CHAPTER 25.

An Act for the prevention of Crime in Ireland. A.D. 1882.

[12th July 1882.]

WHEREAS by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose:

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:

PART I.

SPECIAL COMMISSION.

Special Commission Court.

1. (1.) The Lord Lieutenant may from time to time direct a commission or commissions to be issued for the appointment of a court or courts of special commissioners for the trial in manner provided by this Act of persons committed for trial for any of the following offences; that is to say,

(*a.*) Treason or treason-felony committed after the passing of this Act;

(*b.*) Murder or manslaughter;

(*c.*) Attempt to murder;

(*d.*) Aggravated crime of violence against the person;

(*e.*) Arson, whether by common law or by statute;

(*f.*) Attack on dwelling-house;

and whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of the said offences a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may by warrant assign to any such court of Special Commissioners (in this Act referred to as a Special Commission court) the duty of sitting at the place named in the warrant and of there, without a jury, hearing and determining,

A.D. 1882.

according to law, the charge made against the person so committed for trial and named in the warrant, and of doing therein what to justice appertains.

(2.) A Special Commission court shall consist of three judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor), to be named in such commission, and they shall try in open court, according to the tenor of a warrant under this Act, all persons named in the warrant who may be brought before them for trial.

(3.) The evidence taken on a trial before a Special Commission court, and the reasons, if any, given by the judges in delivering judgment, shall be taken down by a shorthand writer, who shall be sworn to take the same accurately to the best of his ability.

(4.) A person tried by a Special Commission court shall be acquitted unless the whole court concur in his conviction, and the judges of the said court shall in all cases of conviction give in open court the reasons for such conviction.

(5.) Where a person is tried by a Special Commission court he shall, if acquitted by such court, be entitled to be conveyed free of cost to any place he selects in the county in which he was committed for trial.

(6.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of witnesses, and in the case of poor persons charged with treason, treason felony, or murder, for the payment of counsel required for the defence of a person brought for trial before a Special Commission court, and certified to be so required by such court.

Provided that nothing in this Act shall empower a Special Commission court to try a person for any offence, unless a judge and jury in Ireland would, but for this section, have had jurisdiction to try that person for the said offence.

Appeal from Special Commission court to Court of Criminal Appeal.

2. (1.) Any person convicted by a Special Commission court under this Act may, subject to the provisions of this Act, appeal either against the conviction and sentence of the court, or against the sentence alone, to the Court of Criminal Appeal herein-after mentioned, on any ground, whether of law or of fact; and the Court of Criminal Appeal shall (subject to the provisions of this Act) have power after hearing the appeal to confirm the conviction and sentence, or to enter an acquittal, or to vary the conviction or sentence.

Provided that—

(*a.*) The conviction shall not be varied save by substituting a conviction for some less offence, for which the Special Com-

mission court had jurisdiction on the trial to convict the appellant; and

(*b.*) The sentence shall not be increased.

(2.) The conviction and sentence as confirmed or varied by the Court of Criminal Appeal shall have effect as if it were the conviction and sentence of the Special Commission court, and shall be deemed to be the sentence of a Special Commission court.

(3.) If the appellant establishes want of jurisdiction in the Special Commission court, the Court of Criminal Appeal may quash the proceedings.

(4.) The Court of Criminal Appeal shall have for the purpose of any appeal all the powers and jurisdiction of the Special Commission court.

Constitution of Court of Criminal Appeal. 40 & 41 Vict. c. 57.

3. (1.) The Court of Criminal Appeal under this Act shall consist of the judges of the Supreme Court of Judicature in Ireland (with the exception of the Lord Chancellor), and any of those judges not less than five may sit and exercise the powers of the court.

Provided that a judge who sat in the Special Commission court shall not sit in the Court of Criminal Appeal on any appeal against a conviction or sentence by that Special Commission court to which he was a party.

(3.) The determination of any appeal shall be according to the determination of a majority of the judges who heard the appeal.

PART II.

SPECIAL JURORS AND VENUE.

Special jurors in criminal cases.

4. (1.) Where the trial of a person charged with an indictable offence would otherwise have been had by a jury before some court not being a court of general or quarter sessions, the Attorney General for Ireland, or the person charged, may, on serving the prescribed notice in the prescribed manner, require that the jury shall consist entirely of special jurors, and the jury shall consist of special jurors accordingly. Where more persons than one are to be tried together on the same charge, and notice for special jurors has not been served by the Attorney General, but has been served by some and not all of such persons, the jury shall consist entirely of special jurors or not, as the court may direct:

Provided that a trial shall not be impeached on any ground connected with the qualification of the jurors or any of them.

A.D. 1882.

39 & 40 Vict. c. 78.

(2.) The special jurors shall be taken by ballot in manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors upon the panel returned by the sheriff from the special jurors book.

