

SUGGESTIONS

SUBMITTED TO

THE MAGISTRATES

OF THE

COUNTY OF TYRONE.

Armagh:

PRINTED BY JOHN M'WATTERS,
ENGLISH-STREET.

1838.

SUGGESTIONS

THE ILLINOIS STATUTES

COUNTY OF DUNDAS

Printed by

JOHN M. WATKINS

ENGLISH-GREAT

1838

Houses of the Oireachtas

TO THE

Magistrates of the County of Tyrone.

CALEDON, 15th April, 1838.

GENTLEMEN,

As I have received frequent applications for copies of the "Suggestions" I offered to you in 1836, and the limited number printed at that time having been expended, I have been induced to re-print them, in a different form, which I have done the more readily, as I have thus been enabled to include the amendments made by the Act 6th and 7th Wm. IV., chap. 34, and to annex, with material additions, a Schedule of Forms, such as were attached to my letter to you, of the 2d January, 1832.

I cannot touch on this subject, without repeating my sense of obligation to Mr. Nun, the Assistant-Barrister, who, I must remind you, either framed, or approved of, each of the former Suggestions, and to whom I am

again indebted for the enlargement, or revision, of what I now submit to you; indeed, without his aid and approval, I should not venture to recommend to you any particular course of proceeding; but, guided by his advice, I feel confident I shall not lead you into error.

The uniformity of practice by Magistrates at Petty Sessions, within the County, has, no doubt, contributed to the satisfaction of parties seeking redress, as the application of fixed rules, in regulating decisions on the Bench, must check vexatious litigation, whilst it gives confidence to the injured in the assertion of their claims.

I avail myself of this occasion to congratulate you upon your co-operation at Petty Sessions—a co-operation honourable to yourselves and eminently useful to the public.

I have the honour to be,

Gentlemen,

With the highest respect,

Your most obedient, humble servant,

CALEDON.

SUGGESTIONS.

1.—In the first proceeding, viz., that of Summoning Parties to appear at Petty Sessions, the Magistrates should be careful to ascertain that the subject matter of the complaint is within their jurisdiction, otherwise the party summoned may have reason to complain that he has been unwarrantably subjected to inconvenience and expense. For this purpose, the Magistrate should institute a short previous inquiry into the complaint, or, when required by Statute, should take a previous information on oath, and he should, in all cases, carefully read the Summons before he signs it. It will be observed, that to prevent the practice and guard against the mischief of permitting Summonses, signed in blank by the Magistrate, to be afterwards

filled up and issued by the Petty Sessions Clerk, or procured from the Clerk, out of Sessions, by the party complaining, the Petty Sessions Act requires, that no Summons shall be signed by any Magistrate, unless the blanks in the same shall have been first duly filled up. See 7 & 8, Geo. IV., chap. 67, sec. 15.

2.—Where the Party complaining applies for a Warrant, or where, before granting a Summons, an Information upon Oath is proper, the party complaining, or his witness, should be examined upon Oath; but, before administering the Oath, it is recommended that the Magistrate shall ascertain, by a short inquiry, the facts to which the witness can depose, by permitting him to detail the transaction in his ordinary manner; and if it plainly appear that he cannot depose to any material fact in support of the complaint, the Magistrate will exercise his discretion in not administering an Oath, which it is desirable to avoid, unless its necessity be apparent, and the frequency of which is objectionable. By such previous inquiry, also, the Magistrate may be made acquainted with local descrip-

tions and collateral circumstances, which may happen to be useful auxiliaries to the comprehension of the principal facts.

3.—If, in such case, it appear, that the party preferring the complaint can depose to any material fact, he should then be sworn or affirmed, and his Information taken ; the Oath or Affirmation should, in all cases, be administered before the witness proceeds to give his Information. And here it may be observed, with respect to a practice which sometimes obtains, viz. that of permitting the Clerk of Petty Sessions to fill the Information, in the absence of the witness, and upon recollection of the *viva voce* testimony given by him at the Sessions where the complaint had been preferred, such written information to be afterwards sworn to by the witness, at a subsequent Petty Sessions, that such practice seems objectionable upon several grounds. First, it too frequently happens, in such case, that the Clerk, either from want of sufficient knowledge, or to save himself trouble, curtails the information, omitting material facts ; and it must be within the observation of every one

whose duty has led him to a perusal of these documents, that a settled form is generally adopted, in a variety of cases differing in their circumstances, which is altogether inapplicable, and is calculated to mislead both the Court and its Officers. Secondly, it is to be apprehended that the informant is thereby frequently induced, in compliance with the information thus tendered to him, to depose to matter not within his intention, and which does not detail the proper facts of the case. And, Thirdly, it should be borne in mind, that the Statute, 9th Geo. IV., chap. 54, sec. 2 & 3, requires that all the material facts and circumstances shall be set forth, and that this is requisite, as well, in order that the Officer of the Court before which the trial is to be had, may thereby be enabled to frame a correct bill of Indictment, as also that the Court may have the means of ascertaining, by reference to the statement contained in the Information, whether the testimony of the witness at the trial corresponds therewith, which is occasionally of the last importance in testing the credit of the witness. For these purposes, it

is also desirable that the Information shall be taken as nearly as possible in the words used by the witness, and it seems better, therefore, in general, to take it in the first person, as that naturally used by the witness. But the introduction of technical terms, suggested by the person taking the information, is especially objectionable, inasmuch as their precise signification is not understood by the ordinary class of persons. The Magistrates should also be careful to ascertain, that the facts deposed to are within the knowledge or belief, and not merely the opinion of the witness, or from hearsay.

4.—When the person accused is brought before the Magistrates, the prosecutor or witness should, in all cases, attend and be sworn, to *identify* the Prisoner. If the original information, taken at the time the complaint was made, contain a full statement of the case, and that the witnesses for the prosecution have nothing further to depose, except to identify the Prisoner, it is not usual to require a second information to the same facts; but, in such case, the witnesses are re-sworn, in

the presence of the prisoner, to the truth of their former depositions, and also to the identity of the Prisoner, which latter statement must be subjoined to the original Information, and the Information being then read distinctly to the witnesses, in the presence of the prisoner, the latter is permitted to examine the witnesses respecting the matters therein charged against him. If he decline so doing, or that nothing additional is elicited, a fresh jurat is made to the original Information, with the additional averment, above stated, as to the identity of the prisoner, subjoining also, that it has been sworn in the presence and hearing of the prisoner. But in this case, the witnesses should be thus re-sworn to the truth of their former informations, and not merely called to re-assert their truth.

5.—Where a fresh Information is requisite, or additional matter is to be introduced in the original Information, the Suggestions above made (in Nos. 3 and 4) are applicable, observing to state, that it has been taken in the presence and hearing of the prisoner.

6.—The evidence against the accused having been read over to him, so that he shall be made fully acquainted with the charge, he should be asked if he wishes to say anything in answer to it, the Magistrate, at the same time, informing him that he is not bound to state anything, or to make any disclosure, which may criminate himself; but that, whatever he may state will be taken down, and may be afterwards used in evidence against him; and care should be taken that neither promises nor threats be held out to induce the accused to make any admission against himself. What the accused then states should be taken down in writing, and this should be done at the time that such statement is made by him, and also in the very words, or as nearly as possible, *in the words used by him*. Attention to this latter caution cannot be too strongly enforced, and for this purpose it is again suggested, as in the case of taking Informations (*Supra*, No. 3) that the statement be taken down, as it is usually made, in the first person. 'This statement should then be perused by the accused, or read over to him in such a deliberate manner that

he may perfectly comprehend it, and he should thereupon be asked if it be true, and what he has intended to state, and if he say it is, he should be asked to sign it, and the signature of the Magistrate should also be affixed. But though the accused shall refuse to sign it, if he admit its truth, it should be signed by the Magistrate, and returned with the Information. *The accused should not, in any case, be sworn,* and if his statement be taken upon oath, it will not be admissible in evidence.

7.—If there be several prisoners implicated in the same charge, it may be advisable, especially if the offence be of a serious character, that their statements be taken separately, and not in presence of each other.

