SCHEDULE (N.)

Form of Summons.

We whose Names are hereunto set and Seals affixed, [Commissioners *or* Visitors] appointed under and by virtue of an Act of Parliament made and passed in the Second and Third Year of the Reign of His present Majesty, intituled "An Act for regulating "for Three Years, and from thence until the End of the then next "Session of Parliament, the Care and Treatment of Insane Per-"sons in England," do hereby summon and require you personally to appear before us at in the Parish of in the County of on next, the Day of at the Hour of in the noon of the same Day, and then and there to be examined, and testify the Truth touching certain Matters relating to the Execution of the said Act.

Given under our Hands and Seals this Day of in the Year of our Lord

(L. S.)
(L. S.)
(L. S.)

CAP. CVIII.

An Act for amending the Laws in *Ireland* relative to the Appointment of Special Constables, and for the better Preservation of the Peace. [15th *August* 1832.]

'WHEREAS it is expedient to amend the Laws in *Ireland* 'relative to the Appointment of Special Constables, and to 'make other Provisions for the better Preservation of the public 'Peace in that Part of the United Kingdom:' Be it therefore enacted by the King'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 in all Cases where it shall be made to appear to any Two or more Justices of the Peace of any County, Riding, County of a City, County of a Town or Place in *Ireland*, upon the Oath of any credible Witness, that any Tumult, Affray, Riot, or Felony has taken place or may be reasonably apprehended in any Parish, Townland, or Place situate within the Jurisdiction of such Justices, and such Justices shall be of opinion that the ordinary Police or Constabulary or other Force, or Officers of Justice, constituted and established therein, are not sufficient for the Preservation of the Peace and for the Protection of the Inhabitants and the Security of the Property in any such Place as aforesaid, then and in every such Case such Justices are hereby authorized to nominate and appoint, by Precept in Writing under their Hands, so many as they shall think fit of the Householders or other Persons (not legally exempt from serving the Office of Constable) residing in such Parish, Townland, or Place as aforesaid, or the Neighbourhood thereof, to act as Special Constables for such Time and in such Manner as to the said Justices respectively shall seem fit and necessary, for the Preservation of the public Peace and for the Protection of the Inhabitants and the Security of the Property

Where Tumult or Riot, &c. has taken place or may be apprehended, Justices empowered to appoint Special Constables.

Justices to administer to the Persons appointed the following Oath.

in such Parish, Townland, or Place; and the Justices of the Peace who shall appoint any Special Constables by virtue of this Act, or any One of them, or any other Justice of the Peace acting for the same Limits, are and is hereby authorized to administer to every Person so appointed the following Oath; (that is to say,)

'I *A.B.* do swear, That I will well and truly serve our Sovereign 'Lord the King in the Office of Special Constable for the 'Parish [*or* Townland *or* District] of without 'Favour or Affection, Malice or Ill-will, and that I will to the 'best my Power cause the Peace to be kept and preserved, and 'prevent all Offences against the Persons and Properties of His 'Majesty's Subjects; and that while I continue to hold the said 'Office I will to the best of my Skill and Knowledge discharge all 'the Duties thereof faithfully according to Law.

'So help me GOD.'

Notice of such Appointment to be transmitted to Lord Lieutenant.

Provided always, that whenever it shall be deemed necessary to nominate and appoint such Special Constables as aforesaid, Notice of such Nomination and Appointment, and of the Circumstances which have rendered such Nomination and Appointment expedient, shall be forthwith transmitted by the Justices making such Nomination and Appointment to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and to the Lieutenant of the County or Place.

Lord Lieutenant may order Persons except by Law to act as Special Constables.

II. And be it further enacted, That in any Case in which any Number of the Householders or other Persons not legally exempt from serving the Office of Constable shall have been appointed by the Justices in manner aforesaid to act as Special Constables for any Parish, Townland, or Place as aforesaid, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, on the Representation of any Two Justices of the Peace, to order that the Persons exempt by Law from serving as Special Constables in such Parish, Townland, or Place, or the Neighbourhood thereof, shall, notwithstanding such Exemption, be appointed and sworn in to act as Special Constables as if they were not by Law exempt; and such Persons shall accordingly be appointed and sworn in manner aforesaid, and shall be liable to act for Two Calendar Months only.

