SAORSTÁT EIREANN.

BILLE CUIRTEANNA BREITHIUNAIS, 1934.

COURTS OF JUSTICE BILL, 1934.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

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SAORSTÁT EIREANN.

BILLE CUIRTEANNA BREITHIUNAIS, 1934.

COURTS OF JUSTICE BILL, 1934.

BILL

entitled

AN ACT TO MAKE FURTHER AND BETTER PROVISION IN RELATION TO THE ADMINISTRATION OF JUSTICE AND FOR THAT PURPOSE TO AMEND THE COURTS OF JUSTICE ACTS, 1924 TO 1931, AND OTHER ENACTMENTS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

PART I.

Preliminary and General.

Short title and citation.

1.—(1) This Act may be cited as the Courts of Justice Act, 1936.

(2) The Courts of Justice Acts, 1924 to 1931, and this Act may be cited together as the Courts of Justice Acts, 1924 to 1936.

The Principal Act.

2.—In this Act the expression "the Principal Act" means the Courts of Justice Act, 1924 (No. 10 of 1924). and, save where the context otherwise requires, shall be construed as referring to that Act as amended or extended by subsequent Acts.

Repeals.

3.—The enactments specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule and, in regard to the enactments specified in Part I of the said Schedule, as from the passing of this Act and, in regard to the enactments specified in Part II of the said Schedule, as from the commencement of Part IV of this Act.

PART II.

The Supreme Court and the High Court.

Increase in number of judges of the Supreme Court.

4.—(1) So much of section 5 of the Principal Act as enacts that the Supreme Court shall consist of three judges is hereby repealed, and in lieu thereof it is hereby enacted that the Supreme Court shall consist of five judges, of whom the president shall be the Chief Justice.

(2) The provisions of Part I of the Principal Act in relation to the Supreme Court and the judges thereof (including the provisions of section 5 thereof in relation to the respective titles of the Chief Justice and of each of the other judges) shall, save as expressly repealed by this section, continue to apply and have effect notwithstanding the increase made by this section in the number of the said judges.

(3) Notwithstanding the increase made by this section in the number of the judges of the Supreme Court, any appeal to or other matter cognisable by the Supreme Court may be heard and determined by such number, not less than three nor more than

five, of the judges of the Supreme Court (including judges who are, by virtue of section 6 or section 7 of the Principal Act, additional judges of the Supreme Court) as the Chief Justice or, in his absence, the senior ordinary judge of the Supreme Court for the time being available shall determine in respect of each such appeal or other matter.

(4) Section 2 of the Courts of Justice Act, 1928 (No. 15 of 1928), is hereby amended by the deletion of all words from the words " or in the event " where they secondly occur to the end of the section and the substitution therefor of the words " who is for the time being available ", and the said section shall be construed and have effect accordingly.

(5) This section shall come into operation on such day as the Executive Council shall by order fix for that purpose.

Sitting of Supreme Court judges in the High Court.

5.—(1) Whenever, owing to the illness of a judge of the High Court or for any other reason, the full number of the judges of that Court is not available for the transaction of the business thereof or, on account of the volume of business to be transacted in the High Court or for any other reason arising from the state of business in that Court, it is expedient to increase temporarily the number of judges available for the purposes of the High Court, the Chief Justice may request any ordinary judge or judges of the Supreme Court to sit in the High Court as an additional judge thereof, and every judge of the Supreme Court so requested shall sit in the High Court.

(2) Whenever an ordinary judge of the Supreme Court sits in the High Court in pursuance of this section he shall be an additional judge of the High Court for all the purposes of that Court.

(3) No ordinary judge of the Supreme Court who holds office as such judge at the passing of this Act shall be required by virtue of this section to sit in the High Court save with his own consent.

Qualification of judge of the High Court for appointment as judge of the Supreme Court.

6.—It is hereby enacted and declared that a judge of the High Court shall be and be deemed always to have been qualified for appointment as a judge of the Supreme Court.

The Judicial Commissioner of the Irish Land Commission.

7.—(1) Every judge of the High Court who, at any time after the commencement of Part I of the Principal Act and before the passing of this Act, discharged the office of Judicial Commissioner of the Irish Land Commission shall be deemed to have been, while so discharging such office, duly assigned in manner prescribed by law within the meaning of section 3 of the Land Law (Commission) Act, 1923 (No. 27 of 1923), to discharge that office.

(2) The President of the High Court shall, from time to time as occasion requires, assign a judge of the High Court to discharge the office of Judicial Commissioner of the Irish Land Commission, and the President of the High Court may, whenever he thinks proper so to do, terminate any such assignment previously made by him.

(3) The President of the High Court may, whenever the judge for the time being assigned by him under the next preceding sub-section of this section to discharge the office of Judicial Commissioner of the Irish Land Commission is temporarily unable owing to other public duties or services temporarily imposed on him or on account of illness or for any other sufficient cause to discharge the duties of the said office, assign temporarily (without terminating the assignment of the said judge) another judge of the High Court to discharge during such inability the said office.

(4) Every judge of the High Court who shall be assigned under this section to discharge the office of Judicial Commissioner of the Irish Land Commission (including a judge so assigned

temporarily) shall be deemed to be so assigned in manner prescribed by law within the meaning of section 3 of the Land Law (Commission) Act, 1923 (No. 27 of 1923), and that section shall apply and have effect accordingly.

Pensions of judges of the High Court and the Supreme Court.

8.—Where a person in receipt of a pension under section 14 of the Principal Act is employed in a situation remunerated out of moneys provided by the Oireachtas, then—

(*a*) such pension shall not be payable in respect of any period during which the remuneration of such person in such situation is equal to or greater than his remuneration in the judicial office in respect of which he is entitled to such pension, and

(*b*) so much only of such pension shall be payable in respect of any period during which the remuneration of such person in such situation is less than his remuneration in the said judicial office as with his remuneration in such situation will amount to his remuneration in the said judicial office.

Transfer of certain jurisdictions from Chief Justice to High Court.

9.—(1) The jurisdiction which was transferred to and vested in the Chief Justice by sub-section (1) of section 19 of the Principal Act shall, on the appointed day, become and be transferred to the High Court and shall thenceforth be exercised by the President of the High Court or, if and whenever the said President so directs, by an ordinary judge of the High Court for the time being assigned in that behalf by the said President.

(2) As on and from the appointed day—

(*a*) references in the Lunacy Regulation (Ireland) Act, 1871, and the Acts amending the same and any rules and orders made thereunder to "the Lord Chancellor entrusted as aforesaid" shall, notwithstanding anything contained in section 3 of the Courts of Justice Act, 1928 (No. 15 of 1928), be construed and have effect as references to the judge of the High Court for the time being exercising the jurisdiction transferred to the High Court by this section, and

(*b*) the powers conferred on the Chief Justice by section 4 of the Courts of Justice Act, 1928, shall become and be transferred to and exercisable by the President of the High Court.

(3) Unless or until otherwise provided by the Oireachtas, the office of the Registrar to the Chief Justice shall, on and after the appointed day, continue to exist and be constituted as it exists and is constituted immediately before the appointed day, save that on and after the appointed day—

(*a*) the said office shall be styled and known as the Office of Wards of Court. and

(*b*) the Registrar to the Chief Justice shall be styled and known as the Registrar of Wards of Court, and

(*c*) the said office shall cease to be attached to the Chief Justice and shall become and be attached to the President of the High Court; but shall not be or become an office attached to the High Court within the meaning of the Court Officers Act, 1926 (No. 27 of 1926), and shall not be or become subject to the superintendence or control of the Master of the High Court, and

(*d*) all jurisdictions and powers in relation to the said office and the said Registrar respectively which are, immediately before the appointed day, exercisable by the Chief Justice shall become and be exercisable by the

Judge of the High Court who is for the time being exercising the jurisdiction transferred to the High Court by this section, and

(*c*) no business relating to the exercise of the jurisdictions which were transferred to and vested in the Chief Justice by sub-sections (2) and (3) of section 19 of the Principal Act shall be transacted in the said office.

(4) On and after the appointed day—

(*a*) all such business in relation to the exercise of the jurisdictions which were transferred to the Chief Justice by sub-sections (2) and (3) of section 19 of the Principal Act as was transacted in the office of the Registrar to the Chief Justice before the appointed day shall be transferred to and transacted in the office of the Registrar of the Supreme Court, and

(*b*) the Registrar of the Supreme Court shall act as registrar to the Chief Justice in relation to the exercise by the Chief Justice of the said jurisdictions which were transferred to him by sub-sections (2) and (3) of section 19 of the Principal Act, and

(*c*) the Registrar of the Supreme Court shall be subject to the directions of the Chief Justice in regard to the transaction of the business transferred to the Registrar of the Supreme Court by this sub-section.

(5) The Minister for Justice may, by order made after consultation with the Chief Justice and the President of the High Court, appoint a day not later than six months after the passing of this Act to be the appointed day for the purposes of this section.

(6) On and after the appointed day, the authority for the time being having power to make rules of court in relation to the High Court shall be the rule-making authority in relation to the jurisdiction transferred to the High Court by this section, and for that purpose the exercise of that jurisdiction shall be included in the business of the High Court.

Appeals against fishery bye-laws.

10.—(1) The appeal under sub-section (4) of section 28 of the Fisheries Act, 1925 (No. 32 of 1925), against a bye-law, definition, rule, regulation, or order shall lie to the High Court in lieu of the court constituted under that sub-section and the High Court shall have, in respect of every such appeal, all the powers conferred by the said sub-section on the said court constituted thereunder.

(2) An appeal to the High Court by virtue of this section may be heard by one or by two or more judges of the High Court as may be convenient, and the order of the High Court on any such appeal shall be final and conclusive and not appealable.

(3) Sub-section (5) of the said section 28 of the Fisheries Act, 1925, shall apply to every order of the High Court on an appeal by virtue of this section in like manner as the said sub-section applies to the orders mentioned therein.

Remittal and transfer of actions by the High Court.

11.—(1) An application under section 25 of the Principal Act for the remittal or transfer of an action pending in the High Court may be made at any time after an appearance is entered therein and before service of notice of trial therein and, where the summons in such action is required by rules of court to be set down for hearing before the Master of the High Court, notwithstanding that such summons has not been so set down.

