CHAP. 9.

An Act to amend "The Peace Preservation (Ireland) Act, 1856," and for other purposes relating to the Preservation of Peace in Ireland.

[4th April 1870.]

WHEREAS it is expedient to amend the "Peace Preservation (Ireland) Act, 1856," and to make further and better provisions for the protection of life and property in Ireland:

Be it 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:

Short title.

1. This Act may be cited for all purposes as "The Peace Preservation (Ireland) Act, 1870."

Limitation of Act.

2. This Act shall apply to Ireland only, and shall continue in operation until the first day of August one thousand eight hundred and seventy-one.

General definitions of terms.

3. In this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant and the Lords Justices or other chief governors or governor of Ireland for the time being:

The terms "Chief Secretary" and "Under Secretary" shall mean respectively the Chief Secretary and Under Secretary of the Lord Lieutenant of Ireland:

The term "chief officer of police" shall mean within the police district of Dublin metropolis any one of the commissioners of police for the said district, and elsewhere any inspector, sub-inspector, head or other constable of the Royal Irish Constabulary acting as chief officer of constabulary within any district or town:

The term "county" shall extend to and include county of a city and county of a town, and a riding of a county, and a borough:

The term "grand jury" shall include every corporation, committee, council, and body authorised to make presentments:

The term "secretary to the grand jury" shall include town clerk:

The term "assizes" shall include presenting term:

The term "judge of assize," in the application of this Act to the county or county of the city of Dublin, shall include the Court of Queen's Bench at Dublin or any Judge of the said Court:

The term "petty sessions" shall include a divisional police office of Dublin metropolis:

The term "principal Act" shall mean the parts of the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act for the better prevention of crime and outrage in "certain portions of Ireland until the first day of December one thousand eight "hundred and forty-nine, and to the end of the then next session of Parliament," which are continued by and are in force and operation under the Peace Preservation Act:

The term "Peace Preservation Act" shall mean "The Peace Preservation (Ireland) Act, 1856," and the Acts amending and continuing the same now in force:

The term "gunpowder" shall include gun-cotton and any other explosive matter used for the discharge of fire-arms:

The terms "constabulary" and "Royal Irish Constabulary" in the Peace Preservation Act, and in this Act, shall respectively include "Dublin Metropolitan Police:"

The terms "threatening letter" and "threatening notice" shall respectively mean and include any letter or notice written, posted, published, circulated, sent, delivered, or uttered contrary to the provisions of any of the enactments following; that is to say,

1 & 2 Will. 4. c. 44. s. 3.
24 & 25 Vict. c. 97. s. 50.
24 & 25 Vict. c. 100. s. 16.

PART I.

Amendment of Peace Preservation Act.

Special definitions of terms.

4. In Part I. and Part II. of this Act the terms following shall have the meanings herein-after assigned to them respectively:

The term "proclaimed district" shall mean any county, county of a city, county of a town, or any barony or baronies, half barony or half baronies, in any county at large, or any district of less extent, to which the provisions of the Peace Preservation Act are declared to apply by proclamation under the said Act, so long as such proclamation shall be in force:

The term "notice" shall mean any notice published under the provisions of section eleven of the principal Act, requiring persons in a proclaimed district to deposit arms at a place therein named:

The term "arms" shall include any cannon, gun, revolver, pistol, or other fire-arm, or any part or parts of any cannon, gun, revolver, pistol, or other fire-arm, or any sword, cutlass, pike or bayonet, or any bullets, gunpowder, or ammunition.

Construction of Act.

5. Part I. of this Act, so far as is consistent with the tenor thereof, shall be construed as one with the Peace Preservation Act.

Persons having game licences also to have licences to have and carry arms.

6. Notwithstanding anything in the principal Act it shall not be lawful for—

Any person, although duly licensed to kill game, to carry arms, or, after notice, to have arms, in any proclaimed district, unless such person shall also have a licence granted to him under the Peace Preservation Act to carry and have arms in such district, or in some other proclaimed district; or for—

Special licence to carry revolvers.

Any person (except justices of the peace, persons in Her Majesty's naval or military service, or in the coast guard service, or in the service of the revenue, or in the police or Royal Irish Constabulary, or special constables) to carry, or, after notice, to have any fire-arm of the description known as a revolver in any proclaimed district, although he shall have a licence granted to him under the Peace Preservation Act to carry and have arms within such district, unless such licence shall describe such fire-arm as a revolver and specially permit the carrying or having the same.

Punishment for carrying or having arms in proclaimed district.

7. So much of section two of the Peace Preservation Act as enacts that the punishment to which parties are liable, on conviction, under the ninth and twelfth sections of the principal Act shall thenceforth be reduced from imprisonment for any period not exceeding two years, with or without hard labour, to imprisonment for any period not exceeding one year, shall be and the same is hereby repealed.

Any person guilty of carrying or having arms contrary to the provisions of the said ninth and twelfth sections of the principal Act, or contrary to the provisions of the sixth section of this Act, or any of them, shall be liable on conviction thereof to be imprisoned, with or without hard labour, for any term not exceeding two years.

15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts.