(3.) A county mentioned in the first column of the Second Schedule to this Act, and a county of a city or town set opposite the name of that county in the second column of the said schedule, shall as respects special jurors be deemed to be contributory counties; and the special jurors of each of two contributory counties shall be lawful jurors for the trial of any person who is to be tried by special jurors in either of such contributory counties; and, whenever a trial requiring special jurors under this Act is about to take place in any one of two contributory counties, steps shall be duly taken by the sheriff of each of the said counties for returning to the proper officer of the court in which such trial is held the panel of the special jurors of his county, and the special jury for such trial shall be taken by ballot accordingly from all the jurors upon such two panels indifferently; and the sheriff of each of the said contributory counties shall deliver to the proper officer of the court the cards for such ballot, and the ballot shall be taken in manner provided by the said nineteenth section of the Juries Procedure (Ireland) Act, 1876.

The expression "sheriff" in this section includes any officer who by law performs the duties of sheriff in relation to the return of jurors.

Penalty for non-attendance of special juror.

5. The words "twenty pounds" shall be substituted for the words "forty shillings" in section four of the Juries Procedure (Ireland) Act, 1876, in the case of special jurors.

Change of venue.

6. (1.) The Attorney General, on making application to the High Court of Justice or a judge thereof, and certifying that in his opinion it is expedient in the interests of justice that a person awaiting his trial for an indictable offence should be tried in some county named in the certificate other than the county in which he would otherwise be tried, shall be entitled as of right to an order directing such person to be tried in the county named in the certificate; and, if such order is made before any indictment or inquisition has been found, the said offence may be inquired of in the county named in the order in like manner in all respects as if it had been committed in that county; and, if the order is made after an indictment or inquisition has been found, the indictment or inquisition shall be transmitted to the court of assize for the county named in the order, and have effect as if it had originally been duly found at or

returned to that court; and, in either case, the offence may be heard and determined, and the person charged with the said offence may be convicted and sentenced, as if the offence had been committed in the county named in the order, but the sentence of the court shall be carried into effect as if such person had been tried in the county in which he would have been tried if the said order had not been made, and such person shall, if necessary, be removed accordingly, in pursuance of an order of the court made for the purpose.

(2.) The Lord Lieutenant shall from time to time provide for the payment, if an order is made under this section respecting the trial of any person, of the reasonable expenses of such person coming to the place at which, in pursuance of such order, he is to be tried in any case where he was admitted to bail, and also of the witnesses required for the defence of such person, and certified by the court before whom he is tried to be so required.

(3.) Where an order is made under this Act directing a change of venue, the prescribed Crown solicitor, or other prescribed officer under the direction of the Attorney General, shall provide, where necessary, for advancing money for enabling the person to be tried and the witnesses required for the defence of such person to attend the trial.

(4.) For the purposes of this section the expression "awaiting his trial" means committed for trial or charged with any indictable offence by indictment or inquisition; and "court of assize" includes any court of oyer and terminer or gaol delivery.

PART III.

Offences against this Act.

Intimidation.

7. Every person who—

Wrongfully and without legal authority uses intimidation, or incites any other person to use intimidation,

(*a.*) to or towards any person or persons with a view to cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or

(*b.*) to or towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing,

shall be guilty of an offence against this Act.

A.D. 1882.

In this Act the expression "intimidation" includes any word spoken or act done in order to and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living.

Riots and other offences.

8. Every person who in a proclaimed district—

(*a.*) Takes part in any riot or unlawful assembly; or

(*b.*) Within nine months after the execution of any writ of possession or decree for possession of any house or land takes or holds forcible possession of such house or land or any part thereof; or

(*c.*) Commits an aggravated act of violence against the person; or

(*d.*) Commits an assault on any constable, bailiff, process server, or other minister of the law, while in the execution of his duty or in consequence thereof,

shall be guilty of an offence against this Act.

Unlawful associations.

9. Every person who knowingly—

(*a.*) Is a member of an unlawful association as defined by this Act; or

(*b.*) Takes part in the operations of an unlawful association as defined by this Act, or of any meeting thereof,

shall be guilty of an offence against this Act.

Illegal meetings.

10. (1.) The Lord Lieutenant may from time to time, by order in writing of which public notice shall be given and published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety. A copy of such order shall be forthwith served in the prescribed manner if possible on the promoters of such meeting.

(2.) And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and one or more of such justices shall in the prescribed form and manner then and there notify aloud, to the persons attending, that such meeting is prohibited by the Lord Lieutenant; and in case any of the persons so met or assembled together shall not disperse forthwith within a reasonable time, each of such persons thereupon shall be guilty of an offence against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(3.) A copy of every such order shall be laid before Parliament within fourteen days after the day on which such order was made,

if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Arrest of persons found at night under suspicious circumstances.

11. (1.) In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under circumstances giving rise to a reasonable suspicion of a criminal intent, any constable may arrest that person and bring him forthwith before the nearest available justice of the peace, and such justice, after inquiry into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison or taking reasonable bail with two sufficient sureties not exceeding fifty pounds each, to bring him as soon as may be, and within a period not exceeding seven days, before a court of summary jurisdiction acting under this Act, and if on such person appearing before a court of summary jurisdiction acting under this Act, and the case being heard, the court believes that such person was out of his place of abode and not upon some lawful occasion or business he shall be guilty of an offence against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(2.) Upon the hearing of a charge under this section against a person, that person may, if he thinks fit, be examined as an ordinary witness in the case.

PART IV.

GENERAL POWERS.