Time of Service limited.

Lord Lieutenant may order Special Constables to be appointed throughout any County, without Exemption.

III. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to give Direction to the Lieutenant of any County or Place to nominate and appoint, and to cause to be sworn, Special Constables throughout the whole of such County or Place, or any Portion thereof, of whatever Size or Denomination, and to signify, if he or they shall see fit, that no Person shall be excused from being so appointed and sworn in by reason of any Exemption: Provided always, that the Persons so appointed and sworn in, whether having Cause of Exemption or not, shall only be called upon to act for Three Calendar Months.

Period of Service.

Justices to make Orders and Regulations respecting Special Con-

IV. And be it enacted, That the Justices of the Peace who shall have appointed any Special Constables under this Act, or any Two of them, or the Justices acting within the Limits wherein such Special Constables shall have been called out, at a Special Session of such last-mentioned Justices, or the major Part of such last-mentioned Justices at such Special Session, shall have Power

to

to make such Orders and Regulations as may from Time to Time be necessary and expedient for rendering such Special Constables more efficient for the Preservation of the public Peace, and shall also have Power to remove any such Special Constable from his Office for any Misconduct or Neglect of Duty therein.

stables, and to remove Individuals for Misconduct.

V. And be it enacted, That every Special Constable appointed under this Act shall, not only within the Parish, Townland, or Place for which he shall have been appointed, but also throughout the entire Jurisdiction of the Justices so appointing him, have, exercise, and enjoy all such Powers, Authorities, Rights, Privileges, Advantages, and Immunities, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has within his Constablewick by virtue of the Common Law of this Realm or of any Statute or Statutes.

Special Constables to have all the Powers, &c. pertaining to the Office of Constable.

VI. And be it enacted, That where any Special Constables appointed under this Act shall be serving within any County, and Two or more Justices of the Peace of any adjoining County shall make it appear to the Satisfaction of any Two or more Justices of the Peace acting for the Limits wherein such Special Constables are serving, that any extraordinary Circumstances exist which would render it expedient that such Special Constables should act in such adjoining County, then and in every such Case the said last-mentioned Justices are hereby authorized (if they shall think fit) to order all or any of the said Special Constables to act in such adjoining County, in such Manner as to the said last-mentioned Justices shall seem meet; and every such Special Constable, during the Time that he shall so act in such adjoining County, shall have, exercise, and enjoy all such Powers, Authorities, Rights, Privileges, Advantages, and Immunities, and be liable to all such Duties and Responsibilities, as if he were acting within the Parish, Townland, or Place for which he was originally appointed.

Justices may order Special Constables to act in any adjoining County.

VII. And be it enacted, That if any Person, being appointed a Special Constable as aforesaid, shall refuse to take the Oath hereinbefore mentioned, when thereunto required by the Justices of the Peace so appointing him, or by any other Two Justices of the Peace acting within the same Limits, he shall be liable to be convicted thereof forthwith before the said Justices so requiring him, and to forfeit and pay such Sum of Money not exceeding Five Pounds as to the said Justices so requiring him shall seem meet; and if any Person, being appointed a Special Constable as aforesaid, shall neglect or refuse to appear at the Time and Place for which he shall be summoned for the Purpose of taking the said Oath, he shall be liable to be convicted thereof forthwith before the Justices so appointing him, or before any other Two Justices of the Peace acting within the same Limits, and to forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justices shall seem meet, unless such Person shall prove to the Satisfaction of the said Justices that he was prevented by Sickness or such other unavoidable Accident as shall in the Judgment of the said Justices be a sufficient Excuse.

Penalty on Person appointed refusing to take the Oath, or neglecting to attend as required.

VIII. And be it enacted, That if any Person, being appointed a Special Constable as aforesaid, and being called upon to serve as such Special Constable as aforesaid, shall neglect or refuse to serve as such Special Constable, or to obey such lawful Orders and Directions

Penalty on Persons appointed, being called upon, and refusing to serve, or disobeying Orders.

tions as may be given to him for the Performance of the Duties of his Office, every Person so offending shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Neglect or Refusal such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, unless such Person shall prove to the Satisfaction of the said Justices that he was prevented by Sickness or such other unavoidable Accident as shall in the Judgment of the said Justices be a sufficient Excuse.