(2) Notwithstanding anything contained in section 25 of the Principal Act the following provisions shall have effect in relation to the remittal or transfer of actions under that section, that is to say:—

(*a*) an action shall not be remitted or transferred under the said section if the High Court is satisfied that, having

regard to all the circumstances, and notwithstanding that such action could have been commenced in the Circuit Court, it was reasonable that such action should have been commenced in the High Court;

(*b*) an action for the recovery of a liquidated sum shall not be remitted or transferred under the said section unless the plaintiff consents thereto or the defendant either satisfies the High Court that he has a good defence to such action or some part thereof or discloses facts which, in the opinion of the High Court, are sufficient to entitle him to defend such action.

Limitation on amount of plaintiff's costs in certain High Court actions.

12.—(1) The following provisions shall have effect in relation to the amount of the costs recoverable by the plaintiff in an action commenced and heard in the High Court, that is to say:—

(*a*) in any action of tort or of breach of promise of marriage, where the amount of the damages recovered by the plaintiff is not less than one hundred pounds and not more than three hundred pounds the plaintiff shall not be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the Circuit Court, unless the judge hearing the action grants a special certificate under this section;

(*b*) in any action of tort or of breach of promise of marriage, where the amount of the damages recovered by the plaintiff is less than one hundred pounds the plaintiff shall not be entitled to recover more costs than whichever of the following amounts is the lesser, that is to say, the amount of such damages or the amount of costs which he would have been entitled to recover if the action had been brought in the Circuit Court, unless the judge hearing the action grants a special certificate under this section;

(*c*) in any action founded on contract (other than actions for the recovery of a liquidated sum) or for damages for breach of contract (other than for breach of promise of marriage), where the amount recovered by the plaintiff does not exceed three hundred pounds the plaintiff shall not be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the Circuit Court unless the judge hearing such action grants a special certificate under this section;

(*d*) in any action for the recovery of a liquidated sum, where the amount recovered by the plaintiff exceeds one hundred pounds but does not exceed three hundred pounds the plaintiff shall not be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the Circuit Court, unless the judge hearing such action grants a special certificate under this section;

(*e*) in any action for the recovery of a liquidated sum, where the amount recovered by the plaintiff exceeds twenty-five pounds but does not exceed one hundred pounds, the plaintiff shall not be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the Circuit Court;

(*f*) in any action for the recovery of a liquidated sum, where the amount recovered by the plaintiff does not exceed twenty-five pounds the plaintiff shall not be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the District Court;

(*g*) in any action of ejectment, where such action is within the jurisdiction of the Circuit Court the plaintiff shall not

be entitled to recover more costs than he would have been entitled to recover if the action had been brought in the Circuit Court, unless the judge hearing such action grants a special certificate under this section.

(2) In any action referred to in the next preceding sub-section of this section in relation to which the grant of a special certificate by the judge is mentioned, the judge hearing such action may, on the application of the plaintiff, grant a special certificate in writing that, in the opinion of such judge, it was reasonable, owing to the substantial or important nature of the action or the importance of any question of law involved therein that the action should have been commenced in the High Court.

(3) It shall not be lawful for rules of court to contain or impose any restriction on the amount of the costs recoverable by any party from any other party in any action or other proceeding, but nothing in this sub-section shall prevent the insertion in rules of court of a restriction on the amount of the costs recoverable which is identical with a restriction imposed by this section nor the fixing by rules of court of the amount recoverable by any person as and for the costs and expenses incurred by him in the doing of any specified thing in any particular form of action or other proceeding.

PART III.

The Circuit Court.

Increase of number of circuits.

13.—(1) As soon as conveniently may be after the passing of this Act the Executive Council shall by order do all of the following things, that is to say:—

(*a*) appoint a day to be the appointed day for the purpose of this section;

(*b*) divide the several counties and county boroughs in Saorstát Eireann into nine convenient groups (in this section referred to as circuits) for the purposes of the Circuit Court, but subject to the limitations that one such circuit (to be known as the Dublin Circuit) shall consist of the county borough of Dublin and the county of Dublin, and that no county or county borough shall be divided between two or more circuits;

(*c*) attach to every circuit, other than the Dublin Circuit, a convenient name or a number by which such circuit shall be known;

(*d*) assign to the Dublin Circuit two of the judges of the Circuit Court holding office on the appointed day;

(*e*) assign to each of the circuits other than the Dublin Circuit one of the judges of the Circuit Court holding office on the appointed day.

(2) If at the making by the Executive Council of their order under the first sub-section of this section a vacancy exists amongst the judges of the Circuit Court, the said order may be expressed and, if so expressed, shall operate to assign to a circuit the judge who shall be appointed to fill that vacancy, and if a judge assigned by such order to a circuit vacates his office by death or otherwise before the appointed day such order shall operate to assign to such circuit the judge who is appointed (whether before or after the appointed day) to fill the place of the judge so vacating his office.

(3) On the appointed day the division of Saorstát Eireann into circuits effected by Part II of the Principal Act and the Schedule to that Act shall cease to have effect and the order made by the Executive Council under the first sub-section of this section shall come into operation and have effect and the circuits created by that order shall for the purposes of the Courts of Justice Acts, 1924 to 1931, and this Act be substituted for the circuits mentioned in the Schedule to the Principal Act and all references

in the Courts of Justice Acts, 1924 to 1931, and this Act to circuits in relation to the Circuit Court shall be construed and have effect accordingly.

(4) On the appointed day, sub-section (2) of section 9 of the Courts of Justice Act, 1928 (No. 15 of 1928), shall cease to have effect.

(5) In this section, the expression " the appointed day " means the day appointed by the Executive Council under this section to be the appointed day for the purposes of this section.

Appointment of persons to act temporarily as additional judges of the Circuit Court.

14.—(1) Whenever it appears to the Executive Council that, owing to the temporary absence from duty for any cause of a judge of the Circuit Court, or an unusual and temporary increase in the business of the Circuit Court on any circuit, or any other cause, it is necessary, in order to prevent the work of the Circuit Court getting into arrear either generally or on any particular circuits or circuit, to increase temporarily the number of the judges of the Circuit Court, one or more persons who are practising barristers of at least ten years' standing at the date of appointment may be appointed to act as a judge or judges of the Circuit Court for such period as the Executive Council shall think proper in respect of each such person.

(2) Every person appointed under this section to act as a judge of the Circuit Court may, during the period for which he is so appointed, be assigned by the Minister for Justice from time to time as occasion requires to any circuit, and every person shall while so assigned to a circuit have, in relation to such circuit and concurrently with the judge permanently assigned to such circuit and any judge temporarily assigned under section 9 of the Courts of Justice Act, 1928 (No. 15 of 1928), to such circuit, all the privileges, powers and duties for the time being conferred or imposed by law on the judge permanently assigned to such circuit.

(3) Every person appointed under this section to act as a judge of the Circuit Court shall, during the period for which he is so appointed, be paid out of moneys provided by the Oireachtas such remuneration as the Minister for Justice shall, with the sanction of the Minister for Finance, determine.

Assignment of Circuit Judges to circuits.

15.—(1) Every person who is appointed to be a judge of the Circuit Court shall—

(*a*) so long as sub-section (2) of section 9 of the Courts of Justice Act, 1928 (No. 15 of 1928), continues to have effect, be so appointed either to be the judge permanently assigned to a particular circuit or to be a judge who may, by virtue of the said sub-section (2), be temporarily assigned by the Minister for Justice to any circuit, and

(*b*) after the said sub-section (2) has ceased to have effect, be so appointed to be the judge assigned to a particular circuit.

(2) So long as the said sub-section (2) of section 9 of the Courts of Justice Act, 1928, continues to have effect, the Executive Council may assign permanently to any circuit a judge of the Circuit Court who is for the time being a judge of that Court liable, by virtue of the said sub-section (2), to be temporarily assigned by the Minister for Justice to any circuit.

(3) Any judge of the Circuit Court who is for the time being permanently assigned to a particular circuit may at any time, if he so consents but not otherwise, be transferred by the Executive Council to another circuit, and shall upon such transfer become and be permanently assigned to such other circuit in lieu of the first-mentioned circuit.

Temporary assignment of a judge outside his own circuit.

16.—(1) The Minister for Justice may at any time, with the consent of the judge concerned, temporarily assign to any circuit

(whether there is or is not a judge permanently assigned thereto) any judge of the Circuit Court who is permanently assigned to another circuit.

(2) A judge of the Circuit Court who is temporarily assigned under this section to a circuit shall, while so temporarily assigned, have in relation to such circuit and concurrently with the judge (if any) permanently assigned to such circuit and any judge temporarily assigned thereto under section 9 of the Courts of Justice Act, 1928 (No. 15 of 1928), all the privileges, powers, and duties for the time being conferred or imposed by law on the judge permanently assigned to such circuit.

(3) The temporary assignment under this section of a judge to a circuit shall not terminate or effect the permanent assignment of such judge to the circuit to which he is for the time being permanently assigned nor deprive or relieve him of any of the privileges, powers, and duties vested in or imposed on him by virtue of such permanent assignment.

Pensions of judges of the Circuit Court.

17.—Where a person in receipt of a pension under section 41 of the Principal Act is employed in a situation remunerated out of moneys provided by the Oireachtas, then—

(*a*) such pension shall not be payable in respect of any period during which the remuneration of such person in such situation is equal to or greater than his remuneration in the judicial office in respect of which he is entitled to such pension, and

(*b*) so much only of such pension shall be payable in respect of any period during which the remuneration of such person in such situation is less than his remuneration in the said judicial office as with his remuneration in such situation will amount to his remuneration in the said judicial office.

Cesser of jurisdiction of the Circuit Court in winding-up of companies

18.—(1) The jurisdiction in the winding-up of companies which, immediately before the passing of this Act, was exercisable by the Circuit Court shall, on the passing of this Act, cease to be exercisable by that Court.

(2) Every proceeding for the winding-up of a company which was commenced in the Circuit Court before and is pending in that Court at the passing of this Act may be proceeded with and completed as if this section had not been enacted.

Transfer of action from one circuit to another circuit.

19.—Where an action is pending before a judge for the time being assigned to a particular circuit and application is made by any party to such action for the transfer of such action to another circuit for hearing before the judge for the time being assigned to such other circuit, such first mentioned judge may, with the consent of such other judge, transfer such action accordingly, and thereupon such action shall be heard and determined in such other circuit by such other judge.

