ANNO PRIMO

VICTORIÆ REGINÆ.

****

C A P. XXV.

An Act to make more effectual Provisions relating to the Police in the District of *Dublin* Metropolis. [3d *July* 1837.]

6 & 7 W. 4. c. 29.

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for improving the Police in the District of* Dublin *Metropolis,* whereby Provision was made for establishing a new and more efficient System of Police within the Limits of the Police District of *Dublin* Metropolis: And whereas it is expedient to alter the Limits of the said Police District, and to make further Provision for the more effectual Maintenance and Regulation of the said Police: Be it therefore enacted by the Queen'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 Her Majesty's Castle of *Dublin*, and all Places situate and contained within the Limits or Boundary specified and described in the Schedule to this Act annexed, shall, from and after the Day to be appointed and notified, as in the said Act mentioned, for the new Police to take charge of the said District, be constituted for the Purposes of this Act and of the said recited Act of the last Session of Parliament, and the several other Acts establishing and regulating the Police of *Dublin* Metropolis, into One District, to be called "The Police District of *Dublin* Metropolis," instead and in the Place of the Police District of the said Metropolis as the same was constituted and defined in and by an Act made in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of* Dublin *Metropolis;* and that all Parts of the County of

Police District of Dublin Metropolis defined.

48 G. 3. c. 140.

 Dublin

Dublin not comprised within the said District, as the same is by this Act limited and defined, shall be deemed to be the County of *Dublin* for the Purposes of and within the Intent and Meaning of an Act of the last Session of Parliament, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland.

6 & 7 W. 4. c. 13.

The Lord Lieutenant and Council may direct any Parishes within certain Limits to be added to the District; and such Parishes when so added shall become Part of such District.

II. And whereas it may hereafter become expedient that the Provisions of this Act should be extended to other Places in addition to the Places comprised within the Limits or Boundary described in the Schedule to this Act annexed; be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time, by the Advice of Her Majesty's Privy Council for *Ireland*, to order that any Parish or Place in the County of *Dublin* or County of the City of *Dublin*, of which Parish or Place any Part shall be situate within the Limits or Boundary described in the said Schedule, shall, after a certain Day to be named in such Order, be added to and form Part of the said Police District, and thereupon and by force of such Order such Parish or Place shall be and become to all Intents and Purposes Part of such Police District, as if the same had been originally included therein by virtue of this Act.

Misnomers not to affect the Execution of the Act.

III. And be it enacted, That no Misnomer or inaccurate Description in the Schedule to this Act annexed, or in any Order in Council to be made as aforesaid, shall prevent or in anywise affect the Operation thereof, but that this Act and every such Order shall apply and be enforced as fully and effectually to all Intents and Purposes as if the Subject of such Misnomer or Misdescription had been correctly named and described in such Schedule or Order in Council, provided the same be designated to common Intent and Understanding; and provided further, that united Parishes shall for all the Purposes of this Act be deemed to be included under and denoted by the Word "Parish".

Provision for assessing and levying Police Rates in the Metropolitan District.

IV. And whereas it is expedient to provide for the more just and equal Assessment of all Houses, Lands, and Tenements in the said Districts towards the Maintenance of the said Police, and for the Purposes of the said Acts and this Act; be it therefore enacted, That it shall and may be lawful for the said Justices appointed under the said first-recited Act of the last Session of Parliament to raise and levy from Time to Time, on all Houses, Lands, and Tenements situate and being within the said District, such Rates or Taxes as they shall from Time to Time find necessary for the Maintenance of the said Police, and the several Purposes of the said Acts and this Act; provided that the Sum or Sums to be so raised and levied shall not exceed in the whole in any One Year Eight-pence in the Pound on the annual Value of such Houses, Lands, and Tenements; and the said Justices shall from Time to Time as they find Occasion by Warrant under their Hands appoint One or more proper Person or Persons to rate and assess all such Houses, Lands, and Tenements to such Rate as shall from Time to Time be fixed and determined by the said Justices, not exceeding the Amount of Eight-pence in the Pound, according to the full and fair annual Value thereof; and every such Assessor or Assessors shall, within Forty Days after the Delivery to him or them of the Warrant of his or their Appointment,

ment, deliver to the said Justices an Assessment for each Place named in such Warrant, which Assessment shall specify the Names of the several Owners or Occupiers of the respective Houses, Lands, and Tenements comprised in such Assessment, the full and fair annual Value of the same, and the Amount of Police Tax chargeable thereon respectively; and every such Assessor shall be allowed for his Trouble and Expences such Remuneration as the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors shall direct, and the same shall be paid out of the Funds applicable to the Maintenance of the said Police.