8.—If, from the absence of witnesses or from any other reasonable cause, it become necessary or expedient to defer the examination, or to continue it at a future day, the Magistrates may, for such purpose, commit the accused for further examination; but, in the exercise of this discretion, he will take care that the postponement shall not be for a longer time

than is necessary for the due investigation of the case. So, where two Magistrates have a discretionary power to take bail, upon a charge of Felony or suspicion of Felony, under the circumstances specified in 9, Geo. IV. chap. 54, sec. 1, if they have reason to believe that, by adjourning the inquiry, the accused may be enabled to bring forward such evidence as will induce them to take bail, it will be proper to commit, not for trial, but for further examination only; or if, upon such charge, at any time previous to first committal for trial, they shall decide that bail ought to be taken, and that the accused has not his bail ready, they may, by remanding him in like manner, give him a reasonable time to procure it. But in all cases of commitment for further examination, it is proper that the committing Magistrates shall be present on the day appointed for further examination, being most competent, from their previous knowledge, to decide upon the case.

9.—Should it happen that the Magistrates, being unable to enforce the attendance of the accused, are obliged to take examinations

against him in his absence, and to transmit them, under 6 & 7, Wm. IV. chap. 34, sec. 6, a copy thereof should be retained in the custody of the Clerk of the Petty Sessions (sealed up) so as to carry the Suggestion (No. 6) into effect. In case the accused shall be subsequently apprehended and brought before them, when, possibly from the absence of the witnesses, they may not be enabled to take fresh examinations.

10.—The declaration of a person in extremity, and under the impression of impending dissolution, repeating the mortal injury inflicted upon him, or what is called his dying declaration, made in the absence of the prisoner, is properly taken without oath. Indeed, in such case, the Magistrate does not, in strictness, act in his Magisterial capacity, or with authority to administer an oath, as in the case of an Information taken under the Statute. But it is always desirable, as, from the nature of his office, it is probable, that a Magistrate should be called upon, in a matter of such solemn import, in preference to any person of less experience and information. Such de-

claration, however, is not inadmissible in evidence, though it obtains no additional sanction, when taken upon oath thus extra-judicially administered. If taken in the presence and hearing of the prisoner, it becomes an Information, and is properly taken upon oath, subject to the observations suggested (*Supra*, No. 3); and, in either case, should be taken in the words, or, as nearly as possible in the words, used by the person making it.


WITH RESPECT TO THE FORM OF THE INFORMATION, AND THE STATEMENTS PROPER FOR PARTICULAR CASES.

11.—In every Information it is absolutely necessary to state, not only the proper Christian and Surname of the different persons swearing the Informations, but also their true Addition or Employment, (as Farmer, Labourer, Merchant, &c.) and the name of the Townland, Parish, Barony and County, in which each of them lives. If the Prosecutor lives in a City or Town, the Street in which he lives should also be mentioned. These particulars are requisite for the information of the

Officer of the Court, in preparing the Indictment, and also in returning the Estreats of Recognizances forfeited, in which he is obliged to make Oath, that all these circumstances are truly set forth, to the best of his knowledge. And the Statute 57, Geo. III., chap. 56, sec. 2 & 4, requires that all these circumstances shall be stated in every Recognizance, whether of Bail or for the Appearance of the party accused, under a penalty of Fifty Pounds upon any Magistrate who neglects so to do.

12.—In all cases where a Woman is either the Prosecutor or the Prisoner, be particular in stating whether she be Married or single; in Larceny cases, if the Prosecutor be a Married Woman, mention her Husband's name; and in all cases, give the full Christian name, without any abbreviations.

13.—In cases of Larceny, describe accurately and distinctly, what the Stolen Articles are, and never use general words, such as "Wearing Apparel, Shop Goods, Farming Implements, Hardware," &c. &c., but state each article stolen, distinctly by name; and

in case of several Articles being Stolen by the Prisoner, belonging to different persons, state particularly the Articles belonging to each person ; be very particular also in stating the Date when, and the Place where the Property was found ; and every circumstance which can assist in forming an opinion whether the Indictment should be for Stealing or for Receiving the Property, knowing it to be Stolen.  Attention to this is most desirable.

14.—In cases of Cattle Stealing, be very particular in describing accurately the sex and character of the Animal stolen ; for instance, in the case of Horses, whether the Animal was an Entire Horse, a Mare, a Gelding, a Colt, or a Filly ; in the case of Black Cattle, whether the Animal was a Bull, a Cow, a Bullock, a Steer, a Heifer, or a Calf ; and in the case of Sheep, whether the Animal was a Ram, a Ewe, a Wether, or a Lamb.

15.—In cases of Stealing Money, mention, distinctly, of what items the money stolen consisted, as nearly as possible ; for instance, where £10 has been stolen, say Five One

Pound Bank Notes, Two One Pound Ten Bank Notes—One Sovereign—Four Half-Crowns, and Ten Shillings:

16.—Mention whether the Articles or Money were stolen from the person of the Prosecutor or not.

17:—In cases of Stealing from Bleach Greens, mention whether the Webs were Linen, Cotton, or Unions; and in cases of Yarn, whether Woollen, Linen or Cotton Yarn.--- And in all cases of Stealing any Silk, Woollen, Linen or Cotton Goods, in process of Manufacture, state whether the Goods stolen were of the value of Five Shillings. 9th Geo, IV., chap, 55, sec. 16.

18.—In cases of Stealing Growing Trees, or Shrubs, &c., or Breaking or Damaging same, with intent to steal them, state whether they were growing in any Park or Ground adjoining or belonging to any Dwelling-house; and if so, whether the value of the Articles stolen, or the injury done, exceed the Sum of One Pound; and if not growing in any such situation, then state whether such value or injury exceed Five Pounds.—

9th Geo, IV., chap. 55, sec. 31. N.B.—Stealing, or Breaking with intent to Steal Trees or Shrubs, &c., to the value of One Shilling, wheresoever growing, is punishable by summary Conviction, before two or more Justices of the Peace. 9th Geo, IV., chap, 55, sec. 32—See also sections 33, 34, 35 & 36, of the same Statute.

19.—In Informations against a Receiver of Stolen Goods, if the person who stole them be known, mention his name.

20.—In cases of obtaining Money or Goods under false pretences, describe the whole conversation and conduct of the Prisoner, as accurately as possible; and in cases of Cheating, be as minute as you can, as to the Frauds practised. If the Prisoner obtained Money or Goods, under a False Written Order, be very particular in setting out the Order verbatim, if it shall not be affixed to the Information, which, in general, it is the better course to adopt, after it shall have been marked for identity by all the parties whose Informations have referred to it. 9th Geo. IV., chap. 55, sec. 46.

21.—In cases of Embezzlement of Money or Goods, or any valuable security, by Clerks, Servants or Agents, state, particularly, what was embezzled, and all the circumstances under which it was done; by which of these three descriptions of persons it was done; and if by an Agent, whether he had received any directions in *writing*, how to apply the Money. 9th Geo. IV., chap. 55, sec. 40, 42.

22.—In cases of Forged Notes, as it is necessary to describe the Note correctly in the Indictment, mention the name of the Bank, (and if a Branch Bank, what Branch), the Date, the Sum, the Number, and the Signature of the Clerk. And in this case, the Note may be affixed to the Informations, after it shall have been marked for identity by all the parties whose Informations have referred to it, as is suggested in the preceding number (20th) with respect to Written Orders.

23.—In cases of passing Bad Coin, collect and state all the previous instances of the Prisoners having passed Bad Coin, and the times when they did so; whether any of the Prisoners had any bad Coin in their possession when

taken into Custody, and how many pieces ; and also (if it can be ascertained) whether any of them had ever been previously convicted of passing Bad Coin ; of course, mention, distinctly, the different kinds of Coin, as is directed in the 12th Suggestion, respecting Larceny of Coin. The Coins should also be carefully marked for identity, by every person through whose hands they may have passed, before the detection and arrest of the Prisoner ; and care should also be taken, that after having been so marked, they are Sealed up by the Constable, or other person to whose charge they may be confided, so as to be produced in that state at the trial. It is also of great importance, that the precise nature of the transaction in which the Prisoners passed, or attempted to pass the Coin in question, should be particularly set out by the Information, together with his conduct upon his examination before the Magistrates.

