

# SAORSTÁT EIREANN.

*Uimh. 8 de 1923.*

*No. 8 of 1923.*

**BILLE UM GHIÚISTÍSÍ DÚITHCHE (FORÁLACHA SEALADACHA).**

**DISTRICT JUSTICES (TEMPORARY PROVISIONS) BILL.**

[ *Mar dó leasúodh i gCoiste.*  
*As amended in Committee.* ]

## ARRANGEMENT OF SECTIONS.

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# SAORSTÁT EIREANN.

## DISTRICT JUSTICES (TEMPORARY PROVISIONS) BILL.

*Uimh. 8 de 1923.*

*No. 8 of 1923.*

## BILL

*entitled*

5  
10 AN ACT TO MAKE TEMPORARY PROVISION FOR THE  
APPOINTMENT OF DISTRICT JUSTICES TO HOLD  
COURTS OF SUMMARY JURISDICTION AND TO  
MAKE CONSEQUENTIAL ALTERATIONS IN THE  
LAW RELATING TO COURTS OF SUMMARY  
JURISDICTION AND FOR OTHER PURPOSES  
CONNECTED THEREWITH.

15 BE IT ENACTED BY THE OIREACHTAS OF SAOR-  
STÁT EIREANN AS FOLLOWS :—

20 1.—(1) It shall be lawful for the Governor-General of the  
Irish Free State on the advice of the Executive Council from  
time to time to appoint fit and proper persons being Barristers-  
at-Law in Saorstát Eireann or Solicitors of the Supreme Court  
in Saorstát Eireann to be Magistrates with the title of "District  
Justices" and to perform the duties and have the powers pre-  
scribed by this Act.

Appointment of  
District  
Justices.

25 (2) Every person appointed to be a District Justice may be  
dismissed or removed at the pleasure of the Governor-General of  
the Irish Free State on the advice of the Executive Council.

30 (3) Every person so appointed to be a District Justice shall  
while he holds that office be paid out of moneys provided by the  
Oireachtas a salary and allowances in accordance with a scale  
to be prescribed by the Minister with the concurrence of the  
Minister for Finance.

35 (4) No person shall while holding the office of District Justice  
be capable of holding any other office or position of emolument  
or of being elected to or of being a member of either House of  
the Oireachtas.

(5) Every person so appointed to be a District Justice shall  
before entering on his office subscribe and make a solemn declara-  
tion in the form contained in the First Schedule to this Act.

40 2.—(1) It shall be the duty of each District Justice appointed  
under this Act to hold District Courts at such places within the  
District allotted to him and at such times as shall be prescribed  
by the Minister.

Duties of  
District Justices.

45 (2) A District Justice sitting in and holding a District Court  
pursuant to this Act shall have all the powers, jurisdiction and  
authority which were immediately before the 6th day of Decem-  
ber, 1922, vested by statute or otherwise in a Justice of the  
Peace sitting in Petty Sessions.

50 (3) Every order, decree or judgment made or pronounced by a  
District Justice sitting in and holding a District Court pursuant  
to this Act shall be subject to the same appeal (if any) as a  
similar order, decree or judgment made or pronounced by a  
Justice of the Peace sitting in Petty Sessions would have been  
subject to previous to the 6th day of December, 1922.



(4) A District Justice shall within his District when not sitting at Petty Sessions have all the powers, authorities and duties which were immediately before the passing of this Act vested in or imposed on a Justice of the Peace.

(5) Any act, matter or thing which immediately before the passing of this Act was by any statute, rule or order required or authorized to be done before or in the presence of or to be served on a Justice of the Peace shall from and after the passing of this Act (without prejudice to any power or jurisdiction conferred by this Act on a Parish Commissioner) be required or authorized (as the case may be) to be done before or in the presence of or to be served on a District Justice.

Re-Arrangement  
of Petty Sessions  
Districts.

3.—(1) Immediately upon the passing of this Act or as soon as conveniently may be thereafter the Minister shall divide Saorstát Éireann (except the County of the City of Dublin and so much of the County of Dublin as is within the jurisdiction of the Divisional Magistrates of the City of Dublin) into convenient Court Districts and shall appoint one convenient place in each such District at which the District Court shall be held for such District.

