Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Boards of Guardians to appeal from the revised Valuation of any Tenement in their Union.

1. From the revised Valuation of any Tenement in any Poor Law Union in *Ireland*, made by the Commissioner of Valuation at any annual Revision, in pursuance of the Laws in force for the Valuation of rateable Property in *Ireland*, the Board of Guardians of the Union in which such Tenement shall be situate shall, with the Sanction of the Poor Law Commissioners and not otherwise, have the same Power of Appeal to the Commissioner of Valuation, and to the Quarter Sessions, as the Owner or Occupier of such Tenement now has, and such Appeal shall be subject to the same Conditions and Provisions, and exercised in the same Manner, as is provided for in respect to Appeals of the said Owners or Occupiers, save so far as the same are herein-after altered or amended.

Notice of such Appeal to be given to the Occupier of the Tenement.

2. When the Board of Guardians of any Union shall, with the Sanction aforesaid, be the Party appealing from the revised Valuation of any Tenement as aforesaid, the Clerk of the said Board shall send by Post, or cause to be delivered to the Occupier or Occupiers of the Tenement in respect of the Valuation of which the Appeal is made, a Notice similar in all respects to that now by Law required to be sent or delivered to the Board of Guardians by the Owner or Occupier of any Tenement who may appeal from the revised Valuation thereof, and such Notice shall be signed by such Clerk, and a Copy thereof shall be sent by such Clerk to the Commissioner of Valuation at the Office in *Dublin* of the General Valuation of *Ireland*.

Occupiers joined as Respondents, and may obtain Costs.

3. In any Appeal to the Quarter Sessions, sanctioned as aforesaid, of any Board of Guardians in respect to such revised Valuation, the Occupier or Occupiers of the Tenement in respect of the Valuation of which such Appeal is made shall be joined as Respondents in such Appeal, together with the Commissioner of Valuation; and in case the Board of Guardians shall fail on the Hearing of such Appeal, the Court of Quarter Sessions may, if they shall so think fit, award to the Respondents or any of them such Costs as they may deem reasonable, not exceeding in the whole the Sum of Ten Pounds, for their Costs of such Appeal, and the Sum so awarded shall be forthwith paid to the said Respondents by such Board of Guardians; and in no Case shall the Board of Guardians be entitled as against the Respondents to the Costs of such Appeal.

Guardians not entitled to Costs.

Guardians not to enter into Recognizance.

Appeal not to affect a pending Rate.

4. It shall not be necessary for any Board of Guardians appealing to Quarter Sessions against the revised Valuation of any Tenement to enter into any Recognizance conditioned for the due Prosecution of such Appeal or for any other Purpose; and no Appeal by any Board of Guardians shall affect any Rate that may be struck before or pending such Appeal.

CAP. LIII.

An Act to make Provision for Uniformity of Process in summary Criminal Prosecutions and Prosecutions for Penalties in the Inferior Courts in *Scotland*. [25th *July* 1864.]

9 G. 4. c. 29.

11 G. 4. & 1 W. 4. c. 37.

'WHEREAS by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in* Scotland, Provision was made for the summary Prosecution of Offences before Sheriffs of Counties in certain Cases; which Act was amended by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Ninth Year of His late Majesty King* George *the Fourth, to facilitate Criminal Trials in* Scotland, *and to abridge the Period now required between the pronouncing of Sentence and Execution thereof, in Cases importing a Capital Punishment*:

'ment: And whereas by an Act passed in the Nineteenth and Twentieth Year of the 'Reign of Her present Majesty, intituled *An Act for amending the Procedure before* 19 & 20 Vict. 'Magistrates and Justices of Peace in Scotland, the Provisions of the recited Acts with c. 48. 'respect to summary Prosecutions were in certain Cases made applicable to Prosecutions 'before Justices of the Peace in *Scotland:* And whereas by an Act passed in the Seventh 'Year of the Reign of King *William* the Fourth and the First Year of the Reign of Her 'present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the* 7 W. 4. & 'Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of* 1 Vict. c. 41. 'Small Debt Causes by the Sheriffs in Scotland, Provision was made for the Recovery of 'statutory Penalties by way of Action in the Sheriff Court in certain Cases: And whereas 'it is expedient to make further and more effectual Provision for the Trial of Offences 'punishable on summary Conviction, and for the summary Recovery of Penalties in the 'Inferior Courts in *Scotland:*' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Summary Procedure Act, 1864." **Short Title.**

2. The following Words in this Act shall have the Meanings hereby assigned to them, unless such Meanings shall be excluded by the Subject or Context: **Interpretation of Terms.**

"Act of Parliament" and "Act" shall mean any Public General or Local and Personal Act of Parliament now in force or hereafter to be passed:

"Court" shall mean any Sheriff Court or Burgh Court, or any Court of Justices of the Peace for any County or City in *Scotland*, whether in Quarter or Petty Sessions, any Police Court having Jurisdiction, or any Sheriff, Magistrate of any Burgh, or Justice or Justices of the Peace for any County or City in *Scotland*, exercising Jurisdiction, under the Authority of any Act of Parliament, in any Matter which may lawfully be brought before him or them in the Manner provided by this Act:

"Judge" shall mean any Sheriff, or any Magistrate of any Burgh, or any Justice of the Peace, whether acting alone or in conjunction with any other Justice or Justices of the Peace for the same County or City in *Scotland:*

"Magistrate" shall mean any Magistrate of any Burgh in *Scotland* having Jurisdiction:

"Sheriff" shall include Sheriff Substitute:

"Justice" shall mean any of Her Majesty's Justices of the Peace for any County or City in *Scotland* acting within such County or City:

"Clerk of Court" shall include Depute Clerk or other Person acting as such:

"Witness" shall include Haver:

"Oath" shall include Affirmation in Cases where Affirmations may lawfully be taken in place of Oaths:

"Penalty" shall mean any Sum of Money which may, under the Authority of any Act of Parliament, be recoverable from any Person in respect of the Contravention of any statutory Requirement or Prohibition, and also any Sum which may, under the Provisions of any Act of Parliament, be recoverable as a Penalty or Forfeiture, whether such Sum shall be payable to the Party complaining, prosecuting, or suing for the same, or shall be payable in whole or in part to any other Person, or be applicable to any other Use, and whether the Amount thereof is fixed by such statutory Provision, or is so fixed subject to a Power to modify or mitigate, or is in the Nature of a Penalty not exceeding a certain Sum, to be awarded by the Court or Judge who may take cognizance thereof:

"Administrators of Police" shall mean any Commissioners, Town Council, or other Body having the Charge or Management of the Police of a Town under the Powers created by any Act of Parliament.