24.—In all cases of Violence to the Person, such as Murder, Rape, Stabbing, Cutting, or Wounding, or assault, be as minute as possible in describing the different acts done by

each of the Prisoners. In cases of Stabbing, Cutting, or Wounding, if done with intent to Murder, or to Maim, Disfigure, Disable, or to do some grievous Bodily harm, or with intent to resist an Arrest. 10th Geo. IV., chap. 34, sec. 14, 15—1st Vict., chap. 85. And in cases of Assault, if such as to endanger life or to inflict grievous Bodily harm. 10th Geo. IV., chap. 34, sec. 29. And in all, if committed with Fire Arms, or dangerous weapons, the instruments, if discovered, should be preserved and marked, for identity at the trial.

25.— In all cases of Breaking into a Dwelling-House, mention the *hour* at which it was done, and the acts of the Prisoner thereupon; and in case of Breaking and Stealing therefrom, state whether the Prisoner, in so doing, had *broken into or out of the Dwelling-House*, and at what hour. In cases of Stealing from a Dwelling-House, *without Breaking* into or out of it, state whether any person who was in the Dwelling-House at the time, was *put in fear*, or whether the things Stolen therefrom, were or were not of the value of Five Pounds. In cases of Breaking into an Out-House, and

Stealing therefrom, state whether that Out-House communicated with the Dwelling-House by an enclosed or covered passage, or whether it be a Shop, Ware-House, or Counting-House, without any such communication. 9th Geo. IV., chap. 55 sec. 11, 12, 13, 14, 15—see also 2 & 3, Wm. IV., chap. 62—3 & 4, Wm. IV., chap. 44—1st Vict., chap. 86.

26.—In cases of Rescue, observe the same care in describing the Articles Rescued, and in stating whose property they are, together with the Name of the Place where the offence was committed, as is directed in the 10th Suggestion above, with respect to Goods stolen; and state also, whether the Goods Rescued were under Seizure as a Distress for Rent, or in Execution of a Civil Bill Decree, or Sheriff's Warrant, or how otherwise.

Erasures and interlineations should be avoided as much as possible; when introduced, the erasure or interlineation should be made before the Oath is administered, and a memorandum of the circumstance affixed by the Magistrate.

SUGGESTIONS FOR PROCEEDING, AFTER THE INFORMATIONS HAVE BEEN TAKEN.

27.—When the party accused is admitted to bail, be careful to set forth the particulars above stated (see No, 11) and also to state the offence for which the party so admitted to bail is to be tried.

28.—The Warrant of Committal should state concisely the offence, with a memorandum at foot, mentioning whether the case is to be returned to the Assizes or Quarter Sessions.

29.—When the party accused is committed to custody, if the case be such as may be tried either at Assizes or Quarter Sessions, it should be sent to the earliest trial, the Prisoner being entitled, if innocent, to his earliest liberty. Cases of Stabbing, Cutting or Wounding, with the intent specified in 10, Geo, IV., chap, 34, sec, 14, 15, (*supra*, No. 24) are Felony, though sometimes termed Malicious Assaults, and should be returned to the Assizes, Violent Assaults, which come within the class of those specified in 10, Geo, IV., chap, 34, sec, 29, may be returned either to Assizes or Sessions, and therefore are properly sent to the earliest

trial. But it is desirable that party cases, in which political feelings are engaged, should be returned to the Assizes. 'The informations &c., may be returned to the Sessions, whether for the District in which the offence has been committed, or any other District, if more convenient to the parties, or that, for other reasons, the Magistrates deem it expedient.

30.—Strict attention should be given to the enactment of the Statute, 9th Geo, IV., chap. 54, sec. 2 & 3, that, when any person charged with an indictable offence shall be Bailed or committed for Trial, the Magistrate shall bind the Witnesses to appear thereat, the Prosecutor to prefer a Bill of Indictment, and give evidence, and the other witnesses to give evidence.

31.—Magistrates are earnestly requested also to inform all persons bound to prosecute or give evidence, that they *must* attend at the Assizes or Quarter Sessions, as the case may be, early *on the day on which the Grand Juries are sworn*, to be examined by them, *otherwise their Recognizances will be Estreated.*

PROCEEDINGS ON SUMMARY CONVICTIONS.

32.—In cases of Summary Convictions under Statute, the particular statute under which the Magistrates act, frequently provides a Form of Conviction, which is, in such case, to be pursued. And the Statute, 3d Geo. IV., chap, 23, supplies a General Form of Conviction, applicable to all other cases of Summary Conviction.

33.—Such Convictions, when formally drawn up, should contain, first, a statement of the Information under which the Magistrates have proceeded; secondly, the Summons to the Defendant; thirdly, his appearance or default; fourthly, the evidence given before the Magistrate, in support or negation of the charge; fifthly, the adjudication or judgment, and the disposition of the penalty, if of a pecuniary nature.

34.—In the Form of Conviction given by the Statute, 3d Geo. IV., chap. 23, the evidence, both in support of the Information and for the defence, should be stated, and as nearly as possible in the words used by the witnesses; that is, such evidence as is relevant to the

charge: for the Magistrates are not bound to set out every word, or all the irrelevant matter which may happen to be given in evidence before them; they must use a discretion in the matter; but, subject to this qualification, they should set out the evidence as nearly as possible in the words used by the witnesses. And it is further provided, by 6 & 7 Wm. IV., chap. 34, sec. 2, that a note or minutes, in writing, of the evidence for the prosecution and defence, shall be made in a book to be kept by the Clerk, if the Plaintiff or Defendant so require, and such book shall be signed by the Magistrate.

35.—With respect to the Statute, 9th Geo. IV., chap. 56, sec. 30, which authorizes Summary Convictions for Wilful or Malicious Injuries to Property, to the extent of £5, it is to be observed, that the Magistrates are not authorized to award the full sum of £5, at all events, but that they should ascertain the amount of the injury done, and that the sum to be awarded by them, not exceeding £5, (over and above costs, which may be also awarded,) shall be a reasonable compensation

for, and in proportion to, the injury done, and shall be paid to the party aggrieved, provided he be not examined in support of the charge; or, if he be examined, or not known, or in case of public property, or where any public right is concerned, shall be applied in manner directed by Section 39 of this Statute. But they are not authorized to award £5, unless damage to that amount be proved, except where several persons have joined in committing the offence, and that they are severally punished, each in the amount of the injury done, in which case no more than one penalty shall be paid to the party aggrieved, the rest to be applied as directed by Section 39 of this Statute. If a Body Corporate be the party aggrieved, such compensation shall be payable to such body. 9th Geo. IV., chap. 54, sec. 35.

36.—All Convictions should be returned to the Quarter Sessions, whether the party appeal or not; and this is specially provided by the recent Statutes relating to Larceny, 9th Geo. IV., chap. 55, sec. 72, and to Malicious Injuries to Property, 9th Geo. IV., chap. 56, sec. 52.

OF RETURNING THE INFORMATIONS, RECOGNIZANCES, &c.

37.—The Petty Sessions Act requires that all Informations and Recognizances taken thereat, or transmitted thereto, shall be transmitted to the Clerk of the Crown or Clerk of the Peace, as the nature of the case may require, in fourteen days, at the latest, from the Committal, Bailment, or taking of such Recognizance; and that the Clerk shall endorse the true date of its being so transmitted, and shall, on the day before the day for holding such Petty Sessions, enter, in the Book of Proceedings, the particulars of the Informations so transmitted by him since the last Petty Sessions, and to whom transmitted, and shall sign the same, under penalty of £5 for such omission or neglect, recoverable by Civil Bill. 6 & 7, Wm. IV., chap. 34, sec. 6. The Magistrates are bound to see that this enactment is observed by their Clerks, as it is also their duty to deliver, or cause all such Informations, &c., to be delivered to the proper Officer of the Court in which the trial is to be had, or the appeal lodged. 9 Geo. IV., chap. 54, sec. 2 & 3.