Jurisdiction of Circuit Court in certain remitted actions.

20.—Where an action claiming unliquidated damages is remitted or transferred by the High Court to the Circuit Court, the Circuit Court shall have jurisdiction to award damages in excess of three hundred pounds.

Power to strike out with costs actions in excess of jurisdiction.

21.—(1) Where an action is brought in the Circuit Court which that Court has not jurisdiction to hear and determine, the judge shall, on the application of the defendant or one of the defendants or on his own motion, as soon as such want of jurisdiction becomes apparent (unless such consent as may be sufficient to cure such want of jurisdiction is duly lodged within such time as the judge shall allow) order the action to be struck out and may, if he thinks proper, make an order awarding to the defendant such costs as the Court could have awarded if it had had jurisdiction to hear and determine such action and the plaintiff either had not appeared or had appeared and failed to prove his demand.

(2) Whenever a judge of the Circuit Court is required by the foregoing sub-section of this section to order an action to be

struck out, such judge may, if he so thinks proper having regard to all the circumstances of the case, in lieu of making such order as aforesaid, transfer such action to the High Court and make such order as to the costs of the proceedings theretofore had in the Circuit Court as shall appear to him to be proper.

Case stated by judge of the Circuit Court.

22.—A judge of the Circuit Court shall, if an application in that behalf is made by any party to any matter pending before him and all other parties to such matter consent, refer any question of law arising in such matter to the Supreme Court by way of case stated for the determination of the Supreme Court unless such judge is of opinion that such question of law is not of sufficient importance to justify such reference.

Right to abandon excess in Circuit Court.

23.—(1) No cause of action for a liquidated sum in excess of three hundred pounds shall be split or divided, so as to be made the ground of two or more different actions, in order to bring such action within the jurisdiction of the Circuit Court and, if any cause of action is so split or divided, proceedings shall not (save as is authorised by the next following sub-section of this section) be sustainable in the Circuit Court in respect of any portion of such cause of action.

(2) A person having a cause of action for a liquidated sum in excess of three hundred pounds may institute one proceeding in the Circuit Court founded on such cause of action if the amount claimed in such proceeding does not exceed three hundred pounds and it is stated in the document originating such proceeding that the plaintiff thereby abandons all claims founded on such cause of action and not included in such proceeding.

(3) If in any such proceeding as is authorised by the next preceding sub-section of this section the Court gives judgment in favour of the plaintiff, the Court shall state in such judgment that the amount thereby awarded to the plaintiff is in full satisfaction of all claims which, in pursuance of the said sub-section, are stated in the document originating such proceeding to be thereby abandoned by the plaintiff.

Duration of judgments of the Circuit Court.

24.—(1) Every judgment made (whether before or after the passing of this Act) by the Circuit Court in a civil proceeding shall continue and, in the case of any such judgment made before the passing of this Act, be deemed always to have continued to be in force and to have effect for so long as such judgment would so continue or have so continued if it had been a judgment of the High Court.

Confirmation of grant of new licence.

25.—Where the Circuit Court grants under section 50 of the Principal Act a new licence for the sale of intoxicating liquor for consumption on the premises, such licence shall, notwithstanding anything contained in any enactment, not require confirmation at any subsequent sitting of the Circuit Court.

Amendment of section 48 of the Principal Act.

26.—Section 48 of the Principal Act is hereby amended by the substitution, in paragraph (i) of the said section, of the words "either before or at any time during the hearing" for the words "before the hearing" now contained therein, and the said section shall be construed and have effect accordingly.

Amendment of section 52 of the Principal Act.

27.—Notwithstanding anything contained in paragraph (vi) of section 52 of the Principal Act, any action founded on tort which is within the jurisdiction of the Circuit Court may be brought, heard, and determined (at the election of the plaintiff) either before and by the judge mentioned in the said paragraph (vi) or before and by the judge of the Circuit Court for the time being assigned to the circuit wherein the tort was alleged to have been committed.

PART IV.

Appeals from the Circuit Court.

Commencement of this Part of this Act.

28.—This Part of this Act shall come into operation on such date as shall be fixed in that behalf by the Minister for Justice by order made after consultation with the President of the High Court.

"The Dublin Circuit."

29.—In this Part of this Act the expression "the Dublin Circuit" means the circuit which consists of the county of Dublin and the county borough of Dublin.

Appeals from the Circuit Court in workmen's compensation cases.

30.—Nothing in this Part of this Act shall apply to appeals from decisions of the Circuit Court under the Workmen's Compensation Act, 1934 (No. 9 of 1934), nor prejudice or affect the provisions of that Act in respect of such appeals.

Finality of decision of Circuit Court in certain cases.

31.—(1) Notwithstanding anything contained in this Part of this Act, no appeal shall lie from any judgment or order of the Circuit Court in any civil action or matter which is final and conclusive by virtue of an Act of the Oireachtas whether passed before or after this Act, nor from any judgment or order of the Circuit Court made on a petition to the Circuit Court under section 6 of the Labourers (Ireland) Act, 1906, or under the Sixth Schedule to the Local Government Act, 1925 (No. 5 of 1925).

(2) Notwithstanding anything contained in this Part of this Act, no appeal shall lie from any decision of the Circuit Court on an appeal to that Court under an enactment relating to a tax or duty under the care and management of the Revenue Commissioners, save only such (if any) appeal (including an appeal by way of case stated) as may lie under any such enactment as aforesaid in force immediately before the commencement of this Part of this Act.

(3) Notwithstanding anything contained in this Part of this Act, no appeal shall lie from any decision of the Circuit Court on an appeal to that Court under the Valuation Acts, but in lieu of such appeal the right to a case stated conferred by sections 10 and 11 of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860, shall, on the commencement of this Part of this Act, become and be exerciseable and the said sections 10 and 11 and also section 12 (to the words "case under this Act") of the same Act, as adapted or modified by or under any Act passed before this Act, shall, as on and from such commencement, have full force and effect with and subject to the following modifications, that is to say:—

(*a*) references to a court of general or quarter sessions shall be construed as references to the Circuit Court, and

(*b*) references to the chairman of a court of general or quarter sessions shall be construed as references to the judge of the Circuit Court, and

(*c*) references to a superior court of law shall be construed as references to the High Court, and

(*d*) the decision of the High Court shall be subject to appeal to the Supreme Court.

Appeal towns.

32.—(1) Each city and town specified in the first column of the Second Schedule to this Act shall be an appeal town for the purposes of this Part of this Act.

(2) In this Part of this Act the expression "the appeal town"

means, in relation to any county or county borough specified in the second column of the Second Schedule to this Act, the city or town specified in the first column of the said Schedule opposite the mention of such county or county borough.

High Court Circuits.

33.—(1) At or before the commencement of this Part of this Act, the Minister for Justice shall by order, made after consultation with the President of the High Court, group the several counties and county boroughs (other than the county of Dublin and the county borough of Dublin) in Saorstát Eireann into such and so many High Court Circuits as he thinks proper.

(2) At any time after the commencement of this Part of this Act, the Minister for Justice may by order, made after consultation with the President of the High Court, either—

(*a*) alter the number of High Court Circuits and make such redistribution of the several counties and county boroughs (other than the county of Dublin and the county borough of Dublin) amongst the several High Court Circuits as he shall think proper having regard to such alteration of the number of such circuits, or

(*b*) without altering the number of the High Court Circuits, make such variation as he thinks proper of the distribution of the several counties and county boroughs (other than the county of Dublin and the county borough of Dublin) amongst such circuits.

(3) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House shall, within the next twenty-one days on which such House sits after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

The High Court on Circuit.

34.—(1) Twice in every year the High Court shall sit in every county and county borough (other than the county of Dublin and the county borough of Dublin) in Saorstát Eireann to hear appeals from the Circuit Court and to transact such other business as shall lawfully be brought before it, and for that purpose one or more judges of the High Court shall, at the times appointed under this section, travel each High Court Circuit and hold a sitting of the High Court in every appeal town in such circuit.

(2) The High Court when sitting in an appeal town in pursuance of this section shall be known and is in this Act referred to as the High Court on Circuit, and the sittings of the High Court in any such appeal town in pursuance of this section shall be known and are in this Act referred to as sittings of the High Court on Circuit.

(3) The half-yearly sittings of the High Court on Circuit in the respective High Court Circuits shall, so far as is practicable, take place simultaneously in all the High Court Circuits, and shall be held at intervals of time as nearly equal as is convenient having regard to all the circumstances, but in the calculation of such intervals the months of August and September shall not be counted.

(4) The Chief Justice and the President of the High Court shall jointly determine, in respect of each half-yearly sittings of the High Court on Circuit, the number of judges who shall travel and sit on each High Court Circuit for the purposes of such sittings and the day and hour at which such sittings shall commence in each appeal town on each such Circuit.

(5) Save so far as may be rendered necessary by unforeseen events occurring during the half-yearly sittings of the High Court on Circuit, the High Court shall not at any one time sit for the purposes of such sittings in more than one appeal town on any one High Court Circuit.

The judges of the High Court on Circuit.

35.—(1) The President of the High Court shall, if and when he thinks proper, travel and sit as a judge of the High Court on Circuit, and every other judge of the Hign Court shall travel and sit as a judge of the High Court on Circuit when requested by the President of the High Court so to do.

(2) Every ordinary judge of the Supreme Court shall travel and sit as a judge of the High Court on Circuit whenever requested by the Chief Justice so to do, and every such judge when so travelling and sitting shall be an additional judge of the High Court.

(3) The Chief Justice and the President of the High Court, after such consultation as they think proper with the judges concerned, shall determine, in respect of every half-yearly sittings of the High Court on Circuit, the several judges of the Supreme Court and of the High Court who shall be requested to travel and sit for the purposes of such sittings and the particular judge or judges who shall so travel and sit on each High Court Circuit.

(4) At any time during a half-yearly sittings of the High Court on Circuit, the Chief Justice and the President of the High Court, after consultation with the judges concerned, may make such rearrangement of the judges travelling and sitting for the purposes of such sittings and their allocation to particular High Court Circuits as may have become necessary or desirable owing to unforeseen circumstances.

Commissioners of the High Court on Circuit.