3. The Provisions of this Act may be applied to— **Application of the Act.**

(1.) All Proceedings before any Sheriff, Justices or Justice, or Magistrate in *Scotland* in virtue of the summary Jurisdiction conferred upon them, or any of them, in relation to the Trial of Offences and Recovery of Penalties, by the recited Acts, or any of them:

(2.) All Proceedings to be taken before any Sheriff, Justices or Justice, or Magistrate in *Scotland* for the Prosecution of any Person who has committed, or is charged with having committed, any Offence or Act for which, under the Provisions of any Act of Parliament, he is liable, upon summary Conviction before any Sheriff, Magistrate, Justices or Justice, to be imprisoned or fined, or otherwise punished, or to be ordered to do or perform any Act, and to be imprisoned in default of Performance:

(3.) All Proceedings for the Recovery of any Penalty, or Sum of Money in the Nature of a Penalty, which, under the Provisions of any Act of Parliament, may be recovered by summary Complaint or Information, or by Poinding or Distress and Sale, or other summary Process or Diligence of the like Nature, before any Sheriff, Justices or Justice, or Magistrate:

(4.) All Proceedings for the Trial or Prosecution for any Offence, or for the Recovery of any Penalty, under any Act of Parliament by which it shall be provided that Offences committed in contravention thereof or Penalties thereby imposed shall be prosecuted or recovered under the Provisions of this Act.

Proceedings to be instituted by Complaint as in Schedule.

4. All Proceedings for summary Conviction for any Offence, whether at Common Law or under any Act of Parliament, and all Proceedings for the Recovery of any Penalty which may be sued for or recovered in a summary Form, whether such Proceedings are at the Instance of a public or private Prosecutor or Complainer, may be instituted by way of Complaint in one or other of the Forms set forth in the Schedule (A.) to this Act annexed; and it shall not be necessary to mention in any Complaint any Act of Parliament other than the Act declaring the Offence for which a Conviction is sought, or imposing the Penalty or Forfeiture which is claimed; and it shall be sufficient to refer to the Act or Section of the Act founded on, without setting forth the Enactment in Words at Length; and where it is necessary that any such Complaint should be made upon Oath of the Complainer, or of a credible Witness, such Oath may be in the Form of Schedule (B.) to this Act annexed; and all Penalties for the Recovery of which in *Scotland* no special Provision has been made by Act of Parliament may be sued for by the Procurator Fiscal of the Jurisdiction.

No Objection to be allowed to Complaint in point of Form, &c.

Power to Court to direct Amendment of Complaint, if it thinks fit.

5. No Objection shall be allowed by the Court to any Complaint under this Act for any alleged Defect therein in Substance or in Form, or for any Variance between any such Complaint and the Evidence adduced on the Part of the Prosecutor or Complainer at the Hearing thereof, not changing the Character of the Offence charged; but if any such Objection or Variance shall appear to the Court to be such that the Respondent has been thereby deceived or misled, it shall be lawful for the Court to adjourn the Hearing to some future Day, and at the same Time, or at any Stage of the Proceedings, to direct such Amendment to be made upon the Complaint as may appear to be requisite, not changing the Character of the Offence, and such Amendment shall be authenticated by the Signature or Initials of the Judge or Clerk of Court.

Respondent may be cited to appear or apprehended on a Warrant.

6. On such Complaint being laid before the Court it shall be lawful for the Court to grant Warrant to cite the Respondent, by delivering a Copy of the Complaint with Warrant of Citation to him personally, or, if he cannot on Search be found personally, leaving such Copy at his usual Place of Abode, to appear before the Court on Inducie of not less than Forty-eight Hours, or (where Apprehension is competent) to grant a Warrant for the Apprehension and interim Detention of the Respondent: Provided that where the Complaint shall pray for a Warrant of Apprehension, the Court may in its Discretion grant, in place of such Warrant, a Warrant for the Citation of the Respondent as aforesaid; and it shall be lawful to annex to such Warrant of Citation or Apprehension a Warrant to cite Witnesses and Havers for both Parties, and also (where such Procedure is otherwise competent) a Warrant to search for, seize, remove, and secure all Goods, Documents, or other Articles mentioned or referred to in the Complaint.

Court may proceed in absence of Respondent in certain Cases,

7. If the Respondent after being cited shall fail to appear at the Time and Place mentioned in the Warrant of Citation, it shall be lawful for the Court, upon Proof that the Respondent has been duly cited, to issue a Warrant in the Second Instance for his Apprehension

Apprehension and interim Detention, or the Court may adjourn the Hearing to a future Diet, with Liberty to the Respondent to appear at such adjourned Diet, and may in its Discretion appoint Intimation of such adjourned Diet to be made to the Respondent; and in Cases where the Complaint concludes for a pecuniary Penalty only in the First Instance, or where the Act of Parliament founded on authorizes Procedure without the Presence of the Respondent, the Court may, without adjourning, proceed to hear and dispose of the Complaint in the Absence of the Respondent.

or issue a Warrant for his Apprehension.

8. Every Warrant granted under the Authority of this Act for the Citation or Apprehension of a Respondent, or for the Citation of Witnesses, or for the Apprehension of a Witness, as herein-after provided, may be lawfully and competently executed at any Place within the County in which it is granted, and that either by an Officer of the Court or Magistrate granting the Warrant, or by a Constable acting under the Authority of any Act of Parliament, although addressed to Officers of the Court issuing the Warrant, and at any Place within *Scotland* by any Constable or other Officer of the Law, or by an Officer of the Court or Magistrate granting the same; and all such Warrants and Citations may be in the Forms contained in the Schedules (C.), (D.), (E.), and (F.) to this Act annexed.

As to Execution of Warrants.