8. All the powers and provisions now in force of an Act passed in the Parliament of Ireland in the Session of Parliament held in the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, intituled "An Act to prevent and punish "tumultuous risings of persons within this kingdom, and for other purposes therein "mentioned," and also of another Act amending the same, passed in the Parliament of the United Kingdom in the second year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act passed in the Parliament of Ireland in the "fifteenth and sixteenth years of the reign of His Majesty King George the Third, intituled "'An Act to prevent and punish tumultuous risings of persons within this kingdom, and "'for other purposes therein mentioned,'" shall extend and apply to every proclaimed district, and upon any trial or proceeding under the said last recited Acts, or either of them, it shall not be necessary to prove that any such district was at the time of the commission of any offence or offences against the said last recited Acts, or either of them, in a state of public or general disturbance, or insurrectionary movement, or that any such offence or offences, or the circumstances attending the same, was or were of an insurrectionary nature or character: Provided always, that the court or judge before which or

whom any person or persons shall be tried for any offence against the provisions of section two of the said Act of the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, shall, where such offence has been committed at any time after sunset and before sunrise, or before the hour of six in the forenoon though the sun should be arisen, have power and authority to sentence such prisoner to penal servitude for any term not exceeding seven years.

Sect. 14 of 11 & 12 Vict. c. 2. repealed.

9. From and after the passing of this Act section fourteen of the principal Act shall be and the same is hereby repealed.

Powers of persons acting under search warrants.

10. It shall be lawful for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, under the provisions of section thirteen of the principal Act, and for constables and other persons acting in their aid or assistance, within the space of three months next after the date of any such warrant, at such time and times and as often as they think fit, to enter into any house or place in order to execute such warrant, and in case admittance shall be refused to any such constables or persons as aforesaid, or shall not be obtained by them within a reasonable time after it has been first demanded, then to enter by force into such house or place in order to execute such warrant.

In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer or to a person licensed to keep arms.

11. Every maker of or dealer in gunpowder, his agent or servant, shall, before selling or delivering any gunpowder to any person (except justices of the peace, persons in Her Majesty's naval or military service, or in the coast guard service, or in the service of the revenue, or in the police or Royal Irish Constabulary, or special constables) in any proclaimed district, require such person to produce a licence authorising him to make, deal in, or sell gunpowder, or to have or carry arms, or in case such gunpowder shall be wanted for the purpose of mining or blasting, a certificate, under the hands of one or more justices of the peace, that such gunpowder is to be applied to such purpose, and in the case of gunpowder required for mining or blasting there shall be endorsed on such certificate by the person selling or delivering the same the quantity so sold or delivered, and the time of sale, and such person shall sign his name thereto; and if any maker of or dealer in gunpowder, his agent or servant, shall sell or deliver any gunpowder to any person without the production of such a licence or certificate, or shall neglect to endorse on such certificate the quantity so sold or delivered and the time when, and to sign his name thereto, he shall for the first such offence be liable to a penalty not exceeding five pounds, and for any second offence he shall be liable to a further penalty not exceeding ten pounds.

In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.

12. It shall not be lawful for any person in a proclaimed district to sell to, or to make, mend, repair, or keep for any person (except justices of the peace, persons in Her Majesty's naval or military service, or in the coast guard service, or in the service of the revenue, or in the police or Royal Irish Constabulary, or special constables) not duly licensed to have arms any gun, revolver, pistol, or other fire-arm, or any part thereof; and if any person shall sell, make, mend, repair, or keep any gun, revolver, pistol, or other fire-arm, or part thereof, contrary to the provisions of this Act, every such offender shall be liable to a penalty not exceeding fifty pounds.

In proclaimed districts where felony committed justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.

13. Where in any proclaimed district it shall appear that any felony or misdemeanor was committed, any justice of the peace in such district, although no person may be charged before him with the commission of such offence, shall have full power and authority to summon to the police office, or to the place where the petty sessions for the district in which said felony or misdemeanor has been committed are usually held, any person within his jurisdiction who, he shall have reason to believe, is capable of giving material evidence concerning any such felony or misdemeanor, and to examine such person on oath concerning any such felony or misdemeanor, and, if he shall see cause, to bind such person by recognizance to appear and give evidence at the next petty sessions, quarter sessions, or assizes. And in case any person who shall be summoned for that purpose shall neglect or refuse to appear or shall refuse to take such oath, or having taken such oath shall refuse to answer such questions concerning the said felony or misdemeanor as

shall then be put to him, or shall refuse to enter into such recognizance, such person may be dealt with in the manner provided by section thirteen of The Petty Sessions (Ireland) Act, 1851, in the case of a witness to whom a summons was issued and who neglects or refuses to attend or who refuses to give evidence or be bound by recognizance so to do.

Every summons under this section may be in the Form (I.) in the Schedule (A.) to this Act annexed, or to the like effect.

Persons charged with carrying or having arms may in certain cases be admitted to bail.

14. Where any person in a proclaimed district shall be charged with any offence contrary to the provisions of sections nine and twelve of the principal Act, or of section six of this Act, or of any of them, the admission to bail of such person shall be subject to the like conditions as the admission to bail under section sixteen of The Petty Sessions (Ireland) Act, 1851, of persons charged with any of the offences specified in sub-section one of the said section.

