CHAP. 76.

An Act to amend the law relating to the Recovery of Small Debts and to Summary Jurisdiction in Ireland. A.D. 1871.

[14th August 1871.]

WHEREAS by the Act passed in the twenty-second year of the reign of Her present Majesty, chapter fourteen, intituled "An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in Ireland," it is enacted that no defendant shall be liable to be sued or proceeded against at petty sessions under the said Act, or obliged to appear in any cause to be heard and determined at any petty sessions held in any other part of the country than at the petty sessions held within the county, and within the petty sessions district of such county in which the defendant or defendants reside or resides: Provided always, that if any defendant or defendants shall have or occupy any house, warehouse, counting-house, shop, factory, or office, for the sale of goods, or for carrying on any business within the district of such petty sessions district, he shall be deemed to have a residence within such petty sessions district: 22 & 23 Vict. c. 14.

And whereas it is expedient to amend the said provisions and to make other provisions instead thereof:

And whereas it is expedient to amend the law relating to certain offences and matters within the police district of Dublin Metropolis:

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, as follows:

1. This Act may be cited for all purposes as the "Summary Jurisdiction (Ireland) Amendment Act, 1871." Short title.

2. This Act shall apply to Ireland only. Extent of Act.

3. Any defendant shall be liable to be sued or proceeded against at petty sessions under the said Act of the twenty-second Victoria, chapter fourteen, and be obliged to appear in any cause to be heard Defendant may be proceeded against at petty ses-

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sions within or without the county in which he resides.

and determined at any petty sessions within the petty sessions district in which the defendant or defendants resides or reside, whether such petty sessions be held within or without the county in which the defendant or defendants resides or reside, anything in the said Act to the contrary notwithstanding.

Powers of divisional justices of police district of Dublin Metropolis.

4. The several divisional justices of the police district of Dublin Metropolis shall be deemed to have and possess, and shall have and may exercise all and the same powers for preserving the public peace within the city of Dublin as are elsewhere vested in and may be exercised by justices of the peace within the limits of their respective jurisdictions, and shall, notwithstanding anything in any Act to the contrary, to all intents and purposes whatsoever be and be deemed and taken to be justices of the peace within every part of the said police district of Dublin Metropolis.

Offences against public decency within police district of Dublin Metropolis.

5. Any person who within the limits of the police district of Dublin Metropolis, in any thoroughfare or public place, shall wilfully and indecently expose his person or commit any act contrary to public decency, shall be liable, on conviction before any justice or justices sitting in any court within the police district of Dublin Metropolis, to a fine not exceeding five pounds, or, at the discretion of such justice or justices, to be imprisoned for any period not exceeding two calendar months.

Contempt of court within police district of Dublin Metropolis.

6. If any person shall wilfully insult any justice or justices sitting in any court within the police district of Dublin Metropolis, or shall commit any other contempt of such court, it shall be lawful for such justice or justices, by any verbal order, either to direct such person to be removed from such court, or to be taken into custody, and at any time before the rising of such court by warrant to commit such persons to gaol for any period not exceeding seven days, or to fine such person in any sum not exceeding forty shillings.

Proceedings in case defendant does not appear.

7. Whenever at the hearing of any case of summary jurisdiction within the limits of the police district of Dublin Metropolis the defendant shall not appear, and the divisional justice or justices shall be satisfied that the summons was duly served, such justice or justices may either proceed ex parte to hear and determine the complaint, or issue a warrant to compel the appearance of the defendant, or may adjourn the hearing to a future day.

Penalty for offensive or riotous conduct in public places, &c. within police

8. Any person who within the limits of the police district of Dublin Metropolis shall in any theatre or other place of public amusement be guilty of offensive or riotous behaviour, to the disturbance or annoyance of any persons present, shall, on conviction

before any divisional justice, be liable to a fine not exceeding forty shillings, or to be imprisoned for any period not exceeding one month; and any person committing any such offence within view of any constable of the said police district may be arrested by him without warrant.

district of Dublin Metropolis.

Summary procedure in certain cases of attempted suicide within police district of Dublin Metropolis.

9. Where any person is charged before any of the divisional justices of the police district of Dublin Metropolis presiding in one of the public courts of the said district with having in any manner attempted to commit suicide, if the person charged shall confess the same, it shall be lawful for the justice to convict the person charged, and commit him to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for any period not exceeding three months: Provided always, that if the person charged do not consent to have the case heard and determined by such justices, or if such justice be of opinion that the charge is fit to be made the subject of prosecution by indictment, rather than to be disposed of summarily, he shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed.

Certain provisions of Summary Jurisdiction (Ireland) Act, 1851, as to recovery of small tenements, to extend to towns, &c. within the police district of Dublin Metropolis.

10. The provisions of The Summary Jurisdiction (Ireland) Act, 1851, relating to the recovery of the possession of small tenements, shall extend and apply to all such small tenements therein described as are situate in any town or township within the police district of Dublin Metropolis, although no fair or market be held therein.

Power to divisional justices to appoint a deputy.

11. It shall be lawful for any divisional justice of the police district of Dublin Metropolis, with the approval of the Chief Secretary to the Lord Lieutenant of Ireland, to appoint a deputy, who shall have practised as a barrister-at-law for at least seven years, to act for him for any time or times not exceeding six weeks in any consecutive period of twelve calendar months; and in case of sickness or unavoidable absence it shall be lawful for such justice, with the approval of the Chief Secretary to the Lord Lieutenant, on each occasion of this power being exercised, to appoint a deputy, qualified as aforesaid, for any period not exceeding three calendar months at one time, and every such deputy during the time for which he shall be so appointed shall have all the powers and perform all the duties of the justice for whom he shall have been so appointed. There shall be paid to every such deputy by the justice, at his own charge, by whom he is appointed, such sum by way of remuneration for his services as the Chief Secretary to the Lord Lieutenant shall direct.

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Right of appeal.

12. Any person against whom a summary conviction or order shall be made under this Act shall have the same right of appeal as given by the twenty-fourth section of the Act of the fourteenth and fifteenth years of Victoria, chapter ninety-three, but subject to the conditions therein contained.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.