36.—(1) Whenever before or during a half-yearly sittings of the High Court on Circuit the Executive Council is satisfied, on representations made by the Chief Justice and the President of the High Court, that for any reason the number of judges of the Supreme Court and of the High Court available for travelling and sitting for the purposes of such half-yearly sittings is or has become insufficient for those purposes, a practising barrister of not less than twelve years' standing may be appointed to be a Commissioner of the High Court on Circuit for the purposes of those half-yearly sittings.

(2) Every Commissioner of the High Court on Circuit shall, during the half-yearly sittings or the remainder of the half-yearly sittings (as the case may be) of the High Court on Circuit for the purposes of which he is appointed, be an additional judge of the High Court and be entitled to the privileges and immunities of a judge of the High Court, but shall not sit or act as such judge elsewhere than in the High Court on Circuit.

(3) Every Commissioner of the High Court on Circuit shall travel and sit on such High Court Circuit as shall be determined by the Chief Justice and the President of the High Court.

(4) Every Commissioner of the High Court on Circuit shall receive out of moneys provided by the Oireachtas such remuneration as the Minister for Justice, with the sanction of the Minister for Finance, shall determine.

Appeals from the Circuit Court in civil cases heard without oral evidence.

37.—(1) An appeal shall lie to the High Court sitting in Dublin from every judgment given or order made (other than judgments and orders in respect of which it is declared by this Part of this Act that no appeal shall lie therefrom) by the Circuit Court in any civil action or matter at the hearing or for the determination of which no oral evidence was given.

(2) Every appeal under this section to the High Court shall be heard and determined by one judge of the High Court sitting in Dublin and shall be so heard by way of rehearing of the action or matter in which the judgment or order the subject of such appeal was given or made, but no evidence which was not given and received in the Circuit Court shall be given or received on the hearing of such appeal without the special leave of the judge hearing such appeal.

Appeals from the Circuit Court in cases not otherwise provided for.

38.—(1) An appeal shall lie from every judgment or order (other than judgments and orders in respect of which it is declared by this Part of this Act that no appeal shall lie therefrom and judgments and orders in respect of which other provision in relation to appeals is made by this Part of this Act) of the Circuit Court in a civil action or matter—

(*a*) where such judgment or order is given or made by a judge of the Circuit Court for the time being assigned to and sitting in the Dublin Circuit, to the High Court sitting in Dublin, and

(*b*) in every other case, to the High Court on Circuit sitting in the appeal town for the county or county borough in which the action or matter resulting in such judgment or order was heard and determined.

(2) Every appeal under the section shall be heard and determined by one judge of the High Court and shall be so heard by way of a rehearing of the action or matter in which the judgment or order the subject of such appeal was given or made.

(3) The judge hearing an appeal under this section may, if he so thinks proper on the application of any party to such appeal, refer any question of law arising in such appeal to the Supreme Court by way of case stated for the determination of the Supreme Court and may adjourn the pronouncement of his judgment or order on such appeal pending the determination of such case stated and, in particular, may so adjourn such pronouncement to Dublin and there pronounce his said judgment or order at any time after such determination.

(4) In the case of an appeal under this section to the High Court on Circuit, the judge hearing such appeal may if he so thinks fit, at any stage of the hearing of such appeal, adjourn the hearing or any part of the hearing of such appeal or the pronouncement of his judgment or order on such appeal to any other appeal town on the same Circuit or to Dublin and there hear and determine such appeal or part thereof or pronounce such judgment or order, as the case may be.

Finality of decisions on appeals under this Part of this Act.

39.—The decision of the High Court or of the High Court on Circuit on an appeal under this Part of this Act shall be final and conclusive and not appealable.

Miscellaneous provisions in relation to appeals.

40.—The following provisions shall apply and have effect in relation to all appeals under this Part of this Act to the High Court sitting in Dublin or to the High Court on Circuit, that is to say:—

(*a*) any such appeal may be limited to a specified part of the judgment or order which is the subject of such appeal;

(*b*) where there are several plaintiffs or several defendants, any one or more of such plaintiffs or such defendants (as the case may be) may appeal although the other or others of such plaintiffs or defendants refuse to join in such appeal;

(*c*) where there are several appellants or several respondents, and one or more but not all of such appellants or of such respondents dies or die before such appeal is determined, such appeal shall not abate by reason of such death or deaths;

(*d*) every notice in writing given by any party to the suit or matter to another such party for the purposes of the trial or hearing in the Circuit Court shall be good for the hearing of the appeal without renewal;

(*e*) the judge hearing the appeal shall have full powers of amendment in respect of summonses, civil bills, pleadings, notices, and other documents.

41.—(1) Whenever suitable courthouse accommodation is, for some temporary reason, not available in an appeal town for the purposes of a particular sitting of the High Court on circuit in that appeal town, the judge or judges assigned to sit in such appeal town for the purposes of such sitting may adjourn such sitting to any other convenient place (in the same or another county) at which suitable courthouse accommodation is available, and may so adjourn such sitting at any time after it comes to his or their knowledge that such courthouse accommodation is not or will not be available in such appeal town, and whether such judge has or has not, or such judges have or have not, entered such appeal town for the purposes of such sitting.

Non-availability of suitable courthouse accommodation

(2) Whenever, during a sitting of the High Court on circuit in an appeal town, suitable courthouse accommodation ceases to be available in such appeal town for the purposes of such sitting or the courthouse accommodation available in such appeal town becomes or is found to be unsuitable for the purposes of such sitting, the judge or judges sitting in such appeal town for the purposes of such sitting may adjourn the remainder of such sitting to any other convenient place (whether in the same or another county) at which suitable courthouse accommodation is available.

(3) Whenever a sitting or any part of a sitting of the High Court on circuit is adjourned under this section from an appeal town, the place to which such sitting or part of a sitting is so adjourned shall become and be the appeal town within the meaning of this Act for the holding of such sitting or part of a sitting, and such sitting or part of a sitting shall be held at such place accordingly.

42.—(1) In every county and county borough (other than the county of Dublin and the county borough of Dublin) the county registrar for such county or county borough shall act as registrar to the High Court on Circuit when sitting in such county or county borough, and shall perform and fulfil such other duties and functions in relation to that Court as shall be assigned to him by Rules of Court.

Registrars to the High Court on Circuit.

(2) It shall be lawful for the Minister for Justice, whenever he shall think proper so to do after consultation with the President of the High Court, to direct one or more of the officers for the time being serving in the Central Office of the High Court to travel to a particular appeal town for a particular sitting of the High Court on circuit in that appeal town and there perform such duties as are mentioned in that behalf in this section.

(3) It shall be lawful for the Minister for Justice, whenever he shall think proper so to do after consultation with the Chief Justice, to direct one or more of the officers for the time being serving in the Office of the Registrar of the Supreme Court to travel to a particular appeal town for a particular sitting of the High Court on circuit in that appeal town and there perform such duties as are mentioned in that behalf in this section.

(4) Every officer who is directed under this section to travel to an appeal town for a sitting of the High Court on circuit shall travel to such appeal town in accordance with such directions and shall there act as registrar (in addition to the county registrar) to the High Court on circuit during the said sitting of that Court, and shall be and stay in such appeal town for such time before, during, and after such sitting as shall be necessary for the proper discharge of his duties as such registrar.

(5) Every officer travelling to and staying in an appeal town in pursuance of this section shall receive, out of moneys provided by the Oireachtas, such travelling expenses and subsistence allowance in respect of such travelling and staying as the Minister for Justice shall, with the sanction of the Minister for Finance, from time to time direct.

Servants of judges of the High Court on Circuit.

43.—There shall be attached to every judge travelling and sitting as a judge of the High Court on Circuit and to every Commissioner of the High Court on Circuit one servant to perform such duties in relation to such judge or commissioner while travelling and sitting as such judge or commissioner as the Minister for Justice may appoint, and every such servant shall be appointed by the said Minister and shall hold office on such terms and conditions and receive out of moneys provided by the Oireachtas such remuneration and travelling expenses as the said Minister, with the sanction of the Minister for Finance, shall determine.

Provision of accommodation for judges of the High Court on circuit.

44.—(1) On the occasion of every sitting of the High Court on circuit in an appeal town, it shall be the duty of the county registrar within whose functional area such appeal town is situate to arrange for the provision of suitable lodgings, meals, and other accommodation for the judges (including commissioners of the High Court on circuit) constituting the said Court at such sitting and for the servants attached to each such judge or commissioner in pursuance of this Part of this Act while they respectively are in such appeal town for the purposes of their duties as such judges, commissioners, or servants.

(2) All expenses incurred in the provision of accommodation for judges (including commissioners) of the High Court on circuit and their servants in pursuance of this section shall, to such extent as the Minister for Justice, with the sanction of the Minister for Finance, shall determine, be paid out of moneys provided by the Oireachtas.

Pending appeals.

45.—The following provisions shall have effect in relation to appeals from judgments and orders of the Circuit Court in civil cases given or made before the commencement of this Part of this Act, that is to say:—

(*a*) if notice of appeal from such judgment or order was lawfully served before such commencement, the appeal from such judgment or order shall, if all parties so consent, be heard and determined under and in accordance with this Part of this Act, but if any party does not so consent such appeal shall be heard and determined as if this Part of this Act had not come into operation;

(*b*) if notice of appeal from such judgment or order is lawfully served after such commencement, the appeal from such judgment or order shall be heard and determined under and in accordance with this Part of this Act.

PART V.

The District Court.

Assignment of justices to districts.

46.—(1) Every person who is appointed to be a justice of the District Court shall be so appointed to be the justice assigned to a particular district.

(2) Any justice of the District Court may at any time, if he so consents but not otherwise, be transferred by the Minister for Justice from the district to which he is then assigned to another district and shall upon such transfer become and be assigned to such other district in lieu of the first-mentioned district.

(3) Nothing in this section shall apply to persons appointed under section 76 of the Principal Act to be temporary assistant justices of the District Court, or appointed under section 13 of the Courts of Justice Act, 1928 (No. 15 of 1928), to be assistant justices of the District Court.

Power to extend retiring age of justices in Irish-speaking districts.