Mode of making the Assessment.

Allowance to Assessors.

V. Provided always, and be it enacted, That all Houses, Lands, and Tenements included in the general Valuation made of the City of *Dublin* pursuant to an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for valuing the Houses situate in and near the City of* Dublin, *and for the more equal Payment of the Local Taxes there*, shall, so far as such Valuation may be applicable to the Purposes of this Act, be valued, rated, and assessed to the said Police Tax according to their respective annual Values as set forth in such Valuation; and the said Assessors shall adopt the same, and rate such Houses, Lands, and Tenements accordingly, unless where, upon Appeal from any Assessment made under this Act in manner herein-after mentioned, it shall have been determined that the said Valuation is erroneous.

The Valuation made under the Statute 5G.4. c. cxviii. to be adopted as to all Houses, &c. comprised in it.

VI. And be it enacted, That when any such Assessment shall have been made by the said Justices they shall cause Notice of such Assessment, and of a Place where the same may be inspected, to be given by Advertisements inserted in some One or more Newspapers published in the City of *Dublin*, and by Notices posted at the several Watch or Station Houses, and at the Police Office of the Division in which the Parish or Place to which such Assessment shall relate may be situate, and on such other Places within the same as they shall think necessary; and any Person in whose Custody such Assessment may be shall permit every Owner or Occupier of Property included in such Assessment to inspect the same at all reasonable Times, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person shall wilfully neglect or refuse to permit any such Owner or Occupier to inspect such Assessment, or to make any Extract therefrom, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum not exceeding Five Pounds as the Justices shall think meet.

When Assessment is made Notice thereof shall be given, and all Persons included in the Assessment shall have Liberty to inspect it, &c.

Penalty for refusing such Inspection.

VII. And be it enacted, That the said Justices shall from Time to Time nominate and appoint One or more Person or Persons for levying the Amount of Police Tax charged in every such Assessment, who shall have the same Powers, Remedies, and Privileges, and shall be subject to the same Regulations and Penalties, for and with reference to the Performance of their Duties, as if he or they were Collector or Collectors of the Rates and Assessments authorized to be levied by the said Justices under the said first-recited Act of the last Session of Parliament, and shall pay over the Amount of such Police Rate to the Receiver appointed under the said last-mentioned Act, or in default thereof shall be deemed and taken to have

Collection of the Police Rate.

have embezzled the same, and be proceeded against in the same Manner as Collectors in default may now be proceeded against under any Act now in force relating to the Collection of the Watch Tax in the District of *Dublin* Metropolis, or under any Law in force in *Ireland* for the Punishment of the Crime of Embezzlement; and all Money received by any such Collector shall from the Receipt thereof by him be deemed the Money of the said Receiver, and may be so described in any Information, Indictment, or other Proceeding.

Appeal against Assessment.

