereby required, to order all Expences whatsoever incurred by such County in relation to any Person who shall be tried in such County, or removed thither for Trial, for any Offence committed or charged to have been committed within any such County of a City, County of a Town, or Town Corporate, as well in maintaining and supporting such Person and carrying the Sentence into Execution, as in any other Respect, to be repaid to the Treasurer of such adjoining County, or other Person acting as Treasurer of such adjoining County, or who shall have actually paid such Expences, by the same Person or Persons and in the same Manner as the same would have been payable if such Offender or supposed Offender had remained in such County of a City, County of a Town, or Town Corporate, and had been tried in the Court of Oyer and Terminer or General Gaol Delivery of such County of a City, County of a Town, or Town Corporate, and as if the Sentence with respect to such Offender had been carried into Execution within such County of a City, County of a Town, or Town Corporate.

Proviso for ancient Privileges of Corporations.

XII. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to take away any other Rights or Privileges which have been anciently granted to any Corporations in *Ireland*, by Royal Charters or Grants, and which have been immemorially held and enjoyed by such Corporations, but that they shall continue in the full Possession of all their other exclusive Rights and Privileges, as much as if this Act had never passed; and that they shall not be obliged to attend as Jurymen upon the Trial of any Cause or any Indictment which may be removed from the limited Jurisdiction to the County at large, nor upon the Trial of any other Cause, or any other Indictment which may be tried before His Majesty's Justices of Assize, Oyer and Terminer, and General Gaol Delivery, in the next adjoining County.

Recognizance for extra Costs.

XIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to enable any Person to prefer any Bill of Indictment for any Offence committed or charged to be committed within any County of a City, County of a Town, or Town Corporate, to the Jury of such next adjoining County as aforesaid, or to remove any Indictment or other Criminal Proceeding, except the Person preferring such Bill, or applying for such Removal, shall

enter into a Recognizance before the Court where such Bill shall be preferred, or the Court or Magistrate to whom such Application shall be made, as the Case may be, in the Sum of Forty Pounds, conditioned to pay the extra Costs attending the prosecuting for such Offence in such next adjoining County, provided the Court before whom the Trial shall be had, shall be of Opinion that such Person ought to pay the same.

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