Arrest of strangers found under suspicious circumstances.

12. (1.) If a constable finds in a proclaimed district any stranger under circumstances giving rise to a reasonable suspicion of a criminal intent, he may arrest such stranger and bring him before a justice of the peace, and if such justice after inquiry into the circumstances of the case by evidence on oath, is satisfied that such stranger has not a lawful object in being in such place the justice may require him to give security by entering into a recognizance with two sufficient sureties to an amount not exceeding fifty pounds for each surety, to keep the peace and to be of good behaviour towards all Her Majesty's subjects during the ensuing six months, and, in default of his giving such security, may commit him to prison until he gives such security or is discharged in pursuance of this section, so however that he shall not be so imprisoned for more than one month.

A.D. 1882.

(2.) The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, in the case of summary proceedings, and shall have the same power to deal with such person as is in this section herein-before conferred on a justice of the peace.

14 & 15 Vict. c. 93.

(3.) Upon the inquiry into the circumstances of the case of a person arrested under this section, such person and the husband or wife of such person as the case may be, may, if such person thinks fit, be examined as an ordinary witness in the case.

(4.) The justice or justices committing a person to prison in pursuance of this section may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant, stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do.

Newspapers.

13. (1.) Where after the passing of this Act any newspaper wherever printed is circulated or attempted to be circulated in Ireland, and any copy of such newspaper appears to the Lord Lieutenant to contain matter inciting to the commission of treason or of any act of violence or intimidation, the Lord Lieutenant may order that all copies of such newspaper containing that matter shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorised by the Lord Lieutenant may seize the same.

(2.) Where it appears to the Lord Lieutenant that such newspaper was printed and published in Ireland, the order of the Lord Lieutenant shall indicate the part of the newspaper on account of which the order was made, and if the newspaper specifies the office in Ireland at which the newspaper is printed and published, the order shall, as soon as practicable, be served in the prescribed manner at the office so specified.

(3.) Every order of the Lord Lieutenant under this section shall be published in the "Dublin Gazette," and shall be laid before Parliament within thirty days if Parliament is then sitting, and, if not, within thirty days after the next sitting of Parliament.

A.D. 1882.

Searches for arms and illegal documents.

14. (1.) It shall be lawful for the Lord Lieutenant from time to time by warrant in the prescribed form to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof, specified in the warrant, all or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association existing for criminal purposes; all such articles when seized shall be forfeited to Her Majesty.

(2.) Any inspector or sub-inspector so authorised by the warrant may, at any time within three months from the date of the warrant, and at any place within the proclaimed district or the part thereof specified in the warrant, together with such constables and other persons as he calls to his assistance, seize, detain, and carry away any of the articles above mentioned which he may find; and for the purposes aforesaid may at any time enter into any house, building, or place, and if admittance is refused or is not obtained within a reasonable time after it is first demanded, may enter by force in order to execute such warrant.

(3.) The person so executing the warrant shall, if desired, before executing the warrant produce the same.

Application of Alien Act to aliens.

15. The Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter twenty, intituled "An "Act to authorise for one year and to the end of the then next "session of Parliament the removal of aliens from the realm," and a copy of which is set forth in the third schedule to this Act, is hereby re-enacted, and shall continue in force for the same period as this Act.

Provided as follows:—

(1.) For the purposes of construction the Act mentioned in this section shall be deemed to have been passed at the date of the passing of this Act, and expressions in the said Act referring to its commencement or passing shall be construed accordingly, but section seven of the said Act, providing for its duration, shall be of no effect:

(2.) An alien convicted of a misdemeanour under section two of the said Act shall be treated as a misdemeanant of the first class or division:

(3.) The place in which any examination of witnesses or hearing of a case before the Lords of the Privy Council, in pursuance of section three of the said Act is held, shall be in open court:

A.D. 1882.

(4.) The said Act shall extend to the Isle of Man in like manner as if that isle were declared by the said Act to form part of Great Britain.

Power of justices to summon witnesses.

16. Where a sworn information has been made that an offence has been committed, any resident magistrate in the county or place in which the offence was committed, although no person may be charged before him with the commission of such offence, may summon to appear before him at a police office or the place where the petty sessions for the district in which the said offence has been committed are usually held any person within his jurisdiction whom he has reason to believe to be capable of giving material evidence concerning such offence, and he may examine on oath and take the deposition of such person concerning any such offence, and, if he see cause, may bind such person by recognizance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognizance; and the law relating to a witness when summoned before a justice having jurisdiction and required to give evidence concerning the matter of an information or complaint shall apply to a witness summoned under this section.

(1.) An offence for the purposes of this section means any felony or misdemeanour, and also any offence against this Act, with the exception of the offences specified in sections ten and eleven of this Act.

(2.) A person summoned to appear under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself, but any statement made by any person in answer to any question put to him on any examination under this section shall not, except in case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding civil or criminal.

(3.) A magistrate who conducts the examination, under this section, of a person concerning any offence, shall not, if such offence is punishable on summary conviction, take part in the hearing and determination of a charge for that offence, and shall not, if such offence is an indictable offence, take part in the committing for trial of such person for such offence.

