ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

C A P. CXLIII.

An Act for the rendering Juſtices of the Peace, and Governors and Deputy Governors of Counties and Places in *Ireland*, more ſafe in the Execution of their Office; and for indemnifying Conſtables and others acting in Obedience to the Warrants of ſuch Juſtices of the Peace, Governors, and Deputy Governors reſpectively. [11th *Auguſt* 1803.]

WHEREAS Juſtices of the Peace and other Magiſtrates and Perſons in *Ireland* are diſcouraged in the Execution of their Office by vexatious Actions brought againſt them, or by reaſon of ſmall and involuntary Errors in their Proceedings: And whereas it is neceſſary that they ſhould be (as far as is conſiſtent with Juſtice and the Safety and Liberty of the Subjects over whom their Authority extends) rendered ſafe in the Execution of their ſeveral Offices and Truſts: And whereas it is alſo neceſſary that the Subjects ſhould be protected from all wilful and oppreſſive Abuſe of the ſeveral Laws and Statutes committed to the Care and Execution of the ſaid Juſtices of the Peace and other Magiſtrates and Perſons; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of

After *Aug* 1, 1803, no Writ shall be sued out against or Copy served on any Justice, *etc.* for any Thing done in the Execution of his Office, until One Month's Notice be given, *etc.*

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the First Day of *August* One thousand eight hundred and three, no Writ shall be sued out against nor any Copy of any Process at the Suit of a Subject shall be served on any Justice of the Peace or Governor or Deputy Governor of any County or Place in *Ireland*, for any Thing by him done in the Execution of his Office, until Notice in Writing of such intended Writ or Process shall have been delivered to him, or left at the usual Place of his Abode, by the Attorney or Agent for the Party who intends to sue out or serve or cause the same to be sued out or served, at least One Calendar Month before the suing out or serving the same; in which Notice shall be clearly and explicitly contained the Cause of Action which such Party hath or claimeth to have against such Justice of the Peace or Governor or Deputy Governor respectively; on the Back of which Notice shall be indorsed the Name of such Attorney or Agent, together with the Place of his Abode, who shall be entitled to have the Fee of Twenty Shillings for the preparing and serving such Notice and no more.

Amends may be tendered to the Party complaining, *etc.*

II. And be it further enacted, That it shall and may be lawful for such Justice of the Peace or Governor or Deputy Governor respectively, at any Time within One Calendar Month after such Notice given as aforesaid, to tender Amends to the Party complaining, or to his or her Agent or Attorney; and in case the same is not accepted, to plead such Tender in Bar to any Action to be brought against him, grounded on such Writ or Process, together with the Plea of Not Guilty, and any other Plea with the Leave of the Court; and if upon Issue joined thereon the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant; and in such Case or in case the Plaintiff shall become non-suit, or shall discontinue his or her Action, or in case Judgement shall be given for such Defendant or Defendants upon Demurrer, such Justice or Governor or Deputy Governor respectively shall be entitled to the like Costs as he would have been entitled unto, in case he had pleaded the General Issue only; and if upon Issue so joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he or she shall recover, together with his or her Costs of Suit.

No Plaintiff to recover Verdict unless Proof is made that Notice was given.

III. And be it further enacted, That no such Plaintiff shall recover any Verdict against such Justice or Governor or Deputy Governor respectively, in any Case where the Action shall be grounded on any Act of the Defendant as Justice of the Peace or Governor or Deputy Governor, unless it is proved upon the Trial of such Action that such Notice was given as aforesaid; but in Default thereof, such Justice or Governor or Deputy Governor respectively shall recover a Verdict and Costs as aforesaid.

Amends may be paid into Court before Issue joined.

IV. And be it further enacted, That in case such Justice or Governor or Deputy Governor respectively shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall and may be lawful for him, by Leave of the Court where such

Action

Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings, Orders, and Judgements shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Evidence but what is contained in Notice shall be admitted.

V. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

No Action shall be brought against Constables, *etc.* for any Thing done under a Warrant of a Justice, *etc.* unless the Inspection of the Warrant shall have been refused for Six Days, *etc.*

Defendant to have a Verdict notwithstanding any Defect of Jurisdiction.

VI. And be it further enacted, That, from and after the said First Day of *August*, no Action shall be brought against any Constable or other Officer in *Ireland*, or against any Person or Persons acting by his Order and in his Aid, for any Thing done in Obedience to any Warrant under the Hand or Hand and Seal of any Justice of the Peace or Governor or Deputy Governor of any County or Place in *Ireland*, until Demand hath been made, or left at the usual Place of his Abode, by the Party or Parties intending to bring such Action, or by his, her, or their Attorney or Agent in Writing, signed by the Party demanding the same, of the Perusal and Copy of such Warrant, and the same hath been refused or neglected for the Space of Six Days after such Demand; and in case, after such Demand and Compliance therewith, by shewing the said Warrant to and permitting a Copy to be taken thereof by the Party demanding the same, any Action shall be brought against such Constable or other Officer, or against such Person or Persons acting in his Aid for any such Cause as aforesaid, without making the Justice or Justices or Governors or Deputy Governors respectively who signed or sealed the said Warrant, Defendant or Defendants therein, on producing or proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant or Defendants, notwithstanding any Defect of Jurisdiction in such Justice or Justices, or Governors or Deputy Governors respectively; and if such Action be brought jointly against such Justice or Justices, or Governors or Deputy Governors respectively, and also against such Constable or other Officer or Person acting in his or their Aid as aforesaid, then on Proof of such Warrant, the Jury shall find for such Constable or other Officer, and for such Person or Persons so acting as aforesaid, notwithstanding such Defect of Jurisdiction as aforesaid; and if the Verdict shall be given against such Justice or Justices, or Governors or Deputy Governors respectively, in such Case the Plaintiff or Plaintiffs shall recover his, her, or their Costs against him or them, to be taxed in such Manner by the proper Officer as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants for whom such Verdict shall be found as aforesaid: Provided always, that where the Plaintiff in any such Action against any such Justice of the Peace, or Governor or Deputy Governor respectively shall obtain a Verdict, in case the Judge before whom the Cause shall be tried, shall in open Court certify on the Back of the Record that the Injury for which such Action was brought, was wilfully and maliciously committed, the Plaintiff shall be entitled to have and receive Double Costs of Suit.

Proceedings where Actions are brought jointly against Justices and Constables.

VII. Provided

Limitation of Actions.

VII. Provided alſo, and be it enacted, That no Action ſhall be brought againſt any ſuch Juſtice of the Peace, or Governor or Deputy Governor reſpectively, for any Thing done in the Execution of his Office, or againſt any ſuch Conſtable or other Officer or Perſon acting as aforeſaid, unleſs commenced within Six Calendar Months after the Act committed.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.