VIII. Provided always, and be it enacted, That if any Person who shall have paid the Amount charged upon him by any Assessment made under this Act shall think himself aggrieved thereby, either on the Ground that such Assessment includes any Property for which he is not rateable, or that his rateable Property is assessed beyond its full and fair annual Value, or that any Person or Persons is or are omitted out of such Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Person so thinking himself aggrieved may appeal to the next Court of General or Quarter Sessions which shall be holden for the County of the City of *Dublin*, not less than Twenty-one Days after public Notice of such Assessment shall have been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Receiver a Notice in Writing of such Appeal, and of the Cause and Matter thereof, Ten clear Days at the least before such Sessions, and shall also, within Three Days after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person shall appeal on the Ground that any Person or Persons is or are omitted out of the Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the Receiver, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person or Persons so interested in the Event of such Appeal as aforesaid, and shall enter into a like Recognizance within the Times herein-before respectively mentioned; and the Person or Persons so interested shall, if he or they shall desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions or some Adjournment thereof, upon due Proof of the Notice having been given and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices shall think proper; and in case the said Justices shall think the Appellant entitled to Relief they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him by the said Receiver; and in case he shall have appealed on the Ground that any Person or Persons is or are omitted out of the Assessment, the said Justices may order the Name or Names of such Person or Persons to be inserted in the Assessment, and to be therein rated at such Amount as they shall deem just; and in case the Appellant shall have appealed on the Ground that the Property of any Person or Persons is

The Assessment may be altered to relieve the Appellant, without altering any other Part of it.

is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person or Persons is or are rated in the Assessment to be altered in such Manner as they shall deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

Landlords to be rated for Houses under 10*l.*

Rates on Lodging Houses how to be paid.

IX. And be it enacted, That where any House liable to Assessment under this Act shall be of a less annual Value than Ten Pounds, the immediate Landlord under whom such House may be held shall be rated and assessed to the said Tax; and that when any House shall be let out in Apartments, the immediate Lessor or Landlord under whom all the different Holdings in such House are derived shall be rated or assessed for the same, and the Rate payable in respect thereof may be recovered from such Lessor or Landlord, whose Goods and Chattels, wheresoever found, shall be liable to be distrained for Payment of such Rate, as if found on the Premises chargeable: Provided always, that where such Rate shall be in arrear and unpaid for the Space of Thirty-one Days after the same shall have become due it shall be lawful for the Collector or other Person authorized to demand Payment thereof to give Notice in Writing to the Person or Persons in occupation of the House in respect whereof such Arrears shall be due to pay to the Receiver of the said Police Establishment the Rent or Rents reserved upon his, her, or their Holding; after the Service of which Notice, by leaving the same at the Premises chargeable, every such Tenant, Occupier, or Lodger shall pay all Rent thereafter accruing due from him, pursuant to the Requisition of such Notice, the Receipt of which Payment shall be a sufficient Discharge for such Rent to the Person paying the same against the immediate Landlord of such Person, who shall accept such Receipt as Payment of so much Rent due to him; and no such Tenant, Occupier, or Lodger shall be liable to any Distress or other Remedy on the Part of such Landlord for the Amount so paid; and from and after the Delivery of such Notice, and until Satisfaction of all such Arrears of the said Police Tax, the said Receiver, or any other Person authorized by the said Justices to receive such Arrears, shall have all such Rights, Powers, and Authorities for recovering and enforcing the Payment of the Rent due and payable by any such Tenant, Occupier, or Lodger as the immediate Landlord of such Tenant, Occupier, or Lodger might have had; and after Satisfaction of such Arrears of the said Police Tax by the Receipt of such Rent as aforesaid, the Overplus, deducting therefrom One Shilling in the Pound, and so rateably for any smaller Sum, shall be paid over to the said Landlord.

No Rate to be made under this Act until after Two Months; until that Time, the Powers of recited Act to continue.

X. Provided, and be it enacted, That the first Rate or Assessment of the said Police Tax under this Act shall not be made until after the Expiration of Two Calendar Months from the passing of this Act, and shall be thereafter made at such Time or Times as the said Justices shall fix; and that until such first Rate and Assessment of the said Police Tax shall be made under this Act, but no longer, the Powers given in and by the said first-recited Act of the last Session of Parliament to the said Justices to raise and levy the Rates and Assessments

Recovery of Arrears then due.

Assessments mentioned in the said Act shall continue and be in full Force and Effect: Provided always, that it shall and may be lawful for the said Justices to recover, by all such Ways and Means as they might have done in case this Act had not been passed, any Arrears of such Rates or Assessments remaining due at the Time of making such first Rate or Assessment of the said Police Tax under this Act.

Accounts of Monies received and expended under this Act to be annually laid before Parliament.