Power of apprehending absconding witnesses.

17. Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his

warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties. Provided that any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.

Additional constabulary force.

18. (1.) When it appears to the Lord Lieutenant from time to time, that by reason of the existence or apprehension of crime and outrage in any district, the number of constabulary ordinarily employed in such district is not sufficient, he may by proclamation, which shall be published in the "Dublin Gazette," declare that for the reasons aforesaid such district requires additional constabulary, and may order additional constabulary to be employed in such district, and for that purpose may from time to time add to the Royal Irish Constabulary such officers and men (if any) as he thinks necessary.

(2.) The Inspector-General of the Royal Irish Constabulary shall from time to time make out, in such manner as the Lord Lieutenant may order, an account of the total cost of any additional constabulary employed in any district under this section, and shall certify the amount to the Lord Lieutenant.

(3.) The whole, or such part of the whole as the Lord Lieutenant may order, of the amount so certified, shall be a charge payable by the district in which such additional constabulary are employed. And the Lord Lieutenant may exempt from charge any specified portion of the area declared to be chargeable, or any specified rateable property in such area.

Provided that if the district is in a county where the number of constabulary is, after allowing for vacancies arising from death, absence on leave, absence from illness, or other like cause, deficient as compared with the quota for that county, and additional constabulary are employed, under this section, in the county, a charge under this section shall not be made in respect of such number of the additional constabulary as is equal to the number required for the time being to make up the said deficiency.

There shall be published monthly in the Dublin Gazette a return showing the number of additional constabulary employed pursuant to this section, the district or districts in which they are respectively employed, and a statement of the cost or approximate cost to each district resulting from such employment.

A.D. 1882.

Power of Lord Lieutenant as to compensation, to be paid in certain cases of murder or maiming.

19. (1.) Where it appears from information on oath and in writing that any one 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 unlawful association, and an application is made for compensation, the Lord Lieutenant may, if he thinks fit, after giving public notice in the district in the prescribed manner, by warrant nominate such person or persons being or one of whom shall be a practising barrister of at least six years standing as he thinks fit to investigate the application, and after hearing all parties whom he or they deem to be interested, including any body of ratepayers of the district, to report to the Lord Lieutenant thereon; the parties shall be heard personally or by counsel, and the evidence taken on oath in open court.

(2.) For the purpose of such investigation the person or persons so nominated shall, with respect to enforcing the attendance of witnesses and all other matters, have the same power as justices sitting in petty sessions. Such public notice shall be given of the place and time at which the investigation will be held, and the investigation shall be proceeded with in such manner, and the report to the Lord Lieutenant shall be in the prescribed form and shall be made in such manner as the Lord Lieutenant may direct. The remuneration of such person or persons and the expenses of holding the investigation, to such amount as may be fixed by the Lord Lieutenant, with the approval of Her Majesty's Treasury, shall be defrayed out of moneys to be provided by Parliament.

(3.) Upon such report, the Lord Lieutenant may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4.) The said sum shall, if the Lord Lieutenant think just, be a charge payable by such district and in such instalments as the Lord Lieutenant may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or if he is dead to his personal representative.

(5.) Applications under this Act 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 a Crown solicitor, or by any person in that behalf authorised by the Lord Lieutenant.

(6.) This section shall not apply to any cases of murder, maiming, or injury which have occurred before the first day of June one thousand eight hundred and eighty, except cases in which notice

of intention to apply for a presentment under the provisions of the thirty-ninth section of the Peace Preservation (Ireland) Act, 1870, had been published as prescribed by that Act, but the claim for compensation failed to be decided by reason of the expiration of that Act. 33 Vict. c. 9.

(7.) Where the act causing the murder, maiming, or injury has occurred since the passing of this Act, an application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury.

(8.) Where the act causing the murder, maiming, or injury has occurred before the passing of this Act an application for compensation under this section shall not be entertained unless it is made within three months after the passing of this Act.

Description of "district," and provision as to raising charge.

20. (1.) For the purpose of the provisions of this Act with respect to additional constabulary in any district, and compensation in cases of murder, maiming, or injury, the expression "district" means any county, barony, townland, or parish, or part or parts thereof respectively.

(2.) Any charge in respect of such additional constabulary, or any sum for such compensation as aforesaid, which is for the time being a charge payable by any district shall be applotted rateably upon all rateable hereditaments in the district other than those exempted by the Lord Lieutenant in pursuance of this Act, and shall be payable by the occupiers thereof:

(3.) Such applotment shall be made and such charges collected by persons for the time being appointed by warrant of the Lord Lieutenant for that purpose; and every person so appointed collector shall, for the purpose of such collection, have all the powers authorities, and remedies given by law to the collector of grand jury cess, and shall account for the sums which he is authorised to collect in manner directed from time to time by the Lord Lieutenant, and the Lord Lieutenant's warrant shall be conclusive proof that the sums named in the warrant are to be raised in the district as therein mentioned, and that the person named in the warrant is authorised to collect the same.

(4.) Any person liable to any portion of such charge shall on demand before the execution of the warrant for collection be entitled to inspect the applotment and the warrant or a copy thereof for the collection of the same.