Power to issue warrant to search in proclaimed districts for documents in handwriting of persons suspected of writing threatening letters.

15. Whenever any information in writing and on oath is made before a justice that there is reasonable cause to suspect that any threatening letter or threatening notice was written by any person, and that there is or are to be found in any house or other place belonging to or under the control of such person in a proclaimed district any document or documents in his handwriting, it shall be lawful for such justice to issue a warrant to search such house or place for such document or documents; and every such warrant shall be in the Form (II.) in the Schedule (A.) to this Act annexed, or to the like effect, and shall be directed to and executed by the like parties, and in like manner, and subject to the like conditions in every respect, so far as the same are applicable, as if the same were a warrant to search issued under "The Summary Jurisdiction (Ireland) Act, 1851."

Provisions of Peace Preservation Act as to posting proclamations, &c. repealed.

16. From and after the passing of this Act, so much of the Peace Preservation Act as relates to the posting of proclamations, abstracts, and notices shall be and the same is hereby repealed.

Printed copies of every proclamation, &c. issued under Peace Preservation Act to be posted on or near the door of one place of public worship in every parish, &c. in district.

17. Printed copies of every proclamation, abstract, and notice under the provisions of the Peace Preservation Act shall be posted on, or near to, the door of one place of public worship, if there be such, in every parish, and of every police station and barrack within the district named in such proclamation, by some one or more of the constables or sub-constables of the Royal Irish Constabulary; and after any constable or sub-constable has posted any such printed copies within such district, or any part thereof, he shall verify such posting by a solemn declaration annexed to a printed copy of such proclamation and abstract or notice, to be made before a justice of the peace in the Form (VII.) specified in the Schedule (A.) to this Act annexed, or to the like effect; and such constable or sub-constable shall deposit such printed copy and declaration annexed thereto with the clerk of the peace for the county within which such district or any part thereof is situate or his deputy; and the said clerk of the peace or deputy shall sign and date the same, and shall preserve the same amongst the records of the said county; and the production from the custody of such clerk of the peace or deputy of the said printed copy of such proclamation and abstract or notice, and declaration annexed thereto, or of a copy of the same respectively, signed and certified as a true copy by such clerk of the peace or deputy, shall in all proceedings, and for all purposes whatsoever, be conclusive evidence that the said proclamation and abstract or notice were or was duly posted within the district or part of the district in said declaration mentioned.

PART II.

Special Proclamations.

Provisions of this part of this Act to apply to proclaimed districts when special proclamation issued by Lord Lieutenant.

18. Whenever in the judgment of the Lord Lieutenant, by and with the advice of the Privy Council of Ireland, it is necessary for the better prevention of crime and outrage that the provisions of this part of this Act shall apply to any proclaimed district, it shall be lawful for the Lord Lieutenant, by and with the advice of the said Privy Council, to declare by proclamation, in this part of this Act called a special proclamation, to be published in the Dublin Gazette, that from and after a day to be named therein the

provisions of this part of this Act shall be in force within the same; and thereupon such district shall be a district specially proclaimed within the meaning of this part of this Act: Provided always, that it shall be lawful for the Lord Lieutenant, by a new proclamation, to be made by and with the advice of the Privy Council of Ireland, to be published in the Dublin Gazette, to revoke any special proclamation issued under this part of this Act, as to the whole or any part of the district named in such special proclamation; and thereupon such special proclamation shall, from and after a day to be named in such new proclamation, stand and be revoked, so far as such new proclamation shall purport to revoke the same.

Lord Lieutenant may by notice revoke licences to have or carry arms in a specially proclaimed district.

19. It shall be lawful for the Lord Lieutenant, by notice in writing, to be signed by the Chief or Under Secretary and to be published in the Dublin Gazette, at any time or times to revoke all licences granted under the Peace Preservation Act to have or carry arms in any district specially proclaimed, and thereupon all such licences shall stand revoked, and shall be null and void to all intents and purposes.

Every such last-mentioned notice shall require every person to whom any licence thereby revoked was granted, and to whom a new licence shall not be granted under the said Peace Preservation Act, to deposit and leave on or before a day to be named in such notice, at a place or places to be named in such notice, or at the nearest police station or barrack, the arms for the having or carrying of which such revoked licence was granted; and such arms shall be kept, detained, and dealt with in the manner prescribed by section eleven of the principal Act in reference to arms deposited and left as therein mentioned.

Every person to whom any licence so revoked was granted, and to whom a new licence as aforesaid has not been granted, and who shall after the day named in such notice as aforesaid carry or have arms within such district, shall be guilty of carrying or having arms contrary to the provisions of the principal Act; provided always, that no person carrying any arms for the purpose only of depositing and leaving the same as hereinbefore mentioned shall by reason thereof be deemed or taken to be a person carrying or having any arms contrary to the provisions of the principal Act.

Printed copies of every special proclamation to be posted, &c.