(2) It shall be lawful for the Minister from time to time as he shall consider expedient to vary all or any of the Court Districts created under this section and to alter all or any of the places appointed under this section for the holding of District Courts.

(3) Immediately upon the completion of the division into Court Districts under this section such Court Districts shall for all purposes take the place of and be substituted for the Petty Sessions Districts into which such county was divided at the passing of this Act and the District Court in and for each such District shall be held at the place appointed by the Minister under this section and Petty Sessions shall cease to be holden in that County.

(4) The Minister shall allot to each District Justice as his District such and so many Court Districts constituted under this section (whether situate in the same or different counties) as the Minister shall think expedient and may from time to time as he shall think expedient vary the allotment of Court Districts to all or any of the District Justices and transfer any District Justice from the District so allotted to him to any other District.

Appointment  
of Parish  
Commissioners.

4.—(1) The Minister may from time to time by warrant under his hand appoint and remove such and so many fit and proper persons as he shall think expedient in each County to be called "Parish Commissioners" and to perform and exercise within such County the duties and powers prescribed by this Act.

(2) A Parish Commissioner shall have all the powers and authorities which immediately before the passing of this Act were vested in a Justice of the Peace in respect of the several matters following, that is to say:—

(a) signing Petty Sessions Summonses;

(b) signing Warrants;

(c) Administering oaths and taking declarations and affirmations;

(d) committing dangerous lunatics and idiots to Lunatic Asylums under Section 10 of the Lunacy (Ireland) Act, 1867 (30 & 31 Vict., ch. 118);

(e) signing certificates for the admission of pauper lunatics and idiots to Lunatic Asylums:

Provided always that any summons against any member of the Civic Guard shall be signed by a District Justice.

(3) Whenever any person charged with having committed an indictable offence shall be arrested by a member of the Civic Guard such person shall forthwith be brought before a Parish Commissioner who after hearing such evidence as may be offered



shall remand such person either in custody or in such bail as the Parish Commissioner shall think fit and remit the case for hearing before a District Justice on a date not later than the next District Court to be held in the Court District where such person was arrested.

(4) Whenever any person charged with having committed an indictable offence is brought before a District Justice at any District Court it shall be lawful for such District Justice to remand such person until the next District Court to be held by him in any Court District in the same or an adjoining County.

5.—(1) From and after the passing of this Act the existing offices of Clerk of Petty Sessions shall cease to exist and every existing Clerk of Petty Sessions shall cease to hold his office.

Appointment of  
Clerks of  
District Courts.

(2) From and after the passing of this Act the Minister shall and may from time to time as occasion requires appoint fit and proper persons to be District Court Clerks in the several Court Districts constituted under this Act and may appoint each such person to be District Court Clerk in one or in any greater number of such Court Districts.

(3) Each District Court Clerk appointed under this section shall hold his office by such tenure as the Minister shall prescribe and shall be paid a salary in accordance with a scale to be prescribed by the Minister with the concurrence of the Minister for Finance.

(4) The salaries of the District Court Clerks appointed under this section shall be paid out of the same funds as the salaries of the existing Clerks of Petty Sessions have been heretofore paid and any deficiency in such funds to meet the amounts of such salaries shall to such extent as the Minister for Finance may sanction be made good out of moneys provided by the Oireachtas: Provided that nothing in this sub-section shall prejudice the power of deduction conferred by Section 2 of the Petty Sessions Clerks (Ireland) Act, 1881.

(5) Each District Court Clerk appointed under this Act shall perform in respect of his District or Districts the like duties as have heretofore been performed by the existing Clerks of Petty Sessions in respect of the existing Petty Sessions Districts and shall also perform such other duties as shall from time to time be allotted to him by the District Justice.

(6) Each District Court Clerk appointed under this Act shall have in each County in which any part of his district or districts is situate, the same power and authority to sign District Court Summonses as is by this Act conferred on a Parish Commissioner in that County.