(5.) A return showing the sums from time to time collected under this section, the districts from which the same have been levied,

A.D. 1882.

and the manner in which the same have been disposed of, shall be presented annually to Parliament within one month after the opening of Parliament.

Every warrant imposing a charge upon a district in respect of such additional constabulary, or such compensation as aforesaid, shall specify the time during which it is to remain in force, and shall be in the prescribed form, and shall be published in the prescribed manner, and a copy of every such warrant shall be laid before Parliament within one month after the date of the warrant, if Parliament is then sitting, and if not within one month after the next meeting of Parliament, together with a statement showing the following particulars, in cases where such particulars do not appear in the warrant; that is to say, the valuation of the district proposed to be charged; the number of instalments by and the time within which the charge is to be raised; the poundage rate necessary for raising the same; and the grounds upon which the district has been charged, and the number of inhabitants in such district at the last census as far as can be ascertained.

PART V.

SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

Punishment for offence against Act.

21. A person guilty of an offence against this Act shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding six months, or such less term as is in that behalf fixed by any section of this Act.

Summary procedure for offences under Act.

22. (1.) Any offence against this Act shall be punishable on summary conviction, and may be prosecuted—

(*a.*) Within the police district of Dublin Metropolis in manner provided by the Acts regulating the powers and duties of justices of the peace of such district or of the police of such district; and

14 & 15 Vict. c. 93.

(*b.*) Elsewhere in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same,

subject nevertheless to the provisions of this section.

(2.) The proceedings for enforcing the appearance of the person charged, and the attendance of witnesses, shall be the same, and the evidence for both the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence; but, save as aforesaid, the procedure, including the en-

forcing of the attendance of witnesses for the defence, shall be the same as in the case of an offence punishable on summary conviction.

(3.) A charge for an offence against this Act shall be heard and determined—

(*a.*) Within the police district of Dublin Metropolis before a divisional justice of that district; and

(*b.*) Elsewhere before two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied:

And in this Act the expression "court of summary jurisdiction" acting under this Act" means any such divisional justice or two resident magistrates.

(4.) The petty sessions held by two resident magistrates may be held at any place fixed by law for the holding of petty sessions, and on such days as may be from time to time determined in the prescribed manner.

(5.) Where a person is convicted summarily of an offence against this Act and sentenced to any term of imprisonment exceeding one month, such person may appeal against such conviction to a court of general sessions held in pursuance of this section, but the proceedings before a divisional justice or two resident magistrates, on a charge for an offence against this Act, shall not be reviewed in any other manner, whether by means of a writ of certiorari or otherwise, and such appeal shall, save as herein-after otherwise provided,—

(*a.*) Be subject, except in the police district of Dublin Metropolis, to the provisions to which an appeal under the Petty Sessions (Ireland) Act, 1851, is by section twenty-four of that Act, and any enactments amending that section, made subject; and 14 & 15 Vict. c. 93.

(*b.*) Be subject in the police district of Dublin Metropolis to the said provisions, with such modifications therein as may be prescribed for the purpose of adapting the same to the circumstances of that district.

(6.) For the purpose of hearing and determining appeals under this section general sessions of the peace shall be held at the prescribed times and places, and at such general sessions the chairman of the county shall sit as sole judge of the court, and shall hear and determine any such appeals which are brought before him, and shall have the jurisdiction and powers of a court of quarter sessions, and the decision of such chairman, whether as to the

A.D. 1882.

jurisdiction of the justice or magistrates or otherwise, shall be final and conclusive.

(7.) Any depositions taken at the hearing of a case before the divisional justice or two resident magistrates may be admitted in evidence on an appeal in that case.

(8.) The expression "chairman of the county" in this section means a county court judge and chairman of the quarter sessions of a county, and includes a recorder.

Proclamation of districts.

23. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation, or any later date specified in the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. The proclamation shall provide for the manner of the promulgation thereof.

Supplemental provisions as to proclamations and orders.

24. (1.) The Lord Lieutenant, but by and with the advice of the Privy Council, where a proclamation or order has been made by and with such advice, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

(2.) Any warrant, order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(3.) Every proclamation under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the Dublin Gazette.

(4.) The production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and of the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the

provisions of this Act mentioned in the proclamation, and that the said proclamation has been duly promulgated, and in the case of an order that it has been duly made.

Regulation as to warrants and notice of trial.

25. (1.) A warrant for the trial by a Special Commission court of a person charged with an offence shall be in the prescribed form, and shall, subject to the other provisions of this Act, be issued before he is arraigned for trial for such offence before some other tribunal in the ordinary course of law, or before the expiration of two months from the date of his being committed for trial, whichever of such events may first happen.

(2.) A copy of a warrant for the trial of a person before a Special Commission court shall be served on such person in the prescribed manner not less than fourteen days before his trial before such court begins, and shall be published in the "Dublin Gazette," and shall be laid before Parliament within fourteen days, if Parliament be then sitting, and if not, within fourteen days after the then next meeting of Parliament.