47.—(1) Where a justice of the District Court, assigned to a district which includes an area in which the Irish language is in general use, is about to reach the age of retirement applicable to him by virtue of section 72 of the Principal Act and the Executive Council are satisfied that such justice possesses such knowledge of the Irish language as enables him to dispense with the assistance of an interpreter when evidence is given in that language and that such justice is not suffering from any physical or mental ill-health or disability which would render him unfit to continue to discharge efficiently the duties of his office, the Executive Council may, if they so think proper and notwithstanding anything contained in the said section 72, by order made before such justice attains the said age continue such justice in office for such period (not exceeding five years) from and after he attains the said age as they shall think proper and shall specify in such order.

(2) Where a justice of the District Court has been continued in office under this section for a period not exceeding five years or for two or more periods not exceeding in the aggregate five years and the Executive Council are satisfied that such justice is not suffering from any physical or mental ill-health or disability which would render him unfit to continue to discharge efficiently the duties of his office, the Executive Council may, if they so think fit and notwithstanding anything contained in section 72 of the Principal Act, by order made before the expiration of the said period or the last of the said periods (as the case may be) continue such justice in office for such further period from and after such expiration as they shall think proper and shall specify in such order, but subject to the limitation that the aggregate of the periods for which such justice is continued in office under this section shall not exceed five years.

(3) Where a justice of the District Court is continued in office under this section, the provisions of the Principal Act and this Act in relation to the resignation, removal, and pension of a justice of the District Court shall continue to apply to such justice during the period or periods for which he is so continued in office.

Pension rights of justices of the District Court.

48.—(1) Subject to the provisions of this section, every justice of the District Court who, after the passing of this Act, resigns or otherwise for any cause vacates his office after having completed thirty or more years of service shall be entitled for his life to a pension amounting to two-thirds of his salary at the time he so resigns or vacates his office.

(2) Subject to the provisions of this section, every justice of the District Court who, after the passing of this Act, vacates his office owing to age or permanent infirmity after having completed ten or more years and less than thirty years of service shall be entitled for his life to a pension calculated at the rate of one-sixth of his salary at the time he so vacates his office with the addition of one-fortieth of his said salary for every completed year of service in excess of ten such years.

(3) Any person who, at the passing of this Act, holds office as a justice of the District Court may, by notice in writing sent to the Minister for Finance not more than three months after such passing, elect to retain the pension rights conferred by section 75 of the Principal Act, and, where any such person so elects, the foregoing sub-sections of this section shall not apply to him and, in lieu thereof, the said section 75 shall (notwithstanding the repeal of that section by this Act) continue to apply to such person subject to the following modifications, that is to say:—

(*a*) the amount of any pension to which a person becomes entitled under the said section 75 (as so applied) after the passing of this Act shall be ten per cent. greater than the amount of the pension to which he would have

been entitled under the said section 75 if this section had not been enacted but subject to the limitation that the amount of such pension shall not, by virtue of the addition of such percentage, exceed one-half of the salary of such person at the time he vacates his office, and

(*b*) for the purposes of the subsequent provisions of this section, a pension payable under the said section 75 as applied by this section shall be deemed to be a pension under this section and the said provisions shall apply and have effect accordingly.

(4) A justice of the District Court who was formerly a District Justice under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923), shall be entitled to reckon for the purposes of this section or of section 75 of the Principal Act as applied by this Act his services as such District Justice as service as a justice of the District Court, and if he shall vacate his office as such justice of the District Court owing to age or permanent infirmity after less than twenty years' service (reckoned as aforesaid) he shall be deemed, for the purposes of this section, to have served in his said office for twenty years.

(5) Where a person in receipt of a pension under this section is employed in a situation remunerated out of moneys provided by the Oireachtas, then—

(*a*) such pension shall not be payable in respect of any period during which the remuneration of such person in such situation is equal to or greater than his remuneration in his former office in respect of which he is entitled to such pension, and

(*b*) so much only of such pension shall be payable in respect of any period during which the remuneration of such person in such situation is less than his remuneration in his said former office as with his remuneration in such situation will amount to his remuneration in his said former office.

(6) This section shall apply and be deemed always to have applied to every justice of the District Court who was formerly a District Justice under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923), and vacated his office owing to age before the passing of this Act, and accordingly every such justice shall be entitled and be deemed always to have been entitled, as from the date on which he so vacated his office, to such pension as he would have been entitled to if this section had then been in force, but subject to such adjustment as the Minister for Finance shall direct in respect of pension, gratuity, and allowance paid to him under section 75 of the Principal Act before the passing of this Act.

(7) Section 15 of the Principal Act shall apply to pensions payable under this section in like manner as it applies to the pensions mentioned in that section.

Removal, etc., of justices of the District Court.

49.—(1) The Chief Justice, the President of the High Court, and the Attorney-General shall constitute an advisory committee for the purposes of this section, and when acting as such committee shall have full power to inquire into and investigate in such manner as they think proper, whether by examination of witnesses or otherwise, any matters referred to them under this section or in regard to which they are authorised by this section to take action.

(2) The Registrar of the Supreme Court shall act as secretary to the said advisory committee.

(3) The Minister for Justice or any member of the said advisory committee may at any time bring to the notice of the said advisory committee either of the following matters in relation to any particular justice of the District Court, that is to say:—

(*a*) the fitness of such justice to continue to hold his office having regard to his mental or physical health, or

(*b*) the conduct of such justice (whether in the execution of his office or otherwise) either generally or upon a particular occasion.

(4) The said advisory committee shall investigate every matter brought to their notice under the next preceding sub-section of this section and—

(*a*) if such matter is the fitness of a justice of the District court to continue to hold his office having regard to his physical or mental health, the said advisory committee shall either (as they or a majority of them shall think proper) decide that no action should be taken in the matter or decide that such justice is unfit as aforesaid to continue to hold his office, or

(*b*) if such matter is the conduct of a justice of the District Court, the said advisory committee shall either (as they or a majority of them shall think proper) decide that no action should be taken in the matter, or decide that such conduct amounts to misbehaviour in office or that it amounts to misconduct and (in either case) that such justice is, on account of such conduct, unfit to continue to hold his office.

(5) Whenever the said advisory committee decides under this section that a justice of the District Court is unfit to continue to hold his office, the said advisory committee shall make and send to the Executive Council a report of their said decision (including a statement of the nature of such unfitness), and upon receipt of such report—

(*a*) if the nature of the unfitness stated in such report is mental or physical infirmity, the Executive Council may, if they so think proper, give such justice an opportunity of vacating his office on account of such infirmity and, if he does not or cannot avail himself of such opportunity, remove such justice from office on account of such infirmity, or

(*b*) if the nature of the unfitness stated in such report is either misbehaviour in office or misconduct, the Executive Council may, if they so think proper, give such justice an opportunity of vacating his office and, if he does not avail himself of such opportunity, remove him from office on account of such misbehaviour in office or misconduct, as the case may be.

(6) Whenever a justice of the District Court is removed from office by the Executive Council under this section on account of mental or physical infirmity, he shall be deemed, for the purposes of pension, to have vacated his office owing to permanent infirmity.

(7) No decision of or report by the said advisory committee under this section shall be questioned or made the subject of proceedings in any Court.

(8) In this section the expression "justice of the District Court" includes an assistant justice appointed under section 13 of the Courts of Justice Act, 1928 (No. 15 of 1928), but does not include a person appointed under section 76 of the Principal Act to be a temporary assistant justice of the District Court or a person appointed under this Part of this Act to act temporarily as a justice of the District Court.

Salary of assistant justice of the District Court.

50.—(1) Whenever an assistant justice of the District Court appointed (whether before or after the passing of this Act) under section 13 of the Courts of Justice Act, 1928 (No. 15 of 1928), has or shall have completed five years' service as such assistant justice, the salary of eight hundred pounds per annum which he is entitled, under sub-section (4) of the said section 13, to receive shall become and be increased, as on and from the 1st day of April, 1936, or such completion (whichever is the later) to nine hundred pounds per annum.

(2) Whenever any such assistant justice as is mentioned in the foregoing sub-section of this section shall have completed ten years' service as such assistant justice, the increased salary of nine hundred pounds per annum which he is entitled, by virtue of the said foregoing sub-section, to receive shall become and be further increased to nine hundred and fifty pounds per annum.

(3) All salary payable to an assistant justice by virtue of this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

Appointment of persons to act temporarily as additional justices of the District Court.

51.—(1) Whenever it appears to the Executive Council that, owing to the temporary absence from duty for any cause of a justice of the District Court or an unusual and temporary increase in the business of the District Court in any district or any other cause, it is necessary, in order to prevent the work of the District Court getting into arrear either generally or in any particular districts or district, to increase temporarily the number of the justices of the District Court, one or more persons who are practising barristers or solicitors of six years' standing at least at the date of appointment may be appointed to act as a justice or justices of the District Court for such period as the Executive Council shall think proper in respect of each such person.

(2) Every person appointed under this section to act as a justice of the District Court may, during the period for which he is so appointed, be assigned by the Minister for Justice from time to time as occasion requires to any district, and every such person shall while so assigned to a district have, in relation to such district and concurrently with the justice permanently assigned to such district, all the privileges, powers, and duties for the time being conferred or imposed by law on the justice permanently assigned to such district.

(3) Every person appointed under this section to act as a justice of the District Court shall, during the period for which he is so appointed, be paid out of moneys provided by the Oireachtas such remuneration as the Minister for Justice shall, with the sanction of the Minister for Finance, determine.

(4) Every person appointed under section 76 of the Principal Act to be a temporary assistant justice of the District Court who, at the passing of this Act, is holding office under such appointment shall continue to hold such office for the duration of such appointment in all respects as if this section had been in force at the date of such appointment and such appointment had been made thereunder.

52.—Paragraph A of section 77 of the Principal Act is hereby amended by the insertion at the end of the said paragraph of a new clause as follows, that is to say:— Amendment of section 77 of the Principal Act.

"(v) in proceedings at the suit of the council of a county, a county or other borough, or an urban district, or the commissioners of a town or a board of conservators of fisheries or a drainage board constituted under the Drainage Improvement of Land (Ireland) Acts, 1863 to 1892, for the recovery of any sum not exceeding twenty-five pounds in respect of rates due to such council, commissioners or board."

53.—Notwithstanding anything contained in section 79 of the Principal Act— Amendment of section 79 of the Principal Act.

