CHAPTER 14.

An Act to amend and continue certain Acts for the Preservation of the Peace in Ireland, and to grant an Indemnity in certain cases. [28th May 1875.]

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain Parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the first day of June one thousand eight hundred and seventy-five:

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for five years an Act "passed in the fourth year of his late Majesty George the Fourth, to amend an Act passed "in the fiftieth year of His Majesty George the Third, for preventing the administering "and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter eighty-nine, and continued by divers Acts, was continued and limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five:

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods:

And whereas various persons have, by reason of neglect or otherwise, not complied with the directions contained in the second section of the said Act of the second and third years of the reign of Her present Majesty:

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:

Short title.

1. This Act may be cited as "The Peace Preservation (Ireland) Act, 1875."

Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.

2. From and after the passing of this Act the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed: Provided always, that such repeal shall not affect anything done or suffered or any liability incurred under the enactments repealed.

Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modifications herein stated.

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, and as continued by the Peace Preservation (Ireland), Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, shall continue in operation until the first day of June one thousand eight hundred and eighty.

Extension of licence to have arms.

Where any licence to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licences in such proclaimed district, if he shall think fit, by endorsement upon such licence to authorise the person to whom such licence has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement. The person appointed to grant licences to have or carry arms in any district shall be bound to grant to any occupier of one or more agricultural holdings a licence to have arms or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, who shall produce to him a certificate, signed by two justices of the peace for the county residing within the same petty sessions district as the person producing such certificate, that he is a fit and proper person to have such licence respectively, and every such certificate shall be in the form in the Schedule (D.) to this Act annexed. Any person having and carrying

arms, or having arms in accordance with any such endorsement upon a licence as aforesaid, or in accordance with any licence granted in pursuance of any such certificate as aforesaid, shall be deemed to have a licence for such purposes respectively within the meaning of the Act of the eleventh year of the reign of Her present Majesty, chapter two. Every person appointed to grant licences under this Act shall keep a list of the names and residences of all persons applying for such licences, and shall on the first day of every year deposit with the clerk of the peace of the county a copy of such list, adding thereto to the name of each applicant a statement showing whether the licence has been granted or refused, specifying also the nature of the licence applied for, and the nature of the licence, if any, granted, which list shall be kept by the clerk of the peace among the records of the county.

Powers of persons acting under warrant to seize arms.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time between sunrise and sunset, in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant: Provided always, that such warrant shall not be executed except in the presence and under the direction of some person to whom such warrant is directed by name, and who is specially named therein.

Punishment for carrying and having arms contrary to law reduced.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding one year.

Summary proceedings in certain cases.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, and if the person so charged shall himself desire it, 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 for any period not exceeding three 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 1 and 2 in the Schedule (C.) 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 enactment with respect to summary proceedings 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.

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 person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding one month may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

Amendment of section 39 of Peace Preservation (Ireland) Act, 1870, as to grand jury presentments for compensation.

No presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, unless the grand jury making the same shall be of opinion that material evidence concerning the murder, maiming, or injury in respect of which such presentment is made is withheld by any person resident within the district proposed to be charged with the sum thereby presented; and where any such presentment shall be made under the authority aforesaid there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section thirty-nine amended as aforesaid conferred upon him with respect to appeals.

Continuance of 2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89.

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more "effectual for five years an Act passed in the fourth year of His late Majesty George the "Fourth, to amend an Act passed in the fiftieth year of His Majesty George the Third, "for preventing the administering and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter eighty-nine, shall continue in operation until the first day of June one thousand eight hundred and eighty; but the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating friendly societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which directly and immediately relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof; provided that the trustees or other officers of the society, when required under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society, and in default thereof the provisions of the said Acts shall be in force in respect of such society: Provided always, that all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which, according to the rules and usage of the said society, are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, that if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.

No restriction to be placed on

5. Whereas by the eighth section of "The Protection of Life and Property in certain Parts of Ireland Act, 1871," it is, amongst other things, enacted and provided that no writ

of habeas corpus shall issue to bring up the body of any person arrested or committed or detained as in such section mentioned, and it is expedient that any restriction imposed by such provision should not be continued; be it enacted, that from and after the passing of this Act the said section shall be read and construed as if the herein-before recited provision relative to the issuing of a writ of habeas corpus had not been continued or inserted therein. issue of writs of habeas corpus.

6. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain Parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall continue in operation until the first day of June one thousand eight hundred and seventy-seven. Certain parts of 34 Vict. c. 25. as continued by 36 & 37 Vict. c. 24. to continue until 1877.

SCHEDULES.

SCHEDULE (A.)

Parts of Peace Preservation (Ireland) Act, 1870, repealed by foregoing Act:
Sections eight, ten, eighteen to thirty-seven, both inclusive.
Forms III., IV., V., VI., VIII., IX., X., in Schedule A. and Schedule C.

SCHEDULE (B.)

Principal Act (11 & 12 Vict. c. 2.) ss. 9 and 12; Peace Preservation (Ireland) Act, 1870, sec. 6.

SCHEDULE (C.)

FORM (I.)

Conviction.

} BE it remembered, that on the day of in the
to wit. } 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] 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 (II.)

Certificate of Dismissal.

} WE of Her Majesty's justices of the peace for the [county] of
to wit. } 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.)

SCHEDULE (D.)

FORM OF CERTIFICATE FOR ARMS LICENCE.

County of

Petty sessions district of

WE, the undersigned justices of the peace for the above-mentioned county, residing within the above-mentioned petty sessions district, do hereby certify that *A.B.* of [*here insert name, description, and place of residence*] within the said petty sessions district of , is a fit and proper person to have a licence to have [*or, as the case may be,* to have and carry] arms [*here insert conditions and extent of licence*].

Dated this day of 18 .

Signed *C.D.*
E.F.
Justices of the peace for the said county of , residing within the said petty sessions district of .

CHAPTER 15.

An Act to amend the Sea Fisheries Act, 1868. [28th May 1875.]

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:

Oyster fishery companies under control of Inspectors of Fisheries to be subject to Board of Trade.

1. Any oyster fishery company which by any local and personal Act passed since the year 1863 is in any manner made subject to the control of the Inspectors of Fisheries for the time being under "The Salmon Fishery Act, 1861," shall from and after the passing of this Act be deemed to have obtained an order under Part III. of the Sea Fisheries Act, 1868, and shall in all respects be subject to and under the control of the Board of Trade, and shall, as regards such control, be in the same position as if such company had been original grantees under an order made by the Board of Trade under the said Act, and duly confirmed by Parliament; and all powers vested in such inspectors with respect to any such company shall cease.

Any provision contained in any such local and personal Act which is at variance with any provision of the Sea Fisheries Act, 1868, relating to the control or powers of the Board of Trade, is hereby repealed.

Powers of Board of Trade in making inquiries.

2. In making the inquiries and examination mentioned in the forty-fifth section of the Sea Fisheries Act, 1868, the Board of Trade, and any inspector appointed by them, shall have and may exercise the same powers as are by the thirty-second section of the same Act conferred on an inspector appointed by the said Board in pursuance of that section.

Saving.

3. Nothing in the Sea Fisheries Act, 1868, or in the schedule thereto shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to the Merchant Shipping Act Amendment Act, 1862, or to take away or diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution therefor, which by the said last-mentioned Act is given to Her Majesty in Council.

Short title.

4. This Act may be cited as "The Sea Fisheries Act, 1875."