Justices may suspend or determine the Service of Special Constables.

IX. And be it enacted, That the Justices who shall have appointed any Special Constables under this Act are hereby empowered, or the Justices acting for the Limits within which such Special Constables shall have been called out, at a Special Session to be held for that Purpose, or the major Part of such last-mentioned Justices at such Special Session, are hereby empowered to suspend or determine the Services of any or all of the Special Constables so called out, as to the said Justices respectively shall seem meet; and Notice of such Suspension or Determination of the Services of any or all of the said Special Constables shall be forthwith transmitted by such respective Justices to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his Under Secretary, and also to the Lieutenant of the County.

In either Case Notice to be transmitted to Chief Secretary of Lord Lieutenant.

Special Constables, after Expiration of Service, to deliver up Staves, Weapons, &c. on pain of Penalty.

X. And be it enacted, That every such Special Constable shall, within One Week after the Expiration of his Office, or after he shall cease to hold and exercise the same pursuant to this Act, deliver over to his Successor (if any such shall have been appointed), or otherwise to such Person and at such Time and Place as may be directed by any Justice of the Peace acting for the Limits within which such Special Constable may have been called out, every Staff, Weapon, and other Articles which shall have been provided for such Special Constable under this Act; and if any such Special Constable shall omit or refuse so to do, he shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Two Pounds, as to the convicting Justices shall seem meet.

Penalty on assaulting or resisting a Constable on Duty.

XI. And be it enacted, That if any Person shall assault or resist any Constable appointed by virtue of this Act whilst in the Execution of his Office, or shall promote or encourage any other Person so to do, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Offence any Sum not exceeding Twenty Pounds, or shall be liable to such other Punishment, upon Conviction on any Indictment or Information for such Offence, as any Persons are by Law liable to for assaulting any Constable in the Execution of the Duties of his Office.

Justices may order reasonable Allowances and Expences to be paid to Special Constables, by Order on County Treasurer.

XII. And be it enacted, That the Justices of the Peace acting for the Limits within which any such Special Constable shall have been called out to serve, at a Special Session to be held for that Purpose, or the major Part of the Justices at such Special Session, are hereby empowered to order from Time to Time such reasonable Allowances for their Trouble, Loss of Time, and Expences, to be paid to such Special Constable who shall have so served or be then serving, as to the said Justices or such major Part of them shall seem proper, and the said Justices, or such major Part of them, may also order the Payment of such Expences as may have been incurred in providing Staves or other necessary Articles for such

Special Constables; and the said Justices shall make such Order for the Payment of such Allowances and Expences upon the Treasurer of the County, County of a City, County of a Town within or within any Part of which such Special Constables may have served, who is hereby required to pay the same out of any Public Money which shall then be in his Hands; and the said Treasurer shall be allowed all such Payments in his Accounts.

Grand Juries to present such Sums as shall be ordered under this Act.

XIII. And be it enacted, That it shall and may be lawful for the Grand Jury of the County, County of a City, or County of a Town to which such Order shall relate, and each such Grand Jury is hereby required, to present to be raised off such County, County of a City, or County of a Town, or any Barony, Half Barony, Townland, or other Division or Denomination of Land within which such Special Constables may have served, the Amount of all Sums so ordered to be paid under the Authority of this Act.

Justices of Peace may adjourn Special Sessions from Time to Time.

XIV. And be it enacted, That the Justices of the Peace assembled at any Special Session for any of the Purposes mentioned in this Act shall have Power to adjourn the same from Time to Time as they shall think proper; and that every Special Session which shall have been actually holden for any of the Purposes mentioned in this Act shall be deemed and taken to have been legally holden until the contrary shall be proved.

Prosecution of Offences by summary Conviction and Disposal of Penalties.

XV. And be it enacted, That the Prosecution of every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Two Calendar Months after the Commission of the Offence; and that every Penalty and Forfeiture for any Offence against this Act shall be paid to such Hospital, Infirmary, or other charitable Institution situate within the Limits of the Jurisdiction of the convicting Justices, as such convicting Justices may direct; and no Person shall by reason of the Application of any such Penalty or Forfeiture as aforesaid be deemed an incompetent Witness in Proof of any Offence against this Act.