XI. And be it enacted, That an Account of all Monies received and expended for the Purposes of this Act made up to the Thirty-first Day of *December* in each Year, shall annually be laid before both Houses of Parliament within Thirty Days thereafter, if Parliament be then sitting, or within Thirty Days after the First Meeting of Parliament subsequent to the Thirty-first Day of *December*; and such Account shall specify the total Sum charged upon and received from every Parish, Township, Precinct, Liberty, or Place for the Purposes of this Act, the Rate in the Pound at which such Sum shall have been computed, and the total annual Value of the entire Property in every such Parish, Township, Precinct, Liberty, or Place as such total annual Value shall be stated in the last Valuation thereof, acted upon for the Purposes of this Act; and such Account shall also specify the different Heads of Expenditure for the Purposes of the Police and the Amount actually expended under each.

No Part of the District to be charged with County Grand Jury Cess for Constabulary Force.

XII. And be it enacted, That no Houses, Lands, or Tenements comprised within the said District shall, from and after their being assessed under this Act, be liable to or charged with any Rate, Cess, or Assessment imposed by virtue of any Presentment made or to be made by the Grand Jury of the County of *Dublin*, for or in respect of the Constabulary Force for the said County, under the said hereinbefore recited Act of the last Session of Parliament, except in so far as may be required to repay any Advance which may have been made for the Service of the said Constabulary Force previous to such first Assessment; all which Advances shall and may be recovered, and the said Houses, Lands, and Tenements, and the Owners and Occupiers thereof, be and remain liable to the Payment of all Sums presented and applotted on account of such previous Advances, in like Manner to all Intents and Purposes as if this Act had not been made.

Police District may be divided.

XIII. And whereas the said Police District of *Dublin* Metropolis, as heretofore constituted and defined, is by Law directed to be divided into and now consists of Four Divisions, in each of which One Public Office is established, and Three Divisional Justices appointed to attend: And whereas it may be expedient that a smaller Number of Divisional and Police Officers and Divisional Justices respectively should be established and assigned in and for the said Police District as defined under this Act; be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council there, to divide the said Police District of *Dublin* Metropolis, as defined under this Act, into any Number not exceeding Four Divisions, and to define and declare the Limits thereof accordingly, and to establish Public Offices therein, One in each such Division, and to attach to each such Office any Number not exceeding Three such Justices; and from Time to Time as such Lord Lieutenant or other Chief Governor or Gover-

nors shall, with such Advice and Consent as aforesaid, think proper, to alter the Number of such Divisions or the Limits thereof, or to discontinue or alter the Situation of any of the said Offices, or to increase or diminish the Number of Justices attached thereto respectively: Provided always, that there shall not at any Time be more than Four such Divisions or Offices, nor more than Three nor less than Two Justices (of whom One shall be a Barrister) attached to any such Office.

Upon Reduction of Divisions, the Justices, &c. may be superseded, at Discretion of Lord Lieutenant, on Two Thirds of their Salaries.

XIV. And be it enacted, That upon any such Reduction of the Number of Divisional Justices or Divisions, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors to select from and out of the Divisional Justices then acting as such so many as may be required to discharge the Duties of the said Police Offices, and to supersede other of the said Justices whose Services may not be required, and in like Manner to supersede any Clerk or Chief Constable previously attached to any Office then discontinued, and to direct that any of such Justices, Clerks, or Constables so superseded shall receive Two Thirds of his present Salary during his Life, payable in like Manner as the Salary of such Justices, Clerks, or Constables are payable out of the Funds applicable to the Maintenance of the said Police.

Allowances to Justices, &c. shall be suspended on Appointment to any Office with a Salary equal to that of the Office suspended, and in proportion if to an Office with a less Salary.