(3.) Not less than fourteen days before the sitting of any Special Commission court to try a person for any offence, public notice shall be given in the prescribed manner in the locality in which the person charged with such offence was committed for trial, stating the names of the Special Commissioners, the said offence, the name of the person charged with such offence, and the place at which the court will sit and the day on which the sitting of the court will begin. A copy of such notice shall also be served in the prescribed manner, and within the prescribed time, on the person to be tried.

(4.) An objection to the jurisdiction of a Special Commission court to try a person for any offence shall not be entertained by reason only of any non-observance of the provisions of this section; but the court, on application, may adjourn the case, so as to prevent any person charged being prejudiced by such non-observance.

Rota of judges.

26. (1.) The judges to be members of a Special Commission court, and the judges to sit in the Court of Criminal Appeal under this Act, shall be respectively selected according to separate rotas to be determined by ballots held at the prescribed time and in the prescribed manner; but where a judge appears to the Lord Lieutenant to be, on account of illness or some reasonable cause, ineligible, the judge next on the rota shall be selected.

(2.) Any judge appointed after either rota is determined shall be added after all the other judges on the rota.

(3.) An objection to the jurisdiction of a Special Commission court, or of the Court of Criminal Appeal under this Act, shall not be

A.D. 1882.

entertained by reason only of the rota of the judges to form or sit on such court not having been properly determined, or not having been observed.

Regulations as to courts.

27. (1.) Commissions under this Act constituting Special Commission courts shall be in the prescribed form and be issued and superseded in the prescribed manner.

(2.) If any member of a Special Commission court dies, or it appears to the Lord Lieutenant that from illness or some reasonable cause it is necessary that another judge should be appointed in the place of a member of a Special Commission court, the Lord Lieutenant may, if he thinks it expedient so to do, direct a supplemental commission to be issued in the prescribed form and manner, appointing the next judge on the rota who is not ineligible to fill the vacany in such court.

(3.) Subject to the provisions of this Act, and for the purpose of the trial of any persons charged before them, a Special Commission court shall have all the powers and jurisdiction of Her Majesty's High Court of Justice in Ireland, and all the same powers and jurisdiction as if it were a court of assize, and court of oyer and terminer, and a court of gaol delivery, trying with a jury an offender indicted before such court, and shall have all the powers of a petty jury at such court, and shall be a superior court of record, and the same intendment shall be made in respect of all orders, writs, and process made by and issuing out of such Special Commission court, as if it were a superior court of record acting according to the course and by the authority of the common law.

(4.) All the members of a Special Commission court shall be present at the hearing and determination of the case of a person tried before such court, but, save as aforesaid, the jurisdiction of the court may be exercised by any of such members, and any act of the court shall not be invalidated by reasen of any vacancy among the members.

(5.) Any offence with which a person brought for trial before a Special Commission court, in pursuance of this Act, is charged, shall be deemed to have been committed at some place within the jurisdiction of such court.

(6.) During such time as a person is subject, in pursuance of a warrant under this Act, to be tried by a Special Commission court for any offence, he shall not be liable to be tried by any other court for the same offence.

(7.) The trial by a Special Commission court of a person in pursuance of a warrant under this Act shall begin at such time within

two months from the date of the warrant as may be ordered by the Lord Lieutenant, unless such trial is postponed by the court in the prescribed manner on the request of such person, or on account of the illness or absence of a witness, or on account of a vacancy in the court, or of the illness of such person, or some other sufficient cause, or unless the trial of such person, when commenced, has been discontinued on account of a vacancy in the court or the illness of such person, or some other sufficient cause.

(8.) Where a trial of a person is postponed or discontinued, the trial of such person may take place before the same court or any other Special Commission court, and shall take place as soon as may be and within the prescribed time.

(9.) In the event of a trial of a person which has been postponed or discontinued taking place before the same Special Commission court, the prescribed notice shall be given of such trial, and in the event of such trial taking place before another Special Commission court, a new warrant shall be issued for the trial of such person, and such warrant shall not be invalidated by reason only that it is issued after the expiration of two months from the date of such person being committed for trial.

(10.) A commission appointing a Special Commission court shall not be superseded or affected by the issue of another like commission, or of any commission of assize, oyer and terminer, gaol delivery, or other commission whatsoever, whether to the same or any other persons, nor shall the sitting or jurisdiction of such court be affected by the sitting of any such commission or of the High Court of Justice.

(11.) The number of judges sitting as the Court of Criminal Appeal under this Act to hear any case shall be such uneven number as, subject to the provisions of this Act, the Lord Chancellor may from time to time appoint, but if during the hearing of any case any judge so sitting dies or becomes unable to act, the whole case shall be again heard.

(12.) Sentence of death passed by a Special Commission court shall be carried into effect in the county or place where the trial is held by the sheriff having jurisdiction therein, or in such other place and by such other sheriff or officer as the Lord Lieutenant may direct.

(13.) The indictment against any person brought for trial before a Special Commission court shall be prepared in the prescribed manner, and shall be in the prescribed form, and shall be of the same effect as if it were, and shall, so far as circumstances may admit, be deemed for all the purposes of the trial to be, an indict-

A.D. 1882.

ment found by a grand jury; and the proceedings before a Special Commission court shall, so far as circumstances may admit, be conducted in like manner as the proceedings on the trial of an indictment before a court of oyer and terminer, and the court shall have the same power of amending any indictment or other document or proceeding which a court of oyer and terminer has.