9. The Provisions of the second-recited Act relative to the Execution of Sentences and of Decrees for Penalties and Expenses beyond the Jurisdiction of the Court or Judge by whom the same have been granted, shall be applicable to the Execution of Convictions and Judgments pronounced under the Authority of this Act; and the Provisions contained in an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Persons charged with indictable Offences*, for the Enforcement of Warrants granted by Sheriffs and Justices in *Scotland* by Endorsation in *England* and *Ireland*, shall be applicable to Warrants granted by Magistrates of Burghs in *Scotland*; and the said Provisions are also hereby extended and made applicable to all Warrants issued in *Scotland* under the Authority of this Act.

As to Execution of Warrants beyond Scotland.

11 & 12 Vict. c. 42.

10. If any Person cited as a Witness by a Warrant under the Authority of this Act shall neglect or refuse to appear at the Time and Place appointed by the Warrant, and no just Excuse shall be offered in his Behalf, it shall be lawful for the Court before whom such Person has been cited to appear to issue a Warrant for his Apprehension; or, if the Court shall be satisfied by Evidence upon Oath that it is probable that such Person will not attend without being compelled so to do, it shall be lawful for the Court to issue a Warrant in the first instance for the Apprehension of such Person; and any Witness who shall wilfully fail to attend after being duly cited, or who shall refuse to be sworn or to be examined on Affirmation, or who after the Oath or Affirmation has been administered to him shall refuse to answer any Question which the Court shall allow, or to produce Documents in his Possession when required by the Court, may be summarily punished for his Contempt by Imprisonment or Fine, such Punishment not exceeding that which the Court would be entitled to award in case of Conviction upon the Complaint.

Warrants may be issued for Apprehension of Witnesses.

11. Any Respondent brought before the Court by a Warrant of Apprehension under the Authority of this Act shall be entitled to require a Copy of the Complaint, and also to require that the Hearing shall be adjourned for a Period of not less than Forty-eight Hours; and such Requisitions shall be complied with if made before the Examination of any Witness on the Merits shall have commenced; but no such Requisition shall be competent where a Copy of the Complaint shall have been delivered to the Respondent personally Forty-eight Hours before the Hearing; and any Interlocutor adjourning the Diet may be in the Form No. 1. in the Schdule (H.) to this Act annexed.

Respondent may require Adjournment of Diet.

12. Subject to the Provisions contained in the preceding Section, no Adjournment of the Hearing shall take place when the Respondent pleads Not Guilty, or at any other Stage of the Proceedings, unless the Court shall think fit to order an Adjournment: Provided, that where the Respondent has been brought into Court upon a Warrant of Apprehension, it shall be lawful for the Court to grant Warrant, in the Form No. 2. in the

Court may adjourn the Hearing and detain the Respondent.

Schedule (H.) to this Act annexed, to detain him in Prison until the Period to which the Hearing shall be adjourned, or until he finds sufficient Caution to appear at all future Diets of the Court.

As to signing of Convictions and Warrants.

13. Any Sheriff, Magistrate, or Justice, though out of his County or Jurisdiction, may sign any Conviction, Judgment, Warrant, or Interlocutor under this Act, provided the Evidence and every other Proceeding necessary to support such Conviction, Judgment, Warrant, or Interlocutor shall have been had before him when within his County or Jurisdiction.

Procedure at Hearing in Presence of the Respondent.

14. Where the Respondent shall be present at the Hearing the Substance of the Complaint shall be read to him, and he shall thereupon be required to plead in common Form, and the Respondent may then state Objections to the Competency or Relevancy of the Complaint or Proceedings; and if no Objections are stated, or if such Objections are stated and repelled or are obviated by Amendment of the Complaint or Adjournment of the Diet as herein-before provided, the Respondent's Plea shall then or at such adjourned Diet be recorded, and the Plea, if the same be Guilty, shall be signed by the Respondent, or by a Judge or the Clerk of Court if the Respondent cannot write; and if the Plea be Not Guilty, the Prosecutor or Complainer shall proceed to establish his Complaint by such Evidence as is competent, and the Respondent may, if he think fit, lead such Evidence as is competent, after which the Court shall pronounce Judgment at the same or any adjourned Diet.

Procedure at Hearing in Absence.

15. Where the Court shall proceed to dispose of the Complaint in the Absence of the Respondent, Judgment shall not be pronounced against him until the Complaint has been established to the Satisfaction of the Court by such Evidence as is competent, unless the Special Act authorizes Conviction in default of Appearance.

Form of Record.

16. It shall not be necessary in any Proceeding under the Authority of this Act to record or to preserve a Note of the Evidence adduced, but the Record shall set forth in the Form of the Schedule (I.) to this Act annexed the Respondent's Plea, if any, the Names of the Witnesses, if any, examined upon Oath or Affirmation, with a Note of any documentary Evidence that may be put in.

Proceedings may be either in Writing or printed.

17. The several Forms of Proceeding prescribed by this Act may be either in Writing or printed, or may be partly written and partly printed; and all such Forms as bear reference to any antecedent Form may be either on the same Sheet of Paper therewith, or on a separate Sheet attached to it.

Application of Forms of Conviction, &c.

18. In Cases of Conviction or Judgment against the Respondent in Prosecutions and Proceedings under this Act, the Sentence of the Court may be in one or other of the Forms contained in the Schedule (K.) to this Act annexed, or as nearly as may be in such Form, according to the Nature and Circumstances of the Complaint, viz.:

(1.) In Complaints for Offences at Common Law, punishable on summary Conviction, the Sentence of the Court shall be in the Form No. 1. in the said Schedule:

(2.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable on summary Conviction to be imprisoned, or to be imprisoned or fined in the Discretion of the Court, the Sentence of the Court awarding Imprisonment shall be in the Form No. 2. in the said Schedule; or if the Sentence is for a Fine, then in such of the subsequent Forms as may be in accordance with the Provisions of the Act of Parliament:

(3.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty, and in default of Payment thereof to be imprisoned for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation although the Penalty has not been paid, the Judgment of the Court shall be in the Form No. 3. in the said Schedule:

(4.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and, in default of Payment or Recovery of the Penalty by such

such Process of Execution, the Accused is or shall be liable to be imprisoned for a Period limited as aforesaid, the Judgment and Warrant shall be in the Form No. 4. in the said Schedule:

