ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C A P. L.

An Act to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in *Ireland*.

[29th *July* 1862.]

24 & 25 Vict. cc. 96. 97. 99. and 100.

WHEREAS it is expedient to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in *Ireland*: 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:

Commencement of Act.

1. This Act shall commence and take effect on the First Day of *September* One thousand eight hundred and sixty-two.

As to Prosecution of Offences made punish-

2. From and after the Commencement of this Act every Offence by this Act and the said recited Acts, respectively, made punishable on

Summary

able on Summary Conviction in Ireland.

Summary Conviction in *Ireland*, may be prosecuted before any Justice or Justices sitting in Petty Sessions in *Ireland*, or before any Two Justices sitting out of Petty Sessions, (when the Offender shall be unable to procure Bail for his Appearance at Petty Sessions,) or before any Divisional Justice of the Police District of *Dublin* Metropolis; and no Stipendiary Magistrate in *Ireland*, not being a Justice of the Police District in *Dublin* Metropolis, shall have any further or other Jurisdiction than any other Justice of the Peace in respect of any such Offence.

Provisions in 24 & 25 Vict. cc. 96. and 97. relating to Mode of compelling Appearances not to extend to Ireland.

3. The Provisions contained in the One hundred and fifth Section of the said Act of the last Session, Chapter Ninety-six, and in the Sixty-second Section of the said Act of the same Session, Chapter Ninety-seven, relating to the Mode of compelling the Appearance of Persons punishable on Summary Conviction, shall not extend to *Ireland;* and from and after the Commencement of this Act, whenever Information shall be given to any Justice or Justices in *Ireland* that any Person has committed or is suspected to have committed any Offence within the Limits of the Jurisdiction of such Justice or Justices for which such Persons shall be punishable upon a Summary Conviction, all Proceedings as to compelling the Appearance of any Person against whom any such Complaint shall have been made, or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of any Orders relating thereto, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the divisional Police Offices when the Case shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act.

All such Proceedings, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

Penalty on stealing Trees, Shrubs, &c. (under the Value of 5*l.*) growing anywhere.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months; and the Offences in this and the following Sections mentioned may be prosecuted summarily before One or more Justices of the Peace, as herein-before mentioned.

5. Any

Penalty on stealing Trees, Plants, Vegetables, &c., severed from the Soil or Turf Fuel (not exceeding) 40*s.* in Value.

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel, (in case the Value of such Article or Articles stolen, or the Amount of the Injury done shall not exceed Forty Shillings,) shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months.

Penalty on Persons possessing Carcases of Sheep, &c. without accounting for the same.

6. Whenever any credible Witness shall prove upon Oath, before a Justice of the Peace, that there is reasonable Cause to suspect that any of the Articles of Property following; that is to say, the Carcase of any Sheep or Lamb, or the Head, Skin, or any Part thereof, or the Fleece of any Sheep or Lamb, has been stolen or unlawfully taken, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Articles of Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought, that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall not account for the same in manner aforesaid, he shall, on Summary Conviction by such Justice or Justices as aforesaid, and at his or their Discretion, either be committed pursuant to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," to be imprisoned for a Term not exceeding Three Months, or be liable to a Fine not exceeding Five Pounds.

Penalty on Workmen making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

7. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds), shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month.

8. Any

Penalty on stealing Poultry (not exceeding 5*s.* in Value).

8. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks.

Assault Cases may be proceeded with although Party aggrieved declines to prosecute.

9. It shall be lawful for the Justices at Petty Sessions, if they shall so think fit, to proceed against any Person or Persons charged with being guilty of an Assault, pursuant to the Provisions of the Statute Twenty-fourth and Twenty-fifth *Victoria*, Chapter One hundred, Section Forty-two, notwithstanding that the Party aggrieved may decline or refuse to prefer a Complaint.

Summary Jurisdiction in Cases of Assault on Peace Officers and others.

10. And whereas by the Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One hundred, Section Thirty-eight, certain Assaults therein specified on Peace Officers and others are made Misdemeanors, and punishable with Imprisonment for a Term not exceeding Two Years, with or without Hard Labour, and it is desirable also to give a summary Jurisdiction in petty Cases for the same Offence: Be it enacted, That Two Justices of the Peace shall have a concurrent Jurisdiction to punish such Assaults under the Forty-second Section of the said Act, if they shall consider the Offence so trivial as not to require being dealt with by a superior Tribunal.

Extent of Act.

11. This Act shall extend to *Ireland* only.

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