XV. Provided always, and be it enacted, That the Payment of any and every Allowance of any Proportion of Salary to any Justice, Clerk, or Constable superseded under this Act, shall altogether cease and be suspended during any Period while the Person to whom such Allowance shall be granted shall hold any Office in any public Department, the Salary or Profits whereof shall be equal to or shall exceed the Salary which was enjoyed by such Person as such Justice, Clerk, or Constable; and in case the Salary or Profits of the Office to which such Person may be appointed shall be less than the Salary which was enjoyed by such Person as such Justice, Clerk, or Constable, then no more of such Allowance shall be paid to him than what, together with the Salary and Profits of such new Office, shall be equal to the Amount of the Salary enjoyed by such Person at the Time of his being superseded as aforesaid.

Lord Lieutenant may fix the Hours of Attendance.

XVI. And be it enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time as he or they shall find necessary, to make such Rules and Regulations in respect of the Attendance of the Justices and other Officers at the Police Offices, and conducting the same, as may be deemed expedient, and to require the occasional Attendance of any Divisional Justice at any Office other than that to which he may be regularly attached, if necessary.

When the Justices are reduced to Two in each Office, Lord Lieutenant may increase their Salaries to 600*l.*

XVII. And be it further enacted, That whenever the Number of Divisional Justices at any Public Office in the said District shall not exceed Two, or the Number of Offices be reduced below Four, it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors, in consideration of the increased Duty which will be imposed on such Justices, to increase the Salary of each Divisional Justice at such Office, or in case of the Reduction of the Number of Offices at the remaining Offices, to any Sum not exceeding

exceeding Six hundred Pounds by the Year, to be chargeable on the Funds applicable to the Maintenance of the said Police.

Lord Lieutenant may grant Compensation to the Inspector of the County of Dublin Constabulary under 5 G. 4. c. 28.

XVIII. And whereas by Operation of the said recited Act of the last Session of Parliament, for the Consolidation of the Laws relating to the Constabulary Force in *Ireland*, the Office of Superintendent or Inspector of the Chief Constables and Constables appointed under an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in* Ireland, will cease and determine on the Constabulary Force of the said County being organized under the said Act of the last Session of Parliament, and it is reasonable that Compensation should be made to such Superintendent for the Loss of the said Office; be it therefore enacted, That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors to grant to the Person having held the said Office of Superintendent or Inspector of the Chief Constables and Constables an annual Allowance or Compensation not exceeding Two Thirds of the Salary paid to him in respect of the said Office, which Allowance or Compensation shall be presented by the Grand Jury of the said County of *Dublin* in Two equal Sums, One Moiety at each Presenting Term, during his Life, on Proof to the Grand Jury from Time to Time that he is living.

No Office under 6 W. 4. c. 29. to prevent the Holder from receiving Half Pay.

XIX. And be it enacted, That no Office or Employment under the said first-recited Act of the last Session of Parliament shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that Persons holding such Appointments shall not receive Half Pay.

Justices not to serve on Juries.

XX. And be it enacted, That the Justices appointed and acting under the said recited Act of the Forty-eighth Year of the Reign of King *George* the Third, or under any Act passed or to be passed for the Regulation of the Police District of *Dublin* Metropolis, shall be and are hereby exempted and disqualified from being returned or serving on any Juries or Inquests whatsoever in the County or County of the City of *Dublin*.

Regulations as to Coffee Shops or Cellars, &c.

XXI. And whereas there are many Shops, Rooms, Cellars, and Places of public Resort, where Thieves, Prostitutes, and other disorderly Persons assemble at Night; be it enacted, That no Shop, Room, Cellar, or Place of public Resort, where ready-made Coffee, Tea, or other Liquors are sold or consumed, within the said Police District, shall be kept open after the Hour of Eleven at Night during any Part of the Year, nor open before the Hour of Four in the Morning between *Lady Day* and *Michaelmas*, or before Five in the Morning between *Michaelmas* and *Lady Day*; and that no Shop, Room, Cellar, or Place of public Resort, where any Refreshments or any Liquors not subject to any Duties of Customs or Excise are consumed within the said Police District, 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

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 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 any Sum not exceeding Ten Pounds upon Conviction of any such Offence before any Justice of the Peace by Confession or upon the Oath of One or more credible Witness or Witnesses; and if the Party so convicted shall not immediately pay the said Penalty, the Justice shall commit him or her to hard Labour in the House of Correction for any Space of Time not exceeding Three Months, unless the said Penalty shall be sooner paid; and the said Penalty when paid shall be distributed, one Moiety to the Informer, and the other Moiety to the Receiver of the Police Fund of the said District, for the Purposes of the said Acts: Provided always, that nothing herein contained shall apply to or affect any House duly licensed for the Sale 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.