38.— In order to provide for the careful custody of such documents, and for their safe and regular transmission, the following Suggestions are offered :—First, That the Magistrates, on each day of Petty Sessions, at the close of business, shall enclose and Seal all Informations and Recognizances, &c., whether to be left in the custody of the Clerk, or in the depository of the Petty Sessions-Room. Secondly, That, for the purpose of enforcing a strict compliance with the Act of Parliament, each Petty Sessions Clerk shall be desired to enclose, in a sheet of strong paper, directed to the Clerk of the Crown or Clerk of the Peace, as the case may be, under Seal of the Petty Sessions Office, on a certain specified day in each month, all Informations and Recognizances then in his custody, or in the Petty Sessions Office, with the date of its delivery endorsed thereon, and to give them in charge to the Constable of Police stationed at the shortest distance from his residence, with directions to deliver their several packets to the Chief Constable of the Barony ; and that such Chief Constable shall be directed to

forward them, on the following day, to the Clerks of the Crown and Peace.

39.—When Magistrates receive Orders from the Government or the Court of King's Bench, to return copies of Informations, they should send the copies in a Sealed Parcel, and retain the Original Informations, to be returned to the Clerk of the Crown, or the Clerk of the Peace.

OTHER SUGGESTIONS.

40.—With respect to the Fees receivable by Clerks of Petty Sessions, it appears that such Fees are to be taken only for matters done by the Magistrates at Petty Sessions. 7th & 8th Geo. IV., chap. 67, sec. 8 & 10. The Clerk shall keep a separate list thereof, setting forth the particulars herein specified, and shall, every three months, transmit a copy thereof to the Secretary of the Lord Lieutenant, with the Quarterly Returns.—Id. sec. 8.

41.—Every Information, Examination, and Recognizance, taken before any Magistrate not sitting in Petty Sessions, shall, with all convenient dispatch, and, at the latest, before

the next ensuing Petty Sessions day, be transmitted to the Clerk of Petty Sessions of the District, and shall by him be laid before the Magistrates at such ensuing Petty Sessions ; and the Clerk shall keep a separate list thereof, setting forth the particulars herein specified, and shall, every three months, transmit a copy thereof to the Secretary of the Lord Lieutenant, with the Quarterly Returns. 6 and 7 Wm. IV., chap. 34, sec 5—see, also, 7 and 8 Geo. IV., chap. 67, sec. 13.

42.—When the Magistrates are empowered by Statute to award a punishment, in the event of conviction, which they conceive commensurate to the offence, it is desirable that they shall proceed to hear and determine the case, instead of sending it to the Assizes or Sessions, for not only is summary punishment most effectual as an example, but time is saved to witnesses and expense to prosecutors, the loss of which is, in general, severely felt by them, and thus operates as a punishment of the party who has sustained the injury ; whilst, on the other hand, many chances of escape are afforded to the guilty, from the non-attend-

ance of the prosecutor or some of his witnesses, or from other fatalities.

43.—Magistrates are particularly enjoined to bear in mind, that it is not lawful for any Justice of the Peace, or other person, to administer, or cause or allow to be administered, or to receive, or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation, touching any matter or thing, whereof such Justice, or other person, hath not jurisdiction or cognizance by some Statute in force at the time being. 5 and 6 Wm. IV., chap. 62, sec. 13.

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Houses of the Oireachtas

APPENDIX.

SCHEDULE OF FORMS.

- No. 1.—Summons.
- 2.—Oath.
- 3.—Information.
- 4.—Warrant of Arrest.
- 5.—Examinations of the Accused.
- 6.—Commitment for Re-examination.
- 7.—Recognizance to Prosecute and give Evidence; or to give Evidence.
- 8.—Recognizance of Accused and his Bail, to appear and answer to Indictment.
- 9.—Committal for Trial.
- 10.—Search Warrant.
- 11.—Information praying Sureties of the Peace.
- 12.—Recognizance for the Peace, or good Behaviour.
- 13.—Commitment for default thereof.
- 14.—Notice for Payment of Wages.
- 15.—Wages, Order, and Warrant.
- 16.—Summary Conviction for Offences connected with Larceny.
- 17.—Summary Conviction for Malicious Injury to Property.
- 18.—Summary Conviction for Offence against the Person.
- 19.—Summary Conviction where no particular form is otherwise directed.
- 20.—Warrant of Distress.
- 21.—Return to Warrant of Distress.
- 22.—Commitment in default of Distress.
- 23.—Commitment when the Punishment is by Imprisonment.
- 24.—Commitment in Default of immediate payment of a Penalty.
- 25.—Commitment in Default of payment of a Penalty within a limited time.
- 26.—Return of Proceedings in Petty Sessions, as required by 6th & 7th Wm. IV.

No. 1.

SUMMONS.

County of TYRONE, } *By the Magistrates at a Petty*
 to wit. } *Sessions of the Peace, held at*

YOU are hereby required personally to appear before US,
 at the Office for holding Petty Sessions in _____ on
 the _____ at _____ o'Clock,
 to answer the Complaint of _____

And herein fail not as you shall answer the contrary at your
 peril.—Given under our Hands this _____ day of _____ 183

To

[See "Suggestion" No. 1.]

No. 2.

FORM OF OATH.

THE Evidence you shall give in this case, to the Magis-
 trates now assembled, shall be the Truth, the whole Truth,
 and nothing but the Truth, SO HELP YOU GOD.

[See "Suggestion" No. 1.]

INFORMTATION.

County of TYRONE, } THE Information of
 to wit. }

*Taken by the Magistrates at a Petty Sessions of the Peace
 held at*

Informant being duly Sworn on the Holy Evangelists, and
 Examined on OATH, saith that

[The evidence should be taken, as nearly as possible, in the words
 used by the witness.—See "Suggestion" No. 3.]

Informant acknowledges himself bound to our }
 SOVEREIGN LADY the QUEEN, in the }
 Sum of to prosecute this his Informa- } £
 tion at the next General to be }
 held in and for said County.

Taken and Sworn before Us, this day of

183

NOTE.—In cases of Information taken *after* the party has been ar-
 rested, and preparatory to his Committal for *trial*, add *viz*; and in
 the presence and hearing of charged before me (*or us*)
 by with (*state the offence as in Information and*
Warrant) which said Informant on his Oath affirmed before me (*or*
us) the said Justice, in the presence and hearing of
 with that &c.—See "Suggestions" No. 2 to 5, 11 to 26, 37 & 38.

 WARRANT OF ARREST.

County of TYRONE, } *By the Magistrates at a Petty*
 to wit. } *Sessions of the Peace, held at*

WHEREAS, we have received information on the Oath of

THESE are therefore in Her Majesty's Name, strictly charging and commanding you, and every of you, on sight or receipt hereof, (without any delay,) to apprehend the Bod of the said

if found in said County, and so apprehended, you are to bring before Us, or some of Us, or some other of Her Majesty's Justices of the Peace, for said County, in order that may be dealt with according to Law, (at the next General to be held in and for said County.)

Given under our Hands and Seals, this day of
 183

To all Chief and Sub-Constables, in }
 and for the said County of Tyrone, }
 and their Assistants.

THE EXAMINATION OF THE ACCUSED.

County of TYRONE, } *By the Magistrates at a Petty*
 to wit. } *Sessions of the Peace, held at*

THE Examination of A. B. — (labourer) taken this
 day of _____ in the Year of our Lord, One
 Thousand, Eight Hundred, and Thirty _____ before me
 (or us) Her Majesty's Justices of the Peace for the County
 aforesaid.