20. Printed copies of every special proclamation or notice under the authority of this part of this Act shall be posted on or near to the door of one place of public worship, if there be such, in every parish, and of every police station and barrack, within the district named in such special proclamation, by some one or more of the constables or sub-constables of the Royal Irish Constabulary, and at the foot of every copy of any such special proclamation so posted as aforesaid an abstract of the provisions of this part of this Act shall be printed for the information of all persons affected by the said enactments; and after any constable or sub-constable has posted any such printed copies within such district, or any part thereof, he shall verify such posting by a solemn declaration annexed to such printed copy of such special proclamation and abstract or notice, to be made before a justice of the peace in the Form (VIII.) specified in the Schedule (A.) to this Act annexed, or to the like effect, and such constable or sub-constable shall deposit such printed copy and declaration annexed thereto with the clerk of the peace for the county within which such district or any part thereof is situate, or his deputy, and the said clerk of the peace or deputy shall sign and date the same, and shall preserve the same amongst the records of the said county, and the production from the custody of such clerk of the peace or deputy of the said printed copy of such special proclamation, and abstract or notice and declaration annexed thereto, or of a copy of the same respectively signed and certified as a true copy by such clerk of the peace or deputy, shall in all proceedings, and for all purposes whatsoever, be conclusive evidence that the said proclamation and abstract or notice were duly posted within the district or part of the district in said declaration mentioned.

Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.

21. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of any special proclamation, under this part of this Act, shall be conclusive evidence of all such facts and circumstances as were or shall be necessary to authorise the issuing of any such special proclamation; and every such special proclamation shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity with this part of this Act.

Copies of special proclamations to be laid before Parliament.

22. A copy of every special proclamation issued under the authority of this Act shall be laid before each House of Parliament within fourteen days of the date of the same, if Parliament be then assembled, and if not then within fourteen days of the next subsequent meeting of Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances.

23. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace any person who, within any district specially proclaimed and under suspicious circumstances, shall be in the fields, streets, highways, or elsewhere out of his dwelling or place of abode at any time from one hour after sunset until sunrise, and any such justice may order such person to be brought or appear before the justices of the peace assembled at the next petty sessions for the district in which such person was arrested, and may in the meantime commit such person to gaol or admit him to bail as to such justice shall seem fit, and the justices at such petty sessions assembled shall examine the person so brought or appearing before them, who shall in such case be a competent witness, and shall examine such other witnesses and receive such evidence as may be brought before them touching the charge, and if upon such hearing the justices shall believe that such person was not out of his house upon some lawful occasion or business, such justices may commit him to gaol, there to be imprisoned with or without hard labour for any period not exceeding six calendar months.

Closing of Public Houses by order of Lord Lieutenant.

Power to Lord Lieutenant by order to close public-houses in districts specially proclaimed.

24. It shall be lawful for the Lord Lieutenant by order in writing, to be signed by the Chief or under Secretary, whenever he thinks fit to direct that any person who, in any district specially proclaimed, keeps any house or place for the sale of wine, spirits, ale, beer, or cyder by retail, shall, during the period specified in such order, close such house or place at sunset or at such time after sunset as shall be specified in such order; and every such order shall be served upon the person to whom the same is directed by delivering to him a copy of such order, or if he cannot be conveniently met with by leaving such copy at the house or place to which such order relates; and any person upon whom such order shall be served, and who shall keep open such house or other place in violation of such order, shall on conviction be liable to a penalty not exceeding fifty pounds, and to imprisonment for any period not exceeding three calendar months.

Power to arrest Strangers.

Power to arrest strangers in district specially proclaimed.

25. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace, any stranger sojourning or wandering in any district specially proclaimed, and for such justice to examine him respecting his place of abode, the place from whence he came, his manner of livelihood, and his object or motive for remaining or coming into the county, city, or town in which he shall be found, and unless he shall answer to the satisfaction of such justice, or produce sufficient security for his good behaviour, such justice shall commit him to gaol, there to remain until he shall find such security as aforesaid, or until he shall be discharged by a justice of the peace: Provided always, that such justice shall, without delay, after such committal, transmit to the Lord Lieutenant, a true and faithful report of such committal, and the grounds and reasons thereof, the amount of bail required, with the examination of the prisoner, and the reasons alleged by him why he should not be committed; which such justice is required to take down in writing, in order that such person may be detained or discharged, as to the Lord Lieutenant may seem right.

Summary Proceedings in certain Cases.

Power to justices to punish persons charged with certain offences.

26. When any person is charged in any district specially proclaimed before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in Part I. of the Schedule (B.) to this Act annexed, it shall be lawful for such justices, if they so think fit, to hear and determine the charge in a summary way,

and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding six calendar months; and if they find the offence not proved they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the Forms (III.) and (IV.) in the Schedule (A.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

Persons accused may have assistance of counsel, &c.

27. In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any metropolitan police magistrate or stipendiary magistrate may act alone.

28. Any magistrate appointed to act at the police courts of the police district of Dublin metropolis, and sitting at a police court within the said district, or any stipendiary magistrate sitting in petty sessions, may do alone all acts by this part of this Act authorised to be done by justices of the peace at petty sessions.

Where any justices of the peace at petty sessions are by this part of this Act authorised to do any act, such act may be done by any two or more of such justices, provided always that one of such justices shall be a stipendiary magistrate.