(5.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and where the Act also authorizes the Imprisonment of the Accused for a Period limited as aforesaid, then, unless Imprisonment be only authorized in default of Recovery by such Process of Execution, the Judgment of the Court may be in either of the Forms No. 4. or No. 5. in the said Schedule:

(6.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, and where no special Provision is made for the Recovery thereof, or for the Substitution of a Term of Imprisonment in default of Payment, and also in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be recoverable by Action, Civil Process, or Diligence, the Judgment of the Court shall authorize Execution by Arrestment, Poinding and Sale, and Imprisonment (unless Recovery by Imprisonment is excluded by the Terms of the Act), and may be in the Form No. 6. in the said Schedule; and the Warrant of Imprisonment to be granted in pursuance of any such Judgment may be in the said Form No. 6., and shall authorize the Detention of the Respondent until liberated in due Course of Law; and in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be declared to be recoverable by Arrestment, Poinding or Distress and Sale, or Imprisonment, or by any Combination of those Forms of Diligence other than as above provided for, the Judgment of the Court may be expressed in the said Form No. 6., so far as applicable, and no Warrant of Imprisonment shall be issued upon a Judgment in such Form until after the Period allowed for Execution by Arrestment or Poinding, except in the Event mentioned in the said Form No. 6.:

(7.) In Complaints for the Contravention of any Act of Parliament by which the Court is or shall be authorized to ordain the Person contravening to do or perform any Act other than the Payment of Money, and where, in consequence of failing or neglecting to do or perform such Act, such Person shall be liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, the Judgment and Warrant may be in the Form No. 7. in the said Schedule; and such Judgment and Warrant may, if the Act of Parliament so require, be used in combination with a Judgment or Warrant in one or other of the Forms herein-before specified, and may, if the Act so require, be combined with a Judgment for Expenses, and Warrant for Recovery thereof, and for Imprisonment in default of Payment, in such Form as may be requisite:

(8.) Any Judgment of Absolvitor to be pronounced in any Complaint or Proceedings under this Act may be in the Form No. 8. in the said Schedule:

Provided that the Court may add to any of the Forms of Conviction or Judgment for any Penalty such Finding of Expenses and Warrant for the Recovery thereof, and such other Finding or Declaration as may be required by the Act of Parliament founded on; and, if so required, the Court may add to any Warrant of Imprisonment contained in such Conviction or Judgment, or consequent thereon, a Direction that the Respondent shall be kept to Hard Labour during the whole or Part of the Term of his Imprisonment; and Execution upon any Judgment or Warrant may proceed either upon such Judgment or Warrant itself or upon an Extract issued and signed by the Clerk of Court, which Extract may be in the Form No. 9. of Schedule (K.), or as near as may be thereto.

Imprisonment may be awarded instead of levying Execution by Poinding and Sale.

19. In all Cases instituted under this Act in which any Penalty is or shall be recoverable by Poinding or Distress and Sale, Arrestment, or other summary Process of Execution, and in which the Respondent is also liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, either immediately or in default of Recovery of the Penalty by Execution, the Court, in lieu of granting Warrant for Recovery by Poinding and Sale, may issue

issue a Warrant for the immediate Imprisonment of the Respondent for any Term not exceeding the Term specified in the Act of Parliament in one or other of the Forms appended to Nos. 4, 5, and 6 in Schedule (K.); and no Sale shall be made in virtue of a Warrant granted under the Authority of this Act unless the Goods are at the appraised Value, sufficient to satisfy the Sums decerned for, and the Expenses of the Poinding and Sale.

Proceedings subsequent to Conviction.

20. Where, in consequence of the Requirements of this Act or of any other Act of Parliament, it is necessary that any Warrant of Imprisonment or other Warrant should be granted subsequent to the Conviction or Judgment, or where any other ulterior Proceeding is enjoined, the Forms and Directions respectively appended to the several Forms of Convictions and Judgments in Schedule (K.) may be used and observed so far as the same are applicable, and all such Warrants or ulterior Proceedings may be taken without the Presence of the Respondent.

Signature of One Justice sufficient except to Conviction or Judgment.

21. In Cases in which under any Act of Parliament any Matter or Proceeding which may be dealt with under the Forms prescribed by this Act, or which is incidental thereto, is or shall be cognizable by Two or more Justices, it shall be sufficient that any Warrant of Imprisonment or other Warrant or Proceeding prior or subsequent to the Conviction or Judgment shall be subscribed by One Justice, and it shall not be necessary that such Justice shall be or shall have been present at the Hearing of the Complaint, but the Conviction or Judgment shall in all Cases be signed by such Number of Justices present at the Hearing, and concurring in the Result thereof, as may be required by such Act; and in case of an equal Division of Opinion among the Justices present, the Complaint shall be held to be not proved, and Judgment shall be given for the Respondent; and all Warrants of Citation in Cases which may be dealt with under this Act may be signed by the Clerk of Court, without being laid before a Judge.

Court may award Expenses to or against private Complainer, although not authorized by Act.

22. In all Cases of Complaint under this Act for the Recovery of any Penalty it shall be lawful for the Court to make an Award of Expenses without the same being prayed for in such Complaint, but Expenses shall not be awarded to or against any public Prosecutor or Party prosecuting under the Authority of any Act of Parliament for the public Interest unless such Award of Expenses is authorized by such Act: Provided, that in all Cases where a Complaint for the Recovery of a Penalty is at the Instance of a private Complainer, it shall be lawful for the Court before which such Complaint is brought to award Expenses to the successful Party if the Court shall think fit; and such Expenses may be recovered and Imprisonment awarded, in default of Payment or Recovery thereof, in the Manner and Form specified in the said Schedule (K.) in connexion with the several Forms of Convictions and Judgments therein contained, or, if necessary, by a separate Judgment for Expenses in such Form as may be appropriate.

Warrant of Imprisonment may be framed so as to take effect from the Expiration of a previous Sentence.