The said A. B. being charged before me (or us), the said
 Justice, on the Oath of C. D., of _____ (farmer) for
 that he, the said A. B., on _____ at _____ &c., (*des-*
cribing the offence, as in warrant or commitment) upon his
 examination now taken before me (or us) saith "I am not
 guilty of the offence with which I am charged." "I bought
 the goods in question for five shillings, from a man whom I
 met on the road leading to _____ on the day before I
 was taken." "I do not know the man's name, or where he
 lives," &c., (*stating what the accused says, as nearly as*
possible in the words he uses, (See "Suggestion" No. 6),
or if the accused declines to say anything in his behalf,
the examination, after stating the offence with which the
party is charged as above, may proceed thus)—"And the
 witness against the said A. B. is now asked by me (or us)
 if he wishes to say anything in his own behalf, whereupon
 the said A. B. saith 'I shall not say anything at present,
 'but shall reserve what I have to say for the day of my
 'trial,' (*stating whatever the prisoner may say, as nearly as*
possible in the words he uses.)

Taken before me (or us) the day and
 year above mentioned.

(See "Suggestion" No. 6.)

COMMITMENT FOR RE-EXAMINATION.

County of TYRONE, } *By the Magistrates at a Petty*
 to wit. } *Sessions of the Peace, held at*

J. P., Esq., one of (or J. P. and E. F., Esqs., two of)
 Her Majesty's Justices of the Peace for said County, to all
 Chief and Petty Constables in said County, and to the
 Keeper of the County Gaol (or Bridewell) at
 in the said County.

These are to command you, the said Constables, in Her
 Majesty's name, forthwith to convey and deliver into the
 custody of the said Keeper of the said County Gaol (or
Bridewell) the body of A. B., charged this day before me
 (or us) the said Justice, on the Oath of C. D.
 on suspicion that he, the said A. B., on _____ at
 &c., (describing the offence as in the Warrant for Appre-
 hension.) "But inasmuch as E. F, a material and necessary
 "witness against the said A. B., resides at _____ a dis-
 "tance of _____ miles from the said dwelling house of the
 "said C. D. (or as the case may be), and he the said C. D.
 "hath not been able to procure the attendance of the said
 "E. F., but will use his best endeavours to do so on the
 " day of _____ instant."

You, the said Keeper, are hereby required to receive the
 said A. B. into your custody in the said common Gaol (or
Bridewell), until _____ next, the _____ day of
 _____ instant, when you are hereby required to bring
 the said A. B. before me _____ (or us) _____ at
 _____ in the said County, or before such others of
 her Majesty's Justices of the Peace for the said County as
 shall be then and there present, to be Re-examined and fur-
 ther dealt with according to Law. Herein fail you not

Given under my Hand and Seal, the _____ day of _____
 in the year of our Lord _____

"See "Suggestions" No. 8.

RECOGNIZANCE TO PROSECUTE AND GIVE
EVIDENCE,

(OR TO GIVE EVIDENCE.)

County of TYRONE, } *By the Magistrates at a Petty*
to wit. } *Sessions of the Peace, held at*

Be it remembered that on the _____ day of _____ in
the year of the reign of _____ C. D. of _____ in
the said County (*state the name and addition, as directed*
by 59th Geo. III., chap. 56, sec. 2) came before me (*or us*)
Justices of Peace for said County, and ac-
knowledged himself to owe to our Sovereign Lady the Queen,
the sum of _____ to be made and levied off his goods
and chattels, lands and tenements, to the use of our said
Lady the Queen, her heirs and successors, if he the said
shall fail in the conditions underneath.

The condition of the foregoing Recognizance is such, that
if the above bounden C. D. shall personally appear at the
next General "Gaol Delivery," or "Quarter Sessions of
the Peace," to be holden at _____ in and for said County,
and shall then and there prefer, or cause to be preferred, a
Bill of Indictment against one A. B., for (*describing the*
offence as in the Warrant), and shall then also give evidence
there concerning the same, (*or in case of a witness*), "and
"shall then and there give evidence as he knoweth, upon a
"Bill of Indictment to be exhibited by C. D. of
"to the Grand Jury, against A. B. of _____ for"
(*describing the offence*), and in case the said Bill shall be
found a true Bill, then if the said C. D. shall then and there
give evidence as well to the Jurors that shall then inquire
of the said Offence, as also to the Jurors that shall pass
upon the trial of the said A. B. upon the Bill of Indict-
ment, and not depart thence without leave of the Court,
then this Recognizance to be void, or else to remain in full
force and virtue in Law.

Taken, Sworn, and acknowledged before US,
this _____ day of _____ 183

RECOGNIZANCE OF ACCUSED AND HIS
BAIL TO INDICTMENT.

County of TYRONE, } *By the Magistrates at a Petty*
to wit. } *Sessions of the Peace, held at*

maketh Oath, that he usually resides
at _____ in the Townland of _____
in the Parish of _____ in the Barony of _____
in the County of _____ and that his addition as set
forth in the Recognizance hereto annexed is just and true.

maketh Oath, that he is a Householder,
and has a House wherein he usually resides at
in the Townland of _____ in the Parish of _____
in the Barony of _____ and in the County of _____
and that he supports and maintains himself by _____
and that he is worth the Sum of _____ Pounds Sterling,
over and above all his just Debts.

maketh Oath, that he is a Householder,
and has a House wherein he usually resides at
in the Townland of _____ in the Parish of _____
in the Barony of _____ and in the County of _____
and that he supports and maintains himself by _____
and that he is worth the Sum of _____ Pounds Sterling,
over and above all his just Debts.

Be it Remembered that
_____ and every of them came in their proper Persons
and severally and respectively acknowledged themselves to be in-
debted to our Sovereign Lady the Queen, in the Sums to their Names
respectively annexed, that is to say—

The said _____	in the Sum of _____	Pounds.
The said _____	in the Sum of _____	Pounds.
The said _____	in the Sum of _____	Pounds.

The Condition of the foregoing Recognizance is such, that if the
above-bound _____ shall keep the Peace and be of good
behaviour towards all her Majesty's Liege subjects, from the date
hereof, and in particular towards _____ of _____
until the next General _____ to be held at _____
and appear at said _____ and there remain from Day to Day
to answer such Matters and Things as shall be then and there ob-
jected against him on Her Majesty's behalf, by the said _____ for
and concerning (*here state the offence charged*) and shall not depart
the Court without License, then the foregoing Recognizance to be
void, otherwise to remain in full force and virtue in Law.

Taken, Sworn, and acknowledged before US, this _____ day of
183 _____

(See "Suggestions" Nos. 27, 30, 31.)

COMMITTAL FOR TRIAL.

County of TYRONE, } BY one
 to wit. } of Her Majesty's Justices of the
 _____ Peace for said County.

I send you this Committal for the Body of
 charged by the Examination of
 taken upon oath before me, with having

And the said you are to receive, detain, and
 keep until shall be thence
 discharged by due course of Law.

Given under Hand this day of 183

To the Keeper of Her Majesty's }
 Gaol in and for }
 the County of

[See "Suggestions," Nos. 28, 29, 30, & 31.]

No. 10.

SEARCH WARRANT.

County of TYRONE, } BY
 _____ }
 to wit. _____ }

WHEREAS, it appears by the Information on Oath of
 a credible witness in this behalf, that he
 the said _____ hath reasonable cause to suspect, and
 doth suspect that _____ of _____ in
 the same County, hath in his possession or on his premises

*(Here describe the Goods, &c., and offence by means of
 which they have been obtained from the owner.)*

These are therefore in Her Majesty's Name, strictly to
 charge and command you, to make diligent Search for the
 said goods, and for that purpose to enter in the day time into
 the Dwelling-house and premises of the said

at _____ aforesaid, and if the said
 goods or any part thereof shall be found upon such search,
 that you bring the same, together with the person or persons
 in whose custody the same shall be found, before
 to be dealt with according to Law. And for so doing this
 shall be your Warrant.

Given under _____ Hand and Seal this _____ day of
 183 _____

To _____ }
 and his Assistants, and to all High }
 and Petty Constables within said }
 County of Tyrone. _____ }

INFORMATION PRAYING SURETIES OF THE PEACE.

County of TYRONE,) THE Information of
to wit.) of in said
County, who being duly sworn and examined, maketh Oath
and saith, that this Informant hath been greatly abused,
threatened, and put in danger of

Wherefore the Informant prays Sureties of the Peace.