Recovery of Penalties.

XVI. And be it enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Justices shall think fit; and in case such Sum of Money shall not be paid at the Time so appointed, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the reasonable Charges of such Distress; and for Want of sufficient Distress such Offender shall be imprisoned in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any Term not exceeding One Calendar Month when the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

Form of Conviction.

XVII. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted for any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or to the like Effect; (that is to say,)

' } BE it remembered, That on the Day of
' to wit. } in the Year of our Lord
' at in the County of *A.E.* is convicted before
' us,

'us, *J.P.* and *J.J.P.*, Two of His Majesty's Justices of the Peace 'for the said County, for that he the said *A.E.* did [*here specify 'the Offence, and the Time and Place when and where the same was 'committed, as the Case may be*]; and we do adjudge that the said '*A.E.* shall for the said Offence forfeit the Sum of 'and shall pay the same immediately [*or*, shall pay the same on or 'before the Day of] to *C.D.*, being [*the Treasurer, 'Governor, or other Officer, as the Case may be, administering the 'Funds of the Hospital, Infirmary, or other charitable Institution to 'which such Fine may be given, to be by him applied to the Use of 'such Hospital, Infirmary, or other Institution, as may happen.*] 'Given under our Hands the Day and Year first above mentioned.

'*J.P.* & *J.J.P.*'

Convictions not to be quashed for Want of Form.

XVIII. And be it enacted, That no Conviction for any Offence against this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's Superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and that where any Distress shall be made for levying any Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) in an Action upon the Case.

Limitation of Actions.

XIX. And be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County, Riding, County of a City, or County of a Town where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or, in case of Replevin, may avow generally that the Goods and Chattels mentioned in the Plaintiff's Declaration were taken by virtue of the Act, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be

shall

shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

1 G. 4. c. 37. repealed as to Ireland.

XX. And be it enacted, That an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act to increase the Power of Magistrates in the Appointment of Special Constables*, shall be and the same is hereby repealed as to all Parts of *Ireland*.

Limiting this Act.

XXI. And be it enacted, That nothing in this Act contained shall extend to *England* or *Scotland*.

Act not to abridge the Powers of Justices.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to abridge any Powers for preserving the public Peace, whether by appointing Constables or otherwise, which any Justice or Justices of the Peace had by Law, or by virtue of any Statute or Statutes, before the passing of the said herein-before recited Act of the First Year of the Reign of King *George* the Fourth.

CAP. CIX.

An Act for settling and securing Annuities on the Right Honourable *Charles Manners Sutton* and on his next Heir Male, in consideration of the eminent Services of the said Right Honourable *Charles Manners Sutton*.

[15th *August* 1832.]

'Most Gracious Sovereign,

'WHEREAS the Commons of the United Kingdom of *Great Britain* and *Ireland* did, by an humble Address to Your 'Majesty, beseech Your Majesty that Your Majesty would be 'graciously pleased to confer some signal Mark of the Royal 'Favour upon the Right Honourable *Charles Manners Sutton* for 'his eminent Services in the Six Parliaments during which he 'has discharged the Duties of Speaker of the House of Commons 'with a Zeal and Ability alike honourable to himself and con-'ducive to the Progress of Public Business, to commence and take 'effect immediately upon his ceasing to hold the Office of Speaker, 'and did assure Your Majesty that the said House would make 'good whatever Expence Your Majesty might think proper to be 'incurred on that Account: And whereas Your Majesty, in answer 'to the said Address, was graciously pleased to declare that Your 'Majesty was desirous, in compliance with the Wishes of Your 'faithful Commons, to confer upon the Right Honourable *Charles* '*Manners Sutton* some signal Mark of Your Royal Favour; but 'as the same could not be effectually granted and secured without 'the Concurrence of Parliament, Your Majesty recommended to 'Your faithful Commons the Adoption of such Measures as might 'be necessary for the Accomplishment of that Purpose:' Now we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, have resolved that the annual Sum of Four thousand Pounds net be granted to Your Majesty out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the said Annuity to commence upon and take effect from the Day on which the Right Honourable *Charles Manners Sutton* shall cease to hold the Office of Speaker of the House of Commons, and to be settled