23. If, upon any Complaint presented under the Authority of this Act, a Warrant shall be issued for the Imprisonment of the Respondent pursuant to a Conviction or Judgment, and such Respondent shall then be in Prison undergoing Imprisonment for a specified Period, upon a Conviction for any Offence, or for Default in Payment of any Penalty or Expenses, or for Disobedience to any Order of Court, the Warrant of Imprisonment upon such subsequent Conviction or Judgment shall be delivered to the Keeper of the Prison to whom the same shall be directed, and it shall be lawful for the Court granting the same, if it shall think fit, to insert an Order therein to the Effect that the Imprisonment upon such subsequent Conviction or Judgment shall commence at the Expiration of the Imprisonment to which such Respondent shall have been previously sentenced or adjudged.

Limitation of Time for bringing Complaints.

24. In all Cases in which no Time is already or shall be hereafter specially limited for instituting any Complaint for the Recovery of any Penalty or Sum of Money, or for Conviction for any statutory Offence punishable on summary Conviction, in the Act of Parliament relating to each particular Case, such Complaint shall be instituted within Six Months from the Time when the Matter of such Complaint arose.

Act not to extend to certain Warrants

25. Nothing in this Act shall extend or be construed to extend to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish or District,

District, nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue, or under or by virtue of any statutory Provision for the Recovery of any Rate, Tax, or Impost whatsoever. and Proceedings.

26. In Cases in which, under the Authority of any Act of Parliament, any Conviction may be obtained, or any Warrant Ad factum præstandum or Judgment granted or pronounced, or any Penalty or Expenses recovered, by way of summary Complaint before any Sheriff, Justices or Justice, or Magistrate, and it is also provided therein, or in any other Act of Parliament having reference thereto, that such Conviction or Warrant may be obtained, or Judgment pronounced, or Penalty or Expenses recovered, in any Police Court in *Scotland*, the Proceedings by this Act authorized may be taken in such Police Court with such and the like Remedies by Poinding and Sale, Imprisonment, or otherwise, as are herein provided in the Case of Convictions and Judgments obtained before Sheriffs, Magistrates, and Justices of the Peace; and the several Forms contained in the Schedules to this Act annexed may be varied so far as may be necessary to render them applicable to such Police Courts. Where special Jurisdiction conferred on Police Court, Forms of this Act may be used.

27. Nothing in this Act contained shall confer or be construed to confer upon any Sheriff, Justices or Justice, or Magistrate acting under the Authority of this Act any other or more extensive Jurisdiction in relation to any Matter which may be made the Subject of Complaint than is or shall be vested in such Sheriff, Justices or Justice, or Magistrate at Common Law, or under any Act of Parliament empowering them, or any of them, to take cognizance of such Matter of Complaint; nor shall anything in this Act contained affect any Right to sue by way of ordinary Action in the Court of Session or Sheriff Court in *Scotland* for the Recovery of any Penalty or Forfeiture, save and except as to the Right of suing for such Penalty or Forfeiture in the Sheriff Small Debt Court in the Form provided in the Fourth-recited Act. Jurisdiction of Inferior Courts not to be extended.

28. 'And whereas much Inconvenience has resulted from the Uncertainty which 'exists as to the Nature of the Jurisdiction conferred by various Acts of Parliament autho- 'rizing Convictions for Offences, and the Recovery of Penalties, and the Enforcement of 'Orders by Imprisonment, upon summary Complaint before Sheriffs, Justices, and Magis- 'trates in *Scotland*, and it is expedient to define the Cases in which such Jurisdiction shall 'be held to be of a Criminal Nature:' In all Proceedings by way of Complaint instituted in *Scotland*, in virtue of any such Statutes as are herein-before mentioned, the Jurisdiction shall be deemed and taken to be of a Criminal Nature where, in pursuance of a Conviction or Judgment upon such Complaint, or as Part of such Conviction or Judgment, the Court shall be required or shall be authorized to pronounce Sentence of Imprisonment against the Respondent, or shall be authorized or required in case of Default of Payment or Recovery of a Penalty or Expenses, or in case of Disobedience to their Order, to grant Warrant for the Imprisonment of the Respondent for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation; and in all other Proceedings instituted by way of Complaint, under the Authority of any Act of Parliament, the Jurisdiction shall be held to be Civil: Provided always, that nothing contained in this Act shall be construed to affect the Right of any Party to Proceedings taken under this Act to be examined as a Witness therein, but such Right shall remain as it would have been if this Act had not passed. Limits of Civil and Criminal Jurisdiction defined in respect to Proceedings by way of summary Complaint.

29. Where by any Act of Parliament a Power is or shall be given to any Sheriff, Justices or Justice, or Magistrate in the Exercise of Jurisdiction as a Judge of Police to take cognizance of Offences punishable by Fine or Imprisonment, without any Declaration being expressed or implied of the Powers of such Judge of Police in relation to the Punishment of such Offences, it shall be lawful for such Sheriff, Justices or Justice, or Magistrate convicting for an Offence of which he or they may lawfully take cognizance, to sentence the Person convicted to pay a Penalty not exceeding Five Pounds, or, in the Discretion of the Judge, to sentence him to be imprisoned for any Period not exceeding Sixty Days from the Date of Imprisonment, and also to adjudge him to find Caution to keep the Peace for Six Months under a further Penalty of Ten Pounds, and in default of Sentence of Police Judges not to exceed a Fine of 5*l.* or Sixty Days Imprisonment in Cases where their Powers are not defined by Statute.

of such Caution being found to be imprisoned for a further Period not exceeding Thirty Days.

As to Actions of Damages against public Prosecutors.

30. No Procurator Fiscal, or other Party prosecuting for the public Interest, by Complaint under the Provisions of this or any other Act, shall be liable to pay or be found liable by any Court in a greater Sum than Five Pounds as Damages for or in respect of any Proceedings taken or anything done on such Complaint, or on any Judgment following on such Complaint, unless the Person prosecuting for Damages shall aver and prove that such Proceeding was taken or done maliciously and without probable Cause; but the Party suing such Damages shall not be entitled to have any Decreet or Verdict pronounced against such Procurator Fiscal or other Party prosecuting, for any Damages, or Return or Repetition of Penalty or Costs, in case such Prosecutor shall prove at the Trial that the Party suing was guilty of the Offence in respect whereof he had been convicted, or on account of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater or other Punishment than was assigned by Law to such Offence; and any such Prosecutor sued as aforesaid may at any Time put an end to the Action, in so far as not founded on Acts done maliciously and without probable Cause, by tendering Payment of the Sum of Five Pounds as Damages with the Amount of the Penalty, if recovered, and the Expenses of such Action to the Date of the Tender.