Sworn before , this day of 183

BAIL-BOND FOR GOOD BEHAVIOUR.

County of TYRONE, } BE it remembered, that
 to wit. } of
 _____ } in the Parish of
 _____ } in said County, personally
 came before me } one of the Justices of the
 Peace for the said County } and acknowledges
 himself to be indebted unto our Sovereign Lady the Queen,
 in the Sum of _____ Pounds Sterling

AND also _____ of
 in the Parish of _____ in the County of Tyrone
 aforesaid _____ personally came before me
 the said _____ and acknowledges himself
 to be indebted unto our said Sovereign Lady the Queen, in
 the Sum of _____ Pounds Sterling.

AND also _____ of
 in the Parish of _____ in the County of Tyrone
 aforesaid _____ personally came before me
 the said _____ and acknowledges himself
 to be indebted unto our said Sovereign Lady the Queen in
 the Sum of _____ Pounds Sterling.

THE Condition of the above Recognizance is such, that if the
 above bound _____ shall be of the Peace of our said
 Lady the Queen, and behave _____ peaceably and quietly
 to all her Majesty's Liege Subjects, and more especially to
 for and during the space of _____ Year from the date
 hereof; Then the above Recognizance to be void, otherwise to re-
 main in full Force and Virtue in Law.

Taken and acknowledged before this }
 day of _____ 183 }

Oath of Principal.—The above named _____ maketh Oath
 and saith, that his usual or actual place of residence is at
 in the Parish of _____ Barony (or Half Barony) of
 and County of _____ and that his addition, as set forth in the
 above Recognizance, is just and true.
 Sworn before us this _____ day of _____ 183

Oath of Surety.—The above named _____ swears that he
 is an Householder, and has an house wherein he usually resides, at
 in the Parish of _____ Barony (or half Barony) of
 and County of _____ and that he supports and
 maintains himself by _____ and that he is worth the sum
 of [Here insert double the sum in which HE or SHE is to be bound,
 over and above all his just debts.
 Sworn before us this _____ day of _____ 183

Oath of Surety.—The above named _____ Swears that he
 is an Householder, and has an house wherein he usually resides, at _____
 in the Parish of _____ Barony (or half Barony) of _____
 and County of _____ and that he supports and
 maintains himself by _____ and that he is worth the sum
 of [Here insert double the sum in which HE or SHE is to be bound,]
 over and above all his just debts.

Sworn before us this _____ day of _____ 183_____

No. 13.

**COMMITMENT FOR DEFAULT OF SURETIES
 FOR GOOD BEHAVIOUR.**

County of TYRONE, } BY
 to wit. } Her Majesty's Justices
 of the Peace for said County.

You are hereby required to detain in your Custody the
 Body of _____
 for the space of _____
 unless Sureties for _____ Good Behaviour shall be sooner found ;
 who stand charged before _____ upon Oath for _____

Therefore the said _____
 you are in safe Custody to keep for said period, or until Le-
 gally Discharged. And for so doing this shall be your suf-
 ficient Warrant.

Given under _____ Hand and Seal, this
 day of _____ 183_____

To the Keeper of
 At _____

NOTICE FOR PAYMENT OF WAGES.

County of TYRONE, } *By the Magistrates Presiding*
 to wit. } *at Petty Sessions.*

YOU are hereby required to take Notice, that if you do not,
 within four Days from the date hereof, pay to

the Sum of

due to

for Wages, together with One Shilling for this Notice, Six
 Pence for a Summons formerly served, and
 Shillings for loss of time ; that there will ensue a Warrant of
 Distress, and the above Wages and Costs shall be recovered
 as Law directs.

Given under our Hands this day of 1883

To

WAGES, ORDER, AND WARRANT.

County of TYRONE, } WHEREAS, of
to wit. } was duly Summoned

to appear before us, and
two of her Majesty's Justices of the Peace for said County,
at on the day of at the hour
of o'Clock in the forenoon, to show cause why
had not paid to the Sum of for Wages.

AND WHEREAS, the said has
appeared before us, pursuant to the said Summons, and upon
full enquiry had before us, upon the Oath of
into the fairness of the said demand ; and also into the length
of time the said has been detained
from usual place of residence, by reason of the Non-pay-
ment of Wages, by the said It
does appear to us, and we do determine and adjudge accord-
ingly, that there is justly due to the said
the Sum of for Wages.

AND WHEREAS, we do also adjudge to the said
the Sum of for the
time the said has been detained from
usual place of residence, by reason of the Non-payment
of said demand, making in the whole the Sum of

THEREFORE, this is to order and direct you, and each
of you, to demand from the said of
the said Sum of

And in case the same shall not be fully discharged in the
space of days from the date hereof. You are hereby
required, by distress and Sale of the Goods and Chattels of
the said to Levy the said Sum of
and to pay the same to the said and to render the
overplus (if any there be) to the said

And for your so doing, this is your Warrant.—Given under
our Hands and Seals, this day of in the Year
of our Lord, 183

To
and all other High and Sub-Constables, }
in said County.

- Debt,.....
- Loss of Time,.....
- Summons,
- Warrant,.....

SUMMARY CONVICTION FOR OFFENCES
CONNECTED WITH LARCENY.

County of TYRONE, } By the Magistrates at a Petty
to wit. } Sessions held at

Be it remembered, that on the _____ day of _____
in the Year of our Lord _____ at _____ in the County
of _____ (or *City, Town, or Place, as the case may be*)
A. O. is convicted before me, J. P., one of her Majesty's
Justices (or *before us, J. P. and S. L., Justices*) of the
Peace for the said County (or *City, &c.*) for that he the
said A. O. did (*specify the offence, and the time and place
when and where the same was committed [as the case may be]
and, on a second conviction, state the first conviction.*) And
I, the said J. P., (or *we, the said J. P. and S. L.*) do
adjudge the said A. O., for his said offence, to be impris-
oned in the _____ (or) to be imprisoned in the
_____ and there kept to hard labour, for the
space of _____ or to forfeit and pay (*here
state the penalty actually imposed, or state the penalty, and
also the value of the articles stolen, embezzled, or taken, or
the amount of the injury done, as the case may be,*) and (*in
any case where the costs shall be awarded*) also to pay the
sum of _____ for costs, and in default of immediate
payment of the said sum (or *sums*) to be imprisoned in the
_____ (or) to be imprisoned in the
_____ and there kept to hard labour for the space of _____
unless the said sum (or *sums*) shall be sooner paid; (or) and
I (or *we*) order that the said sum (or *sums*) shall be paid by
the said A. O., on or before the _____ day of _____
and I (or *we*) direct that the said sum of _____ (*i. e. the
penalty only*) shall be paid to _____ of _____
in the County (or *City, Town, or Place, as the case may
be*) to be by him (or *them*) applied accordng to the directions
of the Statute in that case made and provided (or) that
the said sum of _____ (*i. e. the penalty only*)
shall be paid to, &c., as before. And that the said sum of _____
(*i. e. the value of the articles stolen, or the
amount of the injury done*) shall be paid to C. D. (*the party
aggrieved, unless he is unknown, or has been examined in*

proof of the offence, in which case, state that fact, and dispose of the whole like the penalty, as before,) and (if such Justice or Justices, shall think proper to award the complainant his costs) I [or we] order that the said sum of for costs, shall be paid to [the complainant.] Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above mentioned,
See "Suggestions," Nos. 32 to 36.

No. 17.

SUMMARY CONVICTION, FOR MALICIOUS INJURY TO PROPERTY.