(7) The existing office of Registrar of Petty Sessions Clerks shall from and after the passing of this Act be called "The Registrar of District Court Clerks" and such Registrar shall perform in relation to the District Court Clerks appointed under this section the like duties as he has heretofore performed in relation to the existing Clerks of Petty Sessions.

(8) In this section the word "existing" means existing on the 6th day of December, 1922.

6.—Every act, matter and thing which was on the 6th day of December, 1922, required or authorized by law to be done by or in the presence of or to be served on an Inspector, Sergeant, Constable or other member of the Royal Irish Constabulary at or in connection with or in relation to any Petty Sessions shall from and after the passing of this Act be required or authorized to be done by or in the presence of or to be served on an Inspector, Sergeant, Constable or other member (as the case may require) of the Civic Guard at or in connection with or in relation to a District Court.

Civic Guard to  
act in place of  
Royal Irish  
Constabulary.

7.—All fees which are at the passing of this Act payable by law at or in connection with Petty Sessions or are payable to or collectable by the Clerk of Petty Sessions or are denoted or paid by Petty Sessions Stamps (including the Dog Tax) shall continue

Increase of  
Petty Sessions  
Fees.



to be payable at the like times and in the like manner as heretofore but with the modifications that all such fees except the Dog Tax shall from and after the passing of this Act be charged and paid at double the rate at which same were heretofore charged and paid and that the District Court, the District Court Clerk and District Court Stamps shall be substituted respectively for Petty Sessions, the Clerk of Petty Sessions and Petty Sessions Stamps.

Confirmation of appointments and acts of existing District Justices.

8.—(1) Each of the persons named in the Third Schedule to this Act having been appointed under the Constabulary (Ireland) Act, 1836 (6 & 7 Will. IV., ch. 13), by the Governor-General of the Irish Free State to be a Magistrate under that Act shall be deemed to have been appointed and to be a District Justice under this Act.

(2) Every act, matter and thing done after the 28th day of October, 1922, by any of the said persons named in the Third Schedule to this Act in exercise or purported exercise of any authority purported to have been at the time of his doing such act, matter or thing vested in him by reason of his having been appointed or purported to have been appointed by the late Provisional Government of Ireland or any Minister thereof to be a District Justice shall notwithstanding any failure (whether by way of commission or omission) to comply with any statute, rule or order or any other irregularity be as valid and effective as if the same had been regularly done by a Magistrate duly appointed under the Constabulary (Ireland) Act, 1836 (6 & 7 Will. IV., ch. 13), or (in the case of acts, matters and things which are by law required to be done by two Magistrates appointed under the Act aforesaid sitting together) by two such Magistrates sitting together.

(3) No action shall lie against and no penalty shall be incurred by any of the said persons named in the Third Schedule to this Act for or on account or in respect of any act, matter or thing done by any such person after the 22nd day of October, 1922, in exercise or purported exercise of any such authority as is mentioned in the preceding sub-section or any failure (whether by way of commission or omission) to comply with the terms of any statute, rule or order or any other irregularity in the doing of such act, matter or thing.

Adaptation of enactments.

9.—(1) Every mention or reference contained in any British Statute or in any order, rule or regulation made under any British Statute of or to any of the officials, courts, districts or things mentioned in the First Column of the Second Schedule to this Act shall in respect of the doing or not doing of any act, matter or thing in Saorstát Éireann after the passing of this Act be construed and take effect as a reference to the official, court, district or thing named in the Second Column of the said Second Schedule opposite the name of the official, court, district or thing in the First Column.

(2) In this section the expression "British Statute" means Act of the Parliament of the late United Kingdom of Great Britain and Ireland which was on the 6th day of December, 1922, in force in the area now comprised in Saorstát Éireann.

Definitions.

10.—In this Act the following expressions shall where the context so admits have the meanings respectively assigned to them by this section, that is to say:—"The Minister" means the Minister for Home Affairs; "Justice of the Peace" means and includes all the following persons, namely:—

- (a) one Justice of the Peace sitting or acting alone;
- (b) two or more Justices of the Peace sitting or acting together;
- (c) one Magistrate appointed under the Constabulary (Ireland) Act, 1836 (6 & 7 Will. IV., ch. 13);
- (d) two such Magistrates sitting or acting together:

"Civic Guard" means the Police Force in Saorstát Éireann which is at the passing of this Act commonly called or known as the Civic Guard.