Change of Venue.

Venue may be changed on suggestion of Attorney General.

29. Where any indictment found in any county specially proclaimed shall be removed by Certiorari into Her Majesty's Court of Queen's Bench at Dublin, and issue shall be joined on such indictment, the said court, in term time or in the vacation, shall, upon the application of Her Majesty's Attorney General for Ireland in that behalf, order a suggestion to be entered upon the record directing such issue to be tried in such county as the court shall name, and specified in such suggestion other than the county in which such indictment was found, and such suggestion may be in the Form (V.) in the Schedule (A.) to this Act annexed, or to the like effect, and shall have the same force and effect as any suggestion by which if made on the record the issue joined on any such indictment might now by law be tried in a county other than the county in which such indictment was found, and thereupon all proceedings may be taken according to the practice of the said court for the trial of the person charged in such indictment, and such person may be tried, in the county in that behalf specified in such suggestion, and such proceedings and trial, and every verdict given at such trial, and any judgment thereon, shall be valid and effectual to all intents and purposes as if such person had been tried in the county in which the offence charged in such indictment was committed.

In case of any such indictment so removed as aforesaid the days or times allowed or required according to the practice of the court for appearing or pleading, or in any notice of motion or in any writ of Habeas corpus, or in or for any other step or proceeding relating to such indictment, shall run in vacation as well as in term time, and any order may be made in reference to such indictment or the proceedings thereon by the said Court of Queen's Bench, or by a judge thereof in vacation as well as in term time; and for the purposes of this section the said Court of Queen's Bench shall have power to sit in vacation.

PART III.

General Provisions.

Newspapers.

Newspapers containing treasonable or seditious matters, &c. to be forfeited to Her Majesty.

30. Where it appears to the Lord Lieutenant that any newspaper printed or published, or purporting to be printed or published, in Ireland after the passing of this Act contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the commission of any felony, or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting to the commission of any felony, the Lord Lieutenant may cause a notice, in the Form (IX.) in the Schedule (A.) to this Act annexed, or to the like effect, to be published in the Dublin Gazette, and if such newspaper purports to be printed or published at any known house in Ireland, a true copy of such notice shall be served at such house on the proprietor or publisher or printer of any such newspaper, either personally or by leaving the same with his wife, child, servant, or any other inmate aged sixteen years or upwards; provided, that if such service cannot be effected, or admission into the said house or premises cannot be obtained, then such service may be effected by posting on some conspicuous part upon such house or premises a true copy of such notice between the hours of eight o'clock a.m. and six o'clock p.m.; and where any person shall have served or posted any such notice as aforesaid, he shall verify such service or posting by a solemn declaration annexed to a printed copy of the Dublin Gazette containing such notice, to be made before a justice of the peace in the Form X. specified in the Schedule (A.) to this Act annexed, or to the like effect; and such printed copy and declaration annexed thereto shall be deposited with the clerk of the peace for the county within which such house is situate, or his deputy; and the said clerk of the peace, or deputy, shall sign and date the same, and shall preserve the same amongst the records of the said county; and the production from the custody of such clerk of the peace, or deputy, of the said printed copy of such Gazette and declaration annexed thereto, or of a copy of the same respectively, signed and certified as a true copy by such clerk of the peace, or deputy, shall in all proceedings, and for all purposes whatsoever, be conclusive evidence that the said notice was duly served or posted.

The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of any such notice as aforesaid, shall be conclusive evidence in all courts of justice in Ireland of all such facts and circumstances as were or shall be necessary to authorise the issuing of any such notice; and every such notice shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity with this part of this Act.

If, when seven days have expired in the case of a paper published at intervals of not less than a week, or two days in the case of a paper published at intervals of less than one week, after the publication of such notice and the service or posting thereof (if such there be), the said newspaper, or any newspaper belonging to or published by the same proprietor, printer, or publisher, or printed or published at the same premises, or under the same control or management, contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the commission of any felony, or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting to the commission of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, and all copies of such newspaper, wherever found in Ireland, shall be forfeited to Her Majesty.

Where after the passing of this Act any newspaper printed elsewhere than in Ireland is published or circulated in Ireland, and contains any such engraving, matter, expressions, or incitements as aforesaid, all copies of such newspaper, wherever found in Ireland, shall be forfeited to Her Majesty.

Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.

31. Where it appears to the Lord Lieutenant that any such newspaper after the publication and service of such notice, where such publication and service shall by this part of this Act be required, or that any such newspaper printed elsewhere than in Ireland and published or circulated in Ireland as aforesaid, contains any such engraving, matter, expressions, or incitements, as aforesaid, he may, by warrant under his hand in the