(*a*) any civil proceedings founded on contract which is within the jurisdiction of the District Court may be brought, heard, and determined (at the election of the plaintiff) either before and by the justice mentioned in that behalf in the said section 79 or before and by the justice for the time being assigned to the district wherein the contract is alleged to have been made, and

(*b*) any civil proceedings founded on tort which is within the jurisdiction of the District Court may be brought, heard, and determined (at the election of the plaintiff) either before and by the justice mentioned in that behalf in the said section 79 or before and by the justice for the time being assigned to the district wherein the tort is alleged to have been committed, and

(*c*) any civil proceedings in ejectment which is within the jurisdiction of the District Court may be brought, heard, and determined (at the election of the plaintiff) either before and by the justice mentioned in that behalf in the said section 79 or before and by the justice for the time being assigned to the district wherein the lands the subject of such proceedings are situate.

54.—(1) Where a justice of the District Court assigned to a particular district requests another justice of the District Court to exercise, during such period not exceeding seven days as such first-mentioned justice may specify, the privileges, powers, and duties for the time being conferred by law on such first-mentioned justice in relation to such district, such other justice may, in addition to exercising the privileges, powers, and duties conferred by law on him in relation to the district to which he is for the time being assigned, exercise during the said period the privileges, powers, and duties for the time being conferred by law on such first-mentioned justice in relation to such first-mentioned district. Justice of District Court acting for another justice at request of latter.

(2) The provisions of this section are in addition to and not in substitution for the provisions of section 15 of the Courts of Justice Act, 1928 (No. 15 of 1928).

55.—Whenever an order is made by the District Court binding a person to the peace or to good behaviour or to both the peace and good behaviour and requiring him to enter into a recognisance in that behalf, such person may, at any time within one month Power of Circuit Court to release from recognisance.

after he has entered into such recognisance in accordance with such order, and on giving seven days' notice to the officer of the Gárda Síochána in charge of the district in which such person resides, apply in a summary manner to the judge of the Circuit Court within whose circuit the courthouse in which such order was made is situate to be released from the obligations imposed on him by such order and such recognisance respectively, and on the hearing of such application such judge may, if he so thinks proper, release such person from such obligations or modify in such manner as such judge thinks proper all or any of such obligations, and may make such release or modification either absolutely or subject to conditions and, in particular, subject to such person entering in the District Court into a new recognisance in lieu of such first-mentioned recognisance.

Amendment of section 83 of the Principal Act.

56.—Notwithstanding anything contained in section 83 of the Principal Act, an appeal shall lie by leave of the High Court to the Supreme Court from every determination (pronounced on or after the date of the passing of this Act) of the High Court on a question of law referred to the High Court under that section.

Amendment of section 84 of the Principal Act.

57.—Section 84 of the Principal Act is hereby amended by the substitution of the words " the courthouse in which such decision was given is situate " for the words " the district or any part of the district of the justice lies " now contained therein, and the said section shall be construed and have effect accordingly.

Amendment of section 18 of Courts of Justice Act, 1928.

58.—Sub-section (3) of section 18 of the Courts of Justice Act, 1928 (No. 15 of 1928), is hereby amended by the substitution of the words " the courthouse in which such order was made is situate " for the words " the district or any part of the district of such justice lies " now contained therein, and the said section shall be construed and have effect accordingly.

Appeals in licensing and club cases.

59.—Notwithstanding anything contained in any other enactment and, in particular, notwithstanding anything contained in section 18 of the Courts of Justice Act, 1928 (No. 15 of 1928), as amended by this Act, every appeal which lies to the Circuit Court from an order of the District Court in a criminal case under the Licensing (Ireland) Acts, 1833 to 1927, or under the Registration of Clubs Acts, 1904 to 1927, shall lie to the judge of the Circuit Court within whose circuit is situate the licensed premises or the club premises on or in respect of which the offence the subject of such order was committed or to which such order otherwise relates.

Power to strike out with costs in cases of excess of jurisdiction.

60.—Where a civil proceeding is brought in the District Court which that court has not jurisdiction to hear and determine, the justice shall, as soon as such want of jurisdiction becomes apparent, order such proceeding to be struck out and may, if he thinks proper, make an order awarding to the defendant such costs as the court could have awarded if it had jurisdiction to try and determine such proceeding and either the plaintiff did not appear or appeared and failed to prove his demand.

Duration of decree or dismiss of District Court.

61.—Every decree and every dismiss made (whether before or after the passing of this Act) by the District Court in a civil proceeding shall continue and, in the case of every such decree or dismiss made before the passing of this Act, be deemed always to have continued to be in force and to have effect for so long as such decree or dismiss would so continue or have so continued if it had been a judgment of the High Court.

Power to Attorney-General to send forward for trial.

62.—(1) Where a person is brought before a justice of the District Court charged with an indictable crime, and such charge either cannot lawfully be or is not disposed of summarily by such justice, and such justice refuses to receive informations in relation to such charge or to send such person forward for trial on such charge, then and in every such case it shall be lawful for the Attorney-General to direct that such person be sent forward for trial to a specified Court to which such justice could lawfully have so sent such person.

(2) Whenever the Attorney-General gives a direction under this section that a person be sent forward for trial to any particular Court on any particular charge, the Attorney-General shall cause such direction to be communicated to the district court clerk for the district court area in which such person was brought before the District Court on such charge, and thereupon such direction shall have the same operation and effect in all respects as an order of a justice of the District Court sending such person forward for trial to such Court on such charge would have had, and all persons concerned shall act accordingly.

(3) When a direction by the Attorney-General under this section has been communicated to the district court clerk in pursuance of the next preceding sub-section of this section, such district court clerk shall cause to be served on the person to whose trial such direction relates notice in writing stating that the Attorney-General has directed under this section that such person shall be sent forward for trial to a particular Court (which shall be specified in such notice) on a particular charge (which shall be similarly specified) and that such person is required to attend before the said Court at a specified time and place and there to stand his trial on the said charge.

(4) If a person on whom a notice has been served under the next preceding sub-section of this section fails to attend before the Court at the time and place specified in such notice, it shall be lawful for such Court, on proof of the service of such notice on such person not less than seven clear days before the day on which he is thereby required to attend before the said Court and of the service on such person of copies of the relevant depositions and particulars of all additional evidence intended to be adduced by the prosecution on the trial of such person, to issue a bench warrant for the arrest of such person and the bringing of such person before the said Court in custody.

Attendance of witnesses in civil cases.

63.—A justice of the District Court shall have the same powers of procuring the attendance of witnesses in the District Court in the exercise of his jurisdiction in civil cases as are vested in him in the exercise of his jurisdiction in criminal cases.

The Dublin Metropolitan Area and the Dublin district.

64.—(1) In this section—

the word "enactment" means an enactment contained in a British Statute or in an Act of the Oireachtas.

(2) The Minister for Justice may, if and when he thinks proper, by order declare that as on and from a specified day (in this section referred to as the appointed day) a specified district prescribed under section 68 of the Principal Act or under sub-section (3) of section 47 of the Court Officers Act, 1926 (No. 27 of 1926), shall be styled and known as the Dublin Metropolitan District.

(3) If and when the Minister for Justice makes such order as is authorised by the next preceding sub-section of this section, the following provisions shall have effect as on and from the appointed day, that is to say:—

(*a*) the said Minister may, at any time or times, by order transfer the title "Dublin Metropolitan District" to any other district prescribed under the said section 68 or the said section 47 differing wholly or partially from the district to which such title was previously attached;

(*b*) so much of any Act of the Oireachtas as requires, expressly or by implication, that one of the districts so prescribed as aforesaid shall consist of or include or be delimited by reference to the Dublin Metropolitan area shall cease to have effect;

(*c*) every reference in section 72 or section 74 of the Principal Act to the Police District of Dublin Metropolis (now styled the Dublin Metropolitan Area) shall be construed as a reference to the Dublin Metropolitan District, and the said sections shall have effect accordingly;

(*d*) every enactment which shall, on the day before the appointed day, be in force in and apply to the Dublin Metropolitan Area and in and to no other part of Saorstát Eireann shall, on and after the appointed day, cease to apply to the Dublin Metropolitan Area and in lieu thereof shall be in force in and apply to the Dublin Metropolitan District, and every reference in any such enactment to the Police District of Dublin Metropolis or to the Dublin Metropolitan Area shall be construed as a reference to the Dublin Metropolitan District;

(*e*) every enactment which shall, on the day before the appointed day, be in force in and apply to the whole of Saorstát Eireann except the Dublin Metropolitan Area shall, on and after the appointed day, be in force in and apply to the whole of Saorstát Eireann except the Dublin Metropolitan District, and every reference in any such enactment to the Police District of Dublin Metropolis or to the Dublin Metropolitan Area shall be construed as a reference to the Dublin Metropolitan District;

(*f*) nothing in either of the two next preceding paragraphs of this sub-section shall operate to keep in force any enactment or any provision in any enactment after the time at which such enactment or provision would have ceased to be in force if this section had not been enacted.

PART VI

Rules of Court.

Power of Minister for Justice to prescribe court fees.

65.—(1) It shall be lawful for the Minister for Justice, by order made with the consent of the Minister for Finance, to prescribe and from time to time as occasion requires vary or otherwise revise the fees to be charged in the several offices established by the Court Officers Act, 1926 (No. 27 of 1926), as amended by subsequent enactments (including this Act), and the persons by whom and the occasions on which such fees are to be paid and the officers by whom and the manner in which such fees are to be collected.

(2) An order made by the Minister for Justice under this section may provide that in every financial year commencing after the making of such order there shall be payable, by way of court fees, a percentage on the annual income arising in such year from the property of every person of unsound mind and every minor under the jurisdiction transferred by sub-section (1) of section 19 of the Principal Act to the Chief Justice, and such order may prescribe and from time to time vary the amount, method of calculation, collection, and disposal of such percentage, and, if thought fit, general or special exemptions therefrom, and such order may, in relation to the property of persons of unsound mind, be made by way of variation or extension of or in substitution for all or any of the provisions of sections 109 to 114 of the Lunacy Regulation (Ireland) Act, 1871.

(3) Unless and until the fees to be charged in any office established by the Court Officers Act, 1926, as amended by subsequent enactments (including this Act) are prescribed by an order made under this section, there shall be charged in such office the fees which were chargeable therein immediately before the passing of this Act, and all such fees shall be paid by the persons and on the occasions and be collected by the officers and in the manner by whom and on and in which such fees were payable and collectable immediately before such passing.