(14.) An objection to the jurisdiction of a Special Commission court to try a person in pursuance of a warrant under this Act shall not be entertained by reason only of any want of form in the warrant or of any mistake in the name or description of such person in the warrant if it is shown that the person tried is the person to whom the warrant relates; and an objection to the proceedings of such court for any want of form on the trial of any person shall not be entertained, if no injustice was thereby done to such person.

(15.) Lists of the names of all persons convicted by a Special Commission court under this Act, with the dates of their convictions and the offences of which they have respectively been convicted, shall from time to time be laid before both Houses of Parliament at the following times, that is to say, a list of such names shall be laid before Parliament within seven days after the commencement of each Session of Parliament, and subsequent lists at intervals of not more than three months during the continuance of each Session. Every list after the first list shall contain only the names of persons convicted since the previous list.

(16.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of a person coming to the place at which he is to be tried before a Special Commission court in any case where he was admitted to bail and is to be tried beyond the limits of the county in which he was committed for trial.

(17.) The prescribed Crown Solicitor, or other prescribed officer, under the direction of the Attorney General, shall provide, when necessary, for advancing money for enabling a person about to be tried before a Special Commission court, and the witnesses required for the defence of such person, to attend the trial.

Rules of procedure in Schedule.

28. The rules in the first schedule to this Act with respect to procedure on appeals under this Act to the Court of Criminal Appeal and the other matters therein mentioned shall have the same effect as if enacted in the body of this Act.

Allowances to judges, witnesses, and others.

29. There shall be paid out of the Consolidated Fund such allowances to judges and chairmen of counties, and there shall be paid out of moneys provided by Parliament such allowances to officers

and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court established or exercising jurisdiction under this Act, and such expenses of persons charged, counsel, and witnesses, payable in pursuance of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time appoint.

Rules for procedure and matters to be prescribed.

30. The Lord Lieutenant may, from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to the following matters:—

(1.) For adapting the procedure on and preliminary to the trial of criminal cases, including the forms of indictment and other matters, to a Special Commission court under this Act; and

(2.) In relation to the procedure on appeals from a Special Commission court under this Act, and in relation to the sittings of the Court of Criminal Appeal under this Act; and

(3.) In the case of a trial before a Special Commission court, in relation to the sitting of such court in any place, and to the nomination of officers of such court; and

(4.) In the case of a trial before a Special Commission court, or the case where a special jury is required or where the venue is changed in relation to the attendance, authority, and duty of sheriffs, coroners, justices, gaolers, constables, officers, ministers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, inquisitions, indictments, recognizances, proceedings, and documents, the transmission of inquisitions, indictments, recognizances, and documents, and the expenses of prosecutors and witnesses, and the carrying of sentences into effect; also, in the case where a special jury is required, the number of jurors to be returned on any panel; and

(5.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and

(6.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid, to be necessary for carrying into effect the provisions of this Act;

and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

Powers of Act to be cumulative.

31. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any offence or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at

A.D. 1882.

common law or by Act of Parliament in relation to such offence or matter:

Provided that no person shall be tried or punished twice for the same offence.

Saving for trade unions. 34 & 35 Vict. c. 31. 39 & 40 Vict. c. 22. 38 & 39 Vict. c. 86.

32. No agreement or combination which, under the Trade Union Acts, 1871 and 1876, or the Conspiracy and Protection of Property Act, 1875, is legal, shall be deemed to be an offence against this Act.

Saving for associations.

33. Nothing in this Act shall render unlawful any political or social association for such objects, and acting by such means as, under this Act or otherwise, are not unlawful, nor shall membership of such an association be deemed to be an offence against this Act.

Definition of "unlawful association."

34. The expression "unlawful association" means an association formed:—

(*a.*) for the commission of crimes; or

(*b.*) carrying on operations for or by the commission of crimes; or

(*c.*) for encouraging or aiding persons to commit crimes;

and the expression "crime" for the purposes of this section means any offence against this Act, and also any crime punishable on indictment by imprisonment with hard labour, or by any greater punishment.

General definitions.

35. In this Act unless the context otherwise requires—

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

The expression "county" includes a county of a city and a county of a town and city and county.

The expression "Attorney General" includes in the case of any vacancy or inability to act the Solicitor General.

The expressions "arms" and "ammunition" respectively have the same meaning as in the Peace Preservation (Ireland) Act, 1881. 44 & 45 Vict. c. 5.

The expression "prescribed" means prescribed by rules to be made by the Lord Lieutenant in manner provided by this Act.

The expression "committed for trial" means a person committed to gaol to be there kept until his trial for an offence, or admitted to bail on the condition of his appearing to take his trial for any offence.

The expression "aggravated act of violence against the person" means an assault which either causes actual bodily

harm or grievous bodily harm, or is committed with intent to cause grievous bodily harm.

The expression "attack on a dwelling house" means any crime cognisable by law involving the breaking into, firing at, or otherwise assaulting or injuring a dwelling house.

The expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws "relating to the constabulary force in Ireland," and of the Acts amending the same, and includes any divisional justice of the police district of Dublin metropolis.