Form (VI.) in the Schedule (A.) to this Act annexed, or to the like effect, empower any person or persons to whom such warrant is addressed, or his or their assistants, to enter upon any premises where the newspaper specified in said warrant, and containing such engraving, matter, expressions, or incitements as aforesaid, is printed or published, or where any printing press, engine, machine, types, implements, utensils, paper, or other plant or materials used or employed or intended to be used or employed, or suspected to be or to have been used or employed, for the printing or publishing of such newspaper as aforesaid shall be, or shall be suspected to be, or where any copy of such newspaper as aforesaid is sold, distributed, or published, or suspected to be sold, distributed, or published, or kept or deposited for sale, distribution, or publication, or suspected to be kept or deposited for sale, distribution, or publication, and to search for, seize, and take away such printing presses, engines, machines, types, papers, implements, utensils, and plant, and every copy of such newspaper as aforesaid; and no action, save as herein-after mentioned, shall be brought or maintained against any person for the issuing of such warrant, or for any entry, search, or seizure, or other act, matter, or thing done in pursuance or under the authority of any such warrant as aforesaid: Provided always, that any chattels so seized shall be kept and detained until the determination of any action brought as herein-after mentioned; and if such action shall be determined in favour of the plaintiff, being the owner of or entitled to the possession of such chattels, such chattels shall be restored to such plaintiff, and the jury shall take such restoration into consideration in mitigation of the damages to be awarded by them in such action.

Power to enter premises to execute warrant.

32. Where any person duly authorised by warrant, as aforesaid, to enter any premises, or his assistants, shall demand admittance, and give notice of such warrant, and the door of any house, room, shop, warehouse, outhouse, building, or other premises shall not be opened within reasonable time after the making of such demand, it shall be lawful for any such person, or his assistants, to break open such door, and to enter thereat, for the purpose of making such search or seizure as aforesaid, and if any person shall refuse to permit any person duly authorised in that behalf, or his assistants, to enter such premises for the purpose of making any such search or seizure, or shall resist, obstruct, molest, prevent, or hinder any such person, or his assistants, as aforesaid, in the making of any such search, or in the seizing or taking away of any goods, chattels, articles, matters, and things which may be lawfully seized, or otherwise in the execution of any warrant under this Act, such person shall be deemed guilty of assaulting or wilfully resisting or obstructing a peace officer in the due execution of his duty, and on conviction shall be punished accordingly.

Power to maintain action in case of illegal search or seizure.

33. Where any person, who but for the provisions of this part of this Act would be entitled to maintain an action for any search or seizure made under the authority of a warrant under this part of this Act, feels aggrieved by any search or seizure made under the authority of any such warrant, he may within two calendar months after such search or seizure commence an action in any of Her Majesty's Superior Courts of Common Law at Dublin against the person or persons to whom such warrant is addressed, or any of the assistants of such person or persons, and may claim damages on the ground that such search or seizure was illegal, because a notice was not published or served according to the provisions of this part of this Act, or because the newspaper specified in such warrant and in reference to which such search or seizure was made did not contain any engraving, matter, expressions, or incitements, by reason of which such newspaper was forfeited to Her Majesty under the provisions of this part of this Act, or because the chattels seized were not copies of such newspaper, or because the printing presses, engines, machinery, types, implements, utensils, paper, plant, and materials were not used or employed or intended to be used or employed or reasonably suspected to be or to have been used or employed or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or because the chattels seized were not found in or about any premises where such newspaper as aforesaid was printed, published, sold, or distributed or kept or deposited for publication, sale, or distribution, or reasonably suspected to be published, sold, or distributed or kept for publication, sale, or distribution; and the defendant in such action may plead in defence to such action the defence in the Schedule (C.) to this Act annexed, or a defence to the like effect; and such action shall, except as is herein specially provided, be prosecuted, tried, and determined in every respect as

any other action of tort brought in any of the said superior courts; and any copy or copies of the said newspaper published before the search or seizure complained of, and after the passing of this Act, may be given in evidence by the defendant in aid of the proof of the nature or tendency of the engraving, matter, expressions, or incitements used in the said newspaper, in reference to which the search or seizure complained of was made; and in the event of the jury finding that such notice was duly published and served as aforesaid, or that such newspaper did contain any such engraving, matter, expressions, or incitements as aforesaid, or that the chattels seized were copies of such newspaper, or that the printing presses, engines, machinery, types, implements, utensils, paper, plant, and materials were used or employed, or intended to be used or employed, or reasonably suspected to be or to have been used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper, or that the chattels seized were found in or about any premises where such newspaper as aforesaid was printed, published, sold, or distributed, or kept or deposited for publication, sale, or distribution, or reasonably suspected to be published, sold, or distributed, or kept for publication, sale, or distribution, the defendant shall be entitled to a verdict, and to his costs of suit; and if they shall find that such notice was not duly published and served as aforesaid, or that such newspaper did not contain any such engraving, matter, expressions, or incitements as aforesaid; or that the chattels seized were not copies of such newspaper, or that the printing presses, engines, machinery, types, implements, utensils, paper, plant, and materials were not used or employed, or intended to be used or employed, or reasonably suspected to be or to have been used or employed, or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or that the chattels seized were not found in or about any premises where such newspaper as aforesaid was printed, published, sold, or distributed, or kept or deposited for publication, sale, or distribution, or reasonably suspected to be published, sold, or distributed, or kept for publication, sale, or distribution, the plaintiff shall be entitled to a verdict, and after final judgment to such damages as may be lawfully awarded by the jury, together with his costs of suit according to the practice of the court applicable to such an action; and where any such judgment shall be given for the plaintiff, there shall be paid to the plaintiff out of moneys to be provided by Parliament the damages awarded him, together with his costs of suit.