(4) All fees collected under this section or under an order made under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(5) The Public Offices Fees Act, 1879, shall not apply to any fees chargeable under this section or an order made under this section.

Fees under the Local Registration of Title (Ireland) Act, 1891.

66.—(1) From and after the passing of this Act, the power of fixing fees conferred by section 8 of the Local Registration of Title (Ireland) Act, 1891, on the Land Judge with the approval of the Lord Chancellor and the consent of the Treasury shall be exercisable only by the Minister for Justice with the consent of the Minister for Finance, and the power of altering such fees conferred by the said section shall be similarly exercisable.

(2) The reference in sub-section (1) of the said section 8 to the Land Judge (where that expression secondly occurs in the said sub-section) shall be construed and have effect as a reference to the Minister for Justice.

Superior Court Rules Committee.

67.—(1) There shall be and is hereby constituted a committee to be styled and in this Part of this Act referred to as the Superior Courts Rules Committee to fulfil the functions assigned to it by this Part of this Act.

(2) The Superior Courts Rules Committee shall consist of four ex-officio members and six nominated members.

(3) The ex-officio members of the said committee shall be—

(*a*) the Chief Justice, who shall be the chairman of the said committee;

(*b*) the President of the High Court, who shall be the vice-chairman of the said committee;

(*c*) the President of the Incorporated Law Society of Ireland;

(*d*) the Master of the High Court.

(4) Two of the nominated members of the said committee shall be ordinary judges of the Supreme Court and shall (when the number of such ordinary judges exceeds two) be nominated by the Chief Justice, and two of the said nominated members shall be ordinary judges of the High Court nominated by the President of the High Court.

(5) Two of the nominated members of the said committee shall be practising barristers nominated by the Council of the Bar of Saorstát Eireann, of whom one shall be a member of the Senior Bar and the other shall be a member of the Junior Bar.

(6) Every nominated member of the said committee shall, unless he sooner dies, resigns, or ceases to be (as the case may be) an ordinary judge of the Supreme Court, an ordinary judge of the High Court, a practising barrister, or (in the case of the member of the Junior Bar) a member of the Junior Bar, hold office as such member for five years from the date of his nomination.

(7) A nominated member of the said committee whose membership thereof expires by effluxion of time shall be eligible for renomination.

(8) The Registrar of the Supreme Court shall be the secretary of the said committee.

(9) The quorum of the said committee shall be six members.

(10) The said committee may act notwithstanding one or more vacancies in its membership.

Rule making authorities under section 36 of the Principal Act.

68.—(1) From and after the passing of this Act the power of making, annulling, or altering rules of court and making new rules conferred by section 36 of the Principal Act shall cease to be exercisable by the Minister for Justice, and in lieu thereof it is hereby enacted that, subject and without prejudice to the provisions of this Act in regard to the fees chargeable in court offices, the said power shall be exercisable by the Superior Courts Rules Committee with the concurrence of the Minister for Justice.

(2) The reference in sub-section (1) of section 12 of the Approved Investments Act, 1933 (No. 34 of 1933), to the Committee mentioned in section 36 of the Principal Act shall be construed and have effect as a reference to the Superior Courts Rules Committee.

Circuit Court Rules Committee.

69.—(1) There shall be and is hereby constituted a committee to be styled and in this Part of this Act referred to as the Circuit Court Rules Committee to fulfil the functions assigned to it by this Part of this Act.

(2) The Circuit Court Rules Committee shall consist of two ex-officio members and six nominated members.

(3) The ex-officio members of the said committee shall be—

(*a*) the judge or (if more than one) the senior of the judges of the Circuit Court for the time being assigned to the Circuit which includes the county borough of Dublin, who shall be the chairman of the said committee;

(*b*) the county registrar for the county and city of Dublin, who shall be the secretary of the said committee.

(4) Two of the nominated members of the said committee shall be judges of the Circuit Court nominated by the judges of the Circuit Court, and two others of the said nominated members shall be practising barristers nominated by the Council of the Bar of Saorstát Eireann, and two others of the said nominated members shall be practising solicitors nominated by the Council of the Incorporated Law Society of Ireland.

(5) Every nominated member of the said committee shall, unless he sooner dies, resigns or ceases to be (as the case may be) a judge of the Circuit Court, a practising barrister, or a practising solicitor, hold office as such member for five years from the date of his nomination.

(6) A nominated member of the said committee whose membership thereof expires by effluxion of time shall be eligible for renomination.

(7) The quorum of the said committee shall be four members.

(8) the said committee may act notwithstanding one or more vacancies in its membership.

Rule-making authority for the Circuit Court.

70.—Subject and without prejudice to the provisions of this Act in regard to the fees chargeable in court offices, the rule-making authority for the Circuit Court for the purposes of section 66 of the Principal Act shall be the Circuit Court Rules Committee with the concurrence of the Minister for Justice.

District Court Rules Committee.

71.—(1) There shall be and is hereby constituted a committee to be styled and in this Part of this Act referred to as the District Court Rules Committee to fulfil the functions assigned to it by this Part of this Act.

(2) The District Court Rules Committee shall consist of two ex-officio members and seven nominated members.

(3) The ex-officio members of the said Committee shall be—

(*a*) that one of the justices of the District Court for the time being assigned to the district which comprises or includes the county borough of Dublin who is, for the purposes of section 74 of the Principal Act as amended by this Act, the senior of such justices, who shall be the chairman of the said committee;

(*b*) the District Court clerk for the district which comprises or includes the county borough of Dublin, who shall be the secretary of the said committee.

(4) Four of the nominated members of the said committee shall be justices of the District Court nominated by the Minister for Justice, and one other of the said nominated members shall be a practising barrister nominated by the Council of the Bar of Saorstát Eireann, and two others of the said nominated members shall be practising solicitors nominated by the Council of the Incorporated Law Society of Ireland.

(5) Every nominated member of the said committee shall, unless he sooner dies, resigns, or ceases to be (as the case may be) a justice of the District Court, a practising barrister, or a practising solicitor, hold office as such member for five years from the date of his nomination.

(6) A nominated member of the said committee whose membership thereof expires by effluxion of time shall be eligible for renomination.

(7) The quorum of the said committee shall be four members.

(8) The said committee may act notwithstanding one or more vacancies in its membership.

Rule-making authority for the District Court.

72.—Subject and without prejudice to the provisions of this Act in regard to the fees chargeable in court offices, the rule-making authority for the purposes of section 91 of the Principal Act shall be the District Court Rules Committee with the concurrence of the Minister for Justice.

Local Registration of Title Rules Committee.

73.—(1) There shall be and is hereby constituted a committee to be styled and in this Part of this Act referred to as the Local Registration of Title Rules Committee to fulfil the functions assigned to it by this Part of this Act.

(2) The Local Registration of Title Rules Committee shall consist of two ex-officio members and two nominated members.

(3) The ex-officio members of the said committee shall be—

(*a*) the Judge of the High Court for the time being assigned to discharge the office of Judicial Commissioner of the Irish Land Commission, who shall be the chairman of the said committee;

(*b*) the Registrar of Titles, who shall be the secretary of the said committee.

(4) One of the nominated members of the said committee shall be a practising barrister nominated by the Council of the Bar of Saorstát Eireann, and the other of the said nominated members shall be a practising solicitor nominated by the Council of the Incorporated Law Society of Ireland.

(5) Every nominated member of the said committee shall, unless he sooner dies, resigns, or ceases to be (as the case may be) a practising barrister or a practising solicitor, hold office as such member for five years from the date of his nomination.

(6) A nominated member of the said committee whose membership thereof expires by effluxion of time shall be eligible for renomination.

(7) The quorum of the said committee shall be three members.

(8) The said committee may act notwithstanding one vacancy in its membership.

Rules under the Local Registration of Title (Ireland) Act, 1891.

74.—From and after the passing of this Act, the power of making general rules conferred by section 94 of the Local Registration of Title (Ireland) Act, 1891, on the Land Judge with the approval of the Lord Chancellor shall be exercisable only by the Local Registration of Title Rules Committee with the concurrence of the Minister for Justice.

Reports by rule-making committees.

75.—(1) The secretary of each of the several committees established by this Part of this Act shall summon a meeting of such committee once at least in every year on such day as may be fixed by the chairman of such committee, for the purpose of the general consideration by such committee of the practice, procedure, and administration of the court in relation to which such committee is constituted and the law affecting or administered by such court or, in the case of the Local Registration of Title Rules Committee, the practice, procedure, and administration under the Local Registration of Title (Ireland) Act, 1891, and the operation and effect of that Act.

(2) As soon as conveniently may be after every meeting of any such committee in pursuance of this section, such committee shall report to the Minister whether any and if so what amendments or alterations should, in the opinion of such committee, be made in the practice, procedure, or administration of the court in relation to which such committee is constituted or in the law affecting or administered by such court with a view to the improvement of the administration of justice or, in the case of the Local Registration of Title Rules Committee, in the practice, procedure, and administration under the Local Registration of Title (Ireland) Act, 1891, with a view to the improvement of the operation of that Act.

PART VII.

Miscellaneous Provisions.

Duration of imprisonment for non-payment of revenue penalty.

76.—Where any person was or shall be committed to prison (whether before or after the passing of this Act) by a justice of the District Court for non-payment of a penalty incurred under an Act relating to a tax or duty under the care and management of the Revenue Commissioners and the Revenue Commissioners have by law power to order the discharge of such person from prison, the Revenue Commissioners are hereby authorised and required on the passing of this Act or at the expiration of six months from the date of the committal of such person to prison (whichever is the later), to order the discharge of such person from prison, whether the penalty for the non-payment of which such person was so committed to prison shall or shall not have been paid.

Payments to judges, etc., for recoupment of expenses.

77.—There shall be paid out of moneys provided by the Oireachtas, to judges of the Supreme Court, the High Court, and the Circuit Court, to justices of the District Court, and to Commissioners of the High Court on Circuit such sums (in addition to remuneration) by way of recoupment of expenses incurred in travelling or otherwise for the purpose of the execution of their respective offices as the Minister for Justice, with the sanction of the Minister for Finance, shall from time to time determine.