Provisions of 11 & 12 Vict. c. 43. not to be applicable to Proceedings in Scotland.

31. In Cases in which by any Act of Parliament the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, are or shall be made applicable to Complaints or Informations under any such Act, the Provisions of the said Act of the Eleventh and Twelfth Year of Her Majesty's Reign shall not be applicable to any Proceedings under such Act when instituted in *Scotland*, but the Provisions of this Act shall be applicable to all such Proceedings as may, under the Authority of any such Act, be instituted before any Sheriff, Justices or Justice, or Magistrate in *Scotland*.

Proceedings may be in Forms prescribed by this or other Acts.

32. The Proceedings in any Action or Complaint for the Prosecution for Offences or Recovery of Penalties under any Act of Parliament may either be according to the Form prescribed by such Act or any Act incorporated therewith, or according to the Form prescribed by this Act, or, where such Proceedings are before the Sheriff, according to the Forms prescribed by the first-recited Act.

Court of Justiciary and Court of Session to have Power to pass Acts of Adjournal and Sederunt.

33. It shall be lawful for the High Court of Justiciary and for the Court of Session respectively from Time to Time to pass such Acts of Adjournal or Acts of Sederunt as may be necessary or proper for carrying into effect the Provisions of this Act, and in particular to regulate the Expenses of Proceedings in the Inferior Courts under this Act, and the Fees payable to Clerks of Court.

Convictions and Warrants not to be quashed or held void for Want of Form.

34. No Conviction or Judgment in pursuance of this Act shall be quashed for Want of Form, and no Warrant of Imprisonment or for Poinding and Sale, and no Extract of Judgment, shall be held void by reason of any Defect of Form therein, provided it be therein mentioned or may be inferred therefrom that it is founded or has proceeded on a Conviction or Judgment, and there be a valid Conviction or Judgment to sustain the same.

Limitation of Actions.

35. Every Action or Prosecution against any Sheriff, Judge, or Magistrate, or against any Clerk of Court, Procurator Fiscal, or other Person, on account of anything done in any Case instituted under this Act, shall be commenced within Two Months after the Cause of Action shall have arisen, unless a shorter Period is fixed by the Special Act, and not afterwards.

Secretary of State may issue Order as to Police Buildings.

36. 'Whereas it is expedient that in Towns where there is no Prison it shall be competent to establish Places of Confinement for Prisoners undergoing short Sentences without 'incurring the Expense of supporting a Local Prison:' It shall be competent in any Town where there is no Prison, but where there are Police Cells, for One of Her Majesty's Secretaries of State to issue an Order declaring that such Cells or any Number of them, or

or that any other Premises in the Possession of the Administrators of the Police in such Town, shall be a legal Prison for the Detention of convicted Prisoners for any Period not exceeding Three Days, and such Order shall be issued in the Manner and subject to the Conditions set forth in the Provisions of "The Prisons (*Scotland*) Administration Act, 1860," in reference to Local Prisons, so far as the same are applicable to the Purposes of this Act.

Provisions as to Discipline, &c. in Prisons to apply to convicted Prisoners in such Premises.

37. When any Building or Part of a Building other than a Local Prison under the Administration of a County Board is or shall be a lawful Place of Detention for Prisoners under short Sentences whether under the Powers conferred on the Secretary of State by this Act, or in virtue of any Public Local Act, the Administrators of Police having Charge of the same, and all Persons in their Employment, shall, in respect to such Buildings or Part of a Building, be subject to the Rules for Prisons in *Scotland* as authorized in the said Prisons Administration Act, and to all the Provisions of the said Act relating to the Discipline and Management of Prisons and the Transmission of Returns, as if such Administrators were a County Board.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

1. *Complaint for Offence at Common Law.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of
[*or* Sheriff of the County of *or* Magistrates of the Burgh of
as the Case may be].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute with his Concurrence*]:

Humbly showeth,

That *J.K.* [*Designation*] has been guilty of the Crime of Actor, or Art and Part, in so far as [*here state the Particulars of the Offence*]:

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the said Crime, and to adjudge him to suffer the Pains of Law.

According to Justice.

A.B. [*Signature of Public Prosecutor, or of Private Prosecutor with Concurrence annexed.*]

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2. *Complaint praying for Conviction in Terms of Act, and for Imprisonment or Forfeiture.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of
[*or* Sheriff of the County of *or* Magistrates of the Burgh of].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*or* has been guilty of an Offence within the Meaning of the Act] [*specify the Act or Acts*], in so far as [*state Particulars of Contravention*

vention or Offence], whereby the said *J.K.* is liable [*state shortly the Nature of the Forfeiture or Penalty and the Alternative*].

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the aforesaid Contravention, and to adjudge him to suffer the Penalties provided by the said Act [*or* Acts, or any of them].

[*Where a Warrant Ad factum præstandum is desired, it must be specially prayed for.*]

According to Justice.

A.B. [*Signature of Complainer.*]

SCHEDULE (B.)

Oath of Verity.

At the Day of in Presence of

Compeared *A.B.*, the Complainer, [*or* a credible Witness, *as the Case may be,*] who, being solemnly sworn, depones that what is contained in the foregoing Complaint is true, as he shall answer to God.

[*Signature of Complainer or Witness.*]

[*Signature of Judge.*]

SCHEDULE (C.)

Warrant for Citation of Respondent.

The Justice [*or* Sheriff, *or* Magistrate, *or* Clerk of Court] grants Warrant to Officers of Court to serve a Copy of the foregoing Complaint and of this Deliverance upon *J.K.*, Respondent, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at o'Clock noon, with Certification, and also to cite Witnesses or Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge or Clerk of Court.*]

SCHEDULE (D.)

1. *Warrant for Apprehension of Respondent in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *J.K.*, Respondent, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of , [*or* the Sheriff of the County of , *or* a Magistrate of the Burgh of ,] to answer to the foregoing Complaint at [*Court House or Place*], and in the meantime to detain him in a Police Station House or other convenient Place, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

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2. *Warrant for Apprehension of the Respondent in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect *J.K.*, Respondent, has failed to appear to answer to the foregoing Complaint after being duly cited to this Diet, grants Warrant to Officers of Court to search for and apprehend the said *J.K.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may

may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of ,] and in the meantime to detain him in a Police Station House or other convenient Place, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

* [*A Warrant to search for stolen Goods or other Search Warrant may be prayed for in the Complaint, and included in the Warrant of Citation or Apprehension, if otherwise competent.*]

SCHEDULE (E.)