The expression "inspector of constabulary" means a county inspector of the Royal Irish Constabulary, and includes an inspector of the Dublin metropolitan police, and the expression "sub-inspector of constabulary" means a sub-inspector of the Royal Irish Constabulary.

The expression "judges of the Supreme Court of Judicature" means the judges of Her Majesty's Court of Appeal and of Her Majesty's High Court of Justice in Ireland other than the Judicial Commissioner of the Irish Land Commission.

Short title.

36. This Act may be cited as the Prevention of Crime (Ireland) Act, 1882.

Duration of Act.

37. This Act shall continue in force until the expiration of three years next after the passing thereof, and to the end of the then current session of Parliament.

Provided, that the expiration of this Act shall not affect the validity of anything done in pursuance of this Act, and any person convicted under this Act may be punished as if this Act continued in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed and carried into effect, and the sentences carried into execution, as if this Act had not expired.

A.D. 1882.

SCHEDULES.

Section 28.

FIRST SCHEDULE.

RULES for APPEALS to the COURT OF CRIMINAL APPEAL.

(1.) Notice of the appeal shall be given within seven days after the day on which the appellant was sentenced by the Special Commission Court, or such further time as may be allowed by the said Special Commission Court, or by the Court of Criminal Appeal.

(2.) The said notice shall be served in the prescribed manner on the master of the Crown Office, or other prescribed person (who is in this Schedule included in the term Master of the Crown Office), but such notice shall not be invalidated by any informality in the procedure.

(3.) The master of the Crown Office shall forthwith in the prescribed manner give notice to the Attorney-General, and to the Special Commission court before which the appellant was tried, and the latter court shall forthwith forward in the prescribed manner for the use of the Court of Criminal Appeal copies of the shorthand writer's notes, and all indictments, documents, and things connected with the case.

(4.) The master of the Crown Office shall forthwith give notice to the judges whose duty it is, according to the rota, to sit in the Court of Criminal Appeal, and those judges shall, notwithstanding any vacation, forthwith proceed to hold a court, and hear and determine the appeal.

(5.) Unless the Court of Criminal Appeal on the application of the appellant, or of the Attorney-General, for special reason otherwise orders, the court shall be held within fourteen days after the day on which the appellant was sentenced, and shall sit from day to day to hear the appeal.

(6.) The appeal shall be heard in open court in the presence of the appellant, and the appellant may appear by counsel or solicitor.

(7.) The court may re-hear the case by the reading of the evidence as contained in the shorthand writer's notes, and may

permit to be called or call any new witness, and may recall any witness who gave evidence at the trial, and may either examine such witness or let him be examined and cross-examined by or on behalf of the appellant and the prosecutor.

(8.) During the time allowed for an appeal and while an appeal is pending a sentence shall not be carried into execution, but the appellant shall be detained in custody in like manner as if he were awaiting his trial; and he shall be brought before the court in accordance with the prescribed rules, and the master of the Crown Office shall give the prescribed notice of the appeal to the sheriff, gaoler, and other persons concerned in the execution of the sentence or the custody of the appellant, and shall also give such notice of the result of the appeal as may be necessary for carrying into effect the final judgment of the court.

(9.) Where a person convicted by a Special Commission court is in custody and without legal assistance, and is desirous to appeal, it shall be the duty of the governor or other chief officer of the prison in which he is confined to assist him in making out and forwarding within due time a notice of appeal to the proper officer in accordance with this Act.

(10.) An appellant shall be entitled, on application, to have a copy of the shorthand writer's notes, free of charge.

SECOND SCHEDULE.

Section 4.

Column 1.	Column 2.
County of Antrim.	County of the Town of Carrickfergus.
County of Cork.	County of the City of Cork.
County of Dublin.	County of the City of Dublin.
County of Galway.	County of the Town of Galway.
County of Kilkenny.	County of the City of Kilkenny.
County of Limerick.	County of the City of Limerick.
County of Waterford.	County of the City of Waterford.

A.D. 1882.

Section 15.

THIRD SCHEDULE.

ALIEN ACT.

COPY OF ACT REFERRED TO.

ANNO UNDECIMO

VICTORIÆ REGINÆ.

CAP. XX.

An Act to authorise for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th *June* 1848.]

Power to Secretary of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

WHEREAS it is expedient, for the due Security of the Peace and Tranquility of this Realm, that Provision should be made, for a Time to be limited, respecting Aliens arriving or resident in this Kingdom: 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, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called Great Britain, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called Great Britain, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, by Order under his or their Hand or Hands respectively, to be published in the London or Dublin Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within Great Britain or Ireland respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the

If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the purpose of being sent out of the Realm.

Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given.

Penalty on Aliens disobeying such Order.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of Ireland, to be conveyed out of the Kingdom.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of Ireland, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in Great Britain or in Ireland, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of Ireland as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of Ireland, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of Ireland, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same.

Privy Council shall cause a Summary of Matters alleged against Alien

A.D. 1882.

to be delivered to him, &c.

Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where application has been made, to continue in, or discharge such Alien out of, Custody.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in Great Britain, or to the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorised, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Duration of Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Act may be repealed, &c.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

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