County of TYRONE, } *By the Magistrates at a Petty*
to wit. } *Sessions held at*

BE it Remembered, that, on the _____ day of _____ in the Year of our Lord _____ at _____ in the County of _____ [or City, Town, or Place, as the case may be,] A. O. is convicted before me, J. P., one of her Majesty's Justices [or before us, C. D. and E. F., Justices] of the Peace for the said County [or City, &c,] for that he, the said A. O., did [specify the offence, and the time and place when and where the same was committed, as the case may be; and, on a second conviction, state the first conviction] and I, the said J. P., [or we, the said C. D. and E. F.] adjudge the said A. O., for his said offence to be imprisoned in the _____ [or to be imprisoned in the _____ and there kept to hard labour] for the space of _____ or to forfeit and pay _____ [here state the penalty actually imposed, or state the penalty and also the amount of the injury done, as the case may be] and [where costs shall be awarded] also to pay the sum of _____ for costs; and, in default of immediate payment of the said sum [or sums] to be imprisoned in the _____ [or to be imprisoned in the _____ and there kept to hard labour] for the space of _____ unless the said sum [or sums] be sooner paid, [or] and I [or we] order that the said sum [or sums] shall be paid by the said A. O., on or before the _____ day of _____ and I [or we] direct that the said sum of _____ [i. e. the penalty only] shall be paid to _____ of _____ in the County _____ [or City, Town, or Place, as the case may be] to be by him [or them] applied according to the directions of the Statute in that case

made and provided [or that the said sum of
[i. e. the penalty shall be paid to, &c., as before,] and that
 the sum of *[i. e. the sum for the amount of*
the injury done] shall be paid to C. D. *[the party aggrieved,*
unless he is known, or has been examined in proof of the
offence, in which case state the fact, and dispose of the
whole like the penalty, as before] and *[if such Justice or*
Justices shall think proper to award the complainant his
costs] I *[or we]* order that the said sum of *for*
 costs, shall be paid to *[the complainant.]*

Given under my Hand and Seal *[or our Hands and Seals]*
 the Day and Year first above written.

See "Suggestions," Nos. 32 to 36.

No. 18.

SUMMARY CONVICTION FOR OFFENCES
 AGAINST THE PERSON.

County of TYRONE, } *By the Magistrates at a Petty*
 to wit. } *Sessions held at*

Be it Remembered, that, on the day of
 in the Year of our Lord at in the
 County of *[or Riding, Division, Liberty,*
City, &c., as the case may be,] A. O. is convicted before us
[naming the Justices] two of her Majesty's Justices of the
 Peace for the said County, for that he, the said A. O., did
[specify the offence, and the time and place when and where
the same was committed, as the case may be;] and we, the
 said Justices, adjudge the said A. O., for his said offence, to
 be imprisoned in the and there kept to
 hard labour, for the space of *[or]* we
 adjudge the said A. O., for his said offence, to forfeit and
 pay the sum of *[here state the amount of the fine*
imposed] and also to pay the sum of for costs; and
 in default of immediate payment of the said sums, to be
 imprisoned in the for the space of
 unless the said sums shall be sooner paid *[or, and we order*
 that the said sums shall be paid by the said A. O., on or
 before the day of] and we direct that the said sum
 of *[i. e. the amount of the fine]* shall be paid to
 and we order that the said sum of for costs,
 shall be paid to C. D. *[the party aggrieved.]*—Given under
 our Hands, the day and year first above mentioned.

See "Suggestions," Nos. 32 to 36.

SUMMARY CONVICTION WHERE NO PARTICULAR FORM IS DIRECTED.

(See 3, Geo. IV., chap. 23.)

County of TYRONE, } Be it Remembered, that on the
to wit. } day of in the
year of our Lord at

in the County of

A. B. of in the County of labourer [*or, as the case may be,*] personally came before me, [*or before us,*] C. D. one [*or, as the case may be,*] of Her Majesty's Justices of the Peace, for the said and informed me [*or us, &c.*] that E. F. of in the County of on the day of at in the said did [*here set forth the fact for which the Information is laid,*] contrary to the form of the Statute in such case made and provided, whereupon the said E. F., after being duly summoned to answer the said charge, appeared before me [*or us, &c.*], on the day of at in the said and having heard the charge contained in the said Information, declared he was not guilty of the said offence, (*or, as the case may happen to be*), did not appear before me (*or us, &c.*), pursuant to the said Summons, (*or did neglect and refuse to make any defence against the said charge*), Whereupon I, (*or we, &c., or, nevertheless I, or we, &c.*) the said Justice, or Justices, did proceed to examine into the truth of the charge contained in the said Information, and on the day of aforesaid, at the Parish of aforesaid, one credible Witness, to wit, A. W. of in the County of upon his Oath deposeth and saith, (*if E. F. be present, say, in the presence of the said E. F.*), that, within Months, (*or, as the case may be*), next before the said Information was made before me (*or us, &c.*), the said Justice by the said A. B. to wit, on the day of in the Year the said E. F. at in the said County of (*here state the Evidence, and as nearly as possible in the words used by the Witness, and if more than one Witness be examined, state the evidence given by each; or if the Defendant confess, instead of stating the evidence, say*) and the said E. F. acknowledged and voluntarily confessed the same to be true. Therefore, it manifestly appearing to me (*or us, &c.*), that he, the said E. F., is guilty of the offence charged upon him in the said Information, I [*or we, &c.*], do hereby convict him of the offence aforesaid, and do de-

clare and adjudge, that he, the said E. F., hath forfeited the Sum of _____ of Lawful Money of Great Britain, for the offence aforesaid, to be distributed (*or paid, as the case may be*), according to the form of the Statute in that case made and provided.

Given under my Hand (*or our Hands, &c.*), and Seal, the day of _____ in the Year of our Lord

See "Suggestions," Nos. 32 to 36.

No. 20.

WARRANT OF DISTRESS.

County of TYRONE, } To the Chief Constable and all
to wit. } other Constables of _____

Whereas C. D., late of _____ in the said County, labourer, was on this day (*or on the* _____ day of instant), duly convicted before me, J. P., one of (*or* us, J. P. and A. B.) her Majesty's Justices of the Peace for the said County; for that he, the said C. D., &c., (*stating the offence as in the conviction*), against the form of the Statute in that case made and provided; and I, the said J. P., (*or we, &c.*), therefore adjudged the said C. D., for his said offence, to (*setting out the adjudication as in the conviction*) and whereas the said C. D. being so convicted as aforesaid, and being required to pay the said sums, hath not paid the same or any part thereof, but therein hath made default.

These are, therefore, to command you forthwith to make distress of the goods and chattels of the said C. D., and if within the space of _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained; and, out of the money arising by such sale, that you do pay (*follow the adjudication*) rendering the overplus, on demand, unto the said C. D., the reasonable charges of taking, keeping, and selling the said distress, being first deducted; and if no such distress can be made, that then you certify the same unto me (*or us*), to the end that such further proceedings may be had therein as to the Law doth appertain.

Given under my (*or our*) Hand and Seal, this _____ day of _____ in the _____ year of the Reign of our Sovereign Lady, Queen Victoria.

No. 21.

RETURN TO WARRANT OF DISTRESS.

County of TYRONE, } I, W. T., Constable of
 to wit. } in the County aforesaid, do hereby
 certify unto J. P. (or J. P. and
 C. D.), her Majesty's Justices of the Peace for the said
 County, that, by virtue of this Warrant, I have made dili-
 gent search for the goods and chattels of the within named
 C. D., and that I can find no sufficient goods or chattels of
 the said C. D., whereon to levy the sums within mentioned.
 Witness my hand, this day of in the year of our Lord 18

No. 22.

COMMITMENT IN DEFAULT OF DISTRESS.

County of TYRONE, } To the Constable of
 to wit. } and also to the Keeper of the
 County Gaol (or House of Correc-
 tion) at in the said County.

Whereas C. D. of was, on the day of
 last past, duly convicted before me, J. P., one
 of her (or us, J. P. and C. D.) Majesty's Justices of the
 Peace for the said County, for that the said C. D. (*stating
 the offence as in the conviction*) against the form of the Sta-
 tute in that case made and provided; and I, the said J. P.
 (or "we, the said J. P. and C. D.,") thereupon adjudged the
 said C. D., for his said offence, to (*setting out the adjudica-
 tion*). And whereas, afterwards, on the day of
 in the Year aforesaid I, the said J. P. (or we, the said
 J. P. and C. D.) issued a Warrant to the Constable of
 commanding him to levy the said sums by distress
 and sale of the goods and chattels of the said C. D.; and
 whereas it appears to me (or us), as well by return of the said
 Constable to the said Warrant of Distress, as otherwise that
 the said Constable hath made diligent search for the goods
 and chattels of the said C. D., but that no sufficient distress
 can be found whereon to levy the same.