1. *Warrant for the Apprehension of a Witness in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect it has been made to appear to him upon Oath that *E.F.* [*Designation*] is likely to give material Evidence for the Prosecution in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and that it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do, grants Warrant to Officers of Court to search for and apprehend the said *E.F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station House or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution in the foresaid Complaint.

[*Signature of Judge.*]

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2. *Warrant for the Apprehension of a Witness in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect that *E.F.* [*Designation*] has failed to appear after having been duly cited to bear Witness for the Prosecution [*or* for the Respondent] in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and no just Excuse has been offered on his Behalf, grants Warrant to Officers of Court to search for and apprehend the said *E. F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station House or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution [*or* for the Respondent] in the foresaid Complaint.

[*Signature of Judge.*]

SCHEDULE (F.)

1. *Citation of Respondent.*

To *J. K.* [*Designation.*]

Take Notice that you are required to appear personally at the Place and Time specified in the Warrant, of which the foregoing is a Copy, to answer to the Complaint to which this Notice is attached, with Certification.

This I do on the Day of

[*Signature of Officer.*]

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2. *Citation of Witness.*

To *E.F.* [*Designation.*]

Take Notice that you are required to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at the Hour of o'Clock noon, and at any adjourned Diet which you may be required to attend, to bear Witness for the Prosecution [*or* for the Respondent] in the Complaint at the Instance of *A.B.* [*Designation*], against *J.K.* [*Designation*], under Certification; [and also to bring with you and exhibit such of the Documents mentioned in the subjoined Lists as may be in your Possession.]

This I do on the Day of

[*Signature of Officer.*]

SCHEDULE (H.)

1. *Interlocutor adjourning the Diet.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and appoints the said *J.K.* to appear personally on that Day at o'Clock noon.

[*Signature of Judge.*]

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2. *Adjournment and Interim Warrant of Imprisonment.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and in the meantime grants Warrant to commit the said *J.K.* to the Prison of , therein to be detained until that Time or until he find Caution to appear at all future Diets of Court under a Penalty of £

[*Signature of Judge.*]

SCHEDULE (I.)

Minute of Procedure at the Hearing.

1. *When the Respondent appears.*

At the Day of in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate] appeared *J.K.* complained against; and the Complaint being read over to him, he answers that he is Not Guilty, [*or* that he is Guilty.]

[*Signature.*]

[*If the Respondent pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was [*or* were] examined in Support of the Complaint, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined in Exculpation, viz.:—

[*Note also the Production of any Documents produced in Evidence by either Party.*]

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2. *When the Respondent is absent.*

At the Day of in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *J.K.* complained against having failed to appear, after having been duly summoned.

The Witness [*or* Witnesses] after named was [*or* were] examined in Support of the Complaint, viz.:—

[*Note also any Productions.*]

SCHE-

SCHEDULE (K.)

1. *Conviction for Offence at Common Law.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find the said *J.K.* guilty of the Crime charged [*or state to what Extent he is guilty*], and therefore [*state the Terms of the Sentence*].

[*Signature of Judges or Judge.*]

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2. *Conviction for Contravention of Act punishable by Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and, therefore, adjudge him to be imprisoned in the Prison of for the Period of from this Date [*or* from the Date of his Imprisonment]. [*If authorized by the Act, add,* and find him liable in Payment to the Complainer of £ of Expenses, and adjudge him to be imprisoned in the said Prison for the further Period of Days from the Expiration of the last-mentioned Period, unless the said Sum shall be sooner paid], and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

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3. *Conviction for a Penalty, and, in default of Payment, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and in default of immediate Payment thereof [*or, if Time be allowed, say,* within Days from this Date,] adjudge him to be imprisoned in the Prison of for the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

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4. *Conviction for a Penalty to be recovered by Poinding, and in default of Recovery, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and* in default of immediate Payment thereof [*or, if Time is allowed, say,* within Days from this Date] grant Warrant for Recovery of the said Sum or Sums by Poinding of his Goods and Effects, and summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant, and appoint a Return or Execution of such Poinding and Sale to be made within Eight Days from this Date, [*or,* from the Expiration of the Period herein allowed for Payment, *where Time is allowed,*] under Certification of Imprisonment for the Period of in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Report

Report by Officer of Court.

I, *X.Y.*, report, that by virtue of the foregoing Judgment and Warrant, I have made diligent Search for Goods and Effects of the within-mentioned *J.K.*, and that I can find no sufficient Goods and Effects whereon to levy the Sums within mentioned.

Humbly reported this Day of by

[*Signature of Officer.*]

Warrant of Imprisonment.

At the Day of the Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sum [*or* Sums] mentioned in the foregoing Conviction, with the Expenses of Diligence, have not been paid, and that no sufficient Goods and Effects can be found whereon to levy the said Sum [*or* Sums] and Expenses, grants Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of and to the Keeper thereof to receive and detain him from the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums], with the further Sum of £ for the Expenses of Diligence, shall be sooner paid.

[*Signature of Judge.*]

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5. Conviction for a Penalty to be recovered by Poinding and Imprisonment.

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded,*] and* ordain instant Execution by Poinding and Sale, and Imprisonment for the Period of Days, in default of immediate Payment [*or, if Time is allowed, say,* within Days from this Date]; grant Warrant to Officers of Court, in default of Payment of the said Sum [*or* Sums], for immediate Poinding of the Goods and Effects of the said *J.K.*, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoint a Return of such Poinding and Sale to be reported within Eight Days from this Date; and in default of Payment grant Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of Days from the Date of his Imprisonment, unless the said Sum [*or* Sums], together with the Expense of Poinding, if any, shall be sooner paid, or Liberation shall be granted.

[*Signature of Judges or Judge.*]

Warrant of Liberation.