Term "newspaper."

34. The term "newspaper" in this part of this Act shall include two or more copies of a newspaper bearing the same name, whether published on the same day or on different days, and shall also include any series of newspapers whether printed on one day or different days, or with one name or with different names.

Regulations as to Gunpowder and Fire-arms.

No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.

35. It shall not be lawful for any person not being duly licensed to manufacture gunpowder to deal in or sell gunpowder by retail or otherwise in Ireland, unless he shall have obtained a licence for that purpose from the Lord Lieutenant, or the chief or under secretary; and no such licence shall be granted without a certificate, under the hands and seals of two or more justices of the peace in petty sessions assembled for the district within which such person shall carry on such trade, that such person is a proper person to obtain the same, and that his stores are secure and fit for the purpose of keeping gunpowder; and any person who shall sell gunpowder, by retail or otherwise, without being licensed for that purpose, or without being licensed to manufacture gunpowder as aforesaid, shall for every such offence be liable to a penalty not exceeding fifty pounds, and all gunpowder, and every cask or vessel in which the same shall be contained, found in the possession of, or in any house or other place belonging to such person, shall be forfeited to the use of Her Majesty.

Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return

36. Every maker or manufacturer of gunpowder, and every person dealing in or selling the same, in Ireland, shall within thirty days after the passing of this Act return an account to the chief officer of police in the district in which he resides of all the stock of gunpowder then in his possession, describing the place or places where the same is kept, and the packages containing the same, and shall provide a book in which such quantity shall be entered, and shall from time to time, in the first week of every calendar month, make or cause to be made a like return and like entry; and every such maker or manu-

account of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined.

facturer or dealer in gunpowder, by wholesale or retail, shall also enter or cause to be entered in a separate book to be by him for that purpose provided, and distinguished by the name of "the book of sales," an account of every parcel of gunpowder sold or disposed of or delivered, with the time when and to whom; and it shall be lawful for any justice of the peace, or any chief officer of police, or any person duly authorised by such justice or officer, at all reasonable times to have access to such books, and to examine the stock of such maker or seller of gunpowder, and compare and balance the same with the account kept in such books; and the several chief officers of police (except the chief officers of police within the police district of Dublin metropolis), to whom such accounts and returns shall be rendered, shall, from time to time, transmit the same to the inspector general of constabulary in Ireland as they may be by him directed; and if any such maker or manufacturer of, or dealer in, gunpowder shall not make such returns, or shall not truly make the same, or shall not keep such books, or shall not truly make, or cause to be made, such entries therein, or shall not, after demand, produce such books to any person hereby or by the said persons duly authorised as aforesaid, or shall not permit any such person to inspect the same, or to examine his stock, he shall, for the first offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence shall be liable to a penalty not exceeding twenty pounds.

Monthly account of arms sold, &c. shall be kept.

37. Every person who shall make, repair, or sell any gun, pistol, revolver, or other fire-arm, or any part thereof, shall keep a book in which he shall enter or cause to be entered a monthly account of all such articles made, sold, or repaired by such person, and to or for whom and the respective times when the same were sold or repaired, and shall every month return a copy of such account to the chief officer of police in the district, and the chief officer of police of every district (except the police district of Dublin metropolis) shall transmit the same to the inspector general of constabulary in Ireland; and it shall be lawful for any justice of the peace, or chief officer of police, or any person duly authorised by such justice or officer, at all reasonable times, on demand, to have access to such book, to examine the same; and if any person making, repairing, or selling any such article shall not keep such book, or shall not truly enter or cause to be entered therein such account as aforesaid, or shall omit to make any such return as aforesaid, or shall not, after demand, produce such book to any person hereby or by the said persons duly authorised as aforesaid, or shall not permit such person to examine the same, he shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence be liable to a penalty not exceeding twenty pounds.

Power to apprehend Witnesses absconding.

Power of apprehending absconding witnesses.

38. Whenever any person shall be bound by recognizance to give evidence at any trial, or at the hearing of any charge, it shall be lawful for any justice, if he shall see fit, upon the application of any person, and upon information being made in writing, and on oath by such person that the person so bound to give evidence is about to abscond or has absconded, to issue his warrant for the arrest of such person so bound to give evidence, and afterwards, when such person has been arrested upon being satisfied that the ends of justice would otherwise be defeated, to commit such person when so arrested to gaol until such trial or hearing, or until he shall produce another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

Power to Grand Jury to present Compensation in certain Cases.

Power to grand jury to present compensation to be paid in certain cases of murder or maiming.

39. Where it shall appear that any person has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any illegal combination or conspiracy, the grand jury of the county within which such murder, maiming, or injury shall have been committed shall, upon application, as herein-after directed, present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of the person so murdered, or to the person so maimed or injured, having regard to the rank, degree, situation, and circumstances of such person; such money to be raised off the county at large or the barony, half-barony, or other district in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury;

and every such presentment shall be made and levied in the like manner, and shall, save as is by this Act expressly provided, be subject to the like conditions as any presentment made under the authority of section one hundred and six of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate "and amend the Laws relating to the presentment of public money by Grand Juries in "Ireland." No such presentment shall be traversed, but shall be subject to appeal as herein-after mentioned.