11.—(1) This Act may be cited as The District Justices Short Title. (Temporary Provisions) Act, 1923.

(2) This Act shall continue in force for one calendar year after the passing thereof, and shall then expire.

#### FIRST SCHEDULE.

" I ..... do swear that I will well and truly serve the Irish Free State (Saorstát Eireann) in the office of District Justice without favour or affection, malice or ill-will; that I will see and cause the peace to be kept and preserved; that I will prevent to the best of my power all offences against the same; that while I shall continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof in the execution of Warrants and otherwise faithfully according to law, and that I do not now belong to, and that while I shall hold the said office I will not join or belong to any political society whatsoever or any secret society whatsoever.

So help me God."

#### SECOND SCHEDULE.

Name in British Statute.			Name in Saorstát Eireann.
Petty Sessions ...	...	...	District Court.
Petty Sessions District ...	...	...	Court District.
Clerk of Petty Sessions ...	...	...	District Court Clerk
Registrar of Petty Sessions Clerks ...	...	...	Registrar of District Court Clerks.
Petty Sessions Summons ...	...	...	District Court Summons.
Petty Sessions Stamps ...	...	...	District Court Stamps.
Justice	} sitting in Petty Sessions.		District Justice sitting in and holding a District Court.
Justices			
Magistrate			
Magistrates			

#### THIRD SCHEDULE.

Mr. L. J. Walsh, Solicitor.  
 " P. F. Lavery, Solicitor.  
 " J. F. Crotty, Solicitor.  
 " W. G. Price, B.L.  
 " R. D. F. Johnston, Solicitor.  
 " P. P. O'Donoghue, B.L.  
 " D. F. Gleeson, Solicitor.  
 " G. P. Cussen, Solicitor.  
 " J. V. Fahy, Solicitor.  
 " J. M. Flood, B.L.  
 " M. J. Hannan, B.L.  
 " W. D. Coyne, Solicitor.  
 " K. S. Reddin, Solicitor.  
 " J. J. Molloy, Solicitor.  
 " B. J. Goff, Solicitor.  
 " C. A. Flattery, Solicitor.  
 " J. M. Forde, Solicitor.  
 " E. J. Little, B.L.  
 " T. A. Finlay, B.L.  
 " C. J. Beatty, B.L.  
 " J. H. Gallagher, B.L.  
 " J. S. Troy, Solicitor.  
 " W. Meagher, Solicitor.  
 " D. B. Sullivan, B.L.  
 " G. Farrell, B.L.  
 " J. O'Hanrahan, Solicitor.



# Saorstát Éireann.

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BILLE UM GHIÚISTISÍ DÚITHCHE  
(FORÁLACHA SEALADACHA), 1923.

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## BILLE

(mar do leasúidh i gCoiste)

*dá ngairmtear*

Acht chun soláthar do dhéanamh i gcóir  
Giúistísí Dúithche do cheapa chun  
Cúirteanna Gearr-Shiosóin do cho-  
móra agus chun atharuithe a leanann  
san do dhéanamh ar an ndlí i dtaobh  
Gearr-Shiosóin agus chun crícheanna  
eile a bhaineann leo.

*An t-Aire um Ghnóthaí Dúithche do thug isteach.*

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*Do hordúidh, ag Dáil Éireann, do chlóbhuala,  
Tadh Feabhra, 1923.*

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[*Raol Glan.*]

# Saorstát Éireann.

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DISTRICT JUSTICES (TEMPORARY  
PROVISIONS) BILL, 1923.

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## BILL

(as amended in Committee)

*entitled*

An Act to provide for the appointment  
of District Justices to hold Courts of  
Petty Sessions and to make conse-  
quential alterations in the law relating  
to Petty Sessions, and for other pur-  
poses connected therewith.

*Introduced by the Minister for Home Affairs.*

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*Ordered, by Dáil Éireann, to be printed,  
7th February, 1923.*

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