These are therefore to command you, the said Constable of
 aforesaid, to take the said C. D., and him safely to convey to
 aforesaid, and there to deliver him to the said Keeper thereof, toge-
 ther with this Precept. And I (or we) do hereby command you, the
 said Keeper of the said (County Jail or House of Correction) there
 to imprison him (and keep him to hard labour, *as the case may be*) for
 the space of Calendar Months, unless the said sums shall be sooner
 paid; and for your so doing, this shall be your sufficient warrant.

Given under my (or our) Hand and Seal, this day of in the
 year of the Reign of our Sovereign Lady the Queen Victoria.

COMMITMENT, WHEN THE PUNISHMENT IS
BY IMPRISONMENT, &c.

County of TYRONE, } *By the Magistrates at a Petty*
to wit. } *Sessions of the Peace, held at*

Whereas C. D., late of _____ in the said County, (labourer) was on this day duly convicted before me, J. P., one of (or us, J. P. and C. D.) her Majesty's Justices of the Peace for said County, for that he, the said C. D., &c. (*stating the offence, as in the conviction*) against the form of the Statute in that case made and provided; and I, the said J. P., (or we, J. P. and E. F.) thereupon adjudge the said C. D., for his said offence, to be imprisoned in the Common Gaol (or *Bridewell, as the case may be*) at _____ in the said County, and there kept to hard labour (*as the case may be*) for the space of _____ Calendar Months.

These are, therefore, to command you to take the said C. D., and him safely to convey to the said Common Gaol [or *Bridewell*] at _____ aforesaid, and there to deliver him to the said keeper thereof, together with this precept; and I [or we] do hereby command you, the said Keeper of the said Common Gaol (or *Bridewell*) to receive the said C. D. into the said Common Gaol (or *Bridewell*) there to imprison him, and keep him to hard labour (*as the case may be*) for the space of _____ Calendar Months, and for your so doing this shall be your sufficient Warrant.

Given under my (or our) Hand and Seal, at _____ in the County aforesaid, this _____ day of _____ in the _____ Year of the Reign of our Sovereign Lady the Queen Victoria.

To _____ of _____
And also to the Keeper of _____

COMMITMENT IN DEFAULT OF IMMEDIATE
PAYMENT OF PENALTY.

County of TYRONE,) *By the Magistrates at a Petty*
to wit.) *Sessions of the Peace, held at*

Whereas C. D., late of _____ in the said County, (labourer,) was on this day duly convicted before me, J. P., one of (or us, J. P. and E. F.), her Majesty's Justices of the Peace for the said County, for that he, the said C. D., &c., (*stating the offence as in the conviction,*) against the form of the Statute in that case made and provided; and I, the said J. P., (or we, J. P. and E. F.,) thereupon adjudged the said C. D., for his said offence, to pay _____ or in default thereof to be imprisoned, &c., (*as in the conviction to the words*) _____ Calendar Months, unless the said sums should be sooner paid; and whereas the said C. D. being so convicted as aforesaid, and being now required to pay the said sums, hath not paid same, or any part thereof, but herein hath made default.

These are, therefore, to command you to take the said C. D., and him safely to convey to the said Common Gaol (*or Bridewell, as the case may be,*) aforesaid, and there to deliver him to the Keeper thereof, together with this precept, and I (or we) do hereby command you, the said Keeper of the said Gaol (*or Bridewell*) to receive the said C. D. into the said Common Gaol (*or Bridewell*) there to imprison him, and keep him to hard labour (*as the case may be*) for the space of _____ Calendar Months, unless the said sums shall be sooner paid, and for your so doing this shall be your sufficient Warrant.

Given under my (or our) Hand and Seal, at _____ in the County aforesaid, this _____ day of _____ in the _____ Year of the Reign of our Sovereign Lady the Queen Victoria.

To _____ of _____
And to the Keeper of _____

COMMITMENT IN DEFAULT OF PAYMENT
OF A PENALTY WITHIN A LIMITED TIME.

County of TYRONE,) *By the Magistrates at a Petty*
to wit.) *Sessions of the Peace, held at*

Whereas C. D., late of _____ in the said County, (labourer) was, on the _____ day of _____ last past, duly convicted before me, J. P., one of (or us) her Majesty's Justices of the Peace for the said County, for that he, the said C. D., &c., (*stating the offence as in the conviction*) against the form of the Statute in that case made and provided; and I, the said J. P., (or we, J. P. and E. F.,) thereupon adjudged the said C. D., for his said offence, to &c., (*as in the conviction, to the end of the adjudication*) and I, the said J. P., (or we, the said J. P. and E. F.,) then and there ordered that the said sums should be paid by the said C. D., on or before the _____ day of _____ then next. And whereas the said C. D. hath not, on or before the said _____ day of _____ paid the said several sums, or any part thereof, but therein hath made default.

These are, therefore, to command you to take the said C. D., and him safely to convey to the Common Gaol (or *Bridewell, as the case may be*) in the County aforesaid, and there to deliver him to the Keeper thereof, together with this precept; and I (or we, *as the case may be*) hereby command you, the said Keeper of the said Common Gaol (or *Bridewell, as the case may be*) to receive the said C. D. in the said Common Gaol (or *Bridewell*) there to imprison and keep him to hard labour (*as the case may be*) for the space of _____ Calendar Months, unless the said sums shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under my (or our) Hand and Seal, at _____ in the County aforesaid, this _____ day of _____ in the _____ Year of the Reign of our Sovereign Lady the Queen Victoria.

To _____ of _____
And also to the Keeper of _____

COMPLAINT IN DEFAULT OF PAYMENT
 OF A RENTAL WITHIN A LIMITED TIME
 County of ...
 By the Plaintiff ...
 vs.
 Defendants of the Peace, ...

Whereas ...
 (plaintiff) was ...
 day of ...
 J. P. one of (or us) for the ...
 of the ...
 said ...
 against the ...
 (or us) J. P. and E. P.
 thereupon ...
 (or us) J. P. and E. P.
 that the ...
 the said ...
 And where ...
 the said ...
 or any part thereof, but therein ...

There was ...
 to take the said ...
 (or us) ...
 in the ...
 to deliver him to the ...
 and I (or us) ...
 the said ...
 to receive the ...
 there to ...
 such ...
 such ...
 unless ...
 he ...
 the ...
 the ...
 the ...
 Queen Victoria

To
 And also to the Keeper of

Houses of the Oireachtas

SCHEDULE.

County of

Barony of

Return of Proceedings in Petty Sessions, held at
the Quarter ended the _____ day of _____

for the District of _____ during
one thousand eight hundred and _____

_____ Clerk of Petty Sessions.

_____ Date of Transmission to Chief or Under Secretary.

Attending Magistrates, and the Number of their respective attendances in the Quarter.	Total Number of Informations submitted to the Magistrates.	Of which there were		Dates when returned, and number returned on each day.	Number of Civil Cases.	Amount of Fees received, and how applied.	Amount of Fines and Penalties paid to the Clk or Justices and how disposed of.	Remarks.
		Adjudicated Summarily.	Returned for Trial— To the Clerk of the Crown.					
A. B., Esq. 6								
C. D., Esq. 4								
&c. &c. &c.								

N.B.—In the column of Remarks, the Clerk of Petty Sessions must state the number of days on which Petty Sessions were holden in the Quarter, and also the number of days on which Petty Sessions were not holden, in consequence of the non-attendance of Magistrates.

SCHEDULE

of General County of

Minutes of Proceedings in Petty Sessions, held
and this the Quarter ended the

Year of
Date of

Total Number of Magistrates	Total Number of Magistrates Present	Total Number of Magistrates Present	Total Number of Magistrates Present
			A. D. Esp.
			C. D. Esp.
			Ac. &c. &c.

N.B.—In the column of Remarks, the Clerk of the Court
will set to correct the number of days on which

Houses of the Oireachtas