Penalty for offending herein.

Application of Penalty.

Proviso.

XXII. And be it enacted, That if any Person shall within the said Police District blow any Horn or use any other noisy Instrument for the Purpose of hawking, selling, or distributing any Article whatsoever, it shall be lawful for any Constable, Patrol, Watchman, or other Person to apprehend every Person so offending, and convey him before any Justice of the Peace, who shall proceed to examine upon Oath any Witnesses appearing to give Evidence touching such Offence; and if the Party accused shall be convicted of such Offence, then and in every such Case he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case the Offender shall not upon Conviction forthwith pay the Penalty, such Justice is hereby required to commit such Offender to the House of Correction, there to be kept to hard Labour for any Time not exceeding Ten Days, unless the Penalty shall be sooner paid.

Prohibiting the blowing of Horns.

Penalty not exceeding 40*s*.

XXIII. And whereas Accidents often happen and Damage is frequently done in the Streets and Highways by the Negligence or wilful Misbehaviour of Persons driving Carriages or Vehicles thereon, and the Laws now in force have been found insufficient for the due Protection of Her Majesty's Subjects; be it therefore enacted, That if the Driver of any Carriage or Vehicle of any Kind whatsoever shall ride upon any such Carriage or Vehicle, or on any Horse drawing the same, not having some Person on Foot or on Horseback to guide the same (such Carriages or Vehicles as are commonly driven or conducted by some Person holding the Reins of the Horse or Horses excepted), or if the Driver of any Carriage or Vehicle whatsoever, or 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 of any Carriage or Vehicle whatever shall wilfully be

To prevent negligent or wilful Misbehaviour of Drivers of Carriages, &c. in the Streets or Highways.

be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses or Cattle 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 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 Peace Officer to pass on or move shall continue to obstruct the same, every Person so offending in any of the Cases aforesaid within the said District, and being convicted by any Justice of the Peace of any such Offence, either upon Confession or by the Oath of a credible Witness, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; and in every Case where any such Hurt or Damage shall have been caused as aforesaid shall further pay such a Sum, not exceeding Five Pounds, as shall appear to the said Justice to be a reasonable Compensation to the Person so aggrieved or injured; and the Evidence of such Person shall be admitted in proof of the Offence: Provided always, that if the Person so aggrieved or injured shall have been the only Witness examined in proof of the Offence, such Sum so ordered as Compensation shall be paid and applied in the same Manner as a Penalty; and in default of Payment of such Penalty and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately or within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol or House of Correction, to be there imprisoned for any Term not exceeding Two Months, unless such Penalty, together with the Costs and Compensation, if ordered, be sooner paid; and every such Offender shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace.

Penalty not exceeding 40*s*.

Compensation for Hurt or Damage not exceeding 5*l*.

Powers of the Commissioners of Paving to determine Offences transferred to the Divisional Justices. 47 G. 3. Sess. 2. c. 109.

XXIV. And be it enacted, That from and after the passing of this Act all the Powers and Authorities given to the Commissioners for paving and lighting the City of *Dublin*, or to any One or more of them, in and by an Act passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, or by any Act passed for the Amendment thereof, for hearing and determining any Complaint for any Offence against the Provisions of the said Acts or any of them, and for imposing any Fine or Penalty thereon, and for enforcing the same, and for summoning the Parties and Witnesses thereon, shall be transferred to and be solely exercised according to the Forms and Provisions of the said Acts by One or more of the said Divisional Justices at the Public Office of the Division in which the Matter of said Complaint shall have arisen; and all the Powers given in and by the said Acts or any of them to any Inspector, Constable, or other Person appointed by the said Commissioners for the Removal or Suppression of Nuisances, or the Apprehension of Persons committing any Offence, shall and may be exercised and put in force by all and every or any of the Constables and Sub-Constables appointed or to be appointed under the said first-recited Act of the last Session of Parliament in every Street, Lane,

Powers of Inspectors, &c. under said Act given to Constables under 6 & 7 W. 4. c. 29.