Applications may be made by the personal representative or one of the next of kin of any person murdered, or by any person maimed or injured, or by the Crown solicitor of the county, or by any person in that behalf authorised by the Lord Lieutenant.

Any person intending to apply for a presentment under the provisions of this section in respect of any murder, maiming, or injury, shall publish a notice stating his intention of so applying in the newspaper in which grand jury notices for the county are published, and shall serve notice in writing of such murder, maiming, or injury, and of such his intention, upon the high constable of the barony, or upon two of the principal inhabitants of the parish wherein such offence shall have been committed, and at the nearest police station, fourteen days at least before the holding of the next assizes; and copies of such notice shall within the same time be affixed on or immediately adjacent to the doors of every police barrack within such barony, and every such person shall lodge with the high constable and secretary of the grand jury within the same time an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such murder, maiming, or injury took place, and the amount of damage claimed, and such application shall be scheduled by the secretary of the grand jury, and shall be delivered by him to the grand jury at the next assizes.

Where between the commission of any such offence as aforesaid, and the holding of the next assizes, there shall not be sufficient time for the service of the notices herein-before required, such application shall be made at the assizes, which shall be holden next but one after the time of the commission of such offence.

In case such grand jury shall refuse to make such presentment, or in case the person or persons applying for such presentment shall be dissatisfied with the amount presented, or in case any person chargeable with any of the moneys so presented shall be desirous of opposing such presentment, such applicant or ratepayer may appeal to one of the going judges of assize, who shall inquire into such application or presentment and the grounds and reasons for passing or refusing the same, and if such judge shall be reasonably satisfied that such presentment ought to be made, he shall affirm or make such presentment for such amount as to him shall seem fit, and the presentment shall be valid and effectual for such amount to all intents and purposes, and shall and may be levied after such assizes; but if the judge shall be of opinion that there was no ground for such presentment he shall disallow or refuse to make the same, and the same, if passed by the grand jury, shall thereupon be null and void; and in case the judge shall be of opinion that the appeal was reasonable he may award the reasonable costs in that behalf to the appellant, which shall be added to the amount of such presentment if the same shall be affirmed or made, and if such presentment shall be disallowed or refused the amount of such costs shall be levied as if lawfully presented at such assizes by such grand jury off the county at large.

Recovery of penalties.

40. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and with the like right and power of appeal as in the said Act is given and provided for, and shall be applied according to the provisions of The Fines Act (Ireland), 1851, or any Act amending the same.

Declaration as to applicability of certain enactments.

41. It is hereby declared and enacted that the parts of Acts in Part II. of the Schedule (B.) to this Act annexed do not and shall not apply to any information filed in Her Majesty's Court of Queen's Bench at Dublin, or to any indictment found in or removed by the writ of Certiorari into the said Court, or to the trial of any issue joined on any

such information or indictment; and it is hereby declared and enacted, that the term the "court house of any county" as used in section four of The Juries Act (Ireland), 1868, does and shall, so far as relates to the county of Dublin, include the Court of Queen's Bench, or any Court within the building known as the Four Courts at Dublin.

SCHEDULE (A.)

FORMS.

FORM (I.)

Summons to Witness.

The Queen *v.* persons unknown. } Petty Sessions District of County of .

(1) *Set out felony or misdemeanor.*

WHEREAS it appears that (1)

This is to command you to appear as a witness before me at on the day of at o'clock, then and there to be examined before me touching the premises.

(Signed) Justice of said county.

This day of 187 .

To , of .

FORM (II.)

Warrant to search.

Petty Sessions District of County of .

WHEREAS it appears on the oath of *A.B.* of *M.N.* there is reasonable cause to suspect that a threatening letter *or* notice (1) [*as the case may be*] was written by one *C.D.* of , and that there is to be found in the house *or* place [*as the case may be*] belonging to or under the control of the said *C.D.* [*as the case may be*] at (2), some document or documents in the handwriting of the said *C.D.*

(1) *Set out particulars.*

(2) *State particulars of house or place.*

This is therefore to authorise and require you to enter into the said house *or* place [*as the case may be*], and to search for said document or documents, and to bring the same to me or some other justice.

(Signed) Justice of the said county.

This day of 187 .

To , of .

FORM (III.)

Conviction.

to wit. } BE it remembered, that on the day of in the year of our Lord , at in the said [county], *A.B.*, being charged before us the undersigned of Her Majesty's justices of the peace for the said [county], is convicted before us, for that [he the said *A.B., &c., stating the offence, and the time and place when and where committed*]; and we adjudge the said *A.B.* for his said offence to be imprisoned in the [gaol] at in the said [county], [and there be kept to hard labour] for the space of .

Given under our hands and seals, the day and year first above mentioned, at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (IV.)

Certificate of Dismissal.

to wit. } WE, of Her Majesty's justices of the peace for the [county] of certify, That on the day of in the year of our Lord at in the said [county] *A.B.* being charged before us, for that [he the said *A.B., stating the offence charged, and the time and place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)