The Justice [*or* Sheriff *or* Magistrate], in respect the Complainer has failed to certify by the Report of an Officer of Court that no sufficient Goods and Effects of the said *J.K.* can be found whereon to levy the Sums specified in the foregoing Conviction within the Period of Eight Days therein mentioned [*or* in respect that a sufficient Poinding and Sale of the Effects of the said *J.K.* has been made], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *J.K.*

[*Signature of Judge.*]

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6. Judgment for a Penalty recoverable by Diligence.

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* modified Penalty, *where there is Power to modify*], of £ , and also find the said *J.K.* liable in £ of Expenses to the Complainer, and* ordain instant Execution by Arrestment, and also Execution by Poinding [and Imprisonment, *where there is Power to imprison*]; grant Warrant to Officers of Court to arrest all Debts and Sums of Money owing to the said *J.K.*, and

and [*if Time is allowed, add,* in default of Payment within Days from this Date] to poind his Goods and Effects and to sell the same at the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; [*where the Act authorizes Imprisonment, add*], and appoint a Return or Execution of such Poinding and Sale to be made within Days from the Expiration of the Period hereby allowed for Payment, under Certification of Imprisonment [*if for a Term, specify the Term*], in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Warrant of Imprisonment to be granted upon Officer's Report.

The Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sums mentioned in the foregoing Judgment, with the Expenses of Diligence, have not been paid or recovered under the said Judgment in whole or in part, grants Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him until liberated in due Course of Law [*or, if the Imprisonment is for a Term, say,* for the Period of Days from the Date of his Imprisonment, unless the said Sums, with £ for the Expenses of Diligence, shall be sooner paid.]

[*Signature of Judge.*]

*[*If at the Hearing it shall appear that the issuing of a Warrant of Arrestment, Poinding and Sale would be inexpedient, then, in place of the Warrant annexed to the Judgment in the preceding Form, say:*

And in respect it is inexpedient to issue a Warrant of Poinding and Sale [*or* of Arrestment, Poinding, and Sale], ordain instant Execution by Imprisonment, and grant Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment, unless the said Penalty and Expenses shall be sooner paid.]

[*This Form only to be used where the Acts founded on authorize Imprisonment for a specified Period.*]

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7. *Judgment and Warrant Ad factum præstandum, and, in default, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find the Complaint proven [*or state to what Extent it is proven, or state any other Findings that may be considered necessary*], and ordain the said *J.K.* to [*here state the Matter required to be done*] under Certification that if, upon a Copy of this Judgment being served upon the said *J.K.* by an Officer of Court, he shall neglect or refuse to obey the same within the Period of after such Service, he shall be imprisoned for the Period of Days: Find the said *J.K.* liable in £ of Expenses to the Complainer; and failing immediate Payment thereof [*or if Time be allowed,* within Days from this Date, *say*], grant Warrant for Recovery of the said Sum by Poinding of his Goods and Effects, and summary Sale thereof, &c. [*as in No.* 4 *of this Schedule.*]

[*Signature of Judges or Judge.*]

Warrant of Imprisonment.

The Justice [*or* Sheriff *or* Magistrate], in respect it is now proved to his Satisfaction that a Copy of the foregoing Judgment was duly served upon the within-named *J.K.*, upon the Day of , and that he has not as yet obeyed the Order therein contained, and that the Period appointed for Implement thereof is now expired, grants Warrant to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment.

[*Signature of Judge.*]

[*Note.*—A Warrant Ad factum præstandum in the above Form may, if required by the Act, be combined with a Conviction or Judgment for a Penalty. Where Judgment is given

given for the Expenses of obtaining a Warrant Ad factum præstandum recoverable by Poinding and Sale, and Imprisonment in default, the Proceedings shall be as nearly as possible in conformity with the Forms above prescribed for the Recovery of Penalties and Expenses. If the Expenses are declared to be recoverable by ordinary Diligence, or by Arrestment and Poinding, the Warrant and Procedure will be as in No. 6.]

8. *Judgment of Absolvitor or Dismissal.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate] assoilzie the within-designed *J.K.* from the foregoing Complaint [*or* dismiss the Complaint]. [*If an Award of Expenses be competent, add,*] Find the within-designed *A.B.*, Complainer, liable to the said *J.K.* in the Sum of £ of Expenses, and decern and ordain instant Execution therefor by Arrestment, and also Execution by Poinding and Sale and Imprisonment, if the same be competent, after a Charge of Fifteen free Days; grant Warrant, &c. [*as in No.* 6, *omitting Warrant of Imprisonment when incompetent.*]

[*Signature of Judges or Judge.*]

9. *Extract of Judgment convicting, absolving, or dismissing* [*as the Case may be*].

At the Day of , in Presence of .
In the Complaint at the Instance of *A.B.* against *C.D.*, charging him with [*name the Crime, Offence, or Contravention*], as particularly set forth in said Complaint, the Justices [*or* Justice, *or* Sheriff, *or* Magistrate] in respect of [*state the Terms of the Judgment, and of any subsequent Warrant upon which Execution is to proceed*]. Extracted by me, Clerk of Court.

[*Signature of Clerk.*]

Execution may proceed either upon the Judgment and Warrant itself, or upon an Extract in the above Form.

CAP. LIV.

An Act for the Union of the Diocesan Courts and Registries in *Ireland;* for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of *Armagh* and *Dublin;* and for Appeals therefrom.

[25th *July* 1864.]

WHEREAS it is expedient to make Provision for the Union of the Consistorial or Diocesan Courts and Registries in *Ireland;* to alter and amend the Procedure and 'Practice of the Provincial and Diocesan Courts and Registries, in order that the same may 'be rendered simple and expeditious; to reduce and regulate the Expenses and Costs now 'charged and payable in such Courts and Registries; to re-arrange, reduce, or abolish the 'Fees upon Letters of Orders, Consecration of Churches, Institutions to Benefices, and 'other Ecclesiastical Instruments and Acts; and to make Provision for the better Preser-'vation of the Ecclesiastical Records and other Instruments deposited in the Provincial and 'Diocesan Registries:' 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.

PRELIMINARY.

Short Title. **1.** This Act may be cited as "The Ecclesiastical Courts and Registries Act (*Ireland*), 1864."

Extent of Act. **2.** This Act shall only extend to that Part of the United Kingdom called *Ireland.*

3. This