Lane, or other Place within the said Police District; and every such Constable or Sub-Constable shall for those Purposes have all the Powers, Authorities, and Privileges of the Inspectors, Constables, and other Persons appointed or who may be appointed under the said Acts for the Improvement of the said City by the said Commissioners.

All Fines imposed to be paid to the Receiver of the Police Funds.

XXV. And be it enacted, That all Fines and Penalties recoverable under this Act, or under any other Act or Acts now in force or hereafter to be passed, and not otherwise directed by the said Acts to be applied, which may be adjudged or imposed by any Justice or Justices of the Peace within the said District, shall be paid to the Receiver appointed under the said Act of the last Session of Parliament.

Form of Conviction for Offences.

XXVI. And be it enacted, That every Conviction for any Offence mentioned in this Act or in any of the said recited Acts, relating to the Police of the District of *Dublin* Metropolis, may be in the following Form of Words, or some other Form of Words to the like Effect:

'County, &c. } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'at *A.B.* is brought before me [*or*, having been
'duly summoned, has neglected to appear before me,] *C.D.* Esquire,
'one of Her Majesty's Justices of the Peace for the County of
'[*or* City *or* Place, *as the Case may be*,] and is
'charged before me the said Justice with having [*here describe the*
'*Offence*]; and it appearing to me the said Justice, upon the Con-
'fession of him the said *A.B.* [*or* upon the Oath of a credible
'Witness, *as the Case may be*,] that the said *A.B.* is guilty of the
'said Offence, I do therefore adjudge the said *A.B.* [*insert the Ad-*
'*judication of the Justice*]. Given under my Hand and Seal the Day
'and Year first above written.'

Conviction not to be quashed for Want of Form, or removeable.

XXVII. And be it enacted, That no such Conviction 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 Majesty's Court of Queen's Bench; but that in all Cases where the Penalty shall exceed the Sum of Five Pounds or One Month's Imprisonment, if any Person shall think himself or herself aggrieved by such Conviction, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County or City wherein the Cause of Complaint shall have arisen, such Person at the Time of his or her Conviction entering into a Recognizance with Two sufficient Sureties conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled; and it shall be lawful for the Justice before whom such Conviction has taken place to bind over the Witnesses who shall have been examined in proof of such Offence in sufficient Recognizances to attend and be examined at the Hearing of such Appeal; and that every such Witness, on producing a Certificate of his being so bound over under the Hand of such Justice, shall be allowed Compensation for his Time and Trouble and Expences in attending such Appeal, which Compensation shall be paid by the Treasurer of the County in like Manner as in Cases of Felony, according

Appeal to Quarter Sessions, &c.

6 & 7 W. 4. c. 116.

according to and under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland: Provided always, that in case such Appeal shall be dismissed and such Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be paid by the Appellant or Appellants, and the Recognizance or Recognizances so entered into as aforesaid shall be estreated, unless such Expences are so paid by such Appellant or Appellants.

Act may be altered this Session.

XXVIII. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Public Act.

XXIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE to which this Act refers.

Boundary of the Dublin Police District.

From the Sea Beach, opposite 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 said Barony and the County of the City of Dublin to the Bridge over the Dodder at Donnybrook; thence along the left Bank of said 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 at Chapelizod; and from the said Bridge along the left Bank of said River Anna Liffey 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; from thence by the most direct Road over Longford Bridge on the Royal Canal to the Tolka River; and thence along the said River till it falls into the Sea at Annesley Bridge; thence by the Sea Line to the Lighthouse at the Termination of the North Wall; from thence across the River Liffey by a direct Line to the Lighthouse at the Termination of the South Wall; and from thence by the Low-water Mark to the Sea Beach opposite the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merrion Churchyard, as above described.

LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1837.