Liability of unsuccessful defendant for costs of successful defendant

78.—Where, in a civil proceeding in any court, there are two or more defendants and the plaintiff succeeds against one or more of the defendants and fails against the others or other of the defendants, it shall be lawful for the Court, if having regard to all the circumstances it thinks proper so to do, to order that the defendant or defendants against whom the plaintiff has succeeded shall (in addition to the plaintiff's own

costs) pay to the plaintiff by way of recoupment the costs which the plaintiff is liable to pay and pays to the defendant or defendants against whom he has failed.

Clearing of Court at certain trials.

79.—Whenever a person is being tried in any Court on a charge of having committed an offence which is, in the opinion of the judge or justice presiding at such trial, of an indecent or obscene nature, it shall be lawful for such judge or justice, if he thinks proper so to do in the interests of public morality, to exclude from such Court during the whole or any particular part of such trial all persons except the said judge or justice, the accused, the officers of such Court and other persons present at such trial in an official capacity, all persons engaged or concerned in such trial in any capacity, every person who satisfies the judge or justice that he is a bona fide representative of the Press and is present as such representative, and such other persons as the said judge or justice shall, at his discretion, permit to remain in such Court.

Person standing mute.

80.—Whenever a person charged in the Central Criminal Court or in the Circuit Court with any crime or offence stands mute when called upon to plead to such charge, no jury shall be sworn for the trial of the issue whether such person so stands mute of malice or by the visitation of God, but in lieu thereof the Judge shall himself hear such evidence (if any) relevant to that issue as may then and there be adduced before him and, if the Judge is satisfied on such evidence that such person is mute by the visitation of God, all such consequences shall ensue as would have ensued if a jury sworn for the purpose had found that such person was so mute by the visitation of God, but if the Judge is not satisfied as aforesaid or if no such evidence is so adduced, the Judge shall direct a plea of " not guilty " to be entered for such person.

Prohibition of imitation of court documents.

81.—(1) It shall not be lawful for any person to issue, send, give, or deliver to or serve on or cause to be issued, sent, given or delivered to or served on any other person any document not issued under lawful authority which by its form, contents, or appearance is calculated or is reasonably likely to lead the person receiving it to believe that it is issued by lawful authority.

(2) Every person who issues, sends, gives, delivers or serves or causes to be issued, sent given, delivered, or served any document in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) In this section the expression " issued by lawful authority " means issued by, from, or by order of any Court of Justice or any judge or justice of any such Court or by or from any officer of or office attached to any such Court.

PART VIII.

Amendment of Certain Enactments.

Amendment of section 53 of the Dublin Police Act, 1842.

82.—Section 53 of the Dublin Police Act, 1842, is hereby amended by the deletion from the said section of the words " any of the divisional justices ", and the insertion in the said section of the words " a justice of the District Court " in lieu of the words so deleted, and the said section shall be construed and have effect accordingly, and the said section as so amended shall have effect throughout Saorstát Eireann.

Amendment of the Fatal Accidents Act, 1846.

83.—(1) Notwithstanding anything contained in the Fatal Accidents Act, 1846, any action under that Act may with the consent of all parties to such action be heard and

determined by a judge without a jury, and when any such action is so heard section 2 of the said Act shall be construed and have effect as if the word " judge " were substituted therein for the word " jury " wherever that word occurs and such further modifications were made in the said section as may be necessary in consequence of such substitution.

(2) Notwithstanding anything contained in section 2 of the Fatal Accidents Act, 1846, the amount recovered in any action under that Act shall (after deducting the costs not recovered from the defendant) be divided, in pursuance of the said section 2, amongst the parties mentioned in that section in such shares as the judge before or by whom such action is tried shall determine and direct.

Amendment of section 86 of the Probates and Letters of Administration Act (Ireland), 1857.

84.—(1) Section 86 of the Probates and Letters of Administration Act (Ireland), 1857, is hereby repealed and in lieu thereof it is hereby enacted as follows, that is to say:—

(*a*) every person (with the exceptions hereinafter mentioned) to whom any grant of administration shall be committed shall give a bond to the President of the High Court to inure for the benefit of the President of the High Court for the time being, and, if the Court or (in the case of a grant from the district registry) the district registrar shall so require, with one or more surety or sureties, conditioned for duly collecting, getting in, and administering the personal estate of the deceased and so much of the real estate of the deceased as shall by law devolve to and vest in his legal personal representative;

(*b*) the said bond shall be in such form as the President of the High Court shall, by any special or general order, direct;

(*c*) it shall not be necessary for the Chief State Solicitor or the Solicitor for the Attorney-General to give any such bond as aforesaid when applying for or obtaining administration to the use or benefit of the State.

(2) Paragraphs (*a*), (*b*), and (*c*) of the foregoing sub-section of this section shall be read as one with the Probates and Letters of Administration Act (Ireland), 1857, and shall be construed accordingly, and references in that Act or in rules of court to the bond required by section 86 of that Act shall be construed as references to the bond required by the said paragraph (*a*).

Amendment of section 9 of the Summary Jurisdiction (Ireland) Amendment Act, 1871.

85.—Section 9 of the Summary Jurisdiction (Ireland) Amendment Act, 1871, is hereby amended by the deletion from the said section of the words " any of the divisional justices of the police district of Dublin Metropolis presiding in one of the public courts of the said district ", and the insertion in the said section of the words " a justice of the District Court " in lieu of the words so deleted, and the said section shall be construed and have effect accordingly, and the said section as so amended shall have effect throughout Saorstát Eireann.

Amendment of section 14 of the Agricultural Credit Act, 1929.

86.—(1) Sub-section (1) of section 14 of the Agricultural Credit Act, 1929 (No. 30 of 1929), is hereby amended by the deletion therefrom of paragraph (*e*) thereof.

(2) The amendment of sub-section (1) of section 14 of the Agricultural Credit Act, 1929, made by the foregoing sub-section of this section shall have effect as from the passing of the said Act and accordingly the said section 14 shall be construed and have effect and be deemed always to have had effect with and subject to such amendment.

FIRST SCHEDULE.

Enactments Repealed.

PART I.

Enactments Repealed as from the Passing of this Act.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
14 & 15 Vic., c. 57.	Civil Bill Courts (Ireland) Act, 1851.	Section 60.
16 & 17 Vic., c. 113.	Common Law Procedure Amendment Act (Ireland), 1853.	Sections 126 and 243.
19 & 20 Vic., c. 102.	Common Law Procedure Amendment Act (Ireland), 1856.	Section 97.
27 & 28 Vic., c. 99.	Civil Bill Courts Procedure Amendment Act (Ireland), 1864.	Section 8.
28 & 29 Vic., c. 1.	Civil Bill Courts (Ireland) Act, 1865.	Section 1, the words 'In the eighth section the word "Seventeenth" shall be substituted for the word "Sixteenth."'
31 & 32 Vic., c. 54.	Judgments Extension Act, 1868.	The whole Act.
40 & 41 Vic., c. 57	Supreme Court of Judicature (Ireland) Act, 1877.	Section 53, the words "And provided also; that in all actions for libel where the jury shall give damages under forty shillings, the plaintiff shall not be entitled to more costs than damages."
45 & 46 Vic., c. 31.	Inferior Courts Judgments Extension Act, 1882.	The whole Act.
54 & 55 Vic., c. 66.	Local Registration of Title (Ireland) Act, 1891.	Sub-sections (2), (3), and (4) of Section 94.
No. 10 of 1924.	Courts of Justice Act, 1924.	Section 36, the clause at the end thereof beginning "Such rules of court" and ending "of Ireland"; section 45, all words from the words "In the case of illness" to the end of the section; section 48, in paragraph (v) the words "including winding-up of companies" and the words "and in winding-up cases where the issued capital of the company does not exceed £10,000"; section 65; section 70 from the words "In case of" to the end of the section; sections 73, 75, 76, 90, 92, and 101.
No. 27 of 1926.	Court Officers Act, 1926.	Section 57.
No. 37 of 1929.	Courts of Justice Act, 1929.	The whole Act.
No. 55 of 1931	Landlord and Tenant Act, 1931.	Sub-sections (3) and (4) of section 5.

PART II.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF PART IV OF THIS ACT.

Number and Year	Short Title	Extent of Repeal
No. 10 of 1924.	Courts of Justice Act, 1924.	Section 48, the words "under section 61 of this Act"; section 61; section 96, the words "or the Circuit Court" wherever those words occur, and all words from the words "and, in the case of" to the words "otherwise perverse."
No. 15 of 1928.	Courts of Justice Act, 1928.	Sections 11 and 12.

SECOND SCHEDULE.

APPEAL TOWNS.

Appeal Towns	Counties and County Boroughs
Carlow	Carlow county.
Cavan	Cavan county.
Ennis	Clare county.
Cork	Cork county.
Cork	Cork County Borough
Letterkenny	Donegal county.
Galway	Galway county.
Tralee	Kerry county.
Naas	Kildare county.
Kilkenny	Kilkenny county.
Carrick-on-Shannon	Leitrim county.
Port Laoighise...	Leix county.
Limerick	Limerick county.
Limerick	Limerick county borough.
Longford	Longford county.
Dundalk	Louth county.
Castlebar	Mayo county.
Trim	Meath county.
Monaghan	Monaghan county.
Tullamore	Offaly county.
Roscommon	Roscommon county.
Sligo	Sligo county.
Nenagh	Tipperary county (North Riding).
Clonmel...	Tipperary county (South Riding).
Waterford	Waterford county borough.
Waterford	Waterford county.

SECOND SCHEDULE—*continued.*

Appeal Towns	Counties and County Boroughs
Mullingar	Westmeath county.
Wexford	Wexford county.
Wicklow	Wicklow county.

Saorstát Eireann.

BILLE CUIRTEANNA BREITHIUNAIS, 1934.

BILLE

dá ngairmtear

Acht chun socruithe bhreise agus fheabhsa do dhéanama maidir le riaradh cirt agus chun leasuithe do dhéanamh chuige sin ar na hAchtanna Cúirteanna Breithiúnais, 1924 go 1931, agus ar achtacháin eile.

Rithte ag Dáil Eireann, 26*adh Mí na Samhna,* 1936.

BAILE ATHA CLIATH :
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach tré aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 5 Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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Saorstát Eireann.

COURTS OF JUSTICE BILL, 1934.

BILL

entitled

An Act to make further and better provision in relation to the administration of justice and for that purpose to amend the Courts of Justice Acts, 1924 to 1931, and other enactments .

Passed by Dáil Eireann, 26*th November,* 1936.

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